DATE: November 19, 2019

TO: Planning Commission

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

SUBJECT: Sid Commons Apartment Project
Final Environmental Impact Report; Zoning Map Amendment and PUD Modification
Northwest end of Graylawn Avenue;
(APNs 019-010-009 and 019-010-006, and also involving APNs 019-010-007 & 008, APN 007-390-005, and APN 136-100-025)

RECOMMENDATION

It is recommended that the Planning Commission conduct the required public hearing and adopt the following:

- Resolution recommending 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 A); and
- Resolution recommending that the City Council adopt an Ordinance amending the Zoning Map to rezone 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) (Attachment B); and
- Resolution recommending the City Council approve clean up modifications to the Oak Creek Apartments PUD to reflect the Zoning Map Amendment and to reflect the existing Oak Creek Apartments (Attachment C).

The Planning Commission may also provide preliminary feedback on site and architectural design for the overall project. However, there is not a current submittal for Site Plan and Architectural Review (SPAR); the current site plan is conceptual and the design illustrated in the EIR is a preliminary rendering at this time.

BACKGROUND

Site Characteristics
The Project site is located at the northwest terminus of Graylawn Avenue. The existing 76-unit
Oak Creek Apartments lie to the east of the Project site, across Graylawn Avenue. The Petaluma River forms the Project site’s northeastern boundary, and the Sonoma-Marin Area Rail Transit District (SMART) railroad tracks form the site’s western boundary. The Linda del Mar subdivision of the Payran neighborhood lies to the south.

The project site is vacant and covered with grasslands, scattered mature oaks, and other trees. The Project site slopes generally downward to the western bank of the Petaluma River. Existing conditions at the Project site are illustrated in the aerial photograph (Figure 2-1 of the FEIR).

Portions of the Project site lie within the Petaluma River floodway and the Federal Emergency Management Agency’s (FEMA) designated 100-year floodplain (no residential development is proposed within these areas) (Figure 2-2 of the FEIR).

Access to the Project site is limited due to its location immediately west of the Petaluma River and east of the SMART tracks. The only existing access to the Project site is via Graylawn Avenue from Payran Street. Limited project frontage on Bernice Court, a small cul-de-sac branching off Graylawn Avenue, offers frontage for an EVA (emergency vehicle access).

**Zoning History - Oak Creek Apartments Planned Unit District (PUD)**

In 1982, the City of Petaluma approved Resolution No. 9628 adopting the Oak Creek Apartments PUD and authorizing development of the 76-unit Oak Creek Apartments. The PUD regulations govern approximately 17.56-acres, including 6.5 acres now developed with the Oak Creek Apartments and an approximately 11-acre vacant area to the west. The vacant area was included in the PUD so that the Oak Creek Apartment project was consistent with the maximum density of 6.0 dwelling units per acre prescribed by the “Planned Residential” General Plan designation applicable in 1982\(^1\).

In 2008 the land use designation of both the property developed with the Oak Creek Apartments and the Project site was changed to Medium Density Residential which allows 8.1 to 18.0 dwelling units to the net acre. The density of the existing 76-unit Oak Creek Apartment complex on its 6.5-acre site has a density of approximately 12 units to the net acre and is therefore compliant with the General Plan 2025 without reliance on the vacant remainder area.

**Current Entitlement Request**

Prior to taking action on the requested entitlements, the City of Petaluma, as the lead agency under the California Environmental Quality Act (CEQA), must certify the Sid Commons Environmental Impact Report (EIR), approve findings of fact, and adopt the mitigation monitoring and reporting program.

The current entitlement request before the Planning Commission is a Zoning Map Amendment to rezone approximately 11 acres of vacant property currently within the boundaries of the Oak Creek Apartments PUD (APN 019-010-009) to the R4 (Residential 4) Zoning District. The City’s Implementing Zoning Ordinance (IZO 4.020.G) specifies that the R4 zoning district is consistent with and implements the site’s underlying Medium Density Residential land use designation. Additionally, the project includes a request for a PUD Modification to amend the existing Oak

\(^1\) The 76-unit Oak Creek Apartments within its 17.56-acre PUD site calculates to a density of 4.3 units/acre.
Creek Apartments PUD as appropriate to reflect the Zoning Map Amendment and to reflect the existing Oak Creek Apartments development.

The other 4.4-acre parcel (019-010-006) that makes up the overall 15.4 net acre Sid Commons project site has an existing R4 zoning designation and needs no zoning modification.

The overall project will require subsequent approval of Site Plan and Architectural Review for construction of the Sid Commons Apartment project.

