




## Agenda Item #5.B

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DATE: February 3, 2020

TO: Honorable Mayor and Members of the City Council through City Manager 

FROM: Tiffany Robbe, Senior Planner  
Olivia Ervin, Environmental Planner

SUBJECT: Resolution Certifying the Final Impact Report and Introducing an Ordinance to Uphold the Applicant's Appeal, Overturn the Planning Commission's Denial, and Approve the Zoning Map Amendment and Planned Unit Development Modification for the Sid Commons Apartment Project

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### **RECOMMENDATION**

The Planning Commission recommended the City Council certify the Final Environmental Impact Report (FEIR), adopt findings of fact, and adopt the mitigation monitoring and reporting program for the Sid Commons Apartment Project (Attachment 1) after finding that the FEIR adequately analyzed the potential environmental impacts associated with the Sid Commons Project.

Subsequent motions to recommend City Council approval of the associated Zoning Map Amendment and Planned Unit Development (PUD) modification associated with the Sid Commons Project failed, resulting in the Planning Commission's *de facto* denial of those project entitlements.

The applicant has submitted an appeal of both the Planning Commission's denial of the Zoning Map Amendment and denial of the PUD modification. Additionally, the applicant submitted a modified concept plan in response to comments at the Planning Commission's November 19, 2019 hearing. The revised concept, discussed in greater detail in the background section below, reduced the proposed unit count and pulled the building footprint further from the Petaluma River. The revised plan continues to be consistent with the range of alternatives evaluated by the EIR.

Mention of recent state legislation (AB 3194) at the Planning Commission meeting initiated discussion of the bill's impact on the Sid Common's project and has influenced the current recommendation for consideration of the Zoning Text Amendment and PUD modification. AB 3194 prohibits a local agency from requiring rezoning of a property if a proposed housing proposal is consistent with the underlying general plan land use designation. AB 3194 effectively invalidates any component of the existing zoning that precludes a project from being developed to the maximum density of the underlying General Plan designation, without any rezoning action. Under SB 3194 those aspects of the existing Oak Creek Apartment PUD that preclude development of APN -009 to the maximum allowable density of 18 units per net acre as allowed

by the Medium Density Residential General Plan land use designation would be invalid and the applicant could develop up to 288 units on the 16.1 net acres.

The revised concept plan submitted by the applicant proposes 180 units and includes a significantly modified project footprint from previous versions, pulling the proposed apartments further away from the Petaluma River, increasing tree preservation, incorporating 10% onsite inclusionary housing affordable to low income households, and committing to an all-electric, net zero energy project. While the implications of AB 3194 could allow a significantly more intense project with fewer zoning criteria than the requested R-4 zoning district, the applicant has indicated a desire to continue with the revised concept plan and to seek a Zoning Map Amendment and PUD Amendment to implement the R-4 zoning consistent with the Medium Density Residential land use designation.

Given these factors, it is recommended that the City Council:

- Approve a resolution certifying the Final Environmental Impact Report (FEIR), adopting findings of fact, and adopting the mitigation monitoring and reporting program for the Sid Commons Apartment Project (Attachment 1); and
- Introduce an ordinance upholding the appeal, overturning the Planning Commission's denial, and approving the Zoning Map Amendment to rezone the APN 019-010-009, from Oak Creek Apartments PUD (Planned Unit District) to R4 (Residential 4) (Attachment 2); and
- Approve a resolution upholding the appeal, overturning the Planning Commission's denial, and approving the PUD Amendment to modify the Oak Creek Apartments PUD (Attachment 3); and
- Approve a resolution accepting provision of 10% onsite inclusionary housing affordable to low-income households for a term of 55 years to satisfy affordable housing requirements under the previous inclusionary housing policy (Attachment 4).

The City Council may also wish to provide feedback on the conceptual site layout and architectural design to be considered as part of the Planning Commission's subsequent consideration of Site Plan and Architectural Review (SPAR) for the Sid Commons Project.

## **BACKGROUND**

A detailed project background and project description is provided in the staff report from the Planning Commission's November 19, 2019 hearing (Attachment 5). The background discussion below summarizes the project scope and considerations and actions that have taken place since the public hearings held to review the Draft EIR for the Sid Commons Project.

### **DEIR Hearings**

The Sid Commons Apartment Project Draft EIR (DEIR) was released for public review on March 1, 2018. The basis of the DEIR analysis was a conceptual site plan for 278 apartment units provided in multiple three-story structures and including terracing above the ordinary high water

line of the west bank of the Petaluma River to incrementally reduce Citywide flood impacts. The City accepted public comment and considered adequacy of the DEIR at a Planning Commission hearing on April 24, 2018, and City Council hearing on May 21, 2018. Both the Planning Commission and City Council supported the DEIR as adequately analyzing the potential environmental impacts of the project and directed preparation of the final EIR (Attachment 5, pages 3-4).

As part of their consideration of the DEIR, the City Council also directed updates and/or supplemental documentation be provided regarding train noise and vibration modeling, local street traffic data, and hydrology analysis related to recent river siltation. A majority of the Council stated a preference for a reduced density that aligned more closely with Alternative 4 in the DEIR (152 units), precluded an at-grade crossing, minimized traffic impacts on the neighborhood, provided an enhanced buffer between new development and the riparian corridor, and a site design that minimized impacts to mature trees and wetland features. The applicant was encouraged to include on-site affordable housing, to hold a neighborhood meeting, and to consider providing a spur trail to the river (Attachment 5, pages 5-7).

In response to comments from the DEIR hearings in 2018, the applicant submitted a revised concept plan that included 205-apartment units in two-story buildings, reduced density of approximately 13 units to the net acre (the original 278 unit project proposed 18 units to the net acre), and an increased setback from the Petaluma River. The Revised Project was sited to not encroach into the FEMA-delineated Floodway zone, the FEMA-delineated Floodplain zone (100 year and 1% annual chance flood hazard area), the existing Public Access and Hydraulic Access Easement (labeled as Flood Easement), and the 200-foot setback from the centerline of the Petaluma River.<sup>1</sup>The Revised Project removed all proposed residential development from all three of the Petaluma River Plan Corridor management zones - the Preservation Zone, the Restoration Zone and the Buffer Zone, substantially implementing Mitigation Measure BIO-10A of the Draft EIR (FEIR Figure 2-2). The Revised Project also proposed 10% of the units as onsite inclusionary affordable unit, preserved additional trees, eliminated the Shasta Avenue at-grade rail crossing, increased the setback between the apartment units and the rail corridor, added a branch path to the River's edge, and proposed a Traffic Calming Plan to address vehicle speeds and safety along Graylawn and Jess Avenues and provide traffic calming features.

The FEIR was prepared, including the additional analysis directed by the City (Attachment 5, Supplemental Environmental Information, page 18), incorporating the Revised Project (FEIR Chapters 2 and 3), responding to all comments raised on environmental issues during the public review period on the DEIR (FEIR Chapters 4 – 6), and providing clarifications and revisions to the DEIR where appropriate (FEIR Chapter 7).

### **November 2019 Planning Commission hearing**

The Planning Commission considered the Sid Commons Apartment Project including the project Final Environmental Impact Report, Zoning Map Amendment, and Oak Creek Apartments PUD Amendment at their regular meeting on November 19, 2019. The Planning Commission received considerable public comment at the meeting, including over 30 public speakers voicing concerns

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<sup>1</sup> General Plan policy 8-P-30 states no additional development shall be permitted within this setback (without further study and City approval) and this setback is a component of the River Plan Corridor.

on a range of issues and most specifically focused on traffic, flooding, and terracing. After receiving public comment and considerable discussion, the Planning Commission approved, by a 4-3 vote, Resolution No. 2019-21 recommending the City Council certify the Sid Commons Apartment Environmental Impact Report for the Sid Commons Apartment project (Attachment 6).

The Planning Commission then made motions to adopt Resolutions recommending the City Council approve the associated Zoning Map Amendment to rezone APN 019-010-009, the northern portion of the Sid Commons Apartment site that is currently in the Oak Creek Apartments PUD (Planned Unit District), to R4 (Residential 4) consistent with the parcel's General Plan Land Use designation, and recommending approval of modifications to the 1982 Oak Creek Apartments PUD to reflect the Zoning Map Amendment and the existing Oak Creek Apartments. Both of these motions failed by a 2-5 vote of the Planning Commission, resulting in the *de facto* denial of the Zoning Map Amendment and PUD Amendment.

The two Commissioners supporting the resolutions expressed support to rezone APN -009 in order to be consistent with the existing General Plan land use designation of Medium Density Residential. Both were also clear that despite their support of the zoning and PUD amendments, the concept plan for the Sid Commons Apartment project warranted improvements, including increased setback from the River, before subsequent consideration of Site Plan and Architectural Review for the project.

The two Commissioners who recommended certification of the EIR but voted against recommending the rezoning requests noted the environmental sensitivity of the setting and their desire to see an improved concept plan that included a larger setback from the 100-year floodplain. These Commissioners implied that they could conceive of a concept plan that they would support and that would in turn lead to their support of the rezoning request. However, they were unwilling to recommend approval of the zoning requests without first seeing and accepting such a concept plan.

The three Planning Commissioners who voted against recommending all three actions indicated that the project's concept plan was too large, too close to the river, and resulted in too much of a traffic impact to Graylawn and existing local streets. All three had outstanding concern regarding off-site flooding and/or the hydrological modeling presented in the FEIR. Individual members noted concerns including impacts to on-site wetlands and noted discomfort with removing APN -009 from the Oak Creek Apartments PUD given that the PUD specifically restricted future development of the parcel without new street access. At least one member implied that APN -009 should not be developed regardless of its Medium Density Residential density and that the restrictions provided by the PUD zoning should remain applicable. At least one member noted that development at APN -009 should be scaled back to preserve as much riparian habitat along the river as possible.

The City's Implementing Zoning Ordinance (IZO 25.050.B) states that Planning Commission denial of a Zoning Map Amendment shall terminate the proceedings, unless such decision is appealed to the City Council. IZO 19.040.A states the same regarding denial of a PUD Amendment. On December 2, 2019, the applicant filed an appeal of the Planning Commission's denial of the Zoning Map Amendment and PUD Amendment (Attachment 7). The appeal letter

notes that, in conjunction with the appeal, the team is working to modify the project based on feedback received from the Planning Commission and the public.

### Newly Revised Concept Plan

On January 8, 2020 the applicant team submitted a further-revised concept plan (Figure 1 and Attachment 8). The further-revised concept plan remains within the range of projects considered by the EIR, however it varies from the plan presented to the Planning Commission and analyzed as the conceptual project by the FEIR in that it proposes:

- Decrease to 180 units (11 dwelling unit/net acre)
- Three-story building product except in those areas directly abutting existing single-family homes where a two-story product would be used
- Reduced building footprint
- Increased setback from Petaluma River
- Preservation of all protected trees within APN -009 (now also preserving mature oaks 59, 60, and 61) and preservation of additional trees within APN-006 (oak 39 and 200) from that shown at Figure 3-1 of the FEIR
- A more diverse unit mix, including approximately 20 studios, 80 one-bedroom units of variable sizes, and 80 two-bedroom units of variable sizes
- Zero Net Energy<sup>2</sup> and All-Electric Residential Units
- Preservation of the two low-quality isolated wetlands that are nearest to the River (DEIR Figure 6-3 at C1 and D1 and FEIR Figure 2-5)
- 10% onsite inclusionary units at the low-income level



Figure 1: Newly Revised 180-unit Project Concept (Attachment 8)

<sup>2</sup> The Department of Energy defines a net zero energy buildings as "An energy-efficient building where, on a source energy basis, the actual annual delivered energy is less than or equal to the on-site renewable exported energy." The applicant confirms that the residential units will be all-electric, as will most common area amenities including heating the pool. A gas connection is proposed only for the common area spa and BBQs, as preliminary calculations indicate that it may be infeasible to sufficiently heat the spa with solar/electric and as the applicant would prefer to provide gas common-area BBQs as a tenant amenity. The project's electrical engineer confirms the project will have a photovoltaic system that will provide annual electrical output equal to or greater than the electrical usage of all the residential units and common area amenities other than the spa and BBQs. Gas would serve only the spa and BBQs.

These changes associated with the 180-unit concept plan, coupled with the modifications associated with the revised concept plan submitted after the DEIR hearings, result in the following changes as compared to the concept plan reviewed by the City Council in their DEIR hearing of May 2018:

- Reduction from 278 units to 180 units
- No development within the River Plan Corridor (FEIR Figure 2-2)
- Provision of 10% onsite inclusionary housing at the low-income level
- Traffic calming and streetscape beautification along Graylawn and Jess Avenues (FEIR Appendix A)
- Additional publicly-accessible amenities along the river consisting of public access to a new play structure along the river, a small enclosed dog park, and a branch trail to the river's edge;
- Flood terrace design adjustment to retain all protected trees
- Significant increase in preservation of existing trees project-wide
- All electric residential units and zero net energy project
- Increased diversity in unit make up
- Reduced building footprint and increased setback from the River

The project continues to propose no development in the City's designated Floodway, Floodplain, or the Public Access and Hydraulic Maintenance/Flood Easement (FEIR Figure 2-2). Additionally, the project proposes development of a riverside path along the full width of the site's River frontage, as directed by the River Access and Enhancement Plan, and proposes public access to that riverside path via a sidewalk extension from the existing sidewalk on Graylawn Avenue. The new riverside path would connect to the existing Oak Creek Apartment riverside path, resulting in a 1/3-mile-long segment of river path (FEIR Figure 2-6)<sup>3</sup>. Finally, the project continues to propose implementation of river terracing above the ordinary high water line of the Petaluma River frontage and extending 300 feet onto the Oak Creek Apartments parcel as is directed upstream of the weir by General Plan Policy 8-P-28 (which calls for the "construction of a flood terrace system to allow the River to accommodate a 100-year storm event within a modified River channel, to the extent feasible given existing physical and natural constraints"). The terraced grading plan for the Project would result in net removal of approximately 20,250 cubic yards of soil from the western side of the River, thereby expanding the capacity of the river channel and lowering the water surface flood elevation. The river terrace has been designed in close coordination with Planning and Public Works staff and was informed by biological constraints. WRA Environmental Consultants mapped the vegetation along the river terrace and provided recommendations to retain high-priority native vegetation and resources including an existing riverside wetland. A preliminary Habitat Mitigation and Monitoring Plan was developed that specifies replanting and habitat restoration of the river terrace area and provides opportunities to accommodate approximately 0.47 acres of newly created seasonal wetlands onsite. In accordance with City Council direction during review of the DEIR, the terrace design has been adjusted to

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<sup>3</sup> A public access easement has been in place along the River since development of the Oak Creek Apartments, but additional easement dedication to cover the river trail in its entirety, the dog park, the PRC, the sidewalk connection between Graylawn and the river trail, and consistency with Reso 9628 Condition 10 will be conditioned at time of SPAR approval.

retain all protected trees (preserving oaks 67 and 80).

## **DISCUSSION**

### **Analysis**

The Planning Commission's November 19, 2019 staff report, beginning at page 9, outlines the project's consistency with applicable policy and regulatory documents, including the following:

- General Plan 2025
- Housing Element
- River Access and Enhancement Plan
- Bicycle and Pedestrian Master Plan
- Implementing Zoning Code

The Planning Commission's staff report, beginning at page 12, details the proposed Rezoning of APN -009. In summary, the proposed Zoning Map Amendment would change the boundaries of the R4 zoning district to include APN -009, pursuant to IZO Chapter 25. Findings for the Zoning Map Amendment can be made as:

- The proposal is consistent with the General Plan in that R4 is the Zoning District that implements the site's Medium Density Residential General Plan land use classification.
- The proposal facilitates a residential project that is consistent with the public necessity, convenience, and general welfare in that it creates essential housing and affordable units consistent with that anticipated in the General Plan and Housing Element and implements Housing Element Policy 4.2, develops the river terrace to incrementally lessen Citywide flood impacts as directed by General Plan Policy 8-P-28, and implements a path along the Petaluma River as directed by the River Access and Enhancement Plan.

The Planning Commission staff report at page 13 outlines the effect of Rezoning APN -009 which would eliminate three restrictions currently in place upon the vacant APN -009 by the Oak Creek Apartments PUD. The newly revised concept plan of 180 units, permanently preserves all mature oak trees on APN -009, and therefore is no longer in conflict with one of the PUD restrictions.

Beginning at page 15 the Planning Commission staff report describes the requested PUD Amendment, which would modify the existing Oak Creek Apartment PUD to reflect the Zoning Map Amendment discussed above by removing references to APN -009 and by making clean up modifications to the PUD documents.

### **AB 3194**

At the Planning Commission hearing, Commissioner Streeter noted the potential applicability of recent State legislation, AB 3194, to the project. AB 3194 requires a local jurisdiction to honor the underlying general plan designation for proposed housing projects, even if inconsistent with existing zoning. The state legislation prohibits local jurisdictions from requiring a legislative action to correct the inconsistency between the zoning and land use designation and effectively invalidates any component of the existing zoning that precludes a project from being developed to the maximum density of the underlying General Plan designation, without any rezoning action.

Under AB 3194 those aspects of the existing Oak Creek Apartment PUD<sup>4</sup> that preclude development of APN -009 to the maximum allowable density of 18 units per net acre as allowed by the Medium Density Residential General Plan land use designation would be invalid, and the applicant could develop up to 288 units on the 16 net acres.

The newly revised concept plan submitted by the applicant proposes 180 units and includes a significantly reduced project footprint from previous versions, moving the proposed project further away from the Petaluma River, increasing tree preservation, incorporating 10% onsite inclusionary housing affordable to low income households, and committing to an all-electric, net zero energy project. Although AB 3194 would allow a significantly more intense project with fewer zoning criteria than the requested R-4 zoning district, the applicant has indicated a desire to continue with the revised concept plan and to seek a Zoning Map Amendment and PUD Amendment to implement the R-4 zoning consistent with the Medium Density Residential land use designation.

### **Inclusionary Housing**

As the Sid Commons project application was deemed complete prior to January 1, 2019, it is not subject to the City's current onsite inclusionary housing requirement that 15% of total units be affordable to very low- and low-income households, as outlined in IZO Section 3.040 and Housing Element Program 4.3. The project is subject to the previous Housing Element Program 4.3 which required dedication of 15% of the units on-site for use as affordable housing, an in-lieu payment to the City's Housing Fund (at the previous rate), or use of an alternative method to meet the intent of the inclusionary requirement subject to approval by the City Council. During the 2018 DEIR City Council hearing, in response to the City's expressed desire for affordable housing, the applicant stated their intention that the Project provide affordable housing on-site. The applicant later specified their intent to incorporate 10% onsite affordable units. The applicant indicated at the November 2019 Planning Commission hearing that the 10% affordable units would be split evenly between low income (50% to 80% AMI) and median income (100% AMI).

The City's Housing Division has since identified that rents affordable at the 100% AMI level are roughly the same as current market rate rents. As the applicant intended to propose that 10% of the total units be restricted below market rate rents, the proposal was adjusted to offer all 10% of the units affordable at the low-income rate, which is rents affordable to families earning up to 80% of AMI. The applicant's proposal accepts the City's standard terms that the units remain

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<sup>4</sup> Under AB 3194, the components of the Oak Creek Apartment PUD that conflict with the General Plan land use designation would be inapplicable to a proposed development. However, other objective standards and criteria of the PUD zoning that are consistent with the general plan and that accommodate development within the density range "allowed on the site by the general plan and proposed by the... project" may be applied by the City. Initial review of these standards, indicates that Condition 7, which restricts use to a level below the General Plan density range, and Condition 3(d) which limits access to the site in a manner that would make infeasible development of the site within a reasonable period of time, would not apply to a proposed project on APN -009, in accordance with provisions (g)(1) and (j)(4) of AB 3194. Initial review indicates that the City could require compliance with standards such as Condition 5, which specifies that all mature oaks trees on APN -009 be permanently preserved (which the 180-unit concept now proposes), and Condition 15 that would prohibit RV parking on-site. If the site is not rezoned to R4 but remains within the Oak Creek Apartments PUD, a more thorough review would be necessary early in the Site Plan and Architectural Review phase to determine what PUD provisions survive AB 3194.



inclusionary for 55 years, mirror the unit mix of the overall project, and are distributed throughout the site.

The applicant is requesting approval of 10% onsite inclusionary housing affordable to low-income households for a term of 55 years as alternative compliance with the affordable housing requirements that apply to the application. The City's Housing Division estimates that payment of in-lieu fees under the City's previous fee structure would total approximately \$680,000<sup>5</sup>. While not the full 15% onsite inclusionary desired in the City's previous affordable housing provisions, acceptance of the proposed alternative compliance would result in construction of 18 units affordable to families in the low-income range (with up to an 80% AMI), a significantly greater number of affordable units than could be built with the \$680,000 in lieu fees generated by the project. Construction of 18 onsite low-income units will assist the City in its efforts to meet its Regional Housing Needs Allocation (RHNA) numbers<sup>6</sup>. Additionally, while not deed restricted, the Project's market rate rents are estimated to be within the moderate-income category for the RHNA allocation, which would also assist the City in meeting RHNA numbers for moderate rate units.

A resolution has been prepared (Attachment 4) to approve the proposed alternative method of inclusionary housing for the City Council's consideration.

#### **Staff response to concern cited at the Planning Commission hearing**

As previously noted, public comments at the Planning Commission generally focused on several themes, including traffic, flooding, and terracing. These topics are addressed in the DEIR and FEIR and were also called out in the Planning Commission staff report at page 19 notes, including:

- General concerns about increased traffic levels  
*FEIR Master Response starting on page 4-4.*  
*The newly revised concept plan further reduces the project size from 205 to 180 units which is anticipated to further reduce the number of added vehicle trips by approximately 12% from those described in the FEIR and by approximately 35% from trips associated with the 278-unit concept described in the DEIR.*
- Concerns about increased vehicle trips on Graylawn Avenue and Jess Avenue  
*FEIR Master Response starting on page 4-13.*
- Concerns about flooding and the potential for the Project to exacerbate flood conditions  
*FEIR Master Response starting on page 4-17.*
- Concerns about stormwater runoff, both volume (potentially affecting downstream flooding) and water quality

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<sup>5</sup> 180 units averaging 960 square feet at \$3,773/unit

<sup>6</sup> Petaluma's Regional Housing Need Allocation for the 2015-2023 cycle indicates 103 low income units available at 51% to 80% of average median income and as of June 30, 2019 only 18 permits had been issued for low income units, representing a significant unmet need. Construction of the Haystack Pacifica project would add another 27 low income units.

*FEIR Master Response starting on page 4-29 (volume) and at page 4-38 (quality).*

- Implications of increased sedimentation of the Petaluma River and whether current hydrology modeling accounts for this condition

*FEIR Master Response starting on page 4-34.*

- Loss of wetlands and riparian habitat

*FEIR Master Response starting on page 4-39. For tree protection discussion see also pages 3-2 to 3-8.*

*The newly revised concept plan enables additional preservation of wetlands and trees beyond that described in the FEIR Master Response, including two isolated wetlands nearest the river, all protected trees on APN -009 (which is the parcel with more stringent tree preservation direction as it is within the River Assessment and Enhancement Plan), and two additional oaks on APN -006.*

- Implications of Sea Level Rise

*FEIR response at page 3-48.*

#### *Development within the Floodplain*

The Project does not propose any development within the regulatory floodplain of the Petaluma River. All development associated with the Sid Commons Apartment Project, including access roads and infrastructure are located outside of the 100-year floodplain. The Terracing work required by the General Plan and proposed as part of the project involves temporary grading activities within the floodway (above the ordinary high-water mark of the River) and the 100-year floodplain.

Chapter 6 of the City's Implementing Zoning Ordinance provides land use regulation for properties situated in the floodway and floodplain. Generally, fill and development in the floodway is prohibited (6.050) as it is considered an extremely hazardous area due to velocity of flood water. However, terracing within the floodway is permitted.

Both the IZO (6.070) and General Plan (Chapter 8) allow development within the floodplain when specific conditions are met (including a zero net fill design and finished floors being two-feet above the base 100-year flood elevation). However, the Sid Commons project does not propose any residential development or fill with the Floodplain.

#### *Flood Control and Terracing*

Specific concern was raised about the environmental impacts and benefits of the flood terrace. General Plan Goal 8-G-8: Surface Water Management, directs that the City provide surface drainage and flood protection facilities to meet the community's needs of reducing flood hazards and potential property damage. Implementing Policy 8-P-28 calls for the establishment of a Petaluma River Corridor (PRC) set aside for the construction of a flood terrace system upstream of the weir. This policy was informed by hydrologic modeling conducted as part of the General Plan and is intended to assist the City in achieving flood control objectives. The Sid Commons Project complies with this policy by proposing a flood terrace along its frontage to the Petaluma

River<sup>7</sup>. Project-specific hydrology modeling as well as reach-wide modeling was conducted by the City's consulting hydrologist WEST and is presented in Chapter 11 of the DEIR. Modeling methodology relied upon the City-approved 2010 XP-SWMM software. The analysis concludes that terracing at Sid Commons would marginally reduce the 100-year floodplain boundary along this reach of the river and upstream and would slightly increase the water surface elevation at downstream reaches with no addition to the floodplain boundary. The downstream increase in water surface elevation is approximately 0.02 feet, is within the accuracy tolerance of the model, and would not alter the downstream 100-year floodplain boundary. In fact, the downstream increase is no greater than the minor increase previously documented as part of the Denman Phase 3 Terracing study, which the City approved in 2012. The FEIR at page 4-21 contains the Master Responses Regarding Flooding and specifically addresses the Hydrology-Related Pros and Cons of the River Terrace.

The Sid Commons Project does not realize any development benefit from the marginal reduction in the floodplain boundary onsite. Residential development is proposed fully outside of the 100-year floodplain and is set outside of the PRC. The newly revised concept plan is set back even farther from the PRC than previous iterations of the project and reduces the overall development footprint relative to what was analyzed in the FEIR. Terracing proposed by Sid Commons is consistent with the General Plan and the River Access and Enhancement Plan and incrementally advances the City's flood control objectives by establishing a widened river channel and a set aside for the PRC along the entire site frontage to the Petaluma River. Additionally, the terrace design retains high value habitat, preserves a 0.28-acre wetland, preserves all protected trees, and avoids disturbance to river water habitat as all construction activities will occur above the ordinary high water mark of the Petaluma River.

#### *Evacuation/Depth of floodwaters on Graylawn Avenue*

Concern was raised that floodwaters within Graylawn and Jess Avenues would interfere with evacuation in the event of a 100-year flood. FEMA mapping differs from the hydrology maps presented in the DEIR. FEMA shows that key access roadways are located outside the 100-year floodplain (FEIR Figure 4-2), while Sid Commons hydrology modeling maps (such as FEIR Figure 4-3) show inundation of the Graylawn Avenue street section in a 100-year flood event.

Seeking to address the Planning Commission query regarding the depth of floodwaters anticipated on Graylawn Avenue, the City Engineer has had a series of conversations with the hydrologist who prepared the modeling work on behalf of the City. These conversations led to the finding that the project modeling (FEIR Figures 4-3 through 4-8) did not account for recent completion of the Payran area flood work and its impact of removing from the floodplain the area that FEMA designates as Zone A99 on its current mapping (FEIR Figure 4-2). The City's consulting hydrologist prepared a memo dated January 22, 2020 (Exhibit 1 of the Errata) which makes this statement and provides model graphics that replace FEIR Figures 4-3 & 4-7 and DEIR Figures 11-6 and 11-9). In conclusion, consistent with the FEMA mapping, Graylawn and Jess Avenues, as

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<sup>7</sup> Since adoption of this General Plan goal in 2008, the City has funded and completed flood terracing and related projects Denman 1 through Denman 4. Flood terrace creation as a component of the Sid Commons project will be the first private development project to create riverside terracing along its frontage and to contribute to the City's goal of creating a flood terrace system upstream of the Army Corp's weir intended to accommodate a 100-year storm event within a modified River channel, consistent with 8-P-28.

well as properties within the A99 Zone remain outside of the 100-year floodplain, both in the current condition and after the upstream terracing and cumulative upstream terracing with detention directed by the General Plan.

