



NOTICE OF PREPARATION of an Environmental Impact Report

To: All Interested Parties

Subject: Notice of Preparation of an Environmental Impact Report
Riverfront Mixed-Use Project (SCH# 2013062004)

From: City of Petaluma
11 English Street, Petaluma, CA 94952-2610

Contact: Olivia Ervin, Environmental Planner, (707) 778-4556

Notice of Preparation: The City of Petaluma is the Lead Agency and will prepare an Environmental Impact Report (EIR) for the proposed Riverfront Mixed-Use Project (the “project”) as described below. This EIR is a project-level EIR and will analyze all topics outlined below.

This Notice of Preparation has been sent to the public and responsible and trustee agencies pursuant to Section 15082 of the State CEQA Guidelines. We would appreciate receiving your comments on any additional considerations of scope and content you feel should be addressed in the Draft EIR. Agencies should comment on the scope and content of the environmental information and analysis that is germane to the agency’s statutory responsibilities in connection with the project.

Please respond on or before October 14th, 2013. Please send your written response to the Community Development Department, City of Petaluma, 11 English Street, Petaluma, CA, 94952-2610, Attention: Olivia Ervin, Environmental Planner. Comments may also be sent via email to oervin@ci.petaluma.ca.us. Please provide a contact name, phone number and email address with your comments.

Project Title: Riverfront Mixed-Use Project

Project Applicant: Basin Street Properties

Project Location: 500 Hopper Street (APN 36-010-025), situated north of the Petaluma River and west of Highway 101 near the Lakeville Highway interchange - see Location Map on next page.

Project Description: The project consists of a Tentative Subdivision Map to create 144 lots and four parcels on an existing 35.7-acre site. The project would allow for future development of a mix of land uses with a maximum project buildout of 273 residential units, 90,000 square feet of commercial space, a 120-room hotel, approximately 4.0 acres of parks and a system of multi-use trails. Offsite improvements include an emergency access route and a riverfront park.

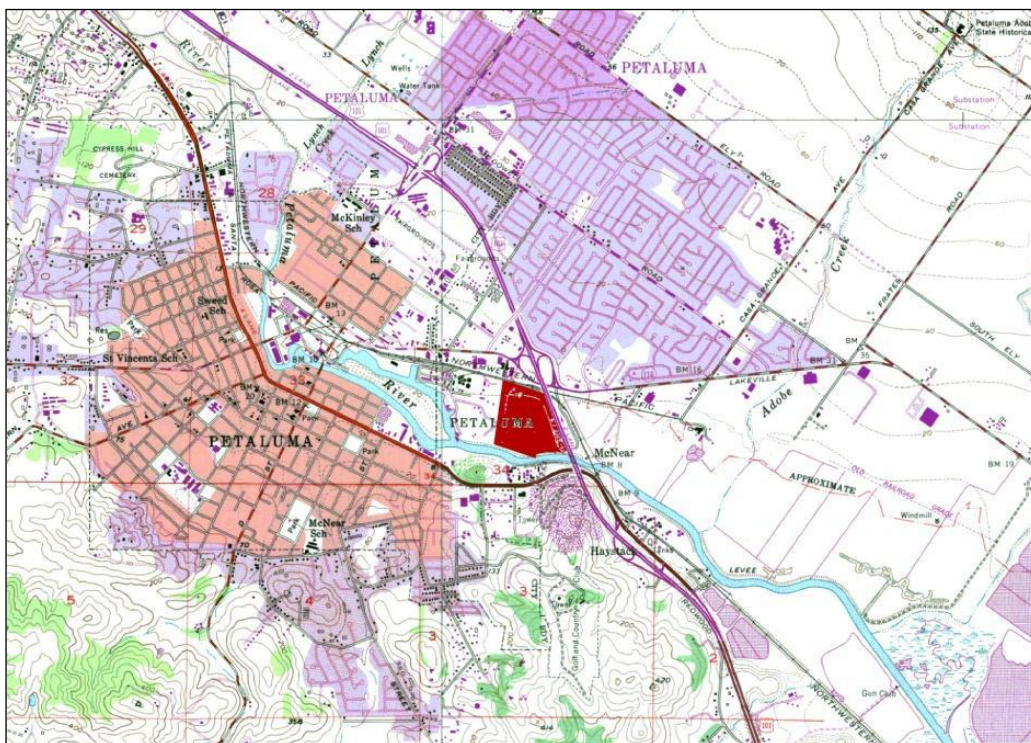
The proposed detached single-family residential lots dominate the southern portion of the site adjacent to the Petaluma River, and a medium-density townhome development is planned in the northeastern corner of the site. A hotel and office complex are proposed in the northwestern