**Project Background**

The Sid Commons project was initially submitted as a 312-unit apartment project on approximately 15.45 net acres (APN 019-010-009 [APN -009] and APN 019-010-006 [APN -006] being the Project site). Following adoption of the General Plan 2025, the applicant reduced the project to 278 units, the maximum number of units allowed within the site’s Medium Density General Plan range of 8.1 to 18.0 units to the net acre.

Although City staff had several concerns about the feasibility of the Project as proposed and communicated those concerns to the applicant team during the project and environmental review process, at the applicant’s request the City agreed to conduct the environmental review for the 278-unit project. Staff’s primary concern was the proposed at-grade rail crossing at Shasta Avenue, given that staff of the California Public Utilities Commission had indicated they would oppose an at-grade railroad crossing. Staff’s was also concerned about the project’s inconsistencies with the Petaluma River Access and Enhancement Plan, specifically the siting of apartments within the Petaluma River Plan Corridor.

**DEIR Hearings**

The Sid Commons Apartment Project Draft EIR (DEIR) was released for public review and comment on March 1, 2018. The bases of the DEIR analysis was a conceptual site plan for 278 apartment units provided in multiple three-story structures with terracing along the west bank of the Petaluma River to incrementally reduce Citywide flood impacts. The City accepted public comment and considered adequacy of the DEIR before the Planning Commission on April 24, 2018, and before the City Council on May 21, 2018. The public review comment period for the DEIR began on March 1, 2018 and extended to April 16, 2018. Consistent with standard practice, the City accepted all public comments through the close of the City Council public hearing on May 21, 2018.

*Summary of Planning Commission DEIR Hearing*

The Planning Commission accepted public comment from neighbors expressing concern about the proposed extension of Shasta Avenue, traffic impacts to Graylawn Avenue and at the EVA to Bernice Court, and development impacts within the floodplain of the Petaluma River. Additionally, a petition signed by approximately 40 neighbors expressing concern about traffic on Graylawn Avenue and changes to the neighborhood as a result of the project was submitted to the Planning Commission.

The Planning Commission provided comments on the DEIR. A majority of the Planning Commissioners noted that the proposed density was too intense, stated a preference for a project
that aligned closer with Alternative 4 (152 units), and precluded an at-grade crossing. They also noted a preference for a project that provided an appropriate buffer between new development and the riparian corridor.

At their meeting on April 24, 2018 the Planning Commission, by motion (3-1), recommended that the City Council authorize preparation of a Final EIR (FEIR) for the project. A more detailed summary of the Planning Commission hearing is presented in the City Council Staff Report for the Sid Commons DEIR dated May 21, 2018 (Attachment F).

Summary of City Council Hearing
At the May 21, 2018 City Council Hearing, staff and the EIR consultant presented the DEIR, provided a summary of comments received and the outcome of the Planning Commission hearing, and forwarded the Planning Commission recommendation that the City Council accept public comment, provide input on the adequacy of the DEIR, and authorize staff to proceed with preparation of the FEIR.

The City Council received approximately 21 written public comments and heard oral public comments from approximately 17 neighbors. The primary public concerns included the following:

- Increased traffic on Graylawn Avenue and the abutting neighborhood streets of Jess Avenue, Payran Street, and Bernice Court (from the EVA)
- The proposed at-grade railroad crossing at Shasta
- Perceived decrease in the quality of life for the neighborhood as a result of additional multi-family development on Graylawn Avenue
- Exacerbation of existing speeding and parking on Graylawn Avenue by existing residents of Oak Creek Apartments
- Impacts to flooding, the floodplain, hydrology, wetlands, the river, wildlife, and trees
- Lack of accessibility to the proposed river trail based on denied access to the existing public trail along Oak Creek Apartments.

Members of the City Council provided comments on the DEIR, and specifically directed that updated and/or supplemental documentation be provided regarding train noise and vibration modeling, local street traffic data, and hydrology analysis related to recent river siltation (further discussion below at Supplemental Environmental Information, page 18). A majority of the Council stated a preference for a density that aligned more closely with Alternative 4 (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. The City Council, by motion (3-2), directed preparation of a FEIR for the Sid Commons Apartment Project.

Revised Conceptual Plan, with Subsequent SPAR Review
In response to comments from the DEIR hearings in 2018, the applicant proposed a decreased unit count of 205 apartments reflected in a revised conceptual site plan (the Revised Project). As described below, the Final Environmental Impact Report (FEIR) presents the Revised Project and explains that revisions to the project are within the scope of analysis presented in the DEIR.
It should be understood that the FEIR discloses impacts of the Revised Project and does not in and of itself authorize development or otherwise grant any development approval. The FEIR must be certified prior to taking action on the requested entitlements.