The City's Assistant Fire Chief who is emergency operations manager for the City's Emergency Operations Center (EOC) stated that the Fire Department does not have significant flood or fire access/egress concerns with development above the 100-year floodplain at the site. He stated that if Graylawn Avenue were to be impacted by floodwaters in the future, tall/heavy vehicles and boats would be available for rescue/evacuations. Additionally, the area is not in the City's "High Fire Severity Zone" where large rapid fire development potential exists. While there are empty fields nearby that could pose a hazard of fire spread, he notes, these areas are on level ground with light fuels and any fire in the fields or spread to any structures nearby would likely require an evacuation of only impacted buildings, not the entire complex. The Fire Marshal's acceptance of the EVA at Bernice Court as the second point of access will provide adequate access in the case of an emergency.

#### *Army Corps Flood Control Project FEIR of 1995*

Several neighbors raised concern that the Army Corp's 1995 FEIR regarding the Payran-area flood control work prohibited development upstream of the Payran neighborhood. The 25-year-old FEIR clarifies that it was premised on build-out of the 2005 General Plan and on full development of the City and County lands within the Petaluma River watershed, including upstream channelization, which it projected to occur in or after 2040 (page 64). No new restriction on development was placed by the FEIR. Alternative B-3: 40-Year Protection was the "locally preferred plan" over the two other alternatives explored by the EIR, the No Project and the 10-year Protection/National Economic Development Plan Alternative. The 40-Year Protection Alternative, upon full development of the City and County lands within the Petaluma River watershed, was modeled to provide protection from the 40-year flood event (2.5% chance in any year) at watershed build out. The FEIR notes that earlier studies had concluded that more comprehensive flood control measures (greater than protection in the 40-year event) would not be economically justifiable. The objective, as stated by the Army Corp's FEIR, was to reduce economic damage caused by flooding in a manner which maximizes net economic benefits (as opposed to providing protection in the 100-year event).

In the 25 years since the Army Corp certified their FEIR, consistent with its General Plan and its subsequent updates, the City has continued to build out in the roughly 1/3 of the City's area that is up river of the Payran neighborhood. The County has done likewise. The City also continues to coordinate with the Army Corp on all projects within their jurisdiction, including the Sid Commons project.

#### *Vehicle Trips on Graylawn Avenue*

Concern were raised in the Planning Commission hearing regarding existing traffic and an increase in traffic from the project on local residential streets, especially Graylawn. The FEIR restates the conclusion reached in the DEIR that, though the project would exceed the City's 2,000 vehicle trips per day design standard for Graylawn Avenue as a residential street (FEIR discussion starting

at page 3-21), the addition of trips on Graylawn and Jess Avenues is not a CEQA impact<sup>8</sup>. To enhance livability conditions along Graylawn Avenue, where existing traffic speeds were found to typically exceed 25 mph, the revised project proposes to implement traffic calming measures on Graylawn and Jess Avenues and a conceptual Traffic Calming Plan was prepared (FEIR Appendix A).

After the Planning Commission hearing, staff sought to gather context regarding other residential streets carrying over 2,000 vehicle trips per day. The FEIR anticipates that with the revised concept of 205-units and the existing trips, Graylawn Avenue would carry 2,510 trips per day. With the newly revised 180-unit concept the project’s trip generation would decrease by an additional 12% resulting in an estimated 2,348 total trips per day on Graylawn.

The City’s periodic citywide surveys collect trip counts on connector, collector, and arterial streets, but not on the City’s hundreds of residential streets. Therefore, staff was not able to list which residentially designated streets carry more than 2,000 trips per day. However, to provide context, the list below includes some streets that are residential in nature but, because of their connector or collector General Plan designation, were counted in the citywide survey.

Street	Vehicle trips per day (as counted in 2014)
6 <sup>th</sup> Street (near H Street)	2,224
Sunnyslope Road (near Wallenberg Way)	2,342
I Street (near Westridge Dr)	2,660
St Francis (near Beechwood Dr)	2,908
N. Webster (near Townview Lane)	3,209
Mountain View (near Olive St)	3,477

*Condition of Payran Street*

Another traffic concern voiced by some neighbors during the Planning Commission hearing was the current condition of the Payran Street roadway near Graylawn Avenue. Following the Planning Commission hearing, staff reviewed the City’s draft paving schedule. Payran Street, where needed between the Boulevard and the River, is on the City’s list for a 3-inch overlay with reinforcement mat and work is projected to be completed in 2023. Additionally, Graylawn and Jess Avenues, Bernice and Betty Courts, Cordelia Drive, and the section of Payran over the Petaluma River bridge are scheduled for a high-volume slurry seal in 2021.

*State and Federal agency comment*

Several Planning Commissioners expressed concern that that the Army Corps had not visited the site during their wetland verification process and that Agencies, especially the Army Corps, had not provided response during circulation of the EIR. Following the Planning Commission hearing,

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<sup>8</sup> The Sid Commons EIR found, while residents living along Graylawn Avenue would notice an increase in increased number of trips on this street and while turning movements to and from the side streets and driveways along Graylawn Avenue would experience additional delay, the projected increase on both Graylawn and Jess Avenues is not so high as to affect operations through these roadway corridors or at their adjoining side street intersection and impacts would be less than significant (DEIR Chapter 14 and FEIR discussion starting at page 3-22). Likewise, adding project trips to Graylawn or Jess Avenues (or the City network as a whole) would not exceed a Level of Service (LOS) threshold (FEIR page 3-19).

staff corresponded with the Army Corps<sup>9</sup> and confirmed that the wetlands delineation map was originally verified in 2004 and confirmed in 2012, at which times field surveys did occur (DEIR Figure 6-3 maps the Army Corps' wetlands delineation). While the Army Corps did not conduct site visits during subsequent extensions on the map, they did take into account considerations with fluctuation in rainfall and concluded that there were no changes to the limits of the project site or other conditions that would have prompted reverification in the field.

Additionally, following the Planning Commission hearing on the FEIR a public comment was raised that the incorrect Regional Water Quality Control Board was notified when the DEIR was circulated in 2018. Staff immediately investigated the record and found that although Region 2 (San Francisco Regional Water Quality Control Board) was correctly marked on the Notice of Completion of the DEIR that the City sent to the State Clearing House (SCH), when the SCH distributed the notice it was erroneously sent to Region 1 (the North Coast RWQCB).<sup>10,11</sup> Staff immediately corresponded with the San Francisco Regional Water Quality Control Board<sup>12</sup> to ensure that Region 2 was provided an opportunity to comment. RWQCB Region 2 staff confirmed that the EIR was under review and if they had any comments a letter would be provided to the City prior to February 3, 2020. As of the writing of this Staff Report, no comment letter from the RWQCB has been received.

The Notice of Availability (NOA) for the FEIR was provided to all Agencies that had submitted comments on the DEIR, as well as Region 2 of the RWQCB, and was sent to the State Clearinghouse, whose role is to coordinate the state-level review of environmental documents. No written comments were received from any of the regulatory agencies on the FEIR, however this is not uncommon as part of the discretionary review process and there are subsequent regulatory approvals that will be required prior to commencement of construction, including a Section 404 Permit from the Army Corps of Engineers, a Streambed Alteration Agreement from the California Department of Fish and Wildlife, and a Section 401 Water Quality Certificate from the San Francisco Regional Water Quality Control Board. Additionally, review and approval by the Sonoma County Water Agency will be required for flood control and terracing improvements.

#### *Oak Creek Apartment PUD*

There were several questions from Planning Commissioners regarding the history of condition 3.d of the Oak Creek Apartment PUD requiring new street access to any future development on APN -009 rather than from Graylawn Avenue. In addition to the background provided in the Planning Commission Staff Report (page 15), the 1981 traffic study that informed that 1981 staff report and the resulting Condition 3(d) notes that access from the anticipated Rainier Avenue extension appeared to be the most practical method to provide access to further development of the areas. At that time the Rainier cross town connector was anticipated to cross the railroad tracks and the Petaluma River at-grade and was therefore anticipated to provide direct access to APN -009. The study therefore warns against a connection from Graylawn Avenue to the cross-town connector,

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<sup>9</sup> Personal communication with Bryan T. Matsumoto November 21, 2019.

<sup>10</sup> Personal communication with Christine Asiata Rodriguez, SCH Manager, January 21, 2020.

<sup>11</sup> Conversations with personnel at both the SCH and RWQCB indicated that it is not uncommon to receive notices for projects in other regions and that notices are promptly forwarded to the appropriate region.

<sup>12</sup> Personal communication with Victor Aelion, Water Resources Control Specialist, January 21, 2020 and Nicole Fairley, Water Resources Control Engineer, January 23, 2020.

noting that such a connection would be used by through traffic as a short cut and would be disruptive to the existing neighborhoods.

Current plans for the Rainier cross town connector is as an overcrossing elevated well above grade near the project site. As shown in the certified EIR for the Rainier Cross-Town Connector, no access from APN -009 to a future Rainier Connector is likely feasible (DEIR discussion starting at page 18-3) due to the grade differential between the site and the elevated roadway. The Sid Commons DEIR analyzed site access via an extension of Shasta Avenue over the railroad, but direction from the Planning Commission and City Council during the DEIR hearings was to eliminate the at-grade rail crossing, as it resulted in four significant and unavoidable impacts and was likely infeasible given the California Public Utilities Commission's authority over a crossing and their staff's stated non-support. Site access options are thoroughly analyzed by the project's EIR, and given current day conditions, Graylawn<sup>13</sup> is found to be the best access option to the site. Thus, PUD condition 3(d) is proposed to be eliminated.

### **Newly Revised Concept Plan**

The concept plan for the project was newly revised in January 2020 with the aim of addressing the Planning Commission's desire to modify the footprint of the residential units to increase the setback from the River. Utilizing structures with a three-story central component as well as reducing the unit count from 205 to 180 units has reduced the project's building "footprint", allowing a reduction in the number of buildings, increasing the development setback from the river, and retaining five additional oak trees and the two small isolated wetlands that are nearest to the river. These revisions also result in a 12% further reduction in the vehicle trips from that analyzed in the FEIR.

These modifications are coupled with the applicant's commitment to provide the following:

- 10% onsite inclusionary units affordable to low-income households
- All electric residential units
- Net zero energy project
- Enhanced public amenities for the neighborhood including a play structure, a small dog park, and ancillary amenities along the resulting 1/3-mile-long river path
- Traffic calming and streetscape beautification along Graylawn and Jess Avenues,
- The river trail along the project frontage
- Riverside terracing to incrementally lessen Citywide flood impacts

While AB 3194 limits the City's ability to require the requested rezoning based on inconsistencies between the existing General Plan land use designation and PUD zoning, the applicant has indicated a desire to continue to seek the Zoning Map Amendment and PUD Amendment and a commitment to the newly-revised concept plan. Staff believes the newly revised concept plan presents an improved project that better responds to the concerns expressed through the entitlement review process than could result from strict application of AB 3194 and therefore recommends upholding of the appeal filed by the applicant, overturning the Planning Commission's denial, and approving the Zoning Map Amendment and PUD Modification.

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<sup>13</sup> With an EVA to Bernice Court

## **ENVIRONMENTAL REVIEW**

### **Background**

The purpose of the project-level Sid Commons Apartment Project EIR is to inform local decision makers, other responsible agencies, and the public of the potential environmental consequences of implementing the Sid Commons Apartment Project, as proposed. The EIR has been prepared in accordance with and in fulfillment of the California Environmental Quality Act (CEQA), Guidelines for the Implementation of CEQA (State CEQA Guidelines), and the City of Petaluma Environmental Review Guidelines. The City of Petaluma is the Lead Agency for the Sid Commons Apartments EIR. The City of Petaluma released the Draft EIR on March 1, 2018, accepted public comment, and considered adequacy of the DEIR at two separate public hearings before the Planning Commission and City Council.

### **FEIR Summary**

The Final EIR is comprised of the 2018 DEIR together with the 2019 Response to Comments/FEIR document that has been prepared in order to:

- Provide information about the Revised Project,
- Provide supplemental environmental information,
- Address all comments raised on environmental issues during the public review and comment period on the DEIR, and
- Provide clarification and revisions to the DEIR where appropriate.

The Planning Commission staff report starting at page 17 provides further detail. All six of the significant and unavoidable impacts of the original Project as identified in the DEIR are eliminated based on revisions to the project and changes in CEQA guidelines. Additionally, the Revised Project does not result in any new significant and unavoidable impacts. (For further detail, see FEIR starting at page 1-3.)

The FEIR concluded that the 205-unit Revised Project, as compared to the original 278-unit Project analyzed in the DEIR, substantially reduces conflicts relating to:

- The protection of biological resources within the Petaluma River Plan Corridor (discussion starting at page 3-1),
- Tree protection (discussion starting at page 3-2),
- Compliance with the River Access & Enhancement Plan (discussion starting at page 3-7),
- Safety hazards associated with increased presence along the rail tracks (discussion at page 3-9),
- Exposure of new residents to future noise levels in excess of established standards (discussion starting at page 3-10),
- Roadway hazards and hazards of emergency vehicle (specific discussion starting at page 3-20 and traffic discussion generally starting at page 3-16), and
- Hazards associated with an at-grade rail crossing (discussion starting at page 3-26).

As noted above, the newly revised concept plan (180 units) further reduces conflicts related to tree protection, preservation of isolated wetlands, and compliance with the River Assessment and Enhancement Plan as all protected trees on land covered by the RA&EP (APN -009) are now preserved. The newly revised concept plan also proportionally reduces vehicle trips. The newly



revised concept plan is within the range of Alternatives contemplated by the EIR and no new or more substantial impacts would result from the project as revised. Adequate information is presented in the DEIR and FEIR to make an informed decision on the environmental impacts of the Project. Attachment 1 contains the Resolution certifying the EIR along with findings of fact (Exhibit 1), the MMRP (Exhibit 2), and the Errata (Exhibit 3).

### **PUBLIC OUTREACH**

As outlined in the Planning Commission staff report (Attachment 5, page 22), in the Fall of 2019 the applicant hosted two neighborhood outreach events, engaged in door to door outreach efforts, and met with a number of neighborhood residents regarding the project. A Notice of Availability of the FEIR and A Notice of Public Hearing was published on October 31, 2019 with the Sonoma County Clerk on October 31, 2019 and submitted to the State Clearing House for publication (2007072041). It was published in the *Argus Courier* and notices were sent to residents and property owners within 1,000 feet of the subject property. The Notice of Availability was also published with the Sonoma County Clerk and submitted to the State Clearing House for publication. Additionally, a 32 square foot public hearing sign was installed on-site facing Graylawn Avenue, consistent with City Council Resolution No. 2018-107 N.C.S. Copies of the DEIR and the FEIR have been made available at the Petaluma Library, the Community Center, City Hall, and digitally via the City's website. A subsequent notice was mailed in December of 2019 to ensure that all commenters on the DEIR were aware of the FEIR.

On January 23, 2020, notice of the City Council's February 3, 2020 hearing was published in the *Argus Courier* and notices were sent to residents and property owners within 1,000 feet of the subject property, to commenters on the DEIR, and those who commented at the Planning Commission hearing. The on-site sign was also updated to reflect the February 3<sup>rd</sup> hearing.

Written comments received to date on the FEIR, Rezoning, and PUD Modification subsequent to the November 19, 2019 Planning Commission hearing accompany this staff report as Attachment 11. Those received prior to the Planning Commission hearing accompany that staff report as Attachment 5, sub-attachment I.

### **COUNCIL GOAL ALIGNMENT**

The Sid Commons Apartment project is consistent with objectives found in the recently adopted City Goals for 2019-2021, including:

- Workplan Item #42: Find ways for City operations to reduce greenhouse gas emissions, conserve water, decrease waste, and minimize use of fossil fuels and investigate and pursue options for carbon sequestration.
- Workplan Item #43: Consider adopting energy codes that exceed current requirements.
- Workplan Item #54: Consider requiring electric vehicle charging stations and solar energy in new or substantially-upgraded housing and commercial structures.
- Workplan Item #68: Implement sustainable building practices that go above and beyond basic code requirements.

*The newly revised concept plan (180-units) is consistent with the intent of these goals as the project proposes an all-electric residential project and*

*as the project's net-zero solar output would incrementally decrease the electrical grid's reliance of fossil fuels. The project's Zero-Net Energy and All-Electric and solar proposals exceed current code requirements.*

Workplan Item #79: Improve traffic safety through proactive education, engineering, and enforcement strategies.

*While the project proposes a noticeable increase in vehicle trips on Graylawn and Jess Avenues, it proposes to improve safety and reduce speeds with by incorporation of a Traffic Calming Plan applicable to those streets.*

Workplan Item #86: Develop programs that provide affordable rental and ownership housing for the missing middle, including but not limited to public safety, municipal employees, teachers, and non-profit employees.

*The 180-unit project proposes to provide 10% of the units onsite as affordable at the low-income rate. Additionally, rental rates of the market rate units are estimated to be affordable to families with a median income.*

Workplan Item #119: Establish bicycle and walking paths and other river access amenities along the Petaluma River as identified in the River Access and Enhancement Plan.

*The Project includes pathways along the Petaluma River as called for in the River Access and Enhancement Plan and including links to the adjacent pathway constructed with the Oak Creek Apartments. Additionally, the project includes public amenities to enhance public access to the River.*

### **FINANCIAL IMPACTS**

The costs associated with processing the Sid Commons Apartment is billed on a time and materials basis to the project's cost recovery account.

### **ATTACHMENTS**

- Attachment 1. Resolution certifying the Final Environmental Impact Report (FEIR)
  - Exhibit 1: Findings of Fact
  - Exhibit 2: MMRP
  - Exhibit 3: FEIR Running Errata (Jan 27, 2020)
- Attachment 2. Ordinance amending the Zoning Map
- Attachment 3. Resolution modifying the Oak Creek Apartments PUD
  - Exhibit 1: Revised Oak Creek Apartments PUD Zoning District Regulations
- Attachment 4. Resolution accepting provision of 10% onsite inclusionary housing at the low-income level as satisfying affordable housing requirements
- Attachment 5. Planning Commission Staff Report and Attachments, dated November 19, 2019
- Attachment 6. Planning Commission Resolution 2019-21
- Attachment 7. Appeal Letter filed December 2, 2019
- Attachment 8. Newly Revised 180-unit Concept Plan (January 8, 2020)

- Attachment 9. Revised 205-unit Concept Plan (as analyzed in FEIR)
- Attachment 10. Initial 278-unit Concept Plan (as analyzed in DEIR)
- Attachment 11. Public Comments

Items listed below are large in volume and are not attached to this report, but may be viewed in the City Clerk's office and on our website: <https://cityofpetaluma.org/sid-commons/>

- Sid Commons Apartment Draft Environmental Impact Review plus attachments
- Sid Commons Apartment Response to Comments/Final Environmental Impact Review plus attachments

**RESOLUTION OF THE CITY OF PETALUMA CITY COUNCIL  
CERTIFYING AN ENVIRONMENTAL IMPACT REPORT, MAKING  
FINDINGS OF FACT, AND ADOPTING A MITIGATION MONITORING  
AND REPORTING PROGRAM FOR THE SID COMMONS  
APARTMENT PROJECT, PURSUANT TO THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, J. Cyril Johnson Investment Corp. ("Applicant") submitted an application to the City of Petaluma for a 278-unit apartment project with a community clubhouse and a swimming pool, terracing of the Petaluma River bank, and ancillary improvements; and

**WHEREAS**, current entitlement requests submitted by the applicant include a Zoning Map Amendment to rezone APN 019-010-009 from the Oak Creek Apartments Planned Unit Development (PUD) to R4 (Residential 4 and a Planned Unit Development (PUD)) and a PUD Amendment to remove references to APN 019-010-009 that will no longer be part of the PUD after the Zoning Map Amendment and to reflect the as built Oak Creek Apartments, and

**WHEREAS**, subsequent entitlements will enable development of the Sid Commons Apartment project including Site Plan and Architectural Review and a Lot Line Adjustment or Tentative Parcel Map<sup>1</sup> to divide APN-009 from land on the east side of the Petaluma River and, if desired, realign parcels to reflect final site design.

**WHEREAS**, on July 11, 2007, a Notice of Preparation of a Draft Environmental Impact Report was prepared and circulated to all responsible and affected agencies for consultation on the scope of an Environmental Impact Report ("EIR") to be prepared for the project pursuant to Public Resources Code Section 21080.4 and California Environmental Quality Act ("CEQA") Guidelines Section 15082; and

**WHEREAS**, on July 25, 2007, a public Scoping Meeting was held to solicit comments from the public on the scope of the EIR; and

**WHEREAS**, based on the Scoping Meeting and responses to the Notice of Preparation, the City prepared a Draft EIR dated March 1, 2018 (SCH No. 2007072041) in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq, which reflected the independent judgment of the City as to the potential environmental effects of the original project; and

**WHEREAS**, the Notice of Availability for the Draft EIR was published in the Argus Courier on March 1, 2018, and mailed to residents and occupants within 500 feet of the site (meeting CEQA's notice requirements); and

**WHEREAS**, the Draft EIR was circulated for the required 45-day public review period from March 1, 2018 to April 16, 2018 and the City continued to accept public comments through the City Council hearing on May 21, 2018; and

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<sup>1</sup> As the tentative parcel map proposes to create three parcels, its approval would be conducted administratively, anticipated to occur following SPAR approval.

**WHEREAS**, the City distributed copies of the Draft EIR in conformance with CEQA to those public agencies that have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

**WHEREAS**, the Planning Commission held a public hearing on April 18, 2018 to consider the Draft EIR, the purpose of the hearing being to inform the public about the contents of the Draft EIR and to receive oral comments about the adequacy and accuracy of the Draft EIR; and

**WHEREAS**, the City Council held a public hearing on May 21, 2018 to consider the Draft EIR, the purpose of the hearings being to inform the public about the contents of the Draft EIR and to receive oral comments about the adequacy and accuracy of the Draft EIR, and directed preparation of a Final Environmental Impact Report ("Final EIR"); and

**WHEREAS**, written and oral comments on the Draft EIR have been received and responses to those comments have been prepared in the form of a Final EIR; and

**WHEREAS**, in response to significant environmental conclusions reached in the Draft EIR and in response to public comments on the Draft EIR, including concerns raised during the public hearings on the Draft EIR by City Planning Commissioners and City Council members, the Applicant submitted a revised conceptual site plan for evaluation in the Final EIR; and

**WHEREAS**, the Revised Project proposed a 205-unit apartment project with a community clubhouse and a swimming pool, terracing of the west bank of the Petaluma River, a Habitat Mitigation and Monitoring Plan, an emergency vehicle access drive at Bernice Court, as well as modifications and revisions to the original Project (now the "Revised Project") to reduce and/or avoid significant impacts that would have otherwise occurred pursuant to the original project including removal of the at-grade crossing of the railway via an extension of Shasta Avenue and setting development back from the Petaluma River Plan Corridor; and

**WHEREAS**, the Revised Project also proposed to address an exceedance of the City's Street Design and Construction Standards & Specifications by implementing a Traffic Calming Plan for improvements along Graylawn and Jess Avenues to enhance livability along these residential streets; and

**WHEREAS**, the Revised Project boundaries are contained within the property at the terminus of Graylawn Avenue, east of the railway, west of the River on APNs 019-010-009, 019-010-006, a portion of the River bank for terracing purposes on APN 019-010-007 occupied by the existing Oak Creek Apartments, and 019-010-008 for access; and

**WHEREAS**, the environmental effects of the Revised Project have been analyzed and compared to the environmental effects of the original project, and that analysis has been included in the Final EIR, concluding that:

- a) no new significant environmental impacts not previously identified in the Draft EIR would result from the Revised Project, and
- b) no substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the Revised Project, and no additional mitigation measures are necessary to reduce such impacts to a level of insignificance, and
- c) there is no feasible alternative or mitigation measure considerably different from others previously analyzed in the Draft EIR that would clearly lessen significant environmental impacts of the Revised Project and that the Project applicant declines to adopt; and

**WHEREAS**, the Notice of Availability for the Final EIR was published in the Argus Courier on October 31, 2019, mailed to residents and occupants within 1,000 feet of the site, filed with the Sonoma County Clerk and State Clearinghouse (exceeding CEQA's notice requirements), published on the City's website, and made available for public review and comments at City Hall, the City Community Center and the Public Library; and

**WHEREAS**, the Final EIR was circulated for more than the required 10-day public review period from October 31, 2019 to February 3, 2020; and

**WHEREAS**, the City distributed copies of the Final EIR in conformance with CEQA to those public agencies that have jurisdiction by law with respect to the project and to other interested persons and agencies, and sought the comments of such persons and agencies; and

**WHEREAS**, an Errata to the Final EIR (Exhibit 3) was prepared to clarify information presented in the Final EIR including minor text edits and corrections, clarification on the location of the floodway line, and post processing of raw hydrologic data, which demonstrates that the special flood zone A99 is located outside of the 100-year floodplain consistent with FEMA mapping; and

**WHEREAS**, on October 15, 2019 and October 29, 2019 the Applicant held neighborhood meetings to create dialogue with community members, provide information and updates on the Revised Project, and address concerns; and

**WHEREAS**, the Planning Commission held a duly noticed public meeting on November 19, 2019, at which time it considered the information presented in the Final EIR, accepted public testimony, and approved Resolution No. 2019-021 recommending the City Council certify the FEIR; and

**WHEREAS**, in response to comments received at the November 19, 2019 Planning Commission hearing, the Applicant further refined the conceptual site plan, now the Newly Revised Project, reducing the development to 180 units, providing 3-story structures for all buildings not adjacent to existing single family dwellings, committing to a Zero Net Energy all-electric Project, preserving all protected-status trees both within the River Access and Enhancement Plan's River Plan Corridor and within the RODZ-subject APN-009 (Tree Numbers 39, 59, 60, 61, and 200), retaining the two isolated wetlands closest to the river, including 10% onsite inclusionary units (18 units) affordable to low-income households for a term of 55 years, and further pulling development away from the Petaluma River; and

**WHEREAS**, the Newly Revised Project at 180 units as presented in the conceptual site plan is fully within the scope of analysis considered in the DEIR, which analyzed a 278 unit concept, and the Final EIR, which analyzed a 205 unit concept; and

**WHEREAS**, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures; therefore, approval of the Newly Revised Project will require adoption of Findings on Impacts and Mitigations as set forth in attached **Exhibit 1**; and

**WHEREAS**, the Newly Revised Project will not result in significant and unavoidable impacts as all potential impacts identified in the EIR can adequately be avoided, reduced or mitigated such that they do not constitute significant and unavoidable impacts; and

**WHEREAS**, the Final EIR did not identify any significant and unavoidable impacts of the 205-unit Revised Project and therefore no statement of overriding consideration is required for approval of the 180-unit Newly Revised Project; and

**WHEREAS**, with mitigation the Newly Revised Project does not have the potential to have a significant adverse impact on wildlife resources as defined in the State Fish and Game Code, either individually or cumulatively, though it is not exempt from Fish and Game filing fees; and

**WHEREAS**, the Newly Revised Project is not located on a site listed on any Hazardous Waste Site List compiled by the State pursuant to Section 65962.5 of the California Government Code; and

**WHEREAS**, the EIR identified several potentially significant impacts that will be reduced to a less than significant level with specified mitigation measures, and pursuant to CEQA Guidelines Section 15091(d), a Mitigation Monitoring and Reporting Program has been prepared and set forth in **Exhibit 2** to ensure that all mitigation measures which serve to reduce environmental impacts of the Project are fully implemented; and

**WHEREAS**, the Final EIR was presented to the Petaluma City Council City at a duly noticed hearing on February 3, 2020, at which time the City Council accepted public comment and reviewed and considered the information presented in the Final EIR prior to making a decision on the project; and

**WHEREAS**, the custodian of the documents and other materials that constitute the record of proceedings for the Project is the City of Petaluma Planning Division, Petaluma City Hall, 11 English Street, Petaluma, CA 94952; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Petaluma that the above recitals are true and correct and incorporated by reference.