portion of the site, and would be separated from the single-family residential area by an active park and sports field. In the central portion of the site, a “Central Green” urban park will be encircled by mixed uses (commercial and apartments) and project streets. A parcel in the southeast corner of the site will be dedicated to the Petaluma Small Craft Center (PSCC) for construction of a community boathouse and launch for small craft access to the Petaluma River.

Probable Environmental Effects of the Project: After preparing an Initial Study and Mitigated Negative Declaration for the project, which was circulated for a 30-day public review period from June 6 through July 5, 2013 and subsequently extended through July 25, 2013 due to a public request, the City has determined that an EIR should be prepared to assess the potentially significant environmental impacts of this project based on a revised Initial Study which is available on the City’s website at: <http://www.cityofpetaluma.net/cdd/riverfront.html>. The City will consider the written comments received in response to this Notice of Preparation in determining whether any additional topics should be studied in the Draft EIR. The City has identified the following topics listed below for analysis in the EIR:

- Biological Resources
- Geology/Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Air Quality and Greenhouse Gas Emissions
- Cultural Resources
- Traffic Circulation /Transportation
- Noise
- Land Use – Review of potential project conflicts with adopted policies and plans

PROJECT LOCATION - USGS PETALUMA RIVER QUADRANGLE MAP





State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN, JR.
APPENDIX B
CHARLTON H. BONHAM, Director



October 3, 2013

Ms. Olivia Ervin
City of Petaluma
11 English Street
Petaluma, CA 94952

Dear Ms. Ervin:

Subject: Riverfront Mixed-use Project, Notice of Preparation of a Draft Environmental Impact Report, SCH #2013062004, City of Petaluma, Sonoma County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents provided for the subject project, and we have the following comments.

Please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). CDFW recommended survey and monitoring protocols and guidelines are available at http://www.CDFW.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf.

Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a responsible agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify

Ms. Olivia Ervin
October 3, 2013
Page 2

the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

If you have any questions, please contact Mr. Adam McKannay, Environmental Scientist, at (707) 944-5534; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 944-5525.

Sincerely,



for Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
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October 2, 2013

SON1011889
SON-101-3.7
SCH #2013062004

Ms. Olivia Ervin
Planning Division
City of Petaluma
11 English Street
Petaluma, CA 94952

Dear Ms. Ervin:

Riverfront Mixed Use Project – Notice of Preparation

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the above project. The following comments are based on the Notice of Preparation (NOP); please also consider all previous comments provided by Caltrans in its July 25, 2013 letter regarding the Mitigated Negative Declaration (MND) for this project. Those comments are reiterated below.

Community Planning

On page 6, of the MND, Proposed Offsite Access, Park and Trail Improvements, the proposed multi-use path within the US-101 State right of way (ROW) should be designed in accordance with Caltrans' design guidelines, which include Caltrans' Highway Design Manual and the California Manual on Uniform Traffic Control Devices.

Forecasting

On page 30 of the Traffic Impact Study (TIS), dated March 5, 2012 lists 12 study intersections. In addition to the 12 study intersections, please provide Turning Movement Traffic per Intersection under various conditions for Figures 8, 9, 10, and 11. In addition, Caltrans is aware there are two project only scenarios: Project with or without Caulfield Extension and/or River Crossing. Caltrans does not know the exact year of cumulative conditions. Please show project under the most feasible and conservative conditions for traffic analysis. We recommend that TIS include turning movement traffic diagram per study intersection under 2035 Cumulative Conditions, Project Only Conditions, 2035 plus Project Conditions for our further review.