Figure 1: Revised Project Conceptual Site & Landscape Plan

After obtaining a decision on the two requested zoning entitlements currently before the Planning Commission, the conceptual site plan will be further refined and will go through the City’s Site Plan and Architectural Review process culminating with subsequent hearing(s) before the Planning Commission for the SPAR entitlement. This is similar to the approach used for Riverfront, the Oaks at Sunnyslope 2, and Pinnacle Ridge and is useful to projects looking to focus on establishing the broad project parameters before engaging in the detail work needed for the Site Plan and Architectural Review phase.

**Revised Project Description**

The Revised Project comprises the same 19.24 gross acres of land as did the original Project. This includes the 14.33 gross acres encompassing APN -009 (that portion of Parcel Map #307 “Remainder Parcel” located on the west side of the River), together with the 4.39-acre parcel known as the Webb parcel (APN -006); with access over APN 019-010-008, the 0.52-acre Graylawn Avenue terminus and turnaround owned by the applicant. Excluding non-developable land along the River, the net acreage of the project site is approximately 15.7 acres\(^2\).

\(^2\) The Revised Project has a different net area than did the original project because roads, in this case the proposed Shasta Avenue extension through the project site, are excluded from net area.
The Revised Project includes the following modifications from the original Project discussed in the DEIR:

- 205 multi-family dwelling units contained within two-story buildings, whereas the original Project proposed 278 units contained within three-story traditional apartment buildings (FEIR Figures 2-3 and 2-4). This is a proposed density of approximately 13 units to the net acre, whereas the original project proposed 18 units to the net acre.

- Provision of 10% of onsite inclusionary units at the affordable level, comprised of 5% at the low-income level and 5% at the median income level.

- Increased building setback from the Petaluma River. In addition to not encroaching into the FEMA delineated Floodway zone, the FEMA delineated Floodplain zone (aka 100 year and 1% annual chance flood hazard area), the existing Flood Easement, and the 200-foot setback from the centerline of the Petaluma River, the Revised Project removes 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).

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3 As the height limit allows 3-story buildings, the refined project could be designed as a mix of 2 and 3-story buildings; however, the FEIR anticipates 2-story buildings abutting existing residences.
4 See further inclusionary housing discussion at page 11.
5 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.
• Preservation of all existing protected trees within the River Plan Corridor area (Figure 3 below and FEIR Figure 2-5).

• Greater protection of existing trees outside of the River Plan Corridor (FEIR Figure 3-1).

• Elimination of the Shasta Avenue extension and at-grade rail crossing. Primary access into the site is proposed from Graylawn Avenue, with an emergency-vehicle-only access driveway at Bernice Court.

• Increased (54-foot) building setback from the rail corridor (Figure 3 below and FEIR Figure 2-5).

• Open-design fence along the edge of the rail corridor and the addition of a branch path leading from the river trail to the River’s edge (FEIR Figures 2-3 and 2-6).

• Introduction of a Traffic Calming Plan to address vehicle speeds and safety along Graylawn and Jess Avenues and options for traffic calming features such as speed feedback signs, markings, and median islands, curb extensions, neighborhood traffic circle, and streetscape improvements. Design level Traffic Calming will be developed as part of the SPAR review process in close coordination with the City Engineer (FEIR Appendix A).
Changes in Significant and Unavoidable Impacts
As mentioned above, the Revised Project, presented in the Final EIR, avoids or reduces several environmental impacts that were identified as significant and unavoidable in the DEIR. The DEIR concluded that the original Project would result in six significant and unavoidable environmental impacts.

The at-grade rail crossing resulted in four of the significant and unavoidable environmental impacts, these relate to:

- Increased safety hazards to traffic, bicycle, and pedestrian crossings at a new at-grade Shasta crossing
- Increased roadway hazards and hazards for emergency vehicles at a new at-grade crossing
- Inconsistency with Petaluma’s adopted bicycle and pedestrian system plans, guidelines, policies and safety standards, related to the proposed at-grade rail crossing
- Exposure of existing and new residents to train horn noise at the proposed Shasta crossing.

Elimination of the proposed at-grade crossing in the Revised Project also eliminates those previously identified significant and unavoidable impacts.

The remaining two significant and unavoidable environmental impacts relate to noise. The first identified impact relates to exposure of future Sid Commons Apartment residents to noise levels associated with train horn noise at the existing Payran Street crossing that are in excess of thresholds established in the City’s General Plan (though SMART quiet zone designation decreases these occurrences). Recent case law and corresponding revisions to CEQA Guidelines Appendix G (October 2018) have clarified that the effects of the environment (e.g., existing ambient noise levels) on a project are not to be considered a significant impact under CEQA. Therefore, the exposure of Project residents to excessive ambient noise associated with train warning horns at the existing Payran rail crossing (DEIR Impact Noise-3) is no longer considered a significant environmental impact of the Project. Nonetheless, to avoid inconsistencies with General Plan policy 10-P-3, which provides for the protection of public health and welfare by minimizing the effects of existing noise (such as commuter and freight rail use), the FEIR identifies recommendations to ensure that new residents introduced to the project site are not exposed to excessive noise level due to proximity of the rail corridor (Recommendation Noise 1A-1C).