**BE IT FURTHER RESOLVED** that the Petaluma City Council hereby certifies the Final EIR for the newly revised 180 unit concept plan (from here on referred to as the “Project”) and finds as follows:

1. The Final EIR for the Sid Commons Apartments Project, inclusive of the Draft EIR and references and all attachments thereto, have been completed in compliance with CEQA, the CEQA Guidelines, and the City of Petaluma Environmental Review Guidelines; and
2. As required by CEQA and based on substantial evidence in the record, the Findings regarding potentially significant effects of the Project and mitigation measures contained in the attached **Exhibit 1**, which is incorporated herein by reference, are true and correct and represent the independent judgment of the City; and
3. The Mitigation Monitoring and Reporting Program (MMRP) set forth in the attached **Exhibit 2**, which is incorporated herein by reference, ensures that all mitigation measures relied on in the Findings are fully implemented and adequate to reduce project impact to levels below significance, and compliance with the MMRP shall be a condition of any subsequent Project approval; and
4. Each identified mitigation measure that requires the cooperation or action of another agency, adoption and implementation of each such mitigation measure is within the

responsibility and jurisdiction of the public agency identified, and the measures can and should be adopted and/or implemented by said agency.



**EXHIBIT 1****FINDINGS CONCERNING SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby makes the following Findings with respect to the potential for significant environmental impacts of the Sid Commons Apartment Project as Revised (File No. #03-GPA-0379) ("Project") and means for mitigating those impacts. For the purpose of these Findings, the term Environmental Impact Report (EIR) means the Draft and Final EIR documents collectively, unless otherwise specified.

These Findings do not attempt to describe the full analysis of each environment impact contained in the EIR. Instead, the Findings provide a summary description of each impact, identify the applicable mitigation measures set forth in the EIR and adopted by the City, and state Findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions is in the EIR, and these Findings hereby incorporate by reference the discussion and analysis in those documents supporting the EIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts. The facts supporting these Findings are found in the record as a whole for the Project.

In making these findings, the City ratifies, adopts and incorporates into these Findings the analysis and explanation in the EIR, and ratifies, adopts and incorporates into these Findings the determination and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these Findings. Many of the impacts and mitigation measures in the following Findings are summarized rather than set forth in full. The text of the Draft and Final EIRs should be consulted for a complete description of the impacts and mitigations.

**Aesthetics**Views

**Impact Visual-2:** The Project could substantially damage scenic resources, including trees, rock outcroppings and historic buildings within a state scenic highway. This is considered a potentially significant impact.

**Mitigation Measure Visual-2, Implement Mitigation Bio-10A:** Limitations on Improvements within the Petaluma River Plan Corridor (see below Biology section for details)

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** The Project does not contain buildings that encroach into the River Plan Corridor Boundary. The only improvements allowed within the River Plan Corridor include the river trail, terracing and restoration. During the SPAR process, the Planning Commission could allow minor encroachments associated with residential improvements, such as a detention basin and/or segments of sidewalk within the outer buffer management zone, if found to be consistent

with the intent of the River Plan and not impactful to the River Plan Corridor. Therefore, after applying these measures, the impact would be less than significant.

### Visual Character

**Impact Visual-3:** The Project could potentially degrade the existing visual character or quality of the site and its surroundings due to the removal of mature trees and conflict with the River Plan. This is considered a potentially significant impact.

**Mitigation Visual-3A, Inclusion in SPAR:** The Site Plan and Architectural Review process for the Project shall include an evaluation and review of the Project for the creation of a lush landscape plan that accommodates significant trees (see also Mitigation Bio-9: Incorporation of Native Plants in Landscaping Plans); adequate setbacks and/or landscaping between existing abutting residential structures; and the creation of linear open space corridors with maximum public accessibility and visibility.

**Visual-3B, Implement Mitigation Bio-10B:** River Oriented Development Zone (RODZ) review at SPAR (see Biology section for details)

**Mitigation Visual-3C, Implement Mitigation Bio-11A:** Ensure Preservation of Existing Trees (see Biology section for details)

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation requires the architectural and site plan review (which will occur pursuant to Section 24.010 of the IZO prior to the issuance of any building permits) to consider the precise massing and architectural design against required setbacks, height limitations, site coverage and other development standards. These standards, as reviewed pursuant to the SPAR process, will ensure that the proposed development is attractive and consistent with existing development in the vicinity. During SPAR review, specific tree preservation requirements shall also be monitored for compliance, and the SPAR process may consider additional site design modifications to further increase tree preservation. Therefore, after applying these measures, the impact would be less than significant.

### Light and Glare

**Impact Visual-4:** Development of the Project could create a new source of substantial light or glare, which could adversely affect day or nighttime views in the area. This is considered a potentially significant impact.

**Mitigation Measure Visual-4, Glare Minimization Design Standards:** Measures (such as fixtures that cast light in a downward direction, lighting designed to minimize glare and direct views of light sources, lighting that does not blink, flash or of unusually high intensity, etc.) shall be applied to reduce light and glare at the site.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation requires compliance with regulatory requirements for glare as found in Section 21.010 of the IZO, as well as lighting fixtures that cast light in a downward direction, are designed to minimize glare and direct views of light sources, and that do not blink, flash or produce unusually high intensity light. Therefore, after applying these measures, the impact would be less than significant.

## **Air Quality**

### Construction Period PM10 Emissions

**Impact AQ-2:** The Project could result in air quality impacts related to fugitive dust (PM10) during construction. This is considered a potentially significant impact.

**Mitigation Measure AQ-2A, Basic Dust Control:** The Project shall comply with all “Basic” mitigation measures as recommended by BAAQMD for reducing construction related emissions.

**Mitigation Measure AQ-2B, Enhanced Dust Control:** Because of the size of the site and the proximity of nearby sensitive receptors, the Project shall also comply with “Enhanced” mitigation measures as recommended by BAAQMD for reducing construction related emissions.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Implementation of mitigation measures will reduce fugitive dust emissions from grading as recommended by BAAQMD. Exhaust emissions from construction equipment and trucks for criteria pollutants would be below BAAQMD criteria pollutant thresholds as described in the EIR, and would be further minimized through implementation of measures during construction activities. Therefore, after applying these measures, the impact would be less than significant.

### Construction-Period Toxic Air Contaminant Emissions

**Impact AQ-4:** Use of heavy-duty off-road and on-road construction equipment would produce emissions of toxic air contaminants, including diesel PM2.5. Emissions from these construction activities would exceed the off-site threshold of significance for community risk and hazards. This is considered a potentially significant impact.

**Mitigation AQ-4, Construction-Period DPM Emission Reductions:** All off-road construction equipment greater than 25 horsepower shall have engines that meet or exceed either U.S. Environmental Protection Agency (US EPA) or California Air Resources Board (CARB) Tier 4 Final off-road emission standards. The Contractor may use the next cleanest piece of off-road equipment (i.e., Tier 3 Engine with Level 3 Verified Diesel Emission Control Strategy [VDECS], Tier 3 Engine with Level 2 VDECS or Tier 3 Engine with alternative fuel) only under specified circumstances.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Use of Tier 4 off-road construction equipment engines can reduce tailpipe emissions of particulate matter (including PM2.5, or DPM) by as much as 95 to 97 percent over tailpipe emission levels from non-regulated engines. A 96% reduction in construction-period emissions would equate to a comparable 96% reduction in annual average DPM concentrations, and a similar 96% reduction in lifetime excess cancer risk, Chronic Health Index, and annual average PM2.5 concentrations. Implementation of these control measures would reduce diesel particulate matter emissions such that health risk impacts related to construction activities would be reduced to below applicable threshold levels. Therefore, after applying these measures, the impact would be less than significant.

## **Biological Resources**

### Special Status Bird and Bat Species

**Impact Bio-2:** Implementation of the Project could result in a substantial adverse effect on candidate, sensitive or special-status bird and bat species, both directly and through habitat modification. Affected species possibly include White-Tailed Kite, Allen's Hummingbird, Loggerhead Shrike, salt marsh common yellowthroat, several raptor species and potential suitable roosting habitat for some bat species such as the pallid bat. This is considered a potentially significant impact.

**Mitigation Measure Bio-2a: Pre-Construction Nesting Surveys.** If grading operations or construction is scheduled during the nesting season of migratory birds (February 1 through August 30), trees in the Project site shall be surveyed including call surveys as appropriate for nesting migratory birds. If an active nest is found prior to, or during construction activities, an appropriate buffer zone shall be maintained around all active nest sites until the young have fledged and are foraging independently. In the event that an active nest is found after the completion of preconstruction surveys and after construction begins, all construction activities shall be stopped until a qualified biologist has evaluated the nest and erected the appropriate buffer.

**Mitigation Measure Bio-2b, Pre-Construction Tree Roost Surveys:** For all tree removal and vegetation management activities, pre-construction surveys and measures shall be implemented to protect bats. In the event that an active roost is observed within the work area, then a work exclusion zone shall be established. Work within the exclusion zone shall not be permitted until the maternity roosting season has completed.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** The required nesting surveys and protection of any identified nests or roost would prevent harm to special status bird and bat species and would prevent harm to common types of birds. Therefore, after applying these measures, the impact would be less than significant.

### Special Status Reptile, Amphibian and Fish Species

**Impact Bio-3:** Grading and construction activities associated with the Project's terraced grading plan along the banks of the River could result in an adverse effect on candidate, sensitive or special-status reptile, and amphibian and fish species, both directly and through habitat modification. Affected species possibly include California red-legged frog and Western pond turtle, and degradation of special status fisheries habitat. This is considered a potentially significant impact.

**Mitigation Measure Bio-3A, Limitations on the Grading Period:** To the extent feasible, limit grading in the river area to the dry season, between June 15 and October 15, when low flow conditions are present in the River. Limit vegetation removal to the period between June 15 and November 15 to avoid potential impacts to anadromous fish species and nesting birds, and to avoid interfering with adult spawning migrations or the outmigration of smolts.

**Mitigation Measure Bio-3B, Pre-Construction Surveys:** A qualified USFWS-approved biologist shall conduct pre-construction surveys of all ground disturbance areas within suitable habitats in the Project site to determine if California red-legged frogs and Western pond turtles are present prior to the start of grading operations.

**Mitigation Measure Bio-3C, Relocation:** If any special status species are found, they shall be relocated or an exclusion zone shall be established and maintained around the occupied habitat until the biological monitor, in consultation with the resource agencies, determines construction activities can proceed in these zones.

**Mitigation Measure Bio-3D, Implement Best Management Practices:** Avoidance and minimization measures shall be employed prior to and during construction, as required and/or approved by the resource agencies, to protect special status species and sensitive habitats.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Pursuant to existing regulations, the applicant is required to obtain all required authorizations from the U.S. Army Corps, the RWQCB, the California Department of Fish and Wildlife and other regulatory agencies with jurisdiction, for the disturbance of waters of the U.S. and their associated aquatic habitat. In addition to all avoidance and minimization measures as required by these resource agency authorizations, the identified mitigation measures would reduce potential impacts of the Project on special status species and sensitive habitats. With completion of the Project's reconstructed river terrace and implementation of the Project's Habitat Mitigation and Monitoring Plan (HMMP), habitat for these species will be restored and possibly increased. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

### Seasonal Wetlands

**Impact Bio-4:** Development of the Project will result in the direct removal and fill of approximately 0.34 acres of seasonal wetlands defined by the US Army Corps of Engineers as jurisdictional wetlands under Section 404 of the Clean Water Act. This is considered a potentially significant impact.

**Mitigation Measure Bio-4, Compensation for Seasonal Wetlands Fill:** The Project applicant shall provide on-site compensatory mitigation sufficient to achieve a no-net-loss standard, subject to additional requirements of the permitting agencies. Compensatory mitigation shall be achieved through creation, restoration and enhancement of wetland habitat acreage at appropriate locations within the Project site. The newly created, restored or enhanced wetlands shall provide higher quality wetlands habitat value than the low value habitat lost from Project fill and terrace grading.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** With implementation of the identified mitigation measure, the City will ensure that wetland mitigation fully compensates for the loss of wetland acreage and wetland habitat values resulting from the Project, such that there is no net loss of wetland acreage and values. The mitigation measure identified above is the City of Petaluma's baseline mitigation requirements (as lead agency). Subsequent permit requirements may result in different (potentially greater) mitigation obligations, particularly regarding compensatory mitigation ratios, which shall be based on site-specific information and determined through coordination with the Corps and RWQCB. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

#### Riparian Habitat

**Impact Bio-5:** The Project's proposed terraced grading plan for the banks of the Petaluma River could result in substantial adverse effects on riparian habitat by removing approximately 1.62 acres of riparian habitat (most of which is considered lower quality non-native Himalayan blackberry vegetation). Approximately 0.30 acres of higher quality native riparian vegetation along the River would be preserved where practical, without severely diminishing the hydraulic flood flow capacity of the terracing project. This is considered a potentially significant impact.

**Mitigation Measure Bio-5A, Riparian Preservation Zone:** Final grading plans for the Project's proposed terraced grading concept along the Petaluma River shall show a Riparian (Willow) Preservation Zone of a minimum of 0.30 acres in size, where the preservation of existing high-quality riparian vegetation shall be achieved, while still accommodating an overall widened channel design that provides acceptable flood control containment. As the River Plan calls for all development (including grading and flood control alterations) to be severely restricted within the high priority Riparian Preservation Zone, all development, including trails, grading and flood control alterations, shall be prohibited in this Zone. (Minimal intrusions in a carefully selected location could be authorized by the City for interpretive purposes only).

**Mitigation Measure Bio-5B, Riparian Tree Preservation:** Special measures (such as temporary fencing) to protect riparian and oak woodland trees within and abutting the riparian zone shall be required for river terracing and riverside path construction.

**Mitigation Measure Bio-5C, Habitat Mitigation and Monitoring Plan:** A final Habitat Mitigation and Monitoring Plan (HMMP) shall be submitted for review and approval by the regulatory agencies and the City. The City shall authorize the HMMP prior to issuance of the terrace grading plans. The Final HMMP shall be implemented.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alterations have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Pursuant to existing regulations, the applicant is required to obtain all required authorizations from the CDFW (as applicable) for the loss or disturbance of on-site riparian vegetation resulting from development of the property. Any substantial change or use of any material from the bed, channel or bank of the River, or any change that may substantially adversely affect existing fish or wildlife resources will require CDFW issuance of a Streambed Alteration Agreement pursuant to Fish and Game Code 1602. Implementation of required mitigation measures will ensure preservation of the maximum extent of riparian habitat, while balancing the need for expanded floodway capacity within the Petaluma River. The Project's HMMP provides for preservation of existing highest-value habitat along the river, removal of invasive monocultures of Himalayan blackberry patches, creation and restoration of riparian habitat and revegetation of the graded and re-contoured terrace area with native riparian vegetation. Following grading activities, approximately 2.08 acres of graded terraces will be replanted with riparian trees and shrubs, and an additional area of 0.71 acres along the River will be planted with marsh/wetland plants, for a total of 2.79 acres of replanted riparian habitat. With the 0.30 acres of avoided high quality riparian habitat, the result of on-site riparian habitat preservation and restoration will be 3.09 acres, which will be more and higher quality riparian habitat than currently exists. Therefore, after applying these measures, the impact would be less than significant.

Waters of the US

**Impact Bio-6:** The Project's terraced grading activity within the Petaluma River floodplain could result in the disturbance of jurisdictional non-wetland waters, and could indirectly affect these waters through hydrological interruption, alteration of bed and bank, increased sedimentation and other construction-related activities. These activities could potentially result in substantial adverse effects on aquatic habitat within the Petaluma River and interference with the movement of native resident and migratory fish. This is considered a potentially significant impact.

**Mitigation Measure Bio-6, Terraced Grading Erosion Control/Stormwater Pollution Prevention Plan:** The Project applicant shall prepare and implement a specific Terraced Grading Erosion Control Plan for all terrace grading work and trail construction within and abutting the Petaluma River floodplain. The discharge or creation of potential discharge of any soil material including silts, clay, sand, or any other materials to the waters of the State is prohibited.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Pursuant to existing regulations, the applicant is required to obtain all necessary authorizations from the U.S. Army Corps, the RWQCB, the California Department of Fish and Wildlife and other regulatory agencies with jurisdiction (as applicable) for the disturbance of waters of the U.S. and their associated aquatic habitat. Mitigation would further reduce and/or avoid indirect effects to aquatic habitat during construction and minimize potential adverse effects to aquatic habitat within the Petaluma River associated with proposed grading along the riverbank.

The mitigation measure identified above presents the City of Petaluma's baseline mitigation requirements (as lead agency). Subsequent permit requirements may result in different (potentially greater) mitigation obligations based on site-specific information and determined through agency coordination. Any additional agency requirements will be incorporated as conditions of approval. Therefore, after applying these measures, the impact would be less than significant.

#### Native Resident or Migratory Wildlife Corridor

**Impact Bio-7:** The Project could interfere substantially with the movement of native resident or migratory wildlife species, or with established native resident or migratory wildlife corridors along the Petaluma River. Grading of the floodway terrace and trimming and clearing vegetation next to and within the River may temporarily hinder the migration of aquatic and riparian wildlife species. The increased presence of people as well as outdoor lighting associated with new development may adversely affect the behavior of nocturnal animals using the River's riparian corridor for cover or foraging. This is considered a potentially significant impact.

**Mitigation Measure Bio-7A, Hooding or Shielding of Outdoor Lighting Fixtures:** All outdoor lighting including any lighting along the river trail shall be focused and directed to the specific location intended (e.g., walkways, sidewalks, paths). Such fixtures shall be hooded or shielded to avoid the production of glare, minimize up-lighting and light spill. All light fixtures shall be located, aimed, or shielded to minimize spill-light into the riparian corridor and associated trees; this shall be demonstrated as a component of SPAR review. The River Plan Design Guidelines states that some portions of the river trail may be lit.

**Mitigation Measure Bio-7B, Pre-Construction Surveys** (see Mitigation Measure Bio-2A)

**Mitigation Measure Bio-7C, Limitations on the Grading Period** (see Mitigation Measure Bio-3A)

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Implementation of mitigation will reduce the environmental impacts of nighttime lighting on native riparian habitat by siting and using light fixtures located, aimed and shielded to minimize light spill into the riparian corridor and associated trees. Mitigation also requires pre-construction surveys and avoidance measures, including restricting grading operations to the dry season (between June 15 and October 15) when low flow conditions are present in the River, and restricting vegetation removal to the period of June 15 to November 15 to avoid potential impacts to anadromous fish species and nesting birds. The City will not issue grading permits for work within the Riverbanks prior to the applicant obtaining all necessary resource agency permits and approvals, including the incorporation of all subsequent conditions and requirements of these agency approvals into the proposed grading plans. Therefore, after applying these measures, the impact would be less than significant.

#### Invasive Species

**Impact Bio-9:** The Project could result in a substantial adverse effect on riparian habitat through the introduction of invasive, non-native plants with low habitat value, posing an increased threat



to native riparian habitats. Invasion by exotic species can severely degrade the value of riparian areas for wildlife. This is considered a potentially significant impact.

**Mitigation Measure Bio-9, Incorporation of Native Plants in Landscaping Plans:** As part of the Site Plan and Architectural Review process, the applicant shall submit a Landscape Plan for review and approval by the City. The Landscape Plan shall incorporate planting of native trees and ground cover plants consistent with the goals and objectives for this reach of the River as described in the River Plan.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation requires planting of native trees and ground cover, consistent with the goals and objectives of the River Plan, thereby reducing the potential degradation of riparian areas from the introduction of non-native species. Additionally, mitigation measure Bio-5C requires a Habitat Mitigation and Monitoring Plan including restoration, removal of invasive and exotic species and replanting and maintenance of native species. Ongoing monitoring associated with the HMMP will include success criteria for establishment of natives, and management to preclude the introduction and spread of invasive/exotic species. Therefore, after applying these measures, the impact would be less than significant.

#### Consistency with Petaluma River Plan Corridor

**Impact Bio-10:** The Project could conflict with local policies and ordinances protecting biological resources, including the City's Petaluma River Plan Corridor. The Project's site plan does not include any residential structures that intrude into the River Plan's designated River Corridor, but does include the riverside trail, terracing and restoration activities within the River Corridor, as well as minor encroachments for a residential sidewalk and a proposed bio-retention basin (if found to be consistent with the River Plan Corridor by Planning Commission). This is considered a potentially significant impact.

**Mitigation Bio-10A, Limitations on Improvements within the Petaluma River Plan Corridor:** No residential structures or directly related residential components of the Project shall extend into the Petaluma River Plan Corridor (comprised of the Preservation, Restoration and Buffer Management Zones of the River Plan). The only improvements allowed within the River Plan Corridor include the river trail, terracing and restoration. During the SPAR process, the Planning Commission could allow minor encroachments associated with residential improvements, such as a detention basin and/or segments of sidewalk within the outer buffer management zone, if found to be consistent with the intent of the River Plan and not impactful to the River Plan Corridor.

**Mitigation Bio-10B, RODZ review at SPAR:** The Site Plan and Architectural Review process shall include evaluation and review of the Project for consistency with River Oriented Development Zone (RODZ) policies and design guidelines. (See River Plan page 79-80 and Chapter 9: Design Guidelines.) As the concept plan for the apartment project is fully detailed for Site Plan and Architectural Review, the northern portion of the Project that is within the RODZ (Parcel -009) shall be designed pursuant to the RODZ Guidelines.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** The Project does not contain buildings that encroach into the River Plan Corridor Boundary and minimizes conflicts with local policies and ordinances of the River Plan for protecting biological resources. The only improvements allowed within the River Plan Corridor include the river trail, terracing and restoration. During the SPAR process, the Planning Commission could allow minor encroachments associated with residential improvements, such as a detention basin and/or segments of sidewalk within the outer buffer management zone, if found to be consistent with the intent of the River Plan and not impactful to the River Plan Corridor. Therefore, after applying these measures, the impact would be less than significant.

#### Tree Removal and Tree Protection

**Impact Bio-11:** The Project would retain and protect 58 of the 68 protected trees on the site but would result in removal of 10 protected trees, potentially conflicting with local policies and ordinances protecting biological resources, including the City's tree preservation policies and ordinance. While the Project's proposed tree removal is substantially fewer than the 38 trees proposed for removal under the original Project, this is considered a potentially significant impact.

**Mitigation Measure Bio-11A, Ensuring Preservation of Existing Trees:** The final designs of the residential portion of the Project should be designed to reflect the goal of preserving protected trees to the greatest extent possible, particularly those protected trees located within the Petaluma River Plan Corridor and those isolated oaks in the RODZ. While it is recognized that the preservation of all existing trees on the Project site may conflict with reasonable land development considerations and with creation of the terrace directed by the General Plan, the final design of the Project, to be reviewed at SPAR, shall seek to preserve the most desirable and significant healthy trees on site.

**Mitigation Measure Bio-11B, Protected Tree Replacements:** For all protected trees permitted by the City to be removed, the project applicant shall provide replacement trees.

**Mitigation Measure Bio-11C, Tree Protection Plan:** All trees designated for preservation must have a good chance of long-term survival. Consistent with the River Plan, a tree protection plan for the site shall be prepared by a licensed landscape architect, arborist or certified forester, and approved by the City for all trees to be preserved within the site to protect them during on-site grading and construction.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** The Project's site plan substantially implements Mitigation Measure Bio-11A by preserving 58 of the 68 protected trees on the site. However, the Project's site plan is preliminary and subject to design refinement pursuant to the City's Site Plan and Architectural Review (SPAR) process. During SPAR review, specific tree preservation requirements shall be monitored for compliance, and the SPAR process may consider additional site design modifications to further increase tree preservation. Mitigation will substantially reduce potential conflicts with the City's tree preservation policies and ordinance, will ensure that those trees

identified as being protected are ultimately protected during grading and construction, and will provide for the replacement of protected trees to be removed. Therefore, after applying these measures, the impact would be less than significant.

### Spreading Sudden Oak Death

**Impact Bio-12:** Removal of plant materials hosting *Phytophthora ramorum* during tree removal could result in the spread of Sudden Oak Death to the Petaluma River riparian habitat. This is considered a potentially significant impact.

**Mitigation Measure Bio-12A, Infected Tree Identification:** Pursuant to the City’s tree removal permits, all trees of “at-risk” species to be removed shall be surveyed for sudden oak death pathogens, and individual treatment methods shall be identified.

**Mitigation Measure Bio-12B, Tree Removal Precautions:** If a tree needs to be removed, the tree stump should be cut as close to the ground as practical. Stump grinding is not recommended because the equipment may become contaminated by soil and result in pathogen spread when used at another location. The operation of vehicles or heavy equipment in such areas may lead to further disease spread when soil is disturbed and moved around. If at all practical, tree removal should be scheduled between June to October when conditions are warm and dry, and avoid removing diseased trees when moist conditions favor pathogen spread (November to May).

**Mitigation Measure Bio-12C, Debris Removal Precautions:** Proper disposal of infested material is an effective means of limiting the spread of pathogens. In infested areas, leaving infected or dead trees on site has not been shown to increase the risk of infection to adjacent trees. Removal of an infected tree from the property is only recommended if that tree is the first infected tree detected, if the fire risk is high, or if the dead tree is a safety hazard. If debris cannot be left on site, infested material should be disposed of at an approved and permitted dump facility.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Implementation of mitigation measures will minimize the spread of Sudden Oak Death to the Petaluma River riparian habitat through accepted best management practices of treatment of at-risk trees, tree removal schedules and proper disposal. Therefore, after applying these measures, the impact would be less than significant.

## **Cultural Resources**

### Historical Resources

**Impact Cultural-1:** The Project would not cause a substantial adverse change in the significance of a known historical resource; however, there is a potential that unidentified resources may be present within the onsite wells. This is considered a potentially significant impact.

**Mitigation Measure Cultural-1: Monitoring of Well Abandonment.** When the two existing wells on the site are removed, a qualified archaeologist shall be present to record and recover any potentially significant historic-era deposits that may be uncovered. If historic materials are

observed, they shall be recorded on the appropriate DPR forms and such forms filed with the CHRIS and the Planning Division. In the event that the onsite wells are abandoned and capped in place, then monitoring would be unnecessary, as no disturbance to potential resources would occur.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** While it is unlikely that either well contains debris and/or historical artifacts in such a concentration as to be of significant historical value, there remains the possibility that any historical artifacts located in the well could yield valuable information. Mitigation requires that any significant historic-era artifacts that may be present within the on-site well be retrieved and evaluate. Therefore, after applying these measures, the impact would be less than significant.