Highway Operations

At the intersection of Lakeville Highway and Caulfield Lane, the Level of Service (LOS) deteriorates between the Existing Plus Project and the Future Plus Project during AM and PM peak hours from an LOS C/D to LOS D/F, respectively. The left-turn movement from westbound Lakeville Highway

Ms. Olivia Ervin/County of Sonoma
October 2, 2013
Page 2

to southbound Caulfield Lane significantly increases in both AM and PM peak hours and appears to be the main access onto the project site. Between the Existing plus Project and the Future plus Project, the AM peak hour volume doubles from 82 Vehicles per hour (vph) to 208 and the PM peak hour quadruples from 104 vph to 507 vph. The close proximity of this intersection to the southbound U.S. 101 ramp terminal may potentially impede the ramp terminal intersection operations. Although the TIS included a queuing and blocking analysis, and a proposal to increase the left-turn storage by 250 feet, it does not clearly show that there would be enough storage to accommodate the forecasted traffic demand. This impact can negatively affect the adjacent intersections and should be addressed and/or mitigated before the project is approved.

Encroachment Permit

Please be advised that work that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans, clearly indicating State ROW, must be submitted to: Office of Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

The above comments are meant to assist in the preservation of the State Highway System (SHS) safety and operations. We invite the City of Petaluma to work with us for this and future projects as partners, to ensure the continued safety and efficiency of California's infrastructure.

Please feel free to call or email Luis Meléndez of my staff at (510) 286-5606 or Luis_Melendez@dot.ca.gov with any questions regarding this letter, as for any other assistance we may provide.

Sincerely,

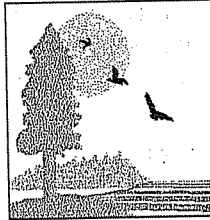


ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

STATE OF CALIFORNIA

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

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from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1900
Contact Fax: (916) 574-1885

October 8, 2013

File Ref: SCH #2013062004

Mr. Geoff Bradley
City of Petaluma
11 English Street
Petaluma, CA 94952

Subject: Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Riverfront Mixed Use Project, City of Petaluma, Sonoma County

Dear Mr. Bradley:

The California State Lands Commission (CSLC) staff previously reviewed and provided comments on the Initial Study/Mitigated Negative Declaration (IS/MND) for the Riverfront Mixed Use Project (Project), which was prepared by the City of Petaluma (City)(please see attached letter dated July 2, 2013). It is our understanding, that based on comments received on the IS/MND, the City has chosen to prepare a DEIR. Staff has reviewed the NOP for this document.

The City is the lead agency under the California Environmental Quality Act (CEQA) because the City would need to approve a Tentative Subdivision Map to create 144 lots and four parcels that would allow the development of a mixed-use neighborhood. The CSLC is a trustee agency because of its trust responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. Additionally, because the Project would need written permission from the CSLC to relocate a Public Access Easement Parcel, the CSLC may act as a responsible agency.

CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

The Petaluma River and the upland parcel are subject to a Title Settlement Agreement between the State and Petaluma Riverfront, LLC under Acquisition and Disposition (AD) 465. Under this Agreement, Petaluma Riverfront, LLC quitclaimed to the State all of its right, title and interest to the bed of the Petaluma River located between the left bank ordinary high water mark and the centerline of the Petaluma River. In exchange, the State quitclaimed to Petaluma Riverfront, LLC all of its right, title, and interest to the subject upland parcel, except for certain public easement rights which Petaluma Riverfront, LLC granted to the State: the Public Trust Easement Parcel, the Public Use and Construction Easement Parcel, and the Public Access Easement Parcel.

The Grant of Easement to the State of California states the following:

- The Public Trust Easement shall be used for purposes of public recreation and open space. Basin Street Properties may not conduct activities or construction within the area of the public trust.
- The Public Use and Construction Easement shall be used for the following purposes:
 1. To allow the general public pedestrian and bicycle access within and through the Public Use and Construction Easement, including walking, viewing, sitting, fishing, picnicking, and other related purposes.
 2. To allow the construction and maintenance of any improvements by the State or its nominee or lessee which support public use of the Public Use and Construction Easement, including the construction of walking trails and pathways, picnic benches, landscaping, placement of trash receptacles and informational signs, and other improvements to enable the public to achieve full use and enjoyment of the land within the Public use and Construction Easement.
- The Public Access Easement Parcel shall be used for the following purposes:
 1. To allow government and general public vehicular, pedestrian, and bicycle access within and through the Public Access Easement Parcel to reach the Public Use and Construction Easement parcel and Public Trust Easement Parcel.