The second significant and unavoidable noise impact relates to temporary construction noise impacts (DEIR Impact Noise-3). As the City of Petaluma has not adopted a numeric threshold for evaluation of temporary increases in noise resulting from a project’s construction activities, the construction-period noise impact threshold for this EIR has been updated to be consistent with thresholds used in other recent City of Petaluma CEQA documents. As the highest noise levels experienced by adjacent sensitive receptors would only occur for a limited duration during construction activity, with implementation of all mitigation measures as identified (Mitigation Measure Noise 4A-4F), the exposure of sensitive receptors to excessive noise during construction will be reduced to a less than significant level.

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6 The 2017 Davidon/Scott Ranch Revised Draft EIR, the Rainier Cross Town Connector EIR, the Petaluma Riverfront Development Project EIR, and the Haystack Mixed-Use Project CEQA document.
In summary, 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.)

Review Process
The City Council will consider the FEIR and project entitlements upon recommendation by the Planning Commission. The Council is the decision-making authority on the FEIR, the Zoning Map Amendment, and the PUD Amendment.

Following City Council action, the next phase of project approvals would be Site Plan and Architectural Review (SPAR) for the Sid Commons Apartment project. Specific building locations, parking layouts, landscape design, orientation to the river, and architecture would be reviewed and considered for approval during this subsequent phase of project review.

DISCUSSION

PLAN CONSISTENCY

The project was reviewed for 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

General Plan 2025
The Sid Commons DEIR at Table 12.2 provides an in-depth summary of the Project’s consistency with the City’s General Plan 2025. Of particular relevance is the project’s consistency with the General Plan’s land use designation and policies 8-P-28 and 8-P-30.

Both the Sid Commons project site (-009 and -006) and the modified Oak Creek Apartments project site (-007) have a General Plan land use designation of Medium Density Residential with an allowable density range of 8.1 to 18.0 dwelling units per net acre. The revised Sid Commons project has a proposed density of 13 units per acre (205 units on 15.7 acres) and the modified Oak Creek Apartments project has a proposed density of 12 units per acre (76 units on 6.5 acres). Both developments are consistent with the Medium Density Residential land use designation. Additionally, the Revised Project is consistent with General Plan policy 1-P-2 in that it results in infill development at equal or higher density and intensity than surrounding uses.

In accordance with 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 Sid Commons project includes implementation of river terracing along the site’s Petaluma River frontage and extending 300 feet onto the Oak Creek Apartments parcel. The terraced grading plan for the Project would
result in a net removal of approximately 20,250 cubic yards of soil from the western riverbank, thereby expanding the channel capacity 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. The Revised Project adjusted the terrace design to retain all protected trees (preserving oaks 67 and 80).

The proposed project is consistent with General Plan Policy 8-P-30 by setting back new development at least 200 feet from the centerline of the Petaluma River. As depicted in Figure 2-2 of the FEIR, no building, parking, or other hardscape development is proposed within 200 feet of the River. In accordance with General Plan Policy 8-P-30(A), a project specific hydrology analysis and a river wide hydrology analysis were performed using the City’s Storm Water Management Model (XP-SWMM). WEST Consultants examined the floodplain impacts of the terracing component of the project, as well as cumulative effects of the various floodplain management scenarios. As set forth in the General Plan, and consistent with the hydrology modeling conducted for the Sid Commons Project (presented in the DEIR starting on page 11-36), the most significant reduction in flood surface elevation citywide is achieved through a combination of upstream detention and riverbank terracing, which would result in a reduction of the citywide floodplain boundary by approximately 183 acres compared to base flood levels. With a combination of upstream detention and terracing of the riverbanks north of the weir, citywide reductions to the surface flood elevations in upstream segments are substantial (approximately 20%) and are marginal in downstream segment of the Petaluma River (approximately one-tenth of 1%).

The intent of General Plan policies relating to surface drainage and flood protection is to provide the maximum protection to the community by reducing flood hazards and potential property damage citywide.

**Housing Element Consistency**

City of Petaluma’s 2015-2023 Housing Element identifies the Sid Commons project site as Residential Land Inventory Opportunity Site #15. The Land Inventory of Opportunity Sites is intended to showcase the range and number of housing units that might be possible citywide and to demonstrate that the City contains sufficient areas to accommodate its Regional Housing Need; it notes that “the site exhibits an estimated housing potential of 282 units, with floodplain, wetland and noise environmental constraints.” The Housing Element Opportunity Site list is not an implication that each site will develop to it maximum density, particularly given the environmental constraints identified for the project site. The Land Inventory does however demonstrate anticipation of residential development in a manner consist with the General Plan at the site.