#### Archaeological and Tribal Resources

**Impact Cultural-2:** The Project has the potential to adversely affect the significance of undiscovered archeological or Tribal cultural resources. Prior cultural resource studies prepared in 2003 and 2007 identified the presence of cultural resources. However, none of these resources appeared to be historically or archeologically significant. This does not preclude the potential that the site may still contain as-yet undiscovered archeological artifacts. The Project site is not known to contain tribal cultural resources, as a sacred place, or as a place that contains objects with cultural value to a California Native American tribe, but the site is located along the banks of the Petaluma River in an area that is known to have been occupied by the Coast Miwok. The site exhibits heightened potential for such resources to be present below grade. This is considered a potentially significant impact.

#### **Mitigation Measure Cultural-2: Discovery of Unknown Archaeological or Tribal Resources.**

To reduce potential impacts on prehistoric site deposits and or Tribal cultural resources that may be discovered during construction, the applicant shall retain the services of a qualified archaeological consultant approved by the City of Petaluma and from the Federated Indians of Graton Rancheria's list of qualified archaeologists who have also demonstrated the ability to work cooperatively with the Tribe. The archaeological consultant shall monitor ground-disturbing activity near the Petaluma River during the river terrace grading work. If a concentration of artifacts, cultural soils or Tribal cultural resources is encountered during construction anywhere on-site, all soil-disturbing activities within 100 feet of the discovery shall cease; the archaeological monitor shall immediately notify the City of Petaluma Planning Division of resources encountered; the archeological monitor shall present the findings of an assessment to the City; and provide treatment recommendations.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation ensures that any as-yet undiscovered archeological or Tribal cultural resources will be assessed and appropriate treatment of the resources provided. Therefore, after applying these measures, the impact would be less than significant.

## Paleontological Resources

**Impact Cultural-3:** The Project has the potential to affect adversely the significance of currently undiscovered paleontological resources. Bedrock underlying the site has potential to contain significant paleontological resources. Areas with alluvium soil deposits in close proximity to rivers, such as this site, have been known to contain vertebrate fossils. Destruction of such of currently undiscovered paleontological resources would be a potentially significant environmental impact.

**Mitigation Measure Cultural-3: Discovery of Unknown Paleontological Resources.** In the event paleontological resources are encountered, the applicant shall procure a qualified paleontologist approved by the City of Petaluma to document, evaluate and assess the significance of the resource in accordance with the criteria set forth in the guidelines adopted by the Society of Vertebrate Paleontology, CEQA Guidelines Section 15064.5. In the event of discovery during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before earthmoving or grading is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare and recommend to the City an excavation plan for mitigating the effect of the project on the qualities that make the resource significant. The plan shall be submitted to the City for review and approval prior to resuming construction activities.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation ensures that ground-disturbing activities do not adversely affect any as-yet undiscovered paleontological resources, and that any as-yet undiscovered paleontological resources that may be discovered will be assessed and appropriate treatment of the resources provided. Therefore, after applying these measures, the impact would be less than significant.

## Human Remains

**Impact Cultural-4:** Ground-disturbing activities associated with site preparation, grading, and excavation could disturb human remains, including those interred outside of formal cemeteries. The potential to uncover human remains, including Native American human remains, exists throughout California. Although not anticipated, human remains may be encountered during site-preparation and grading activities. This is considered a potentially significant impact.

**Mitigation Measure Cultural-4, Discovery of Human Remains:** In the event that human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended, and measures shall be undertaken in accordance with the Health and Safety Code Section 7050.5.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Ground-disturbing activities associated with site preparation, grading, and excavation could disturb human remains, including those interred outside of formal cemeteries. Mitigation provides that, in the event that human remains may be encountered on-site, the applicant shall implement measures consistent with the provisions of California Health and Safety Code section 7050.5(b). These measures ensure that any disturbance of human remains, including Native American remains, would be handled according to provisions of law. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

## **Geology and Soils**

### Exposure to Strong Seismic Ground Shaking

**Impact Geo-2:** The Project could expose people or structures to potentially substantial adverse effects involving strong seismic ground shaking. This is considered a potentially significant impact.

**Mitigation Measure Geo-2A, Compliance with California Building Code:** New development on the site shall meet all requirements of the California Building Code, as may be modified by amendments, additions and deletions as adopted by the City of Petaluma.

**Mitigation Measure Geo-2B, Incorporation of Geotechnical Investigation Recommendations:** Consistent with Chapter 18 of the Petaluma Building Code requirements, recommendations included in the RGH Consultants' Geotechnical Engineering Report Update for Sid Commons (January 20, 2015) regarding foundation and structural design measures shall be incorporated in final designs for each structure, contingent upon concurrence by the City's Engineer and Chief Building Official. To ensure that appropriate construction techniques are incorporated, the Project's Geotechnical Engineer shall inspect the construction work and certify to the City, prior to issuance of a certificate of occupancy, that all improvements have been constructed in accordance with the approved Geotechnical Investigation specifications.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation through the incorporation of seismic construction standards as required by the regulatory requirements would reduce the potential for catastrophic effects of ground shaking, such as structural failure. These construction standards will not eliminate the hazard of seismically induced ground shaking but will reduce hazards to a level considered acceptable by the state of California for reducing seismic risks to acceptable levels. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

### Expansive Soils

**Impact Geo-5:** Portions of the Project site contain localized expansive soil, creating substantial risks to property. Expansive clay soils are potentially damaging to foundations as these soil types shrink and swell in response to changes in moisture content. Expansive soils can affect the performance of structures, and this impact is considered potentially significant.

**Mitigation Measure Geo-5A, Soil Treatment:** The detrimental effects of expansive soil movements can be reduced by pre-swelling expansive soils and covering them with a moisture fixing and confining blanket of properly compacted non-expansive engineered fill (select fill). Select fill can consist of approved non-expansive on-site soils, imported non-expansive materials or lime stabilized on-site clay soils.

**Mitigation Measure Geo-5B, Foundation Design:** New structures shall be supported on either post-tension slab foundations or mat slab foundations. These foundation slabs shall be designed using the expansion characteristics of the soils. Grading to prepare the building pads shall consist of reworking the upper 2 to 3 feet of surface soils by excavating these soils, moisture conditioning them to at least 4 percent above optimum moisture content, and compacting them to at least 90 percent relative compaction, or as otherwise specified by the geotechnical engineer.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation addresses the impacts of expansive soils through grading and/or foundation design measures as specified by the geotechnical engineer. Therefore, after applying these measures, the impact would be less than significant.

#### Soil Erosion

**Impact Geo 6:** The Project could result in the loss of topsoil from development on potentially erodible soils. Grading will be required to provide level surfaces for roads and structures, and excavation of expansive soils at the site will involve disturbing and removing the topsoil. Substantial grading activities will also be necessary to implement the proposed River terracing plan. This is considered a potentially significant impact.

**Mitigation Measure Geo-6, Erosion Control Plan:** Prior to issuance of a grading permit, an erosion control plan, along with grading and drainage plans, shall be submitted to the City Engineer for review. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma's Subdivision Ordinance (#1046, Title 20, Chapter 20.04 of the Petaluma Municipal Code) and Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code). These plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during construction activity on the project site.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation addresses potential erosion impacts by requiring all earthwork, grading, trenching, backfilling and compaction operations to be conducted in accordance with the City of Petaluma's Subdivision Ordinance and the Grading and Erosion Control Ordinance, which were specifically adopted for purposes of mitigating erosion impacts. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

## **Hazards and Hazardous Materials**

### Registered Hazardous Materials Sites

**Impact Haz-1:** The Project site is not located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and a Phase 1 ESA revealed that the site has not been adversely impacted by any environmental releases, either off-site or on-site. However, the Phase 1 report did recommend that the surface soil at the site be tested for pesticides prior to development because of its former agriculture use. This is considered a potentially significant impact.

**Mitigation Measure Haz-1A, Soil Testing and Regulatory Compliance:** Prior to issuance of building or grading permits, the project applicant shall conduct a soil testing program to identify the potential for agricultural chemicals, agriculture-related petroleum hydrocarbon spills, lead-based paint or elevated levels of contaminants near the rail tracks to be present in the soils at levels exceeding recommended health screening levels. Should any impacted soil be discovered that exceeds human health screening levels for residential soil as noted in DTSC's HERO HHRA Note 3 criteria and/or Environmental Screening Levels (ESLs), such soils shall be excavated and removed for appropriate off-site disposal prior to development pursuant to existing regulatory requirements.

**Mitigation Measure Haz-1B, Discovery of Unknown Contaminants:** If unknown contamination, underground tanks, containers or stained or odorous soils are discovered during construction activities, appropriate investigation, sampling and comparison of data collected with health-based screening levels and/or consultation with a regulatory oversight agency shall be conducted.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation requires compliance with all applicable regulatory requirements regarding California Human Health Screening Levels for residual pesticides and discovery of unknown contaminants during construction. This may include excavating and removing any contaminated soils that may be discovered for appropriate off-site disposal prior to development. Therefore, after applying these measures, the impact would be less than significant.

### Accidental Release of Hazardous Materials

**Impact Haz-3:** The Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The potential for an accidental release of hazardous materials into the environment is considered most likely during the construction phase, when potentially hazardous materials would be stored, used and moved around on the site and in close proximity to the Petaluma River. This is considered a potentially significant impact.

**Mitigation Measure Haz-3, SWPPP Requirements** (see Mitigation Measure Hydro-1)

**Impact after Mitigation:** Less than Significant



**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Construction contractors will be required to comply with all existing federal and state safety regulations related to the transport, use, handling, storage and/or disposal of fuels or other potentially hazardous substances during all phases of construction. Mitigation requires the applicant to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) that (among other purposes) provide appropriate means for storage, use and cleanup of fuels and hazardous materials, and identifies best management practices (BMPs) to protect stormwater runoff. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

#### Hazardous Conditions - Increased Presence along Rail Tracks

**Impact Haz-5:** The Project would result in increased presence along the rail racks. The site's entire westerly boundary is parallel and immediately adjacent to the SMART railroad right-of-way. The increased presence of residents and visitors in an area immediately adjacent to the rail tracks could result in a greater potential for rail-related accidents along this portion of the line. This is considered a potentially significant impact.

**Mitigation Measure Haz-5, Fencing:** The Project shall include an open-design appropriate fence along the edge of and parallel to the rail tracks, with consideration provided to the protection of existing trees, to limit access onto the railroad right-of-way. The final fence design shall be subject to SPAR review and approval.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation requires fencing along the edge of and parallel to the rail tracks to limit access onto the railroad right-of-way. Landscaping proposed by the project along the rail line will also provide a visual screening and barrier between the new residential development and the railway. Therefore, after applying these measures, the impact would be less than significant.

#### **Hydrology and Water Quality**

##### Increased Pollution, Erosion and Siltation during Construction

**Hydro-1:** During construction, the Project could alter existing drainage patterns of the site in a manner that could result in substantial erosion or siltation, and provide substantial additional sources of polluted runoff. This is considered a potentially significant impact.

**Mitigation Measure Hydro-1, SWPPP Requirements:** Design requirements and implementation measures for minimizing Project-generated erosion and for controlling fuel/hazardous material spills shall be set forth in the applicant's SWPPP, in accordance with State and RWQCB design standards.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** To address construction-period erosion and siltation, as well as the introduction of construction-related sources of water pollution, the applicant is required to demonstrate compliance with all applicable regulatory requirements. These regulatory requirements include filing a Notice of Intent (NOI) with the RWQCB for compliance with the NPDES General Construction Activities Permit, preparing and implementing a site-specific Storm Water Pollution Prevention Plan (SWPPP) per NPDES general construction permit requirements, and preparing and submitting an Erosion Control Plan for review and approval by the City of Petaluma. All of these regulatory requirements are to be met prior to issuance of a grading permit. Mitigation through implementation of a SWPPP represents the City of Petaluma's baseline mitigation requirements, but subsequent permit requirements may result in potentially greater mitigation obligations based on site-specific information as determined through agency coordination. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

### Operational Water Quality

**Impact Hydro-2:** During the Project's operations, the Project would contribute runoff water that could provide substantial additional sources of polluted runoff and that could otherwise substantially degrade water quality. The Project could contribute to levels of non-point sources of pollutants and litter entering downstream waters, including the Petaluma River and the San Francisco Bay. An increase in non-point sources of pollutants could have adverse effects on wildlife, vegetation and human health. Parking areas are a source of suspended solids, petroleum hydrocarbons and heavy metals, and the landscaped areas could contribute harmful landscape chemicals, pesticides and fertilizers to runoff leaving the site. This is considered a potentially significant impact.

**Mitigation Measure Hydro-2A, SWCP Implementation:** The Project shall design, construct and implement appropriate post-construction stormwater treatment measures to reduce water quality and hydromodification impacts to downstream reaches, as required by the current post-construction control requirements of the Small MS4 General Permit. Upon completion of the final project design, the applicant shall provide documentation of stormwater management measures that show compliance with the Small MS4 General Permit.

**Mitigation Measure Hydro-2B, SWCP Monitoring and Maintenance Agreement:** Prior to public improvement plan approval, a mechanism shall be in place to ensure funding of on-going maintenance, inspection, and as needed repair of the Project SWCP, including the maintenance of the proposed Terracing Plan.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation requires that all non-point source pollutants washed from roofs, landscape areas and streets and parking areas be filtered through bioretention areas dispersed throughout the site and/or through self-treating impervious paving blocks (e.g., within walkways). Runoff from these bioretention areas will then be collected in a series of underground storm drains that drain into larger bioretention basins located in the northerly portion of the site before being discharged via new storm drain outlets along the banks of the Petaluma River. The Project will be

required to demonstrate compliance with the NPDES General Permit for the Discharge of Storm Water from Small MS4s (SWRCB 2013). This permit requires incorporation of site design measures, source controls, stormwater treatment measures and/or other low impact development (LID) measures to reduce stormwater runoff and limit the transport of pollutants to receiving waters and requires implementation of source control measures for specific pollution-generating activities. Pursuant to the City of Petaluma's Stormwater Management and Pollution Control Ordinance, the Project will be required to demonstrate that appropriate BMPs will be implemented to control the volume and potential pollutant load of stormwater runoff from the site. The selection and the design of the BMPs shall be per the City's Stormwater Policy and Design Standards, and per the applicable NPDES permit issued to the City and other available guidance documents. The regulatory requirements and mitigation are the City of Petaluma's baseline mitigation requirements, and subsequent permit requirements may result in different (potentially greater) mitigation obligations based on site-specific information and determined through agency coordination. Therefore, after applying these measures, the impact would be less than significant.

## **Land Use**

### Conflict with a Conservation Plan

**Impact LU-1:** Development of the Project would result in the filling of areas identified as wetlands within the River Corridor and within the River Oriented Development Zone as defined in the Petaluma River Access and Enhancement Plan, and would result in the removal of mature oak trees at the site. This would be in conflict with objectives, policies and programs identified in the Petaluma River Access and Enhancement Plan. This is considered a potentially significant impact.

### **Mitigation Measure Bio-4: Compensation for Seasonal Wetlands Fill**

### **Mitigation Measure Bio-5A: Riparian Preservation Zone**

### **Mitigation Measure Bio-5B: Riparian Tree Preservation (as amended)**

### **Mitigation Measure Bio-5C: Habitat Mitigation and Monitoring Plan**

### **Mitigation Measure Bio-6: Terraced Grading Erosion Control/Stormwater Pollution Prevention Plan**

### **Mitigation Bio-9: Incorporation of Native Plants in Landscaping Plans**

### **Mitigation Bio-10A: Limitations on Improvements within the Petaluma River Plan Corridor (also listed as Mitigation Measure Visual-2)**

### **Mitigation Bio-10B: RODZ review at SPAR**

### **Mitigation Measure Bio-11A: Ensure Preservation of Existing Trees**

### **Mitigation Measure Bio-11B: Protected Tree Replacements**

### **Mitigation Measure Bio-11C: Tree Protection Plan**

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** Mitigation would substantially reduce impacts to biological resources and would serve to minimize conflicts with objectives, policies and programs of the Petaluma River Access and Enhancement Plan. Therefore, after applying these measures, the impact would be less than significant.

## Noise

### Construction Noise

**Noise-4:** Construction of the Project would result in temporary or periodic noise impacts, especially where grading and construction activities are to be conducted in close proximity to existing and new sensitive receptors, including the existing Oak Creek Apartments and neighbors along Bernice Court, Graylawn Avenue and Jesse Avenue. Construction noise levels would fluctuate depending on the construction phase, equipment type and duration of use, distance between noise source and receptor, and presence or absence of barriers between noise sources and receptors. However, the temporary or periodic impact when grading or construction activities occur within 100 feet of an existing residence would be significant. This is considered a potentially significant impact.

**Mitigation Measure Noise 4A, Construction Hours:** Due to the proximity of sensitive receptors (residences) to the development areas, construction activities shall be required to comply with following, and shall be noted accordingly on construction contracts. Construction activities for all phases of construction, including servicing of construction equipment shall only be permitted during the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. Construction is prohibited on Sundays and on all holidays recognized by the City of Petaluma. Delivery of materials or equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.

**Mitigation Measure Noise 4B, Construction Engine Controls:** The Project Applicant shall implement engine controls to minimize disturbance to adjacent residential uses during Project construction. Construction equipment shall utilize the best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts. These controls shall be used as necessary to reduce heavy equipment noise to 75 to 80 dBA (Leq) at 50 feet to minimize noise levels at the closest residential receptors. If impact equipment such as jackhammers, pavement breakers, and rock drills is used during construction, hydraulically or electric-powered equipment shall be used to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. Where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used, where feasible.

**Mitigation Measure Noise 4C, Stationary Equipment and Staging:** Locate stationary noise generating equipment that generates noise levels in excess of 65 dBA Leq as far as possible from sensitive receptors. If required to minimize potential noise conflicts, the equipment shall be shielded from noise sensitive receptors by using temporary walls, sound curtains, or other similar devices. The construction contractor shall not stage equipment within 200 feet of the existing residential land uses to the west and south of the project site. Heavy equipment, such as paving and grading equipment, shall be stored on-site whenever possible to minimize the need for extra

heavy truck trips on local streets.

**Mitigation Measure Noise 4D, Miscellaneous Construction Noise:** The contractor shall minimize use of vehicle backup alarms and other miscellaneous construction noise. A common approach to minimizing the use of backup alarms is to design the construction site with a circular flow pattern that minimizes backing up of trucks and other heavy equipment. Another approach to reducing the intrusion of backup alarms is to require all equipment on the site to be equipped with ambient sensitive alarms. With this type of alarm, the alarm sound is automatically adjusted based on the ambient noise. Construction worker's radios shall be controlled to be inaudible beyond the limits of the project site boundaries.

**Mitigation Measure Noise 4E, Noise Barriers:** The construction contractor shall erect temporary walls, sound curtains or other similar devices along the property lines adjacent to the existing Oak Creek Apartments and neighbors along Bernice Court and Graylawn Avenue, to shield these existing sensitive receptors from construction noise. To the extent feasible, the construction contractor shall prioritize construction of buildings nearest to Graylawn/Bernice Court during the earlier phases of construction, such that new buildings can serve as a noise barrier to dampen construction noise as the site develops.

**Mitigation Measure Noise 4F, Noise Disturbance Coordinator:** The Project applicant / construction contractor shall designate a city-approved Noise Disturbance Coordinator, designated to respond to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The construction schedule and telephone number for the Noise Disturbance Coordinator shall be conspicuously posted at the Project construction site.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** The increase in noise levels at nearby locations during construction would be temporary in nature and would not generate continuously high noise levels, although occasional single-event noise disturbances from construction activities are possible. The majority of construction activities would take place at a distance farther than 50 feet from existing residences. In the later phases of construction (i.e., during interior building construction) noise levels are typically reduced due to the newly erected physical structures that interrupt noise transmission. Thus, the highest noise levels that would be experienced by adjacent sensitive receptors would only occur for a limited duration during construction activity. Not all construction activity associated with the Project would occur in immediate proximity to adjacent neighbors, and construction that does occur adjacent to existing neighbors is unlikely to individually last for more than 1 year. Mitigation requires conformity with the City of Petaluma Noise Ordinance, and all reasonable and feasible noise attenuation strategies will be implemented. Therefore, after applying these measures, the impact would be less than significant.

## Traffic and Transportation

### Construction Traffic

**Impact Transp-12:** The Project would cause temporary disruption to the transportation network due to construction. This is considered a potentially significant impact.

**Mitigation Measure Transp-12: Prepare Construction Management Plan.** A construction management plan shall be prepared for review and approval by the City of Petaluma Public Works Department.

**Impact after Mitigation:** Less than Significant

**Finding:** Changes or alteration have been required in, or incorporated into the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

**Rationale for Finding:** The Construction Management Plan will include a construction truck route that would appear on all construction plans to limit truck and auto traffic on nearby streets, comprehensive traffic control measures, an evaluation of the need to provide flaggers or temporary traffic control at key intersections, notification procedures for adjacent property owners and public safety personnel, regarding when major deliveries, detours, and lane closures would occur, and documentation of road pavement conditions for all routes that would be used by construction vehicles both before and after proposed project construction. These measures would minimize impacts on vehicular and pedestrian traffic, circulation and safety, and would provide for the monitoring of surface streets used for truck movement so that any damage and debris attributable to the proposed project's construction trucks can be identified and corrected by the project applicant. Therefore, after applying these measures, the impact would be less than significant.

## FINDINGS REGARDING ALTERNATIVES

1. The City Council finds that changes or alterations to the original Project as evaluated in the Draft EIR have been required of or incorporated into the Project that avoid or substantially lessen the significant environmental effects of the original Project as identified in the Final EIR. The Project would not result in significant and unavoidable impacts that cannot be fully mitigated through implementation of mitigation measures described in the EIR.
2. The EIR evaluated a reasonable range of alternatives to the original Project. The City Council adopts the EIR's analysis and conclusions eliminating a Rainier Connector Access Alternative, an Alternative Site Location and a Different Northerly Access Alternative from further consideration.
3. The five potentially feasible alternatives analyzed in the EIR, including the No Project alternative required by CEQA, represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the original Project. These alternatives include: (1) No Project – No Development; (2) Alternative 2: APN #-006 (Webb Parcel) Development Only; (3) Alternative 3A: Redistributed Density, Single-Family Residential Development; (4) Alternative 3B: Redistributed Density, as Apartments; and (5) Alternative 4: Reduced Project.

As presented in the EIR, the alternatives were described and compared with each other and with the original Project.

4. The City Council certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the City Council's independent judgment as to alternatives. The City Council finds that the Project provides the best balance between the project sponsor's objectives, the City's goals and objectives, the Project's benefits, and mitigation of environmental impacts. The originally proposed Project and the five CEQA alternatives evaluated in the EIR are rejected for the following reasons. Each individual reason presented below constitutes a separate and independent basis to reject the original Project and alternatives.
5. Original Project: The original Project as analyzed in the Draft EIR would have required a rezoning and PUD amendment to permit the development of 278 new residential apartment units across the site. The original Project is rejected because it would result in significant and unavoidable impacts related to its proposal to construct a Shasta Avenue Extension to Graylawn crossing the SMART rail tracks at-grade. These impacts include increased hazards associated with at-grade rail crossings, a likelihood of blocking emergency vehicle access, exposure of existing and new residents to reasonably foreseeable noise from additional train horns from trains crossing the proposed new Shasta Avenue Extension rail crossing, and safety hazards to traveling motorists, emergency responders and the rail carriers. The at-grade rail crossing was also likely to be infeasible, as it would have required approval by the California Public Utilities Commission (CPUC). CPUC staff comments indicated no support from that agency for such a rail crossing. Based on conclusions of significant environmental impacts as presented in the Draft EIR and lack of support for the original Project as expressed by City Planning Commissioners and City Councilmembers, the Project Applicant withdrew the original Project's conceptual site plan, including its proposed at-grade rail crossing, from consideration.
6. No Project Alternative: Under the No Project Alternative, no project would be undertaken. The only development that could occur at the Project site without any discretionary action, specifically if the provisions of the 1982 PUD that restrict use of the northern majority of the Project site (APN-009) are not lifted, would be limited to development of 1 new single family home with accessory structures on each of the two APNs (006 and 009) and, at APN -009, those uses permitted in the Agricultural district as specified in the Petaluma Zoning Ordinance. With no new approvals for development of this property, use of the APN-009 site would likely continue much as it is today, as a large and undeveloped private parcel. A separate development application for APN -006 could be submitted consistent with the R4 zoning, but would be a separate action, not a part of the No Project Alternative. This alternative would avoid all of the Project's potentially significant and mitigatable impacts identified in the EIR.

The No Project Alternative is rejected because: (a) it would not implement those goals of the Petaluma General Plan which call for efficient development of underutilized infill sites with residential densities that are equal to or higher than that of surrounding land uses; (b) it would not provide a river trail as envisioned by the River Plan and General Plan; (c) it would not result in implementation of terraced grading along the banks of the Petaluma River, and thus would have no effect on lowering the base flood elevations at the site or at other upstream

locations; (d) it would not assist in implementation of adopted City-wide ordinances and General Plan policies that seek to reduce flooding and floodplain impacts to the greatest extent feasible; and (e) it would not achieve any of the Project sponsor's objectives for the Project.

7. Alternative# 2, APN #-006 (Webb Parcel) Development Only: Under Alternative #2, the proposed re-zoning and PUD amendment would not be pursued, and use of APN-009 would be limited to only those uses permitted in the City's Agricultural District zoning. The approximately 4.39-acre property at APN-006 was not a part of the prior 1982 Oak Creek Apartment PUD, and development would occur consistent with the current General Plan land use designation of Medium Density Residential and Residential 4 (R4) zoning. At a maximum density of 18 units per acre, the 4.39-acre site could accommodate up to 79 new residential apartment units. Alternative #2 would reduce or avoid many of the biological resource impacts of the original Project (e.g., wetlands fill, tree removal, loss of riparian habitat) and would generate less new traffic and less air quality emissions as compared to the original Project. Alternative #2 would avoid significant and unavoidable impacts related to the original Project's proposal to construct a Shasta Avenue Extension to Graylawn crossing the SMART rail tracks. These impacts include increased hazards associated with at-grade rail crossings, the higher likelihood of blocking emergency vehicle access, exposure of existing and new residents to reasonably foreseeable noise from additional train horns from trains crossing the proposed new Shasta Avenue Extension rail crossing and safety hazards to traveling motorists, emergency responders and the rail carriers.

Alternative #2 is rejected because: (a) it would not implement those goals of the Petaluma General Plan which call for efficient development of underutilized infill sites with residential densities that are equal to or higher than that of surrounding land uses; (b) it would not provide a river trail as envisioned by the River Plan and General Plan; and (c) it would not achieve any of the Project sponsor's objectives for the Project. Further, Alternative #2 is rejected because it does not achieve a central objective of realizing flood control improvements through terraced grading as directed through the City's General Plan. Parcel -006 is the only property that would be developed under this Alternative, and it is not within the River Corridor. Thus, Alternative #2 would not implement any of the Petaluma River Access and Enhancement Plan objectives, including expanded river channel capacity improvements, the river trail, river vegetation management and enhancement, or contribute toward lowering flood water surface elevations to help remove properties from the 100-year flood boundary to the greatest extent possible in accordance with the General Plan.