2. To allow the construction and maintenance of any improvements by the State or its nominee or lessee which support the use of the Public Access Easement Parcel for the enumerated purposes. The Public Access Easement Parcel may be relocated with the written approval of the State.

Project Description

The proposed Project consists of a mixed-use neighborhood of commercial, residential and open space land uses served by a network of predominately public streets on 35.7 acres (39.4 acres including the riverfront park). Commercial uses would include up to 60,000 square feet of office space, a maximum 120-room hotel, a mixed-use core comprised of up to 30,000 square feet of commercial space with residential above. Residential development would include up to 273 units comprised of 134 small-lot single family homes, 100 apartments, 35 townhomes, and four live-work units. Active and passive park space would total 7.65 acres including an offsite 3.65-acre riverfront park. Land would also be set aside for future construction of a boathouse near the Petaluma River to provide small craft access to the river. Development of an off-site trail to the east of the Project site is also under consideration.

CSLC Staff Comments

1. Consistency with Easement Parcels

The "riverfront park" portion of the Project consists of 3.6 acres of walking trails, outlooks, and landscaping improvements. This riverfront park portion and the community boathouse facility would be located on portions within the Public Use and Construction Easement Parcel and the Public Trust Easement Parcel. Based on the information submitted, CSLC staff has determined that the riverfront park and boathouse are not inconsistent with the Construction Easement Parcel and Public Trust Easement Parcel. However, per preliminary review, it appears that the Project proponent desires to relocate the Public Access Easement Parcel; therefore, CSLC staff requests that the Project proponent schedule a meeting with CSLC staff to discuss the relocation. In addition, CSLC Land Management Division staff requests to be actively involved in the process to ascertain whether the Project remains consistent with conditions stated in the easements. Please contact Reid Boggiano (contact information provided below) for further information about conditions and relocation of the Public Access Easement Parcel.

As stated on page 5 of the IS, the boathouse and launch facility element is not part of the proposed Project; however, the City has included it in the analysis to help facilitate future development. Please note that construction of the boathouse and launch facility, as well as any other future projects extending below the ordinary high water mark, will require a lease from the CSLC.

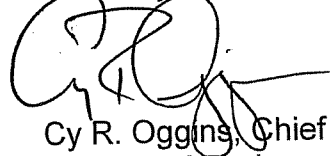
2. Environmental Review

CSLC staff has no further comments on the NOP; however, we look forward to reviewing the DEIR when it becomes available.

As a trustee agency and potentially responsible agency, the CSLC will need to rely on the Final EIR for the issuance of any approval as specified above and, therefore, we request that you consider our comments prior to adoption of the EIR.

Please send copies of future Project-related documents, including electronic copies of the Final EIR, Mitigation Monitoring and Reporting Program (MMRP), Notice of Determination (NOD), CEQA Findings and, if applicable, Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Cynthia Herzog, Senior Environmental Scientist, at (916) 574-1310 or via e-mail at Cynthia.Herzog@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Reid Boggiano, Public Land Management Specialist, at (916) 574-0450, or via email at Reid.Boggiano@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

Attachment

cc: Office of Planning and Research
Reid Boggiano, LMD, CSLC
Cynthia Herzog, DEPM, CSLC
Jessica Rader, Legal, CSLC
Pam Griggs, Legal, CSLC

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Contact Phone: (916) 574-1900
 Contact Fax: (916) 574-1885

File Ref: SCH #2013062004

Mr. Geoff Bradley
 City of Petaluma
 11 English Street
 Petaluma, CA 94952

Subject: Initial Study/Mitigated Negative Declaration (IS/MND) for the Riverfront Mixed Use Project, City of Petaluma, Sonoma County

Dear Mr. Bradley:

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limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

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2. To allow the construction and maintenance of any improvements by the State or its nominee or lessee which support public use of the Public Use and Construction Easement, including the construction of walking trails and pathways, picnic benches, landscaping, placement of trash receptacles and informational signs, and other improvements to enable the public to achieve full use and enjoyment of the land within the Public use and Construction Easement.

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1. To allow government and general public vehicular, pedestrian, and bicycle access within and through the Public Access Easement Parcel to reach the Public Use and Construction Easement parcel and Public Trust Easement Parcel.
2. To allow the construction and maintenance of any improvements by the State or its nominee or lessee which support the use of the Public Access Easement Parcel for the enumerated purposes. The Public Access Easement Parcel may be relocated with the written approval of the State.