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7 The maximum number of units possible within the 8 to 18.0 units to the net acre range was then thought to be 282 units (the actual maximum number of units possible with the General Plan density range is 278).
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 (at very low- and low-income levels) 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 requires 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 would provide affordable housing on-site. The Revised Project incorporates 21 onsite affordable units (10%) split evenly between low income (50% to 80% AMI) and median income (100% AMI).

With this proposal, the applicant offers an alternative method to meet the intent of the inclusionary housing requirement, rather than making payment into the City’s Housing Fund. The City Council will consider this alternative method of providing inclusionary housing and if they find that on-site construction is a more effective method of creating inclusionary housing units than receiving in-lieu payment into the Housing Fund at the previous in-lieu rate, they may authorize that alternative method.

**Petaluma River Access and Enhancement Plan**

The Project site is located within the Upstream Segment of the Petaluma River Access and Enhancement Plan (adopted May 1996). The River Plan describes the community’s vision for the Petaluma River, including the restoration and preservation of Petaluma River natural resources, and balancing the needs of habitat protection and flood protection. A primary long-term goal of the River Plan is a continuous bicycle and pedestrian trail system along the entire 6.5-mile river corridor. The River Plan includes River Oriented Development Zone (RODZ) policies regarding development along the river, such as that new development shall emphasize its location along the River Plan Corridor and integrate new development with the natural landscape and river features.

The project site is located within the southernmost portion of the Upstream Segment; the River Plan identified this as the most environmentally sensitive segment, primarily due to it having the largest remaining stands of riverside oaks and native riparian trees along the Petaluma River.

The Revised Project is consistent with the large-scale policies of the River Plan by:

- Prohibiting development (other than terracing, restoration, and the river access) within the River Plan Corridor,
- Enhancing citywide flood protection by creating terraces along the bank in a manner that preserves all protected trees within the River Plan Corridor, the highest value riparian habitat areas, and the largest on-site wetland, while removing invasive vegetation

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8 In Resolution 2018-142 the City Council found that the City’s previous Inclusionary Housing In-Lieu fee warranted a near tripling in order that the fee more closely approached the cost of developing affordable housing. Thus, if the Sid Commons project pays the in-lieu housing fee, that sum could presumably lead to funding the off-site construction of roughly 1/3rd of the desired 15% affordable units (that is 5%). To better understand the benefits of providing the 21 units on-site, prior to Council hearing the Housing Division staff is preparing an estimate of the developer’s contribution if providing units on-site in contrast with paying the previous in-lieu fee.
restoring the River Plan Corridor with native and compatibility species via the Habitat Mitigation and Monitoring Plan; and

- Creating a river trail along the project’s frontage to the River and providing public access from the Graylawn Avenue public sidewalk to the resulting 1/3-mile-long river path.

The concept plan includes details like riverside benches, a branch trail to the river’s edge, and a small publicly-accessible enclosed dog park; these details as well as riverside signage, the exact path location, etc. will be further reviewed for compliance when the Project goes through Site Plan and Architectural Review. Likewise, the design level compliance review between the residential development (apartment buildings and associated amenities) and the RODZ policies, such as policy 19e stating that architectural articulation and detailing in building facades facing the river be encouraged, will be analyzed after the Project is further detailed and as part of the Site Plan and Architectural Review process. The Sid Commons Draft EIR at Table 12.2 provides further summary of the Project’s consistency with the River Plan.

**Petaluma Bicycle and Pedestrian Plan**

The Bicycle and Pedestrian Plan (Adopted May 18, 2008) includes goals, policies, and programs to facilitate safe and efficient travel for bicycles and pedestrians in the City and includes a Proposed and Existing Bicycles Facilities Map. The project proposes to construct the Class 1 off-street path that the Map calls for along the Petaluma River, as noted above. The Map also calls for a Class 1 off-street path along the SMART rail line (the rail trail); construction of this path was recently completed by SMART and runs along the west side of the tracks; Sid Commons residents will access the SMART trail at Payran Street.

**Implementing Zoning Ordinance (IZO)**

*Rezoning APN -009*

Changing the boundaries of the R4 zoning district to include APN -009 requires a Zoning Map Amendment pursuant to IZO Chapter 25 and is subject to finding of facts by the Planning Commission and the City Council. These required findings are presented below and followed by staff analysis.