8. Alternative 3A: Redistributed Density, Single-Family Residential Development: Under Alternative #3, the residential densities as calculated for Alternative #2 (79 units) would be redistributed throughout the entire Project site and developed with lower-density single-family residential lots. A portion of the allowable density from the APN-006 site would be redistributed to the APN-009 site, likely through a new PUD. Subdividing a calculated 12.35 net developable acres (not including new public roadways) into 79 individual single-family residential lots would yield an average lot size of approximately 6,800 square feet and a density of approximately 5.1 unit per acre. As a single-family residential development, Alternative #3A would occupy essentially the same development footprint as the original Project. Alternative #3A would generate less new traffic and less air quality emissions as compared to the original Project and would avoid significant and unavoidable impacts related to the original



Project's proposal to construct a Shasta Avenue Extension to Graylawn crossing the SMART rail tracks. These impacts include increased hazards associated with at-grade rail crossings, the higher likelihood of blocking emergency vehicle access, exposure of existing and new residents to reasonably foreseeable noise from additional train horns from trains crossing the proposed new Shasta Avenue Extension rail crossing and safety hazards to traveling motorists, emergency responders and the rail carriers.

Alternative #3A is rejected because: (a) it would not implement those goals of the Petaluma General Plan which call for efficient development of underutilized infill sites with residential densities that are equal to or higher than that of surrounding land uses; (b) it would likely not enable design opportunities to arrange new development on the site in a manner that could reduce or avoid many of the biological resource impacts of the original Project (e.g., wetlands fill, tree removal, loss of riparian habitat); (c) would not likely enable design opportunities to arrange new development on the site in a manner that new homes and usable outdoor areas are set back at least 54 feet from the rail line; and (d) it would not achieve any of the Project sponsor's objectives for the Project.

9. Alternative 3B: Redistributed Density, as Apartments: Similar to Alternative #3A, under Alternative #3B, the residential densities as calculated for Alternative #2 (79 units) would be redistributed throughout the entire Project site and developed with a lower-density apartment project, likely through a new PUD. The density of up to 79 apartment units spread over the 15.45 net acres of developable portions of APNs -006 and -009 would yield a density of approximately 5.1 units per gross acre. Alternative #3B would generate less new traffic and less air quality emissions as compared to the original Project and would avoid significant and unavoidable impacts related to the original Project's proposal to construct a Shasta Avenue Extension to Graylawn crossing the SMART rail tracks. These impacts include increased hazards associated with at-grade rail crossings, the higher likelihood of blocking emergency vehicle access, exposure of existing and new residents to reasonably foreseeable noise from additional train horns from trains crossing the proposed new Shasta Avenue Extension rail crossing and safety hazards to traveling motorists, emergency responders and the rail carriers. Alternative #3B would likely enable design opportunities to arrange new development on the site in a manner that could reduce or avoid many of the biological resource impacts of the original Project (e.g., wetlands fill, tree removal, loss of riparian habitat) and would likely enable an adequate set back from the railway to avoid a potential land use conflict due to siting new sensitive receptors proximate to an noise source with occasionally intrusive noise events.

Alternative #3B is rejected because: (a) it would not implement those goals of the Petaluma General Plan which call for efficient development of underutilized infill sites with residential densities that are equal to or higher than that of surrounding land uses; (b) it would not achieve the Project sponsor's objectives for the Project; and (c) based on written comments from the Project Applicant, the limited amount of development under this alternative would make it economically infeasible for this applicant to implement required flood control improvements through terraced grading as directed through the City's General Plan. Thus, Alternative #3B would be unlikely to implement any of the Petaluma River Access and Enhancement Plan objectives including expanded river channel capacity improvements, the river trail, or river vegetation management and enhancement. Alternative #3B would likely be economically incapable of contributing toward the City's flood management policies and regulations

intended to lower flood flow water surface elevations and to help remove properties from the 100-year flood boundary to the greatest extent possible in accordance with the General Plan.

10. Alternative 4: Reduced Project: Alternative #4 is based on the development potential that can be accommodated by the design capacity of Graylawn Avenue under the City's "livable streets" standard, as was defined and calculated in the Draft EIR. Pursuant to the Street Standards for the City of Petaluma, local residential roadways such as Graylawn Avenue are intended to carry up to a maximum of 2,000 average daily trips (ADTs), serving up to 200 dwellings. Based on information presented in the Draft EIR that relied on 2015 data, Graylawn Avenue carried approximately 954 ADTs, and thus had a maximum remaining capacity of 1,046 ADTs before exceeding the design standards. The 1,046 daily trips of remaining capacity on Graylawn Avenue equates to approximately a 152-unit multi-family residential project, at a trip rate of approximately 7 daily tips per unit. With 152 apartment units spread over the approximately 16 net acres of developable portions of APNs -006 and -009, Alternative #4 would yield a density of approximately 10 units per acre. Alternative #4, inclusive of the river terrace, would avoid many of the original project's unavoidable impacts (primarily by not including the Shasta Avenue at-grade crossing), would reduce the level of impacts under all other environmental categories as compared to the Project due to reduced density, and would realize a majority of the Project's objectives.

Alternative #4 is rejected because: (a) the data supporting the definition of this Alternative is no longer accurate, based on more recent traffic counts. As presented in the Final EIR, traffic counts conducted on Graylawn Avenue in May 2019 indicate a three-day average traffic volume on Graylawn Avenue of 1,142 ADT. The number of additional trips that could be accommodated on Graylawn Avenue such that the ADT would not exceed 2,000 ADT is approximately 858 daily trips, equivalent to approximately 108 residential apartment units; (b) this alternative may not be financially feasible as it would add only 29 more units relative to Alternative 3B, which based on written comments from the Project Applicant would potentially make it economically infeasible to implement required flood control improvements through terraced grading as directed through the City's General Plan; and (c) it would not implement those goals of the Petaluma General Plan which call for efficient development of underutilized infill sites with residential densities that are equal to or higher than that of surrounding land uses.

11. Changes or alterations to the original Project that are similar to Alternative #4 have been incorporated into the Project. Similar to Alternative #4, these changes avoid or substantially lessen the significant environmental effects of the original Project. Like Alternative #4, the Project would result in fewer dwelling units and fewer cars, and traffic and air quality impacts would be reduced as compared to the original project. Similar to Alternative #4, the Project's modified design enables retention of more protected trees, increases development setback from the Petaluma River, and avoids significant and unavoidable impacts related to the original Project's proposal to construct a Shasta Avenue Extension to Graylawn crossing the SMART rail tracks. Similar to Alternative #4, the Project will implement objectives of the Petaluma River Access and Enhancement Plan including capacity improvements to the river channel, the river trail and river vegetation management and enhancement. Also, like Alternative #4, the Project will contribute toward the City's flood management policies and regulations intended

to lower water surface elevations of flood flows to help remove properties from the 100-year flood boundary to the greatest extent possible, in accordance with the General Plan.

Although not considered a significant environmental impact, the Project does conflict with the City's 2,000 ADT design standard for Graylawn Avenue as a residential road. To address this condition, the Project will implement a Traffic Calming Plan, which may include bulb outs, street tree planting, pavement marking and other roadway livability improvements and traffic calming features to minimize conflicts with "livability" standards for local streets that exceed the 2,000 ADT design standard for this roadway.

The Project would: (a) implement goals of the Petaluma General Plan which call for efficient development of underutilized infill sites with residential densities that are equal to or higher than that of surrounding land uses by introducing 180 units on the approximately 16 net developable parcel (approximately 11 units per acre); (b) provide a river trail as envisioned by the River Plan and General Plan as well as associated amenities such as a publicly accessible play structure and small dog park; (c) achieve a central objective of realizing flood control improvements through terraced grading as directed through the City's General Plan; (d) preserve all protected-status trees both within the River Access and Enhancement Plan's River Plan Corridor and within the RODZ-subject APN-009 (Tree Numbers 39, 59, 60, 61, and 200) and exceed the River Plan Corridor setback identified therein; (e) retain the largest onsite wetland and the two isolated wetlands closest to the river; (f) realize a Zero Net Energy and all-electric development; (g) provide inclusionary housing onsite for 10% of the units at the low income level as authorized by Resolution 2020-XX; and (h) achieve the objectives for the Project.

**EXHIBIT 2****Sid Commons Mitigation Monitoring and Reporting Program**

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines. This document has been developed to ensure implementation of mitigation measures and proper and adequate monitoring/reporting of such implementation. CEQA requires that this MMRP be adopted in conjunction with project approval, which relies upon an Environmental Impact Report. The purpose of this MMRP is to:

- document implementation of required mitigation;
- identify monitoring/reporting responsibility, be it the lead agency (City of Petaluma), other agency (responsible or trustee agency), or a private entity (applicant, contractor, or project manager);
- establish the frequency and duration of monitoring/reporting;
- provide a record of the monitoring/reporting; and
- ensure compliance

The following table lists each of the mitigation measures adopted by the City in conjunction with project approval, the implementation action, timeframe to which the measure applies, the monitoring/reporting responsibility, reporting requirements and the status of compliance with the mitigation measure.

**Implementation**

The responsibilities of implementation include review and approval by City staff including the Engineering, Planning and Building Divisions. Responsibilities include the following:

1. The applicant shall obtain all required surveys and studies and provide a copy to the City prior to issuance of grading permits or approvals of improvements plans.
2. The applicant shall incorporate all applicable code provisions and required mitigation measures and conditions into the design and improvements plans and specifications for the project.
3. The applicant shall notify all employees, contractors, subcontractor, and agents involved in the project implementation of mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions.
4. The applicant shall provide for the cost of monitoring of any condition or mitigation measure that involves on-going operations on the site or long-range improvements.
5. The applicant shall designate a project manager with authority to implement all mitigation measures and conditions of approval and provide name, address, and phone numbers to the City prior to issuance of any grading permits and signed by the contractor responsible for construction.
6. Mitigation measures required during construction shall be listed as conditions on the building or grading permits and signed by the contractor responsible for construction.

7. All mitigation measures shall be incorporated as conditions of project approval.
8. The applicant shall arrange a pre-construction conference with the construction contractor, City staff and responsible agencies to review the mitigation measures and conditions of approval prior to the issuance of grading and building permits.

### Monitoring and Reporting

The responsibilities of monitoring and reporting include the Engineering, Planning and Building Divisions, as well as the Office of the Fire Marshal. Responsibilities include the following:

1. The Building, Planning, and Engineering Divisions and Fire Marshal's Office shall review the improvement and construction plans for conformance with the approved project description and all applicable codes, conditions, mitigation measures, and permit requirements prior to approval of a site design review, improvement plans, grading plans, or building permits.
2. The Planning Division shall ensure that the applicant has obtained applicable required permits from all responsible agencies and that the plans and specifications conform to the permit requirements prior to the issuance of grading or building permits.
3. Prior to acceptance of improvements or issuance of a Certificate of Occupancy, all improvements shall be subject to inspection by City staff for compliance with the project description, permit conditions, and approved development or improvement plans.
4. City inspectors shall ensure that construction activities occur in a manner that is consistent with the approved plans, mitigation measures, and conditions of approval.

### MMRP Checklist

The following table lists each of the mitigation measures adopted by the City in connection with project approval, the timeframe to which the measure applies, the person/agency/permit responsible for implementing the measure, and the status of compliance with the mitigation measure.

**Sid Commons Apartment Project Mitigation Monitoring and Reporting Program**

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<b>Aesthetics</b>				
<b>Mitigation Measure Visual-2, Implement Mitigation Bio-10A:</b> Limitations on Improvements within the Petaluma River Plan Corridor (see Biology section for details)	See Biology, below			
<p><b>Mitigation Visual-3A, Inclusion in SPAR:</b> The Site Plan and Architectural Review process for the Revised Project shall include evaluation and review of the Revised Project for:</p> <p>a) Creation of a lush landscape plan planned to accommodate significant trees in a manner consistent with the Oak Creek Apartment complex (see also Mitigation Bio-9: Incorporation of Native Plants in Landscaping Plans).</p> <p>b) Adequate setbacks and/or landscaping between existing abutting residential structures in the R2 zoning district (addressed from Graylawn Avenue and Bernice Court).</p> <p>c) Extent of desirability of utilizing a single-loaded street near the River corridor, as the means of ensuring the creation of linear open space corridors with maximum public accessibility, visibility, and opportunities for stewardship pursuant to GP 2-P-8.</p>	<p>Applicant:</p> <p>Planning Division / Planning Commission:</p> <p>See Biology, below</p>	<p>Demonstrate required SPAR criteria on Site Plan</p> <p>Review and approve Project's Site Plan pursuant to SPAR</p>	<p>_____</p> <p>Sign.</p> <p>_____</p> <p>Sign.</p>	<p>_____</p> <p>Date</p> <p>_____</p> <p>Date</p>

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p><b>Visual-3B, Implement Mitigation Bio-10B</b> (as amended): RODZ review at SPAR (see Biology section for details)</p> <p><b>Mitigation Visual-3C, Implement Mitigation Bio-11A</b> (as amended): Ensure Preservation of Existing Trees (see Biology section for details)</p>				
<p><b>Mitigation Visual-4, Glare Minimization Design Standards:</b> The following measures shall be applied to reduce light and glare at the Project site:</p> <p>a) Lighting designs shall employ fixtures that would cast light in a downward direction, and building materials should not be sources of substantial glare.</p> <p>b) Lighting should generally occur at intersections, areas of pedestrian activity, and building entrances, and be minimized elsewhere.</p> <p>c) Ornamental, pedestrian-scale fixtures shall be utilized to the degree possible. Lighting shall be designed to minimize glare and the direct view of light sources.</p> <p>d) No lighting shall blink, flash or be of unusually high intensity or brightness.</p> <p>e) Lighting shall utilize energy-efficient fixtures that provide a balance between energy efficiency and pleasing light color.</p> <p>f) High pressure sodium fixtures shall be utilized for street lighting. Metal halide, incandescent, or color-balanced fluorescent fixtures may be used for other lighting systems. Low-pressure sodium fixtures are prohibited.</p>	<p>Applicant/ Architect:</p> <p>Planning Commission:</p> <p>Planning/ Building Division:</p>	<p>Prepare Outdoor Lighting Plan for SPAR review, demonstrating implementation of all measures</p> <p>Review and approve Project's Outdoor Lighting Plan pursuant to SPAR</p> <p>Verify final SPAR-approved Outdoor Lighting Plan prior to issuance of building permits</p>	<p>_____ Sign.</p> <p>_____ Sign.</p> <p>_____ Sign.</p>	<p>_____ Date</p> <p>_____ Date</p> <p>_____ Date</p>

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
g) All streetlights shall utilize cut-off fixtures to minimize visibility from adjacent areas. h) Parking area lighting fixtures shall be no higher than necessary to provide efficient lighting of the parking areas. i) Landscape lighting fixtures shall be hidden from direct view unless designed as an integral part of the area. j) Landscape lighting sources shall be shielded from view at night, with the emphasis being on the object or view being lit. See also Mitigation Measure Bio-7A.				

Air Quality				
<b>Mitigation Measure AQ-2A, Basic Dust Control:</b> The Project shall comply with the following “Basic” mitigation measures as recommended by BAAQMD for reducing construction related emissions: a) All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas and unpaved access roads) shall be watered two times per day. b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered. c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.	Applicant:  Planning/ Building Division:  Engineering/ Building Division:	Include all measures in project construction documents  Verify construction documents prior to issuance of grading permit  Conduct periodic inspections during construction to ensure that measures are in place	_____ Sign.	_____ Date



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>d) All vehicle speeds on unpaved roads shall be limited to 15 mph.</p> <p>e) All roadways, driveways and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</p> <p>h) Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>				
<p><b>Mitigation Measure AQ-2B, Enhanced Dust Control:</b> Because of the size of the site and the proximity of nearby sensitive receptors, the Project shall also comply with the following "Enhanced" mitigation measures as recommended by BAAQMD for reducing construction related emissions:</p>	Applicant:	Include all measures in project construction documents	_____	_____
	Planning/	Verify measures are included in	_____	_____

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
a) All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.	Building Division:	construction documents prior to issuance of grading permit	_____ Sign.	_____ Date
b) All excavation, grading and demolition activities shall be suspended when average wind speeds exceed 20 mph.	Engineering/ Building Division:	Conduct periodic inspections during construction to ensure that measures are in place	_____ Sign.	_____ Date
c) Windbreaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Windbreaks should have at maximum 50 percent air porosity.				
d) Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.				
e) The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.				
f) All trucks and equipment, including their tires, shall be washed off prior to leaving the site.				
g) Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch or gravel.				
h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.				

Mitigation Measure	Completion:		
	Responsible Party	Implementation	Signature Date Completed
<ul style="list-style-type: none"> <li>i) Minimizing the idling time of diesel powered construction equipment to two minutes.</li> <li>j) The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.</li> <li>k) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).</li> <li>l) Require that all construction equipment, diesel trucks and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.</li> <li>m) Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</li> </ul>			

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p><b>Mitigation AQ-4, Construction-Period DPM Emission Reductions:</b> All off-road construction equipment greater than 25 horsepower shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards. The Contractor may use the next cleanest piece of off-road equipment (i.e., Tier 3 Engine with Level 3 Verified Diesel Emission Control Strategy [VDECS], Tier 3 Engine with Level 2 VDECS, or Tier 3 Engine with alternative fuel), if:</p> <p>a) a particular piece of off-road equipment that meets these standards is technically not feasible;</p> <p>b) the equipment would not produce desired emissions reduction due to expected operating modes;</p> <p>c) installation of the equipment would create a safety hazard or impaired visibility for the operator; or,</p> <p>d) there is a compelling emergency need to use off-road equipment that does not meet these standards; and</p> <p>e) The Contactor develops a Construction Emissions Minimization Plan (CEMP) to describe the process used to identify the next cleanest piece of off-road equipment and the steps that will be taken to reduce emissions of criteria air pollutants to the greatest extent practicable.</p>	Applicant:	Include all measures in project construction documents	_____ Sign.	_____ Date
	Building/ Planning Division:	Verify that measures are included in construction documents prior to issuance of grading and building permits	_____ Sign.	_____ Date
	Building/ Engineering Division:	Conduct periodic inspections during construction to ensure that measures are in place	_____ Sign.	_____ Date
<b>Biological Resources</b>				
<p><b>Mitigation Measure Bio-2a: Pre-Construction Nesting Surveys.</b> If grading operations or construction is scheduled during the nesting season for migratory birds (February 1</p>	Applicant:	Retain qualified biologist to perform nesting survey/call	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>through August 30), trees in the Project site shall be surveyed including call surveys as appropriate for nesting migratory birds.</p> <p>a) Surveys shall be conducted within the following buffers of the construction site: 1) 150 feet for nesting raptors, and 2) 500 feet for nesting passerines.</p> <p>b) The surveys shall be conducted no more than 15 days prior to the start of any ground disturbing activities.</p> <p>c) If an active nest is found prior to construction or during construction activities, a qualified biologist, in consultation with CDFW, shall determine the appropriate buffer size and delineate the buffer using ESA-approved fencing, pin flags, and/or yellow-caution tape. A buffer zone shall be maintained around all active nest sites until the young have fledged and are foraging independently.</p> <p>d) In the event that an active nest is found after the completion of preconstruction surveys and after construction begins, all construction activities shall be stopped until a qualified biologist has evaluated the nest and erected the appropriate buffer around it.</p>	Applicant:	survey, as required per measure	_____	_____
	Qualified Biologist:	Notify Planning Division and CDFW in the event of active nest discovery	Sign.	Date
	Building/Engineering/Planning Division:	Perform survey in event of active nest discovery consult with CDFW and establish buffer. Submit findings to City.	Sign.	Date
		Review findings prior to issuance of grading permit and verify that buffers are maintained (if required) during construction through periodic site inspections	Sign.	Date
<p><b>Mitigation Measure Bio-2b, Pre-Construction Tree Roost Surveys:</b> For all tree removal and vegetation management activities the following measures shall be implemented to protect bats:</p>	Applicant:	Schedule and perform tree removal in conformance with measures, or retain qualified biologist to perform a bat roost	Sign.	Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>a) Tree removal shall be conducted between September 1st and March 31<sup>st</sup> in order to avoid the bat maternity periods and ensure protection of bat species. Should maintenance activities necessitate tree removal during the maternity roosting season (April 1st – August 31st) then a qualified biologist shall first perform a bat roost survey of trees within 7 days to determine if roosts are present. If no evidence is found, activities may proceed. In the event that an active roost is observed within the work area than a work exclusion zone of 50 to 250 feet shall be established. Work within the exclusion zone shall not be permitted until the maternity roosting season has completed. The appropriate size of the exclusion zone shall be determined by a qualified biologist based upon the species and its susceptibility to disturbance.</p> <p>b) Any tree removal with breast diameter height (dbh) greater than 12 inches or with complex bark structures or with cavities shall be felled and allowed to rest on the ground overnight prior to removal.</p> <p>c) Maintenance activities shall avoid the dust and dawn period to preclude impacts to emerging bats. Rather, activities shall occur between 1 hour after sunrise and one hour before sunset.</p>	Applicant:	<p>survey within 7 days prior to tree removal</p> <p>Notify Planning Division and CDFW in the event of protected bat discovery</p>	_____ Sign.	_____ Date
	Qualified Biologist:	<p>Perform Preconstruction surveys and submit results and recommendations to the City.</p>	_____ Sign.	_____ Date
	Building/Engineering/Planning Division:	<p>Review findings prior to issuance of grading permit and verify that exclusion zones are maintained (if required) during construction through periodic site inspections</p>	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p><b>Regulatory Requirements, Bio-3:</b> Pursuant to existing regulations, the Applicant is required to obtain all required authorizations from the U.S. Army Corps, the RWQCB, the California Department of Fish and Wildlife and other regulatory agencies with jurisdiction, for the disturbance of waters of the U.S. and their associated aquatic habitat.</p> <p>In addition to any and all conditions of approval as required by these resource agency permits and authorizations, the following mitigation measures shall be implemented, representing the City of Petaluma (as lead agency) baseline mitigation requirements.</p>	Applicant:	Obtain all required agency permits and authorizations (e.g., from U.S. Army Corps, USF&WS, RWQCB and/or CDFW) for River terrace grading	_____ Sign.	_____ Date
	Planning Division:	Verify that all required agency permits have been obtained prior to issuance of grading or building permits including for River Terracing	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-3A, Limitations on the Grading Period:</b> To the extent feasible, limit grading in the river area to the dry season, between June 15 and October 15, when low flow conditions are present in the River. Limit vegetation removal to the period between June 15 and November 15 to avoid potential impacts to anadromous fish species and nesting birds, and to avoid interfering with adult spawning migrations or the outmigration of smolts.</p>	Applicant:	Schedule terraced grading and vegetation removal as prescribed	_____ Sign.	_____ Date
	Building/ Planning Division:	Limit issuance of grading permit for River terracing to schedule as prescribed	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-3B: Pre-Construction Surveys.</b> A qualified USFWS-approved biologist shall conduct pre-</p>	Applicant:	Retain a qualified biologist to perform		

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>construction surveys of all ground disturbance areas within suitable habitats in the Project site to determine if California red-legged frogs and Western pond turtles are present prior to the start of grading operations. These surveys shall be conducted within 48 hours prior to the initiation of grading activities in habitats where these species have the potential to occur.</p> <p>a) Preconstruction surveys to detect western pond turtles should focus on suitable aerial and aquatic basking or nesting habitat such as logs, branches and riprap, as well as the shoreline and adjacent warm, shallow waters where pond turtles may be present below the water surface beneath algal mats or other surface vegetation.</p> <p>b) Where feasible, preconstruction surveys to detect western pond turtle nesting activity should be concentrated within 0.25 mile of suitable aquatic habitat and should focus on areas along south- or west-facing slopes with bare hard-packed clay or silt soils or a sparse vegetation of short grasses or forbs.</p>	Qualified Biologist:	pre-construction surveys	_____ Sign.	_____ Date
		In consultation with CDFW, establish exclusion zone buffer in event of discovery. Submit results and recommendations to the City.	_____ Sign.	_____ Date
	Planning Division	Verify results of pre-construction surveys prior to issuance of grading permits for River terracing	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-3C, Relocation:</b> If any special status species are found, either they shall be re-located, or an exclusion zone shall be established and maintained around the occupied habitat until the biological monitor, in consultation with the resource agencies, determines construction activities can proceed in these zones.</p> <p>a) Any re-location efforts shall be pre-approved by the resource agencies.</p>	Applicant/ Biologist	In the event of discovery of special status species, contact Planning Division and CDFW	_____ Sign.	_____ Date
	CDFW (if special status species are found):	In the event of discovery of special status species, determine whether	_____ Sign.	_____ Date



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>b) If CRLF, WPT or their nesting sites are found, the biologist shall contact the CDFW to determine whether relocation and/or exclusion buffers and nest enclosures are appropriate. If the CDFW approves of moving the animal, the biologist shall be allowed sufficient time to move the animal(s) from the work site before work activities begin.</p>	Building/ Planning Division	<p>relocation and/or exclusion buffers and nest enclosures are appropriate</p> <p>In the event of discovery of special status species, authorize construction activity only after CDFW authorization</p>	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-3D, Implement Best Management Practices:</b> Avoidance and minimization measures shall be employed prior to and during construction, as required and/or approved by the resource agencies, to protect special status species and sensitive habitats. These measures shall include, but not be limited to:</p> <p>a) A USFWS-approved biologist shall be present during grading and clearing activities that could result in harm to these species. The approved biologist shall have stop-work authority in the event that a California red-legged frog or Western pond turtle is found within the Project site.</p> <p>b) Install exclusion fencing around grading and clearing zones to keep out special-status. The areas approved for</p>	Applicant:  Biological Monitor:	<p>Retain USFWS-approved biologist/Biological Monitor</p> <p>Erect required fencing, conduct periodic surveys, ensure implementation of all required BMPs during grading. Maintain a log of activities and make available to USFWS and City upon request.</p>	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>grading and clearing shall be delineated with temporary high-visibility orange-colored fence at least 4 feet in height, flagging, or other barriers. Signs shall be posted that clearly state that construction personnel and equipment shall not move outside of the marked area. The fencing shall be inspected by the USFWS-approved biologist and maintained daily until project completion. The fencing shall be removed only when all construction equipment is removed from the site. No construction activities shall take place outside the delineated project site.</p> <p>c) Have the Biological Monitor survey each zone periodically and relocate species as necessary.</p> <p>d) Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with:</p> <ul style="list-style-type: none"> <li>• identification of California red-legged frog and their habitat, Western pond turtle and their habitat and identification of protected salmonids and their habitats,</li> <li>• general provisions and protections afforded by the Endangered Species Act,</li> <li>• measures implemented to protect the species, and</li> <li>• a review of project site boundaries</li> </ul> <p>e) To avoid attracting predators, food-related trash shall be kept in closed containers and removed daily from the project site.</p>	Building/ Planning/ Engineering Division	Verify presence and maintenance of BMPs during construction at site inspections	_____ Sign.	_____ Date