The "riverfront park" portion of the Project consists of 3.6 acres of walking trails, outlooks, and landscaping improvements. This riverfront park portion and the community boathouse facility would be located on portions within the Public Use and Construction Easement Parcel and the Public Trust Easement Parcel. Based on the information submitted, CSLC staff has determined that the riverfront park and boathouse are not inconsistent with the Construction Easement Parcel and Public Trust Easement Parcel. However, per preliminary review, it appears that the Project proponent desires to relocate the Public Access Easement Parcel; therefore, CSLC staff requests that the Project proponent schedule a meeting with CSLC staff to discuss the relocation. In addition, CSLC Land Management Division staff requests to be actively involved in the process to ascertain whether the Project remains consistent with conditions stated in the easements. Please contact Reid Boggiano (contact information provided below) for further information about conditions and relocation of the Public Access Easement Parcel.

As stated on page 5 of the IS, the boathouse and launch facility element is not part of the proposed Project; however, the City has included it in the analysis to help facilitate future development. Please note that construction of the boathouse and launch facility, as well as any other future projects extending below the ordinary high water mark, will require a lease from the CSLC.

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Environmental Review

The CSLC staff requests that the City consider the following comments on the Project's IS/MND.

General Comment

1. The IS (pages 5 and 6) discusses the lack of conceptual or engineered design plans for the boathouse or planned launch facility at this time, and states that "further environmental review would be required once the facility is proposed for construction and the location, design, and construction methods are know[n]".

Therefore, CSLC staff will need to review that future document in regards to CSLC leasing jurisdiction.

At that time, CSLC staff requests that a thorough and complete Project Description be included in the document in order to facilitate meaningful environmental review of potential impacts, mitigation measures, and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff determinations of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

Climate Change.

2. Sea Level Rise: The U.S. Geological Survey 2013 report "Final Report for Sea-level Rise Response Modeling for San Francisco Bay Estuary Tidal Marshes," has raised concerns over the effects of sea level rise on the Petaluma River. Therefore, the IS/MND should consider the effects of sea level rise on all resource categories potentially affected by the proposed Project. At its meeting on December 17, 2009, the CSLC approved the recommendations made in a previously requested staff report, "A Report on Sea Level Rise Preparedness" (Report), which assessed the degree to which the CSLC's grantees and lessees have considered the eventual effects of sea level rise on facilities located within the CSLC's jurisdiction. (The Report can be found on the CSLC's website, www.slc.ca.gov.) One of the Report's recommendations directs CSLC staff to consider the effects of sea level rise on hydrology, soils, geology, transportation, recreation, and other resource categories in all environmental determinations associated with CSLC leases

Please note that, when considering lease applications, CSLC staff is directed to (1) request information from applicants concerning the potential effects of sea level rise on their proposed projects, (2) if applicable, require applicants to indicate how they plan to address sea level rise and what adaptation strategies are planned during the projected life of their projects, and (3) where appropriate, recommend project modifications that would eliminate or reduce potentially adverse impacts from sea level rise, including adverse impacts on public access.

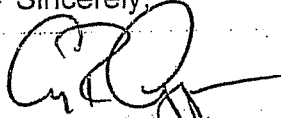
Thank you for the opportunity to comment on the IS/MND for the Project. As a trustee agency and potentially responsible agency, the CSLC will need to rely on the Final MND for the issuance of any approval as specified above and, therefore, we request that you consider our comments prior to adoption of the MND.

Please send copies of future Project-related documents, including electronic copies of the Final MND, Mitigation Monitoring and Reporting Program (MMRP), and Notice of

July 2, 2013

Determination (NOD) when they become available, and refer questions concerning environmental review to Cynthia Herzog, Staff Environmental Scientist, at (916) 574-1310 or via e-mail at Cynthia.Herzog@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Reid Boggiano, Public Land Management Specialist, at (916) 574-0450; or via email at Reid.Boggiano@slc.ca.gov.

Sincerely,



Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Reid Boggiano, LMD, CSLC
Cynthia Herzog, DEPM, CSLC
Jessica Rader, Legal, CSLC