*The proposed amendment is in general conformity with the Petaluma General Plan and any applicable plans.*

The General Plan Land Use designation for the area is Medium Density Residential. The IZO 4.020 explicitly states that R4 is the Zoning District which is consistent with and implements the Medium Density Residential land use classification of the General Plan. Therefore, rezoning the northern portion of the Sid Commons site (APN-009) to R4 is consistent with the General Plan. Other plans applicable to the project include the River Access and Enhancement Plan and the City’s Bicycle and Pedestrian Master Plan; these continue to apply to any future development regardless of the rezoning. Table 12-2 of the DEIR demonstrates that a project can be designed that is generally consistent with policies presented in the General Plan, the River Access and Enhancement Plan, and the Bicycle and Pedestrian Plan.

*The public necessity, convenience, and general welfare require or clearly permit the adoption of the proposed amendment.*
The public necessity, convenience, and general welfare 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. Additionally, rezoning APN-009 to 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:

a. 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 inclusion in the 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.

b. Provide 10% onsite inclusionary housing as directed by Housing Element Policy 4.2.

c. Develop the river terrace as directed by General Plan 8-P-28, incrementally lessening Citywide flood impacts. The Revised Sid Commons project analyzed by the FEIR proposes this river terrace and designs the terrace 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 also proposes to implement a Habitat Mitigation and Monitoring 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.

d. Develop 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 via a sidewalk extension from the existing sidewalk on Graylawn Avenue.

Effect of Rezoning APN -009

Removing APN -009 from the Oak Creek Apartment PUD and rezoning the vacant area to R4 would have the effect of eliminating three restrictions currently in placed upon the vacant APN -009 by that PUD. Each restriction was established as a condition of the Oak Creek Apartments PUD; a reference to that condition and a discussion regarding current context follows:

- **Condition 7 requires that use of APN -009 be limited to uses permitted in the Agricultural District.**

As the 1981 Planning Commission staff report notes, this was the condition utilized to keep the vacant area of the PUD “vacant until a future rezoning occurs”. The vacant area was included in the PUD, and this condition was placed, to demonstrate compliance with the
General Plan designation applicable to the area in the early 1980s, which limited density to not more than 6 units to the acre.

The current General Plan designation allows between 8.1 and 18 units to the net acre and Condition 7 is no longer needed to ensure that the Oak Creek Apartments are compliant with the underlying General Plan land use designation. In fact, rezoning parcel -009 and eliminating Condition 7 from the PUD allows increased development that brings the site into compliance with the current General Plan designation.

- **Condition 3(d)** requires that major access to the future development on APN -009 be from the Rainier Avenue extension or another new public street.

As discussed in the 1981 Planning Commission staff report notes, a “major roadway link” was planned to connect Rainier to Petaluma Boulevard and was anticipated to provide access to the vacant land. In the intervening 37 years, neither this nor any other access to parcel -009 has been established.

Rainier’s current design, as shown in the certified EIR for the Rainier Cross-Town Connector, indicates that no access from APN -009 to a future Rainier Connector is likely (DEIR discussion starting at page 18-3). The Sid Commons EIR's analysis and conclusions also eliminate Other Northerly Access alternatives from further consideration, as access would require a new bridge crossing of the Petaluma River and result in associated significant environmental impacts (DEIR discussion starting at page 18-4). The original Project proposed an at-grade access over the SMART and freight rail line; however, direction from the Planning Commission and City Council during the DEIR hearings was to eliminate an at-grade rail crossing, as it resulted in four significant and unavoidable impacts related to increased hazards, exposure of residents to additional train horns noise, and safety hazards to motorists, emergency responders, bicyclist, pedestrians, and the rail carriers. Furthermore, the EIR’s analysis found the at-grade crossing infeasible because it would have required approval by the California Public Utilities Commission (CPUC), and their staff comments indicated no support for such a rail crossing as new crossings are contrary to their policies.

The primary access connection that is available to the vacant land is the existing Graylawn Avenue. The Sid Commons EIR analyzed transportation and circulation impacts utilizing Graylawn Avenue and found, while residents living along Graylawn Avenue would notice an increase of more than twice the trips than currently use this street and while turning movements to and from the side streets and driveways along Graylawn Avenue would experience additional delay, the projected increase in traffic 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).

While not a CEQA impact, the addition of a 205-unit Sid Commons 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). To enhance livability conditions along Graylawn, where existing traffic speeds were found to typically exceed 25 mph, the Revised Sid Project...
proposes to implement traffic calming measures on Graylawn and Jess Avenues and a conceptual Traffic Calming Plan has been prepared (FEIR Appendix A).

The 1981 Planning Commission Staff Report highlights the importance of not creating a north/south street connecting the Rainier Avenue extension with Payran Street, noting that such a connection would be used by through traffic as a short cut and would be very disruptive to the existing neighborhoods. Consistent with this finding of importance, the Revised Sid Commons project would not lead to cut through traffic by enabling a connection from Graylawn Avenue on to a future Rainier extension or on to Petaluma Boulevard via the extension of Shasta Avenue.