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p><b>Mitigation Measure Bio-4: Compensation for Seasonal Wetlands Fill.</b> The Project applicant shall provide on-site compensatory mitigation sufficient to achieve a no-net-loss standard, subject to additional requirements of the permitting agencies. Compensatory mitigation shall be achieved through creation restoration and enhancement of wetland habitat acreage at appropriate locations within the Project site, providing new, higher quality wetlands habitat value than the low value habitat lost due to Project fill and terrace grading.</p> <p>a) Final site plans should seek to avoid and retain wetland features where feasible</p> <p>b) Compensatory wetland habitat shall ensure no net loss of habitat functions and values.</p> <p>c) Compensatory ratios shall be based on site-specific information and determined through coordination with the Corps and RWQCB.</p> <p>d) A Restoration and Monitoring plan for the compensatory wetlands shall be developed and implemented by the applicant. The Restoration and Monitoring Plan shall describe how the new wetlands shall be created and monitored over a minimum establishment period of five years.</p>	Applicant/ Qualified Biologist:	Demonstrate all required on-site compensatory mitigation in Landscape Plan for terrace grading  Prepare Restoration Habitat and Monitoring Plan	_____ Sign.	_____ Date
	Planning Division / Planning Commission:	Review and approve Landscape Plan for terrace grading and HMMP, pursuant to SPAR process	_____ Sign.	_____ Date
	Building/ Planning Division:	Verify that on-site compensatory mitigation locations are provided on grading and improvement plans for terrace grading prior to issuance of grading permit	_____ Sign.	_____ Date
<p><b>Regulatory Requirements, Bio-5:</b> Pursuant to existing regulations, the Applicant is required to obtain all required authorizations from the CDFW (as applicable) for the loss or disturbance of on-site riparian vegetation resulting from</p>	Applicant/ Biologist:	Obtain all required agency permits and authorizations (e.g., from CDFW for loss	_____ Sign.	_____ Date



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
selected location could be authorized by the City for interpretive purposes only.	Building/ Planning Division:	Verify that on-site compensatory mitigation locations are provided prior to issuance of grading permit for terrace grading	_____ Sign.	_____ Date
<b>Mitigation Measure Bio-5B, Riparian Tree Preservation:</b> A consulting arborist shall review preliminary grading plans for the river terrace and for the riverside path, prior to issuance of grading plans. The arborist shall recommend tree preservation measures (i.e., protective fencing, grading limits and tree pruning plans) to ensure preservation of individual riparian and oak woodland trees within and abutting the riparian zone. This measure shall also apply to those riparian zones as expanded by the river terracing project, including trees #65-68, 70-73, 80, 106-107, 209-212 and 205-208, and the 0.30-acre willow thicket designated as the Riparian (Willow) Preservation Zone.	Applicant:	Retain consulting arborist for review of preliminary grading plans. Ensure protection of all trees to be retained pursuant to Mitigation Measure Bio-11C (below)	_____ Sign.	_____ Date
	Professional Arborist:	Review preliminary grading plans prior to issuance of grading permits, and recommend specific tree preservation measures to ensure preservation of individual riparian and oak woodland trees within and abutting the riparian zone	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
	Planning Division / Planning Commission:	Review and approval of Tree Removal pursuant to SPAR	_____ Sign.	_____ Date
	Engineering/ Planning/ Building Division:	Verify that final SPAR-approved Tree Removal and all conditions thereof are included in Frontage Improvement Plans and grading permits	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-5C, Habitat Mitigation and Monitoring Plan:</b> A final Habitat Mitigation and Monitoring Plan (HMMP) shall be submitted for review and approval by the regulatory agencies and the City. The City shall authorize the HMMP prior to issuance of the terrace grading plans. The Final HMMP shall be implemented. The HMMP shall include a landscape and biological restoration plan prepared and signed by a licensed landscape architect, either experienced in environmental restoration or with appropriate consultation and input from wetlands biologists, soil scientists and hydrologists. The goals and objectives for the HMMP must be clearly stated, and the plans must be developed based on a thorough analysis of existing biologic, soils, and hydrologic conditions, including a consideration of the historic plant community.</p> <p>a) When stabilized and restored, the Restoration Zone shall be designed and constructed such that it contributes</p>	Applicant:	Finalize HMMP for review by the regulatory agencies and the City	_____ Sign.	_____ Date
	Planning Division:	Coordinate and ensure review and comment on HMMP by applicable regulatory agencies prior to City approval	_____ Sign.	_____ Date
	Planning Division / Planning Commission	Review and approval of HMMP pursuant to SPAR	_____ Sign.	_____ Date





Mitigation Measure	Completion:			
	Responsible Party	Implementation	Signature	Date Completed
<p>controls shall be installed as necessary. Sediment that is captured in these controls may be disposed of onsite in an appropriate approved area or off-site at an approved disposal site.</p> <p>b) Soil materials stockpiled at the site must be covered with plastic sheeting at the end of each workday until permanently protected with rock ballast materials.</p> <p>c) Spill prevention and control BMPs shall be implemented throughout grading activities. Train onsite personnel in spill prevention practices, and provide spill containment materials near all storage areas. All contractors are responsible for familiarizing their personnel with the information contained in the Storm Water Pollution Prevention Plan.</p> <p>d) Spills, leaks, and other problems of a similar nature shall be resolved immediately to prevent unnecessary impacts. A plan for the emergency cleanup of any spills of fuel or other material shall be available on-site, and workers shall be trained in techniques to reduce the chance for spills, contain and clean up spills, and properly dispose of spilled materials for the potential pollutants. Adequate materials for spill cleanup shall be maintained on-site and readily available to the employees of each contractor or subcontractor for immediate response should a spill occur on-site.</p> <p>e) Maintain all construction equipment to prevent oil or fluid leaks, use drip pans or other secondary containment</p>				

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>measures beneath vehicles during storage, and regularly inspect all equipment and vehicles for fluid leaks.</p> <p>f) Water down all disturbed ground surfaces as necessary to minimize windblown dust.</p> <p>g) Fuel and service vehicles and equipment that are used during the course of the proposed grading operation, and park all grading equipment overnight on the upland portion of the site and in a safe area outside of sensitive habitats. Wash vehicles and equipment off-site.</p> <p>h) Implement the HMMP immediately after grading operations are complete to re-vegetate all disturbed areas.</p>				
<p><b>Mitigation Measure Bio-7A, Hooding or Shielding of Outdoor Lighting Fixtures:</b> All outdoor lighting including any lighting along the river trail shall be focused and directed to the specific location intended (e.g., walkways, sidewalks, paths). Such fixtures shall be hooded or shielded to avoid the production of glare, minimize up light and light spill. All light fixtures shall be located, aimed, or shielded to minimize spill-light into the riparian corridor and associated trees; this shall be demonstrated as a component of SPAR review. (The River Plan Design Guidelines states that some portions of the river trail may be lit.)</p>	Applicant/ Architect:	Prepare Outdoor Lighting Plan for SPAR review, demonstrating implementation of all measures	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-7B, Pre-Construction Surveys (see Mitigation Measure Bio-1A):</b> This measure requires pre-construction biological surveys and determination of avoidance measures as necessary during construction.</p>	Planning Division / Planning Commission:	Review and approve Project's Outdoor Lighting Plan pursuant to SPAR	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-7C, Avoidance and Minimization (see Mitigation Measure Bio-3):</b> This</p>	Building/ Planning Division:	Verify final SPAR-approved Outdoor Lighting Plan prior to issuance of building permits	_____ Sign.	_____ Date



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>buffer zone plantings as recommended from the City of Petaluma’s approved list (including River Plan page 165 and Chapter 5, Table 1). The planting objectives in this riparian buffer will be to minimize removal of native vegetation and re-plant, where appropriate, with native plants species.</p> <p>c) Landscaping within the River Oriented Development Zone (i.e., the Project’s upland development area on existing Parcel -009) shall include use of "compatible" plants, as defined in the River Plan (Chapter 5, Tables 1 and 2).</p> <p>d) Although not included as part of the River Plan’s River Oriented Development Zone, landscaping within existing Parcel -006 should be similar to that in the RODZ.</p>	Building/ Planning Division:	Verify that final SPAR-approved Landscape Plan, shows all required native riparian species prior to approval of final grading plans for terraced grading within River Preservation and Restoration zones, including Buffer Zone	_____ Sign.	_____ Date
<p><b>Mitigation Bio-10A, Limitations on Improvements within the Petaluma River Plan Corridor:</b> No residential structures or directly related residential components of the Project shall extend into the Petaluma River Plan Corridor (comprised of the Preservation, Restoration, and Buffer Management Zones of the River Plan, see Corridor mapped at Figure 2-5). The only improvements allowed within the River Plan Corridor include the river trail, terracing and restoration. During the SPAR process, the Planning Commission could allow minor encroachments associated with residential improvements, such as a detention basin and/or segments of sidewalk within the outer buffer management zone, if found to be consistent with the intent of the River Plan and not impactful to the River Plan Corridor.</p>	Applicant:	Prepare final Site Plans demonstrating no encroachment of residential structures into Petaluma River Plan Corridor  Site Plans shall specifically indicate any requests for minor encroachments into River Plan Corridor	_____ Sign.	_____ Date
	Planning Division /	Verify no encroachment of residential structures	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p><b>Mitigation Bio-10B, RODZ review at SPAR:</b> The Site Plan and Architectural Review process shall include evaluation and review of the Revised Project for consistency with River Oriented Development Zone (RODZ) policies and design guidelines. (See River Plan page 79-80 and Chapter 9: Design Guidelines.) As the concept plan for the apartment project is fully detailed for Site Plan and Architectural Review, the northern portion of the Project that is within the RODZ (Parcel -009) shall be designed pursuant to the RODZ Guidelines.</p>	Planning Commission	into Petaluma River Plan Corridor, and specifically itemize any approved minor encroachments for associated improvements		
	Building/ Planning Division:	Verify that final SPAR-approved Site Plan conditions of approval are included prior to issuance of grading and/or building permits	_____ Sign.	_____ Date
<p><b>Mitigation Measure Bio-11A, Ensure Preservation of Existing Trees:</b> The final designs of the residential portion of the Project should be designed to reflect the goal of preserving protected trees located within the Petaluma River Plan Corridor and those oaks isolated in the RODZ. While it is recognized that the preservation of all existing trees on the Project site may conflict with reasonable land development considerations and with creation of the terrace directed by the General Plan, the final design of the Project, to be reviewed at SPAR, shall seek to preserve the most desirable and significant healthy trees on site.</p>	Applicant/ Professional Arborist:	Prepare a Landscape Plan for SPAR review demonstrating best efforts to preserve the most desirable and significant healthy trees on site, per measures	_____ Sign.	_____ Date
		Ensure protection of all trees to be retained pursuant to Mitigation Measure Bio-11C (below)		

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
a) No protected tree shall be removed unless a tree removal, grading or building permit is issued by the Community Development Department.	Planning Division / Planning Commission:	Review and approval of Tree Protection pursuant to SPAR	_____ Sign.	_____ Date
b) As the Revised Project concept plan depicts, the residential structures shall not extend into the Petaluma River Plan Corridor. Protected healthy oak trees located within the Petaluma River Corridor (trees #69, 75, 77 and 79) shall be preserved. Within the Petaluma River Plan Corridor, the small California bay (#74) shall also be preserved as a native tree within the Corridor. The eucalyptus (#76) shall be removed as an exotic species undesirable near a riparian setting.	Planning/ Engineering/ Building Division:	Verify that final SPAR-approved Tree Removal is accurately shown on the grading and Building Permit and all conditions thereof are included in Public Improvement Plans and grading permits	_____ Sign.	_____ Date
c) As the Revised Project concept plan depicts, not more than three mature oak trees shall be removed from the RODZ (i.e., within APN-009) to accommodate the Project. The Revised Project's concept plan shows these as oaks #59, 60 and 61. Younger oaks #101 and 202 shall also be preserved. Should the updated arborist review (per Mitigation Measure Bio-11e) find that any of the large oaks proposed to be preserved by the concept plan is not healthy and a good candidates for preservation, the site plan designed for SPAR shall instead preserve another of the large oaks on APN-009.				
d) The Site Plan and Architectural Review process shall further consider site design modifications to preserve protected trees to the greatest extent possible at APN-006 generally (as directed by the Tree Ordinance). Each Protected tree shall be further considered for preservation; oaks #1, 13, 17 and 100 shall be				



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>structure, shall be replaced on a two-to-one trunk diameter basis. (Example: A 24-inch protected tree in fair-to-marginal condition must be replaced with new trees totaling 12 inches in trunk diameter)</p> <p>c) Replacement tree ratios shall be applied as follows:</p> <ul style="list-style-type: none"> <li>• 24-inch box replacement tree = 2-inch replacement trunk diameter</li> <li>• 36-inch box replacement tree = 3-inch trunk replacement diameter</li> <li>• 48-inch box replacement tree = 4-inch trunk replacement diameter</li> </ul> <p>d) Replacement trees shall be at minimum 24-inch box size.</p> <p>e) All protected trees determined by the Project arborist to have poor health or poor structure are not required to be replaced.</p> <p>f) Replacement trees shall be planted within the Project boundaries to the extent feasible, and the applicant shall find suitable off-site location(s) for the required trees if on-site replacement is found infeasible.</p> <p>g) If the location of replacement tree planting will remain as a natural area suitable for the healthy and long-term growth of native trees, replacement of protected trees should occur in-kind. If the location of replacement tree planting will be part of an irrigated, ornamental landscape area, replacement of protected trees may occur with a species as identified by the project arborist and approved by the City Planning Department</p>	Engineering/ Planning/ Building Division:	Verify that final SPAR-approved Landscape Plan, which shows all required replacement trees, is included as part of final Public Improvement Plans and landscape plans	_____ Sign.	_____ Date



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p><b>Mitigation Measure Bio-11C, Tree Protection Plan:</b> All trees designated for preservation must have a good chance of long-term survival; specific recommendations to avoid firstly construction and then long-term impacts shall be included for each to-be-preserved tree. Simply preserving a tree does not excuse it from designated mitigation requirements. Preserved trees must have a good chance to survive after all the impacts of construction are considered. Consistent with the recommendations for tree protection as listed in the Petaluma River Access and Enhancement Plan (RAEP), a tree protection plan for the Project shall be prepared by a licensed landscape architect, arborist or certified forester and approved by the City, for all trees to be preserved within the Project to protect them during on-site grading and construction. A conceptual tree protection plan for the Project shall be provided for SPAR review, and a final tree protection plan for the Project shall be included as part of all Public Improvement Plans and grading permits issued for the Project. The following tree protection measures from the River Plan shall implemented:</p> <p>a) All trees over five feet tall, or with a diameter over six inches measured at 4.5 feet in height over ground level, must be drawn to scale on plans, including species, approximate age and height, diameter at three feet and drip line. Also, show trees on adjacent property if the property line abuts or goes under drip line. Oaks to 4" in diameter, within 50' of the property line should be called out separately.</p>	Applicant/ Licensed Landscape Architect, Arborist or Certified Forester approved by the City	Prepare conceptual Tree Protection Plan for all trees to be preserved within the Project, and to protect them during on-site grading and construction	_____ Sign.	_____ Date
	Planning Division / Planning Commission:	Review and approval of conceptual tree protection plan pursuant to SPAR	_____ Sign.	_____ Date
	Engineering / Planning/ Building Division:	Verify that final SPAR-approved tree protection plan is included in Public Improvement Plans and grading permits	_____ Sign.	_____ Date

Mitigation Measure	Completion:		
	Responsible Party	Implementation	Signature Date Completed
b) Plans shall indicate clearing, stripping and grading limits. Clearing and stripping limits must be staked on-site by the project engineer.			
c) All utility plans must be included and their location relative to trees shown on plans.			
d) Specific trees to be saved must be noted on the grading plans and shall be clearly marked on all plans and in the field.			
e) Trees within the clearing areas (including exotics) noted to be removed shall be clearly marked on plans and in the field.			
f) Applicants are encouraged to work closely with City staff to decide which trees, if any, must be removed. Convincing and compelling reasons must be provided for the removal of any native species.			
g) Bulkheads or tree wells may be used around trees where grading may be detrimental to the tree's preservation.			
h) No grading shall be done within the drip line of trees to be saved except where noted on approved grading or landscaping plan.			
i) Construction equipment is prohibited from areas of the site where no grading will occur. Storage of equipment, vehicles, topsoil or materials shall not be permitted within the drip line of trees to be saved. Areas of natural vegetation shall be protected as necessary.			
j) Trees to be saved shall be fenced or protected to the satisfaction of the Planning Director prior to start of			

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>construction, and maintained throughout the construction period.</p> <p>k) If grading is permitted under a drip line, once grade has been established, a temporary six-foot tall chain link fence should be installed around the tree at a distance of six feet minimum (or at a distance to be determined by arborist), from the trunk. This fence is to remain until construction is complete. Nothing may be stored inside this fence.</p> <p>l) All excavation within a tree's drip line should be done by hand with a shovel and pick. If a woody root is encountered, care should be taken not to split the root, as this would create an entrance site for disease that can destroy the root and grow into the tree via the root. The roots should be wrapped in wet burlap to protect them from drying out while they are out of the soil. If a root needs to be cut, a very sharp hand-pruning saw should be used. Again, be careful not to split or twist the root or allow it to dry out.</p> <p>m) If a utility line must be installed within a drip line, drill or bore the conduit through the soil rather than digging a trench. Less root damage will occur. Place all utility lines in the same passage, if possible, to avoid disruptions to the root zone.</p> <p>n) There should be no trenching, drilling, or boring within six feet of the trunk. In parking lots, irrigation and aeration devices must be installed.</p>				

Mitigation Measure	Completion:		
	Responsible Party	Implementation	Signature Date Completed
<p>o) If paving is necessary within the drip line, use porous materials such as gravel, cobbles, brick with sand joints, wood chips or bark mulch.</p> <p>p) Non-oak trees should be irrigated before construction starts. Oak trees should be irrigated prior to August 1. This will ensure that the trees can better withstand the stress of construction. Irrigation is extremely important during spring and summer for stressed, mature non-oak native species.</p> <p>q) After construction, do not fertilize the native oak trees until the following season's leaf is matured. This prevents a construction stressed tree from further decline by over-expending its energy reserves in response to the fertilizer.</p> <p>r) During the course of construction operations, any pruning of trees designated on plans as "to be saved", shall be performed under the supervision of a qualified arborist. No pruning by construction personnel is permitted. Care shall be taken to ensure that proper pruning, thinning and treatment for disease prevention shall be employed.</p> <p>s) Any additional tree removals necessitated during the course of construction operations, but not shown for removal on approved plans, shall be inspected and approved by the Planning Department prior to such removals. Planting of specimen trees (36-inch box) at a compensation rate of at least 3:1, or as determined by the City will likely be required to replace trees damaged or removed during construction.</p>			

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>t) On-site inspections by the project engineer and landscape architect shall ensure that there is no encroachment into the areas beyond the "limits of grading" as shown. Trees outside the grading area or designated "to be saved" are to be adequately protected during construction operations.</p> <p>u) Landscaping under native oak trees should consist of drought tolerant plants or California native plants that are drought tolerant in nature and must not require supplemental water so as to be detrimental to the trees. There is to be no landscaping within the drip line. Chipped bark, mulch or cobblestones are suitable for this area. No lawns should be planted within the drip line.</p> <p>v) Permanent irrigation systems should be bubbler, drip or sub-terrain only. No sprinkler systems should be allowed within six feet of trees, except for Oaks. Oaks may have a temporary drip only.</p> <p>w) A manually operated drip system is the preferable method of irrigation within the drip line, although irrigation is not recommended under established native oaks at all, and especially not in the summer. Never allow irrigation water to seep into the six-foot radius or pool around the root crown</p>				
<p><b>Mitigation Measure Bio-12A, Infected Tree Identification:</b> Pursuant to the City's Tree Removal Permit process and prior to Public Improvement Plan approvals and grading permit issuance, all trees of "at-risk" species</p>	Applicant/ Arborist:	Survey all trees of "at-risk" species proposed for removal for sudden oak death pathogens	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>proposed for removal shall be surveyed for sudden oak death pathogens and individual treatment methods identified.</p> <p><b>Mitigation Measure Bio-12B, Tree Removal Precautions:</b> If a tree needs to be removed, the tree stump should be cut as close to the ground as practical. Stump grinding is not recommended because the equipment may become contaminated by soil and result in pathogen spread when used at another location. The operation of vehicles or heavy equipment in such areas may lead to further disease spread when soil is disturbed and moved around. If at all practical, tree removal should be scheduled between June to October when conditions are warm and dry, and avoid removing diseased trees when moist conditions favor pathogen spread (November to May).</p> <p><b>Mitigation Measure Bio-12C, Debris Removal Precautions:</b> Proper disposal of infested material is an effective means of limiting the spread of pathogens. In infested areas, leaving infected or dead trees on site has not been shown to increase the risk of infection to adjacent trees. Removal from a property is only recommended if it is the first infected tree to be detected in the area, if the fire risk is high, or if the dead tree is a safety hazard. If debris cannot be left on site, infested material should be disposed of at an approved and permitted dump facility.</p> <p>a) Whenever possible, the tree debris should be left on-site in a safe area where large woody debris will not move, endanger the public, contaminate uninfected hosts or constitute a fire hazard.</p>	<p>Planning / Engineering / Building Division:</p>	<p>Develop individual treatment methods per measures, include measures in grading plan and implement during tree removal</p> <p>Verify treatment measures and approve Tree Removal prior to Public Improvement Plan approvals and grading permit issuance</p>	<p>_____ Sign.</p>	<p>_____ Date</p>

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
b) When infected oaks are cut down and left on site, branches should be chipped and larger wood pieces cut and split. Woodpiles should be stacked in sunny locations to promote rapid drying. c) Firewood and chips should not be left in an area where they might be transported to another location (e.g. trailside, parking areas, etc.).				
<b>Cultural Resources</b>				
<b>Mitigation Measure Cultural-1: Monitoring of Well Abandonment.</b> When the two existing wells on the site are removed, a qualified archaeologist shall be present to record and recover any potentially significant historic-era deposits that may be uncovered. If historic materials are observed, they shall be recorded on the appropriate DPR forms and such forms filed with the CHRIS and the Planning Division. In the event that the onsite wells are abandoned and capped in place, then monitoring would be unnecessary, as no disturbance to potential resources would occur.	Applicant/ Qualified Archaeologist:	The Applicant shall retain a qualified archaeologist to record and recover any potentially significant historic-era deposits and submit records to CHRIS and Planning Division	_____ Sign.	_____ Date
<b>Mitigation Measure Cultural-2: Discovery of Unknown Archaeological Resources and Tribal Resources (as amended).</b> To reduce potential impacts on prehistoric site deposits and or Tribal cultural resources that may be discovered during construction: a) The applicant shall retain the services of a qualified archaeological consultant approved by the City of Petaluma and from the Federated Indians of Graton Rancheria’s list of qualified archaeologists who have also	Applicant:	Retain qualified archaeological consultant approved by the City of Petaluma and from the Federated Indians of Graton Rancheria’s list of qualified archaeologists	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>demonstrated the ability to work cooperatively with the Tribe, to monitor ground-disturbing activity near the Petaluma River; that is during the river terrace grading work. The archeologist shall monitor ground-disturbing activities according to a schedule agreed upon by the archeological consultant and the City of Petaluma. The monitor need only be present during activities that could affect significant archeological deposits or Tribal cultural resources. After considering the types of project activities and the probabilities of encountering a significant archaeological deposit or Tribal cultural resource, the City and the archaeologist shall adjust the monitoring frequency accordingly, or implement a cessation of the monitoring schedule altogether.</p> <p>b) If a concentration of artifacts, cultural soils or Tribal cultural resources is encountered during construction anywhere on-site, all soil-disturbing activities within 100 feet of the discovery shall cease. The archaeological monitor shall have the authority to stop work and temporarily redirect crews and heavy equipment until the resource is evaluated. The archaeological monitor shall immediately notify the City of Petaluma Planning Division of resources encountered. The archeological monitor shall, after making a reasonable effort to assess the identity, integrity and significance of the encountered resource, present the findings of this assessment to the City and provide treatment recommendations.</p>	Qualified Archaeological Consultant	Monitor ground-disturbing activity near the Petaluma River during the river terrace grading work. Stop work and notify Planning Division in the event of potentially significant archaeological resource discovery – develop appropriate resource treatment program. Submit a record of monitoring and findings to City	_____ Sign.	_____ Date
	FIGR THPO:	If resources are encountered, review find, assess significance, and provide input of treatment plan	_____ Sign.	_____ Date
	Planning / Division:	Review record of monitoring and coordinate with FIGR on treatment plan	_____ Sign.	_____ Date



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p><b>Mitigation Measure Cultural-3: Discovery of Unknown Paleontological Resources.</b> In the event paleontological resources are encountered, the applicant shall procure a qualified paleontologist approved by the City of Petaluma to document, evaluate and assess the significance of the resource in accordance with the criteria set forth in the guidelines adopted by the Society of Vertebrate Paleontology, CEQA Guidelines Section 15064.5.</p> <p>a) In the event of discovery during construction, excavations within 100 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995). The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before earthmoving or grading is allowed to resume at the location of the find.</p> <p>b) If the City determines that avoidance is not feasible, the paleontologist shall prepare and recommend to the City an excavation plan for mitigating the effect of the project on the qualities that make the resource significant. The plan shall be submitted to the City for review and approval prior to resuming construction activities.</p>	Applicant:	Include measure on project construction contract and improvement plans	_____ Sign.	_____ Date
	Construction Contractor/ Applicant:	Notify Planning Division in the event of potentially significant archaeological resource discovery	_____ Sign.	_____ Date
	Paleontologist:	In event of discovery, prepare and recommend to the City an excavation plan for mitigating effects to the resource	_____ Sign.	_____ Date
	Planning / Division:	In event of discovery, review and approve an excavation plan for mitigating effects to the resource	_____ Sign.	_____ Date
<p><b>Mitigation Measure Cultural-4: Discovery of Human Remains.</b> In the event that human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended and the following measures</p>	Applicant/ Construction Contractor:	Include measure on project construction contract and improvement plans	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
shall be undertaken in accordance with the Health and Safety Code Section 7050.5:				
a) The Sonoma County Coroner shall be contacted to determine that no investigation of the cause of death is required.		Notify Planning Division and County Coroner in the event of discovery - If the Coroner determines the remains to be Native American, contact the Native American Heritage Commission	_____ Sign.	_____ Date
b) If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours.				
c) The project sponsor shall retain a City-approved qualified archaeologist to provide adequate inspection, recommendations and retrieval, if appropriate.	Applicant:	In event of discovery, retain qualified archaeologist to provide inspection, recommendations and retrieval, if appropriate	_____ Sign.	_____ Date
d) The Native American Heritage Commission shall identify the person or persons believed to be the most likely descended from the deceased Native American, and shall contact such descendant in accordance with state law.				
e) The project sponsor shall be responsible for ensuring that human remains and associated grave goods are reburied with appropriate dignity at a place and process suitable to the most likely descendent.	Native American Heritage Commission	In event of discovery of Native American remains, contact most likely descendent and develop disposition plans	_____ Sign.	_____ Date
	Planning / Division:	In event of discovery, review and coordinate on recommendations and treatment	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
Mitigation Measures Cultural-2 through -4 identify procedures should any unknown tribal cultural resources be disturbed, and impacts of the Project on currently unknown Tribal cultural resources would be less than significant.	See above			
<b>Geology and Soils</b>				
<p><b>Mitigation Measure Geo-2A, Compliance with California Building Code:</b> Project development shall meet all requirements of the California Building Code Vols. 1 and 2, 2016 Edition or the most recent edition at the time of development. These standards include the California Building Standards 2015 Edition published by the International Conference of Building Officials (or most recent edition at the time of development), and as modified by the amendments, additions and deletions as adopted by the City of Petaluma.</p> <p><b>Mitigation Measure Geo-2B, Incorporation of Geotechnical Investigation Recommendations:</b> The recommendations of RGH Consultants' Geotechnical Engineering Report Update for Sid Commons (January 20, 2015) regarding foundation and structural design, or equivalent measures, shall be incorporated in the final design of each structure, contingent upon concurrence by the City's Engineer and Chief Building Official. To ensure that appropriate construction techniques are incorporated, the Project's Geotechnical Engineer shall inspect the construction work and certify to the City, prior to issuance of a certificate of occupancy, that all improvements have been</p>	Applicant:	Incorporate all Building Code and Geotechnical Investigation recommendations into project construction and improvement plans	_____ Sign.	_____ Date
	Building Division:	Review and approve all building permits in accordance with required measures	_____ Sign.	_____ Date
	Project Geotechnical Engineer:	Inspect construction work and certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
constructed in accordance with the approved Geotechnical Investigation specifications.	Building Division:	Verify at site inspections	_____ Sign.	_____ Date
<p><b>Mitigation Measure Geo-5A, Soil Treatment:</b> The detrimental effects of expansive soil movements can be reduced by pre-swelling expansive soils and covering them with a moisture fixing and confining blanket of properly compacted non-expansive engineered fill (select fill). Select fill can consist of approved non-expansive on site soils, imported non-expansive materials or lime stabilized on-site clay soils. In building areas, the blanket thickness of select fill required depends on the expansion potential of the soils and the anticipated performance of the foundations and slabs. In order to effectively reduce foundation and slab heave given the expansion potential of the site's soils, a blanket thickness of 30 inches shall be utilized in building areas at the Project site. In exterior slab and paved areas, the select fill blanket need only be 12 inches thick. On-site and imported select fill materials shall have a low expansion potential (EI less than 50), and conform in general to the following requirements:</p> <p>a) Sieve size of 6 inches – 100% passing (by dry weight)</p> <p>b) Sieve size of 4 inches – 90% to 100% passing (by dry weight)</p> <p>c) No. 200 – 10% to 60% passing (by dry weight)</p> <p><b>Mitigation Measure Geo-5B, Foundation Design:</b> The Project's proposed structures shall be supported on either post-tensioned slabs or mat slabs. These slabs shall be designed using the expansion characteristics of the soils.</p>	Applicant:	Incorporate soil treatment and/or Foundation design measures into project construction and improvement plans	_____ Sign.	_____ Date
	Building Division:	Review and approve all building permits in accordance with required measures	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
Grading to prepare the building pads shall consist of reworking the upper 2 to 3 feet of surface soils by excavating these soils, moisture conditioning them to at least 4 percent above optimum moisture content, and compacting them to at least 90 percent relative compaction, or as otherwise specified by the geotechnical engineer.				
<p><b>Mitigation Measure Geo-6, Erosion Control Plan:</b> Prior to issuance of a grading permit, an erosion control plan, along with grading and drainage plans, shall be submitted to the City Engineer for review. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma's Subdivision Ordinance (#1046, Title 20, Chapter 20.04 of the Petaluma Municipal Code) and Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code). These plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during construction activity on the project site.</p> <p>a) The Erosion Control Plan shall include winterization, dust control, erosion control and pollution control measures conforming to the ABAG Manual of Standards for Erosion and Sediment Control.</p> <p>b) The Erosion Control Plan shall describe the "best management practices" (BMPs) to be used during and following construction to control pollution resulting from both storm and construction water runoff. The Plan shall</p>	Applicant/ Contractor/ Geotechnical Engineer:	Prepare Erosion Control Plan for review and approval by City Engineer, including all applicable measures	_____ Sign.	_____ Date
	City Engineer / Building Division:	Approve Erosion Control Plan prior to issuance of grading permit	_____ Sign.	_____ Date
		Periodic site visit to verify compliance	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>identify locations for vehicle and equipment staging, portable restrooms, mobilization areas, and access routes.</p> <p>c) Recommended soil stabilization techniques include placement of straw wattles, silt fences, berms, and gravel construction entrance areas or other control to prevent tracking sediment onto city streets and into storm drains.</p> <p>d) Public works staff or representatives shall visit the site during grading and construction to ensure compliance with the grading ordinance and plans, and note any violations, which shall be corrected immediately.</p>				

**Hazards and Hazardous Materials**

**Mitigation Measure Haz-1A, Soil Testing and Regulatory Compliance (as amended):** Prior to issuance of building or grading permits, the project applicant shall conduct a soil testing program to identify the potential for agricultural chemicals, agriculture-related petroleum hydrocarbon spills, lead-based paint or elevated levels of contaminants near the rail tracks to be present in the soils at levels exceeding recommended health screening levels. Should any impacted soil be discovered that exceeds human health screening levels for residential soil as noted in DTSC’s HERO HHRA Note 3 criteria and/or Environmental Screening Levels (ESLs), such soils shall be excavated and removed for

Applicant:	Conduct soil testing program and investigations per measures	_____ Sign.	_____ Date
Applicant/ Applicable Regulatory Agency:	Submit to the City proof of clearance from all appropriate agencies prior to issuance of a grading permit- Or – submit approved Soils Management Plan	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>appropriate off-site disposal prior to development pursuant to existing regulatory requirements.</p> <p><b>Mitigation Measure Haz-1B, Discovery of Unknown Contaminants (as amended):</b> If unknown contamination, underground tanks, containers or stained or odorous soils are discovered during construction activities, appropriate investigation, sampling and comparison of data collected with health-based screening levels and/or consultation with a regulatory oversight agency shall be conducted.</p> <p>Specific design requirements and implementation measures for minimizing Project-generated erosion and for controlling fuel/hazardous material spills to be set forth in the applicant's SWPPP are identified in <b>Mitigation Measure Hydro-1: SWPPP Requirements</b> (see Chapter 11: Hydrology).</p>	<p>Applicant/ Grading Contractor:</p> <p>Building/ Planning/ Engineering Division:</p> <p>See MM Hydro-1, below</p>	<p>Comply with all requirements and conduct construction in conformance with measures</p> <p>Review proof of clearance or Soil Management plan and verify through site inspections</p>	<p>_____ Sign.</p> <p>_____ Sign.</p>	<p>_____ Date</p> <p>_____ Date</p>
<p><b>Mitigation Measure Haz-5, Fencing (as amended):</b> As demonstrated in the Revised Project's conceptual design, the Project shall include an open-design appropriate fence along the edge of and parallel to the rail tracks, with consideration provided to the protection of existing trees, to limit access onto the railroad right-of-way. The final fence design shall be subject to SPAR review and approval.</p>	<p>Applicant:</p> <p>Planning Division / Planning Commission:</p>	<p>Prepare detailed fence design plans</p> <p>Review and approval of fence design pursuant to SPAR</p>	<p>_____ Sign.</p> <p>_____ Sign.</p>	<p>_____ Date</p> <p>_____ Date</p>
<b>Hydrology and Water Quality</b>				
<p><b>Regulatory Requirement Hydro-1:</b> Pursuant to existing regulations, the applicant is required to obtain coverage under the NPDES General Construction Activities Permit</p>	<p>Applicant:</p>	<p>Obtain all required agency permits and</p>	<p>_____ Sign.</p>	<p>_____ Date</p>

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>from the RWQCB. In accordance with NPDES regulations, the Project applicant is also required to prepare a site-specific Storm Water Pollution Prevention Plan (SWPPP) per General Construction permit requirements.</p> <p>In addition to any and all requirements of these resource agency permits and authorizations, the following mitigation measures shall be implemented, representing the City of Petaluma (as lead agency) baseline mitigation requirements.</p>	Building/ Planning/ Engineering Division:	<p>authorizations (e.g., from RWQCB)</p> <p>Verify that all required agency permits have been obtained prior to issuance of grading or building permits, and Improvement Plans</p>	_____ Sign.	_____ Date
<p><b>Mitigation Measure Hydro-1, SWPPP Requirements:</b> Design requirements and implementation measures for minimizing Project-generated erosion and for controlling fuel/hazardous material spills shall be set forth in the applicant's SWPPP, in accordance with State and RWQCB design standards. It is recommended that the SWPPP, at a minimum, include the following or similar provisions:</p> <p>a) Leave existing vegetated areas undisturbed until construction of improvements on each portion of the development site is ready to begin;</p> <p>b) Immediately re-vegetate or otherwise protect all disturbed areas from both wind and water erosion upon the completion of grading;</p> <p>c) Collect storm water runoff into stable drainage channels, from small drainage basins, to prevent the buildup of large, potentially erosive storm water flows;</p>	Applicant:	<p>Prepare final SWPPP for all construction phases of the Project</p>	_____ Sign.	_____ Date
	City Engineer/ Engineering Division:	<p>Review and approve SWPPP as being in conformance with all applicable City and RWQCB design standards prior to issuance of grading, building and Frontage Improvement Plan permits</p>	_____ Sign.	_____ Date



Mitigation Measure	Completion:		
	Responsible Party	Implementation	Signature Date Completed
d) Direct runoff away from all areas disturbed by construction;			
e) Use sediment ponds or siltation basins to trap eroded soils before runoff is discharged into onsite or off-site drainage culverts and channels;			
f) Install straw rolls, straw bales or other approved materials below all disturbed areas adjacent to the Petaluma River and surrounding all wetland areas to be retained, to prevent eroded soils from entering the river channel. Maintain these facilities until all disturbed upslope areas are fully stabilized, in the opinion of the City Engineer;			
g) To the extent possible, schedule major site development work involving excavation and earthmoving for construction during the dry season;			
h) Develop and implement a program for the handling, storage, use and disposal of fuels and hazardous materials. The program should also include a contingency plan covering accidental hazardous material spills;			
i) BMPs shall be used for preventing the discharge or other construction-related NPDES pollutants beside sediment (i.e. paint, concrete, etc.) to downstream waters.			
j) Avoid cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff; and			
k) After construction is completed, inspect all drainage facilities immediately downstream of the grading site for			

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
accumulated sediment, and clear these facilities of debris and sediment as necessary.				
<p><b>Mitigation Measure Hydro-2A, SWCP Implementation:</b>  The Project shall design, construct and implement appropriate post-construction stormwater treatment measures to reduce water quality and hydromodification impacts to downstream reaches, as required by the current post-construction control requirements of the Small MS4 General Permit. Upon completion of the final project design, the applicant shall provide documentation of stormwater management measures that show compliance with the Small MS4 General Permit.</p> <p>a) The report shall delineate individual drainage management areas (DMAs) within the Project site, and provide analysis to show compliance with the volumetric or flow-based treatment criteria as described in the Small MS4 General Permit.</p> <p>b) The Projects SWCP must provide the capacity to either infiltrate or evapotranspire all runoff generated by the 85th percentile storm event.</p> <p>c) Treatment measures must be provided for runoff that cannot be diverted to the site's storm water system, using specified Best Management Practices able to remove or otherwise neutralize identified pollutants.</p> <p>d) Water quality improvements shall not be placed so low in the floodplain that they are inundated by a 2-year storm.</p> <p><b>Mitigation Measure Hydro-2B, SWCP Monitoring and Maintenance Agreement:</b> Prior to public improvement plan</p>	<p>Applicant:</p> <p>Engineering / City Engineer:</p>	<p>Prepare final Storm Water Control Plan for all phases of the project's operations</p> <p>Review and approve SWCP as being in conformance with all applicable City of Petaluma's Stormwater Management and Pollution Control Ordinance requirements</p> <p>Verify the selection and design of BMPs as being consistent with City's Stormwater Policy and Design Standards, and per the applicable NPDES permit issued to the City and other available guidance documents</p>	<p>_____ Sign.</p> <p>_____ Sign.</p>	<p>_____ Date</p> <p>_____ Date</p>

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>approval, a mechanism shall be in place to ensure funding of on-going maintenance, inspection, and as needed repair of the Project SWCP, including the maintenance of the proposed Terracing Plan.</p> <p>a) Maintenance requirements and frequency shall be carefully described including vector control, clearing of clogged or obstructed inlet or outlet structures, vegetation/landscape maintenance, replacement of media filters, regular sweeping of parking lots and other paved areas, etc.</p> <p>b) Wastes removed from BMPs may be hazardous. Therefore, maintenance costs should be budgeted to include disposal at a proper site.</p> <p>c) The monitoring and maintenance program shall be conducted at the frequency agreed upon by the RWQCB and/or City of Petaluma. Monitoring and maintenance shall be recorded and submitted annually to the SWRCB. The SWCP may be adjusted as necessary to address any inadequacies of the BMPs.</p> <p>d) Provide maintenance funding in perpetuity for maintenance of all stormwater related improvements, subject to City approval. Funding mechanism shall be by taxation, not subject to repeal through property owner or renter action.</p> <p>e) The Project applicant shall prepare informational literature and guidance on residential development BMPs to minimize pollutant contributions from the proposed development. This information shall be distributed to all</p>				

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>adult residents at the Project site. At a minimum, the information shall cover: a) proper disposal of commercial cleaning chemicals; b) proper use of landscaping chemicals; c) clean-up and appropriate disposal of hazardous materials and chemicals; and d) prohibition of any washing and dumping of materials and chemicals into storm drains.</p> <p>f) The terraced flood plain shall be inspected at least annually, prior to the onset of the rainy season, by a Civil Engineer licensed to practice in the State of California, to ensure that the terracing is performing as designed and required in project approvals. The Civil Engineer shall prepare a signed and sealed report of the inspection including findings, photo documentation, any necessary proposed modifications and a statement indicating that the system is operating as designed and required by project approvals. The annual report shall be submitted to the City of Petaluma Planning Division and Department of Public Works and Utilities no later than October 15th of each year.</p>				
<b>Land Use</b>				
<p>The following Mitigation Measures for the Project set forth in throughout this DEIR, primarily in Chapter 6: Biology, would mitigate impacts to biological resources and would serve to minimize conflicts with objectives, policies and programs of the Petaluma River Access and Enhancement Plan:</p>	See individual Mitigation Measures			

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
Mitigation Measure Bio-4: Compensation for Seasonal Wetlands Fill				
Mitigation Measure Bio-5A: Riparian Preservation Zone				
Mitigation Measure Bio-5B: Riparian Tree Preservation (as amended)				
Mitigation Measure Bio-5C: Habitat Mitigation and Monitoring Plan				
Mitigation Measure Bio-6: Terraced Grading Erosion Control/Stormwater Pollution Prevention Plan				
Mitigation Bio-9: Incorporation of Native Plants in Landscaping Plans				
Mitigation Bio-10A: Limitations on Improvements within the Petaluma River Plan Corridor (also listed as Mitigation Measure Visual-2)				
Mitigation Bio-10B: RODZ review at SPAR				
Mitigation Measure Bio-11A: Ensure Preservation of Existing Trees (as amended)				
Mitigation Measure Bio-11B: Protected Tree Replacements				
Mitigation Measure Bio-11C: Tree Protection Plan				
<b>Noise</b>				
<b>Mitigation Measure Noise-4A, Construction Hours:</b> Due to the proximity of sensitive receptors (residences) to the development areas, construction activities shall be required	Applicant:	Incorporate all mitigation measures into construction and grading plans	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
to comply with following, and shall be noted accordingly on construction contracts:	Planning Division:	Review and verify construction and grading plans for all noise measures	_____ Sign.	_____ Date
a) Construction activities for all phases of construction, including servicing of construction equipment shall only be permitted during the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday, and between 9:00 a.m. to 5:00 p.m. on Saturdays. However, when construction is occurring within 100' of new occupied residential units, it shall not begin until 8 a.m. during weekdays.	Applicant:	Provide notice to surrounding properties in accordance with measures	_____ Sign.	_____ Date
b) Construction is prohibited on Sundays and on all holidays recognized by the City of Petaluma.		Conduct construction in conformance with measures		
c) Delivery of materials or equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.		Maintain delivery, hauling and construction in accordance with measures		
<b>Mitigation Measure Noise-4B, Construction Engine Controls:</b> The Project Applicant shall implement the following engine controls to minimize disturbance to adjacent residential uses during Project construction:	Building/ Planning Division	Periodic inspection during construction to ensure that measures are in place	_____ Sign.	_____ Date
a) Construction equipment shall utilize the best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) in order to minimize construction noise impacts. These controls shall be used as necessary to reduce heavy equipment noise to 75 to 80 dBA (Leq) at 50 feet to minimize noise levels at the closest residential receptors.				
b) If impact equipment such as jackhammers, pavement breakers and rock drills is used during construction,				

Mitigation Measure	Completion:		
	Responsible Party	Implementation	Signature Date Completed
<p>hydraulically or electric-powered equipment shall be used to avoid the noise associated with compressed-air exhaust from pneumatically powered tools.</p> <p>c) Where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. External jackets on the tools themselves shall also be used, where feasible.</p> <p><b>Mitigation Measure Noise-4C, Stationary Equipment and Staging:</b> Locate stationary noise generating equipment that generates noise levels in excess of 65 dBA Leq as far as possible from sensitive receptors.</p> <p>a) If required to minimize potential noise conflicts, the equipment shall be shielded from noise sensitive receptors by using temporary walls, sound curtains, or other similar devices.</p> <p>b) The construction contractor shall not stage equipment within 200 feet of the existing residential land uses to the west and north of the project site.</p> <p>c) Heavy equipment, such as paving and grading equipment, shall be stored on-site whenever possible to minimize the need for extra heavy truck trips on local streets.</p> <p><b>Mitigation Measure Noise-4D, Miscellaneous Construction Noise:</b> The contractor shall minimize use of vehicle backup alarms and other miscellaneous construction noise.</p> <p>a) A common approach to minimizing the use of backup alarms is to design the construction site with a circular</p>			

Mitigation Measure	Completion:		
	Responsible Party	Implementation	Signature Date Completed
<p>flow pattern that minimizes backing up of trucks and other heavy equipment.</p> <p>b) Another approach to reducing the intrusion of backup alarms is to require all equipment on the site to be equipped with ambient sensitive alarms. With this type of alarm, the alarm sound is automatically adjusted based on the ambient noise.</p> <p>c) Construction worker’s radios shall be controlled to be inaudible beyond the limits of the project site boundaries.</p> <p><b>Mitigation Measure Noise-4E, Noise Barriers (as amended):</b> The construction contractor shall erect temporary walls, sound curtains or other similar devices along the southerly property line adjacent to the existing Oak Creek Apartments and neighbors along Bernice Court, Graylawn Avenue and Jesse Avenue to shield these existing sensitive receptors from construction noise. To the extent feasible, the construction contractor shall prioritize construction of buildings nearest to Graylawn/Bernice Court during the earlier phases of construction, such that new buildings can serve as a noise barrier to dampen construction noise as the site develops.</p> <p><b>Mitigation Measure Noise-4F, Noise Disturbance Coordinator:</b> The Project applicant / construction contractor shall designate a city-approved Noise Disturbance Coordinator, designated to respond to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented.</p>			



Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
The construction schedule and telephone number for the Noise Disturbance Coordinator shall be conspicuously posted at the Project construction site.				
<b>Traffic and Circulation</b>				
<p><b>Mitigation Measure Transp-12, Prepare Construction Management Plan:</b> A construction management plan shall be prepared for review and approval by the City of Petaluma Public Works Department. The plan shall include at least the following items:</p> <ul style="list-style-type: none"> <li>a) Development of a construction truck route that would appear on all construction plans to limit truck and auto traffic on nearby streets.</li> <li>b) Comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures if required, sidewalk closure procedures if required, cones for drivers, and designated construction access routes.</li> <li>c) Evaluation of the need to provide flaggers or temporary traffic control at key intersections along the truck route(s)</li> <li>d) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur</li> <li>e) Location of construction staging areas for materials, equipment and vehicles if there is insufficient staging area within the work zone of the proposed project.</li> </ul>	Applicant:	Prepare Construction Management Plan including all measures	_____	_____
		Comply with all measures during construction	Sign.	Date
	Engineering Division:	Review and approve Construction Management Plan	_____	_____
		Periodic inspection to verify compliance	Sign.	Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
<p>f) Identification of truck routes for movement of construction vehicles that would minimize impacts on vehicular and pedestrian traffic, circulation and safety; provision for monitoring surface streets used for truck movement so that any damage and debris attributable to the proposed project's construction trucks can be identified and corrected by the proposed project applicant.</p> <p>g) A process for responding to and tracking complaints pertaining to construction activity, including identification of an on-site complaint manager</p> <p>h) Documentation of road pavement conditions for all routes that would be used by construction vehicles both before and after proposed project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to construction of the proposed project.</p>				
<b>Non-CEQA Recommendations to be Implemented at SPAR</b>				
<p><b>Recommendation Haz-7, EVA Design:</b> To ensure that the Bernice Court EVA is continuously available for emergency use, the EVA connection at Bernice Court shall include design measures including, but not limited to bollards, red curb or red pavement striping, no-parking signage, etc., intended to prohibit parking and other obstructions at this</p>	<p>Applicant:</p> <p>Engineering / Fire Marshal</p>	<p>Prepare final, detail design plans for Bernice Court EVA</p> <p>Review and provide recommendations on Bernice Court EVA design</p>		

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
EVA access. Final EVA design measures shall be subject to review and approval by the Fire Marshal.	Planning Division / Fire Marshal/ Planning Commission	Review and approve Bernice Court EVA design, incorporating City Engineer and Fire Marshal recommendations, pursuant to SPAR	_____ Sign.	_____ Date
	City Engineer/ Building Division:	Verify that final SPAR-approved EVA design is included in Public Improvement Plans	_____ Sign.	_____ Date
<p><b>Recommendation Noise 1A, Ensure “Conditionally Acceptable” Noise Levels:</b> No residential structure should be located closer than the calculated 65 dB CNEL contour. Based on existing rail noise levels, the 65-dBA CNEL noise contour is estimated to occur at approximately 30 feet from the center of the near set of railroad tracks. Based on potential future conditions (assuming increased freight rail traffic), the calculated 65 dB CNEL contour is estimated to be at 54 feet from the center of the near set of railroad tracks. The final design of the Project, to be reviewed at SPAR, should maintain a 54-foot setback from the center of the near set of railroad tracks.</p> <p><b>Recommendation Noise 1C, Ensure Normally Acceptable Outdoor Noise Exposure:</b> No primary outdoor use area (i.e., the swimming pool and courtyard or active play areas),</p>	Applicant:	Prepare final Site Plans demonstrating that: a) No residential structure is located closer than the future condition 65 dB CNEL contour, estimated to be at 54 feet from the center of the near set of railroad tracks. b) No primary outdoor use area is located closer than the calculated future condition 60 dB CNEL contour,	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:		
			Signature	Date Completed	
<p>should be located closer than the calculated 60 dB CNEL contour. Based on existing rail noise levels, the 60-dBA CNEL noise contour is estimated to occur at approximately 60 feet from the center of the near set of railroad tracks. Based on potential future conditions (assuming increased freight rail traffic), the calculated 60 dB Ldn contour is approximately 109 feet from the tracks. The final design of the Project, to be reviewed at SPAR, shall not locate any primary outdoor use areas (i.e., the swimming pool and courtyard or active play areas) closer than 109 feet from the center of the near set of railroad tracks. Alternatively, the Revised Project's final design should incorporate noise attenuation into the design of any primary outdoor use areas closer than 109 feet that may include a fence or wall measuring at least 6 feet high and subject to SPAR approval, or placing primary outdoor use areas on the opposite side of a residential structure from the rail line.</p> <p><b>Recommendation Noise-1B, Noise Insulation:</b> Prior to approval of building permits, a qualified acoustical consultant shall review final designs for floor plans and exterior elevations for construction of all residential buildings within the Project site. The design level acoustical report shall provide specific noise control treatment to achieve interior noise levels of 45 dBA or lower. The acoustical consultant shall identify and include on the plans and specifications for the Project, those specific noise insulation treatments (i.e., sound rated windows and doors, sound-rated wall construction, acoustical caulking, protected</p>	<p>Planning Division / Planning Commission:</p>	<p>estimated to be at 109 feet from the center of the near set of railroad tracks.</p> <p>Review and approval of Site Plan and setbacks from rail centerline, pursuant to SPAR</p>	<p>_____</p> <p>Sign.</p>	<p>_____</p> <p>Date</p>	
	<p>Building/ Planning Division:</p>	<p>Verify that final SPAR-approved Site Plan setbacks from rail centerline are maintained in building permit applications</p>	<p>_____</p> <p>Sign.</p>	<p>_____</p> <p>Date</p>	
	<p>Applicant:</p>	<p>Retain Acoustical Consultant</p>			
	<p>Acoustical Consultant:</p>	<p>Identify and include on the plans and specifications for the Project, those specific noise insulation treatments to be applied to achieve interior noise levels of 45 dBA or lower</p>	<p>_____</p> <p>Sign.</p>	<p>_____</p> <p>Date</p>	

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
ventilation openings, stucco siding, thicker walls, bedroom orientation, etc.) that are to be applied.	Building/ Planning Division	Verify that noise insulation treatments are included in building permit documents prior to issuance of building permits	_____ Sign.	_____ Date
<b>Recommendation Noise 2, Avoidance/Vibration Attenuation Measures (as amended):</b> The Project should incorporate the following vibration avoidance or reduction strategies as part of its final design and/or construction. a) The Revised Project’s proposed 54-foot residential set back from the centerline of the nearest set of rails more than adequately meets the FTA 75 VdB criteria for the “occasional” SMART train events that now occur and that is expected to occur in the future (i.e., between 30 and 70 SMART trains per day), and should be retained. b) The Revised Project’s proposed 54-foot residential set back from the centerline of the rails is also adequate to meet the FTA 80 VdB criteria for the “infrequent” heavy freight rail traffic that now occurs and that is expected to occur in the future. This 54-foot setback also accommodates an additional “penalty” threshold (down to the “occasional event” criteria of 75 VdB) to address the potential for longer duration and/or nighttime vibration events, and should be retained.	Building Division:	Review and approve all building permits in accordance with required measures	_____ Sign.	_____ Date
	Applicant:	Prepare final Site Plans demonstrating that: a) No residential structure is located closer than the established VdB criteria, OR b) Identify special building methods to be incorporated to reduce groundborne vibration in excess of established criteria from being transmitted into project structures	_____ Sign.	_____ Date

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
c) To address an even more conservative vibration criterion as was applied in the NCRA Russian River Freight EIR, the City of Petaluma could consider an additional “penalty” threshold to meet the “frequent event” criteria of 72 VdB, which occurs at approximately 100 feet from the rail centerline. To meet this more stringent criterion, structural design measures could be incorporated into the design and construction of residential buildings located closer than 100 feet from the tracks, as necessary to reduce groundborne vibration to below the 72 VdB criteria. Special building methods can be incorporated to reduce groundborne vibration from being transmitted into project structures.	Planning / Building Division / Planning Commission	Review and approval of Site Plan and setbacks from rail centerline, pursuant to SPAR	_____ Sign.	_____ Date
		Verify that final SPAR-approved Site Plan setbacks and/or special building methods incorporated in building permit applications	_____ Sign.	_____ Date
<b>Recommendation Transp-B, Introduce Traffic Calming and Enhance Livability along Graylawn Avenue and Jess Avenue:</b> The Revised Project shall implement a Traffic Calming Plan, which may include bulb outs, street tree planting, pavement marking and other roadway livability improvements and traffic calming features to minimize conflicts with “livability” standards for local streets that exceed the 2,000 ADT design standard for this roadway. Prior to SPAR review at the Planning Commission, the applicant shall coordinate with City Public Works staff on the preferred Traffic Calming approach and design (anticipated to be similar in nature to Concept 3 as shown in the conceptual Traffic Calming Plan of Appendix A). The preferred Traffic Calming Plan shall be shown on the plan set for SPAR review. The Public Improvement Plan set for	Applicant:	Applicant to coordinate with Public Works staff on the preferred Traffic Calming approach	_____ Sign.	_____ Date
	Planning Division / Planning Commission	Review and approval of preferred Traffic Calming Plan, pursuant to SPAR	_____ Sign.	_____ Date
	Applicant:	Include the finalized Traffic Calming Plan. On the Public Improvement Plan set	_____ Sign.	_____ Date
	City Engineer:	Verify that final Traffic Calming Plan		

Mitigation Measure	Responsible Party	Implementation	Completion:	
			Signature	Date Completed
the Revised Project shall include the finalized Traffic Calming Plan.		is incorporated into Public Improvement Plans prior to issuance of permits	_____ Sign.	_____ Date

**Sid Commons Apartment FEIR**  
**Running Errata as of January 27, 2020**

This Errata provides clarification on formatting and minor corrections to language and information presented in the FEIR. These changes are for clarification purposes only and do not change the analysis or conclusions of the FEIR.