Thus, while the EIR found new roadway connection options to result in significant and unavoidable impacts and/or to likely be infeasible, the EIR found that use of the existing Graylawn roadway for a 205-unit apartment project would result in a less than significant CEQA impact. Furthermore, to address the project’s exceedance of the City’s ideal standard that residential streets not have more than 2,000 ADT, the Revised Project includes a traffic calming plan to reduce the average speed and improve livability along Graylawn and Jess Avenues. Additionally, like the 1981 staff report advised, the Revised Project’s design precludes Graylawn from being used by through traffic. In summary, site access options have been thoroughly analyzed by the EIR, and given current day conditions, Graylawn is found to be the best access option to the site. For these reasons, this access restriction upon APN-009 is no longer desirable.

- **Condition 5 requires that all existing on-site oak trees shall be permanently preserved.**

This condition will remain applicable to the Oak Creek Apartment, but with approval of the proposed Rezoning, no longer apply to APN-009.

For 37 years, while APN -009 remained undeveloped, Condition 5 has successfully retained the vacant area’s oak trees. With approval of the proposed Rezoning, the standard tree preservation language at IZO section 17.050 and specific mitigation measure language such as Mitigation Measure Bio-11A (that the final designs subject to Site Plan and Architectural Review reflect the goal of preserving protected trees to the greatest extent possible) would become applicable to the site. Given that development of the vacant area is now proposed, these analytical standards are appropriate.

*Oak Creek Apartments PUD Amendment*

The requested PUD Amendment would modify the existing Oak Creek Apartment PUD to reflect the Zoning Map Amendment discussed above by removing references to parcel -009. The Revised Oak Creek Apartment PUD Development Standards (Attachment C, Exhibit 1) propose the following:

- Inclusion of all previously approved regulations for the Oak Creek PUD, including:
  - The 1982 City Council Resolution 9628 N.C.S. adopting the Oak Creek Apartments Unit Development Plan and
  - The 1984 City Council Resolution 84-121 N.C.S. modifying the Oak Creek Apartments Unit Development Plan to permit open residential occupancy,
• Removal of references to the vacant lands removed from the PUD by the Zoning Map Amendment (that land referred to by the PUD as the 11.73-acre vacant portion and being the current APN -009) and removal of all references specific to that vacant land (Conditions 3d that major access to the future development of the vacant land be from the Rainier Avenue extension or another new public street and Condition 7 allowing only agricultural use of the vacant land), and
• Minor updates to the compiled regulations (including formatting modifications and not carrying forward conditions relating solely to the construction phase of the Oak Creek Apartments).

This modification requires a PUD Amendment pursuant to IZO Chapter 19 and is subject to finding of facts by the Planning Commission and the City Council. As required by Implementing Zoning Ordinance (IZO) 19.040.E.5, the proposed modification to the Oak Creek Apartments PUD Plan and Development Standards does not affect the ability of the PUD to remain compliant with the findings originally required and made regarding the Oak Creek Apartments PUD in 1982 and 1984. These findings have been outlined at Attachment C, Resolution recommending the Council amend the Oak Creek Apartments PUD Unit Development Plan.

Zoning Compliance
With adoption of these proposed zoning entitlements, the Sid Commons Apartment residential development area will have a consistent R4 zoning designation across all parcels and apartment development will be subject to the R4 development standards. These standards allow multi-family apartment buildings as a permitted use and establish development standards, including parking provision, setbacks to property lines, and height limits, with which the conceptual 205-unit Site Plan presented under the Revised Project is generally compliant. A design level Zoning compliance review will occur when the Project undergoes Site Plan and Architectural Review, which must occur prior to any development activities onsite.

The northern portions of the site overlap with the Petaluma River and are zoned Floodway and Floodplain Combining District. The areas of these designations are established by FEMA and updated upon subsequent FEMA updates. No modification is proposed to either of these zoning designations. No residential development is proposed within either of these designations.

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.

As described above, the City of Petaluma released the DEIR 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. For background on preparation of the environmental
document including the Notice of Preparation, the original Project, EIR review process, and the
key issues discussed in the DEIR, please see the Staff Report prepared for the DEIR (Attachments
E and F) and the DEIR document and appendices.

FEIR Summary
The Final EIR is comprised of the 2018 DEIR together with the newly prepared 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 FEIR includes Chapters 1-7, as follows:

Chapter 1: Introduction and Executive Summary
Chapter 2: Revised Project Description
Chapter 3: Comparative Environmental Assessment of the Revised Project
Chapter 4: Master Response to Frequent Comments on the Draft EIR
Chapter 5: Response to Comment Letters on the Draft EIR
Chapter 6: Response to Comments made at Public Hearings
Chapter 7: Revisions to the Draft EIR

Revised Project and its Comparative Environmental Assessment
Chapter 2 describes the significant and unavoidable environmental effects that the original Project
would have caused. It then provides a description of the Revised 205-unit Project that the applicant
now proposes in response to the environmental issues raised in the Draft EIR, as well as in response
to public comments on the Draft EIR, and City Planning Commission and City Council concerns.