Table of Contents:

Chapter 8: Strike reference to Chapter 8 (For Report Preparers and References, see DEIR Chapter 20).

Appendices: Add Appendix C: 2019 Supplemental Traffic Evaluation, Fehr & Peers, April 2019

Chapter 4:

Page 1: Add Final Bullet to read:

Effects of train-related noise and vibration and concern about Graylawn and Jess Avenue traffic noise.

Chapter 5:

Letter K: Comments K-15 and K-16 (which follow K-12) should have been labeled together as K-13. K-17 should not have been labeled, as it is a comment on merits of project and not a CEQA comment.

Letters S and T: Strike label S-2/ T-2 on letter; these are comments on merits of project and are covered by the concluding comment of Response to Letter S and Response to Letter T.

Response to Letter Y: Strike “Response to Comment Y-4” line; retain the subsequent sentence regarding the merits of the Project.

Letter AD: Response to Comment AC-1 and AC-2 should read Response to Comment AD-1 and AD-2

Appendices:

Add Appendix C: 2019 Supplemental Traffic Evaluation, Fehr & Peers, April 2019

Throughout:

Mitigation Measure/Recommendation to Read:

**Recommendation Transp-B, Introduce Traffic Calming and Enhance Livability along Graylawn and Jess Avenues:** The Revised Project shall implement a Traffic Calming Plan, which may include bulb outs, street tree planting, pavement marking and other roadway livability improvements and traffic calming features to minimize conflicts with “livability” standards for local streets that exceed the 2,000 ADT design standard for this roadway. Prior to SPAR review at the Planning Commission, the applicant shall coordinate with City Public Works staff on the preferred Traffic Calming approach and design (anticipated to be similar in nature to Concept 3 as shown in the draft Traffic Calming



Plan of Appendix A). The preferred Traffic Calming Plan shall be shown on the plan set for SPAR review. The Public Improvement Plan set for the Revised Project shall include the finalized Traffic Calming Plan.

#### Update Floodway Line:

The Floodway line is mis-located base maps presented in FEIR Figures 2-2, 2-6, 3-1, and 3-4. Its correct location is shown on Figure 4-2: 2014 FEMA Floodplain Designations. At no point does the Floodway extend farther upland than the floodplain. Thus, the existing Oak Creek Apartments play structure that the applicant, at the November 19, 2019 Planning Commission hearing, offered to update for neighborhood public use is located outside of the Floodway. This base map error of the Floodway line also occurs on Figures within the DEIR.

Correction of the Floodway line alters the net acreage sums of the Sid Commons project site (APN 009 and 006) to 16.1 net acres (from a 15.45 net acres when the Project included the Shasta extension and an estimated 15.7 acres after the Shasta Avenue extension was eliminated from the Project) and of the Oak Creek Apartment project site (APN 007) to 7.5 net acres (from 6.58 net acres). This results in the FEIR's revised 205-unit project proposing a calculated density of 12.7, which is similar to the FEIR's statement at Page 6-8 that the proposed 205-units of the on the approximately 15.7 net acres yields a density of approximately 13.1 units to the acre. With the newly-revised 180-unit concept on the 16.1 net acres, the density yield is approximately 11.1 units to the acre. Correction to the Floodway line on base maps and corresponding refinements to the calculated density does not alter the analysis or conclusions of the EIR.

#### Clarify extent of Floodplain in EIR's modeling of the 100-year event (FEIR Figures 4-3 through 4-8 and DEIR Figures 11-6 and 11-9)

The City's consulting hydrologist has confirmed that the EIR's hydrology modeling maps depict the "raw" xpstorm model results and provided the attached Memo (Exhibit A dated January 27, 2020). Like other modeling prepared for the City, the EIR's hydrology modeling maps were not manually post-processed. Post-processing the raw data consists of the following two additional steps: 1) the area protected by the floodwall downstream of the constriction weir would be removed manually as final work on the Payran-area flood work was completed in 2015 and the hydrology model includes its geometry and 2) isolated ponding shown on the maps would be removed manually as these areas are unintentionally mapped during the GIS process. To demonstrate the results of post-processing, the City's consulting hydrologist has prepared Attachment 1 of the attached Memo demonstrating post-processing results; it documents that the Payran-area (FEMA's mapped A99 area) is not located within the 100-year floodplain.

The City's consulting hydrologist confirms that, in the 100-year event, areas behind the Payran-area floodwall downstream of the constriction weir (left and right overbank) are not at risk of flooding in the existing condition, with residential development and terracing of the Sid Commons

development (FEIR Figures 4-7 and 4-8), or in the future condition with cumulative terracing upstream of the weir and detention at the north of town (FEIR Figures 4-3 and 4-4).

The modeling and mapping provided to date in the DEIR, FEIR, and in the attached memo have been accurate for their specific intended use, and consistent with all modeling that the city's consulting hydrologist has performed for the City, including the FEMA map revision. The calculated water surface elevation data for the Sid Commons evaluation meets the same standard as the modeling reviewed and approved by FEMA. The City's hydrologist provides the Memo and post processing maps to help clarify information presented in the FEIR. It does not alter any analysis or conclusions therein.



## MEMORANDUM

Project: Sid Commons Hydraulic Evaluation

Subject: 100-year Flood Boundary  
Post-Processing

Date: January 27, 2020

To: Gina Benedetti-Petnic, City of Petaluma  
Olivia Ervin, City of Petaluma

From: David S. Smith, P.E., WEST Consultants, Inc.



WEST Consultants, Inc. (WEST) completed a memo on February 22, 2017 for the City of Petaluma (the City) to evaluate the effect of proposed grading and terracing of the Petaluma River on the right bank adjacent to the proposed Sid Commons development.

The flood boundary mapping in the WEST 2017 memo was intended to highlight the difference between existing and proposed conditions and not for comparison to effective FEMA floodplain mapping which involves additional post-processing. Map results displayed were the “raw” xpstorm model results created using Geographic Information System (GIS) processing by subtracting the xpstorm water surface elevation results from the ground surface data. The only way to account for the presence of the floodwall is to manually remove floodplain areas protected by the floodwall after the initial “raw” model results are processed. Post-processing the 100-year flood boundary mapping for better consistency with the effective FEMA floodplain mapping would primarily involve two additional steps: 1) the area protected by the floodwall downstream of the constriction weir would be removed manually, and 2) isolated pockets of flooding that are artifacts of the mapping process would be removed manually (a GIS mapping artifact is defined as an area of isolated ponding that is not connected to a modeled overflow from a stream, but is mapped due to the GIS process of creating the floodplain).

The City has requested this addendum to the WEST 2017 memo to address the 100-year event graphics as described above. The revised graphics with the described post-processing are included as Attachment 1. Areas that were previously mapped behind the floodwall for the 100-year event downstream of the constriction weir (left and right overbank) are not at risk of flooding for the following conditions: existing conditions, proposed conditions with the Sid Commons development, or proposed conditions with cumulative future detention and/or terracing elsewhere in the City. The revised

mapping shown in Attachment 1 does not change previous summary data summarizing the effect of terracing and detention providing a 25% decrease in the flood boundary (180 acres).

The City has also requested additional clarification regarding xpstorm model accuracy, effects of potential river sedimentation, and possible fluctuation in storm events due to climate change. First, the xpstorm modeling methods used to evaluate the Sid Commons development are consistent with all other past modeling conducted by WEST for the City including the FEMA map revision. The calculated water surface elevation data for the Sid Commons evaluation meets the same standard as the modeling reviewed and approved by FEMA.

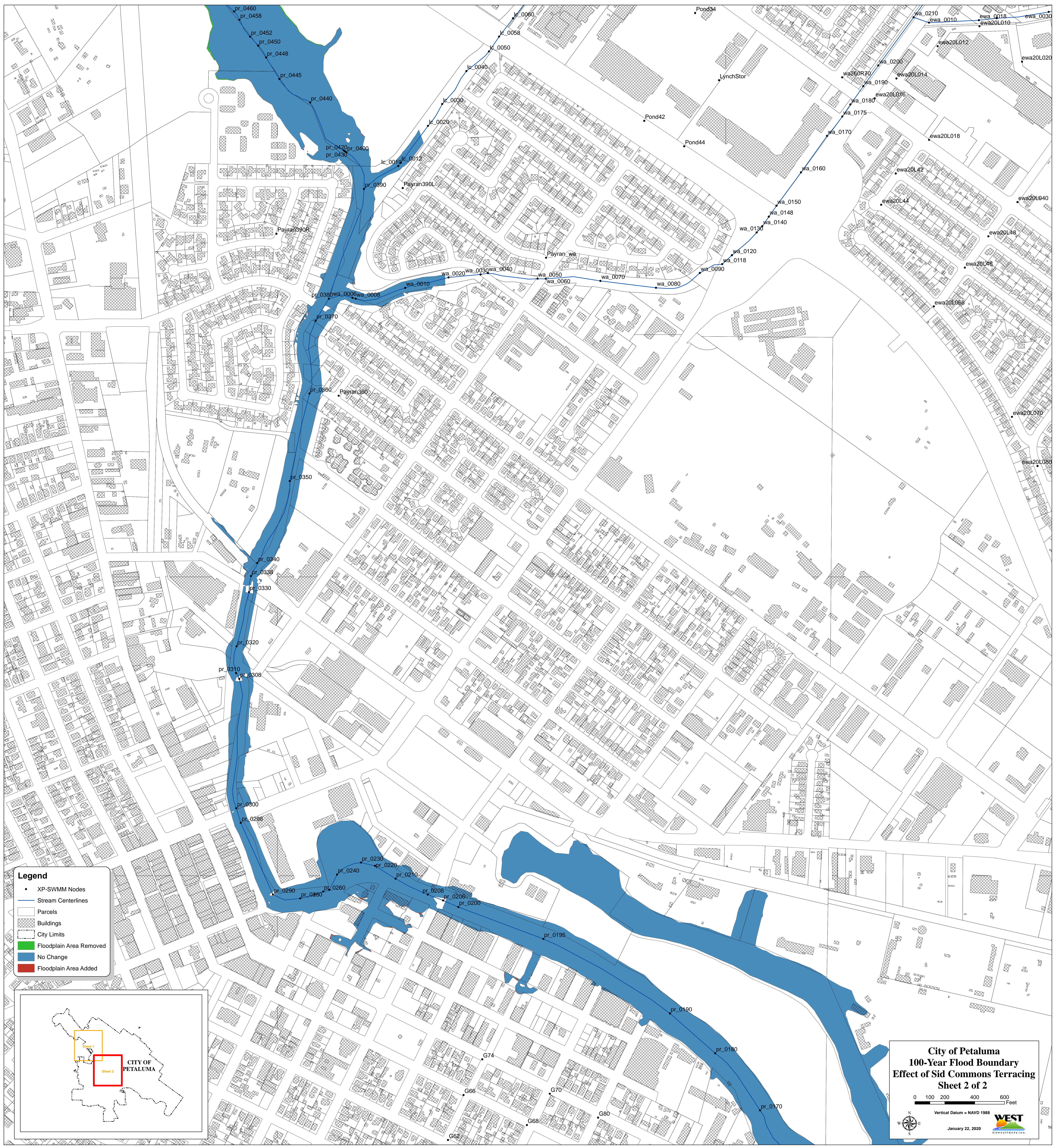
Second, potential future sedimentation could result in increases in water surface elevation downstream of the turning basin. However, the increase would be occurring in both existing and proposed conditions models effectively cancelling out.

Third, regarding future climate change, the previous argument also applies—that any increase in flow rates due to climate change would be occurring in both existing and proposed conditions effectively cancelling out.

## **Attachment 1**

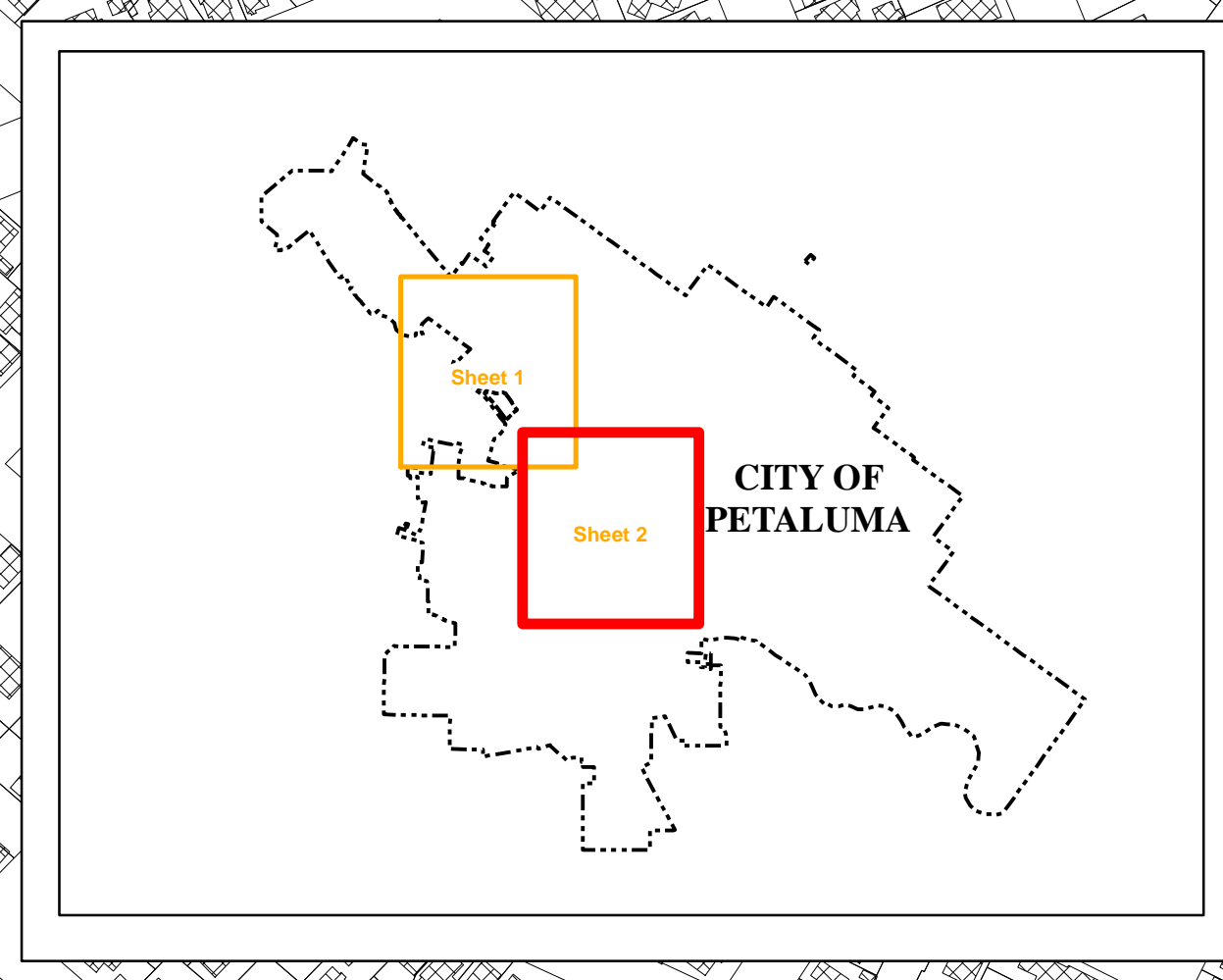
**Flood Boundary Comparison Map for 100-year Storm (2 sheets)**





**Legend**

- XP-SWMM Nodes
- Stream Centerlines
- ▭ Parcels
- ▭ Buildings
- ▭ City Limits
- ▭ Floodplain Area Removed
- ▭ No Change
- ▭ Floodplain Area Added



**City of Petaluma**  
**100-Year Flood Boundary**  
**Effect of Sid Commons Terracing**  
**Sheet 2 of 2**

0 100 200 400 600 Feet

Vertical Datum = NAVD 1988

January 22, 2020

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA  
UPHOLDING THE APPEAL FILED BY APPLICANT, OVERTURNING THE  
PLANNING COMMISSION'S DENIAL, AND AMENDING THE ZONING MAP  
CONTAINED IN THE IMPLEMENTING ZONING ORDINANCE NO. 2300 N.C.S  
TO REZONE THE PROPERTY LOCATED AT  
THE NORTHWEST TERMINUS OF GRAYLAWN AVENUE (APN 019-010-009)**

**WHEREAS**, vacant APN 019-010-009 (APN -009), along with abutting lands totaling 17.56 acres, was rezoned from R1-6500 (Single Family Residential) and F.P.C. (Flood Plain Combining) to the Oak Creek Apartment PUD (Planned Unit Development) and F.P.C. on December 20, 1982 by Ordinance No. 1523 N.C.S. so that the 76-unit Oak Creek apartment complex proposed to occupy approximately 5.8 acres would not require a General Plan Amendment by exceeding the General Plan designation of "Planned Residential" applicable to the area in 1982, which allowed not more than 6.0 dwelling units to the acre maximum; and

**WHEREAS**, the Oak Creek PUD restricted development of APN -009 until such time as the area had a higher General Plan density and APN -009 site was rezoned; and

**WHEREAS**, the General Plan designation has been changed to designate the PUD area to Medium Density Residential (allowing between 8.1 and 18.0 dwelling units to the net acre); and

**WHEREAS**, the existing 76-unit Oak Creek apartment complex is located on approximately 7.5 acres of non-floodway lands, and has a density of approximately 10 units to the acre which is consistent with the current Medium Density Residential land use designation and associated density range of 8.1 to 18.0 units per acre; and

**WHEREAS**, rezoning APN -009 and reducing the boundaries of the Oak Creek Apartment PUD does not create a non-conforming density for the existing the Oak Creek Apartments; and

**WHEREAS**, the Implementing Zoning Ordinance 4.020.G. specifies that the R4 (Residential 4) Zoning District is consistent with and implements the Medium Density Residential General Plan land use classification; and

**WHEREAS**, the property owner, J. Cyril Johnson Investment Corp., submitted an application for a Zoning Map Amendment to rezone the vacant portion of the Oak Creek Apartment PUD (APN -009) to R4 in order to accommodate their proposed Sid Commons Apartment complex ("the Project") at the northern terminus of Graylawn Avenue, northwest of the existing Oak Creek Apartments; and

**WHEREAS**, the project is subject to the California Environmental Quality Act (CEQA) and the City of Petaluma as the lead agency prepared an Environmental Impact Report (EIR), inclusive of a Draft Environmental Impact Report (DEIR) and a Final Environmental Impact Report (FEIR), which was prepared in full compliance with CEQA provisions; and



**WHEREAS**, at a duly noticed public hearing on November 19, 2019 the Planning Commission approved Resolution No. 2019-21 recommending City Council certify the EIR, make findings of fact, and adopt the Mitigation Monitoring and Report Plan; and

**WHEREAS**, pursuant to Implementing Zoning Ordinance §25.050, the City's Planning Commission held a duly noticed public hearing on November 19, 2019, which included consideration of the Zoning Map Amendment to rezone the parcel to R4 consistent with the General Plan Land Use designation, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Planning Commission considered the staff report dated November 19, 2019, including the Final Environmental Impact Report for the Sid Commons Apartment project, in conformance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, IZO §25.010 provides for Zoning Map Amendments which in this case has been initiated by the property owner; and

**WHEREAS**, at said public hearing a motion to approve a resolution recommending City Council approval of the Zoning Map Amendment failed by a 2-5 vote and resulting in a *de facto* denial of the Zoning Map Amendment; and,

**WHEREAS**, Implementing Zoning Ordinance (IZO 25.050.B) states that Planning Commission denial of a Zoning Map Amendment shall terminate the proceedings, unless such decision is appealed to the City Council; and

**WHEREAS**, on December 2, 2019, the applicant filed a timely appeal of the Planning Commission's denial of the zoning modifications; and

**WHEREAS**, the appeal letter noted that, in conjunction with the appeal, the applicant would be modifying the project based on feedback received from the Planning Commission and the public; and

**WHEREAS**, on January 8, 2020, the applicant submitted a newly revised 180-unit concept plan responsive to concerns noted by the Planning Commission (including increased setback from the mapped River Plan Corridor and 100-year floodplain) and that continues to be consistent with the range of alternatives evaluated by the EIR; and

**WHEREAS**, AB 3194, which is codified in Section 65589.5 of the Government Code, and is entitled the Housing Accountability Act, prohibits a local government from requiring a rezoning of a property if a housing proposal is consistent with the underlying general plan land use designation, and effectively invalidates any component of the existing zoning that precludes a project from being developed to the maximum density of the underlying General Plan designation; and

**WHEREAS**, the Oak Creek Apartment PUD contains components that restrict use of APN -009 to a level below the density range of the Medium Density Residential land use designation;

and

**WHEREAS**, under AB 3194, those aspects of the existing Oak Creek Apartment PUD that preclude development of APN -0009 to the maximum density of 18 units per net acre as allowed by the Medium Density Residential General Plan land use designation are unenforceable, and the applicant could develop up to 288 units on the 16 net acre; and

**WHEREAS**, in response to feedback provided at the November 19, 2019 Planning Commission meeting the applicant submitted a newly revised concept plan proposing 180 units and modifying the project footprint to pull the proposed development further away from the Petaluma River, increasing tree preservation, incorporating 10% onsite affordable units to low income households, and committing to an all-electric residential project; and

**WHEREAS**, while AB 3194 would allow a significantly more intense project with fewer zoning criteria than the requested R-4 zoning district, the applicant has indicated a desire to continue with the newly revised concept plan and to seek a Zoning Map Amendment and PUD amendment to implement the R-4 zoning consistent with the Medium Density Residential land use designation; and

**WHEREAS**, a copy of the public notice of the February 3, 2020 public hearing before the City Council to consider certifying the Sid Commons FEIR and to consider the appeal regarding the requested zoning map amendment was published in the Argus Courier and mailed to residents and occupants within 1000 feet of the proposed Zoning Map Amendment boundary (as well as to residents and occupants within 1000 feet of all involved Sid Commons properties), in compliance with state and local law, and to known interested parties; and

**WHEREAS**, at a duly noticed hearing on February 3, 2020, the City Council adopted Resolution No. XX, certifying an Environmental Impact Report for the project, in conformance with the California Environmental Quality Act (CEQA); and

**WHEREAS**, on February 3, 2020, the City Council of the City of Petaluma held a duly noticed public hearing to consider the appeal of the Planning Commission's denial of the Zoning Map Amendment.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Petaluma as follows:

**Section 1.** Appeal upheld and zoning amendment approved.

On February 3, 2020, the City Council fully considered all evidence presented before and at the duly noticed public hearing regarding this matter, and on the basis of the staff report, testimony and other evidence, and the record of proceedings herein, upholds the appeal of the applicants Gary and Mark Johnson filed with the City Clerk on December 2, 2019 and overturns the Planning Commission's *de facto* denial of the Zoning Map Amendment of APN-009, and approves the Zoning Map Amendment to rezone the parcel from PUD to R4.

**Section 2:** Findings. The City Council of the City of Petaluma hereby finds:

- a. Pursuant to recent State AB 3194, the proposed Zoning Map Amendment is not required, but remains proposed by the applicant in order to establish orderly development parameters consistent with the site's Medium Density Residential General Plan land use classification.
- b. The proposed Zoning Map Amendment to change the zoning designation of APN 019-010-009, located at northern terminus of Graylawn Avenue, from Oak Creek Apartment PUD to Residential 4 is consistent with the Petaluma General Plan Land Use Map which designates the land as Medium Density Residential. Pursuant to Implementing Zoning Ordinance §4.020, R4 is the Zoning District which is consistent with and which implements the Medium Density Residential land use classification of the General Plan.
- c. The proposed Zoning Map Amendment does not constitute spot zoning, as abutting property APN 019-010-006, with which the subject APN -009 shares 442 linear feet of property line, is zoned R4. Likewise, land adjacent to the subject APN -009, both on the opposite side of the SMART rail line and on the opposite side of the Petaluma River, is zoned R4.
- d. The proposed Zoning Map Amendment is consistent with the General Plan and other applicable plans such as the River Access and Enhancement Plan and the Bike Plan, and any future development of APN-009 would continue to be subject to these plans. Table 12-2 of the DEIR demonstrates that a project at the site can be designed that is generally consistent with policies presented in the General Plan, River Access and Enhancement Plan, and the City's Bicycle and Pedestrian Plan.
- e. The public necessity, convenience, and general welfare clearly permit the rezoning of the northern portion of the Sid Commons site (APN-009) to R4, as R4 is the zoning district that is consistent with and implements the site's existing Medium Density Residential General Plan land use classification. Having the site zoned R4 would then make possible the review and development of an R4-compliant and Medium Density-compliant residential project with the following public necessity, convenience, and general welfare serving attributes:
  - i. A proposed Project would add to the City's housing supply in a manner anticipated by the General Plan (as demonstrated by its Medium Density land use designation) and by the Housing Element (as demonstrated by its Land Inventory of Opportunity Sites table), and in a manner consistent with General Plan housing policies including 1-P-1 to promote a range of land uses at densities and intensities to serve the community's needs within the Urban Growth Boundary (UGB) and policy 1-P-2 to use land efficiently by promoting infill development, at equal or higher density and intensity than surrounding uses.

- ii. A proposed Project could assume responsibility for creating affordable housing on-site as directed by Housing Element Policy 4.2; for example, the Revised Sid Commons Project proposes that 10% of the units be affordable.
- iii. A proposed Project would be charged with developing the river terrace on site as directed by General Plan 8-P-28, thus, incrementally lessening Citywide flood impacts. The Revised Sid Commons project analyzed by the FEIR proposes this river terrace and designs that terrace so as to preserve all protected trees in the terrace area as well as the highest value riparian habitat areas and the largest on-site wetland, removing invasive monocultures of Himalayan blackberry thickets. The project then follows the terrace work with a Habitat Restoration Plan, as directed by the River Access and Enhancement Plan, that will support native and protected plantings, revegetate the re-contoured terrace area with native riparian vegetation, and create 0.47 new acres of perennial and seasonal wetlands.
- iv. A proposed Project would be charged with developing a riverside path along the site's River frontage, as directed by the River Access and Enhancement Plan. The Revised Sid Commons project analyzed by the FEIR proposes this riverside path along the full width of the site's River frontage and provides public access to that riverside path (as well as to the existing river path along the Oak Creek Apartments) via a sidewalk extension from the existing sidewalk on Graylawn Avenue.
- v. A proposed Project would be subject to subsequent Site Plan and Architectural Review before the Planning Commission.
- f. An Environmental Impact Report was prepared in compliance with the California Environmental Quality Act for the proposed project, inclusive of the proposed zoning map amendment. The City Council approved Resolution No. XX on February 3, 2020 certifying the EIR, making findings of fact, and adopting the MMRP.

**Section 3:** No other amendment of Implementing Zoning Ordinance. Except as amended herein, the City of Petaluma Implementing Zoning Ordinance, Ordinance No. 2300 N.C.S. remains unchanged and in full force and effect.

**Section 4:** Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

**Section 5:** Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

**Section 6:** Posting/Publishing of Notice. The City Clerk is hereby directed to publish or post this ordinance or a synopsis for the period and in the manner provided by the City Charter and other applicable law.