Chapter 3 assesses the Revised Project’s environmental impacts against the same thresholds used
in the Draft EIR to analyze the impacts of the original Project. This chapter also includes an issue-
by-issue comparison of potential impacts of the original Project that are now avoided or reduced
based on the changes and modifications incorporated into the Revised Project. In summary, the
Revised Project, as compared to the original 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 increase 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).

**Supplemental Environmental Information**

As requested by the City Council in May of 2018 when direction was given to prepare the FEIR, the FEIR incorporates supplemental information relating to local traffic data, noise modeling, and hydrology including river sediment.

Supplemental traffic updates were prepared, including collecting new traffic counts near the site, updating trip generation rates (both to include the newest 10th Edition ITE rates and to compare the theoretical rates to actual trip rates generated by the existing Oak Creek Apartments, with the highest/most conservative rates then utilized), and revising the trip distribution pattern to include trips on Jess Avenue. The supplemental traffic data was incorporated directly into the Response to Comments and informs the discussion at Chapter 3 beginning on page 3-16 and Chapter 4 beginning on page 4-4. Taken together with the reduced unit count of the Revised Project, the updated traffic information found no new or substantially different traffic impacts than were disclosed in the Draft EIR for the 278-unit project.

Furthermore, Appendix A to the FEIR contains a Traffic Calming Plan, which outlines several traffic calming concepts that could be pursued in a manner consistent with the City’s goals for traffic calming in residential neighborhoods and, more specifically, to improve and enhance the livability of the adjacent neighborhood given that the Revised Project would exceed the City’s Street Design and Construction Standards & Specifications intention that local residential roadways carry up to a maximum of 2,000 average daily traffic trips. To avoid creating a situation where a traffic calming program on Graylawn Avenue causes drivers to divert to Jess Avenue, all concepts include traffic-calming elements on both Graylawn and Jess Avenues. The applicant has voluntarily agreed to incorporate traffic calming measures as part of the Revised 205-unit Project (Recommendation Tranps-B is identified in the MMRP).

Supplemental information on River hydrology and sedimentation is presented in the FEIR and further explains sediment disposition (page 4-34), impacts and mitigation requirements of the project (page 4-35), and the effects of cumulative sedimentation on hydrology modeling (page 4-37).

Supplemental Noise and Vibration Data that the City Council directed be conducted to quantify present day noise and vibration levels attributable to commuter and freight trains running along the SMART corridor and existing traffic noise levels along Graylawn Avenue is presented in Appendix B of the FEIR. The supplemental noise information has been incorporated into the Response to Comments, at Chapter 3 beginning on page 3-10 and at Chapter 4 beginning on page 4-41 and informs revisions to Noise Mitigation Measures and Recommendations.

Like the supplemental traffic data, the supplemental noise and sedimentation information led to no new or substantially different impacts than were disclosed in the DEIR.
Overview of Comments and Responses
Chapter 4 of the FEIR contains comprehensive master responses to those DEIR comments that were frequently raised in comment letters and in oral comments at public hearings. These frequently raised issues and the location of the corresponding master response in Chapter 4 are as follows:

- The original Project’s proposed Shasta Avenue Extension and at-grade rail crossing
  Master Response starting on page 4-1.

- General concerns about increased traffic levels
  Master Response starting on page 4-4.

- Accuracy and applicability of traffic counts as used in the Draft EIR to establish baseline (or existing) conditions
  Master Response starting on page 4-6.

- Accuracy of the trip generation rates assumed for the Project in the Draft EIR
  Master Response starting on page 4-10.

- Accuracy of the trip distribution patterns assumed in the EIR, particularly as to vehicle trips on Jess Avenue
  Master Response starting on page 4-12.

- Concerns about increased traffic on Graylawn Avenue and Jess Avenue
  Master Response starting on page 4-13.

- Concerns about flooding and the potential for the Project to exacerbate flood conditions
  Master Response starting on page 4-17.

- Concerns about stormwater runoff, both volume (potentially affecting downstream flooding) and water quality
  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
  Master Response starting on page 4-34.

- Loss of wetlands and riparian habitat
  Master Response starting on page 4-39. For tree protection discussion see also pages 3-2 to 3-8.

- Effects of train-related noise & vibration and concern about Graylawn & Jess Avenue traffic noise
  Master Response starting on page 4-41.

Response to Written Comment Letters
Chapter 5 of the FEIR includes copies of the 31 written comment letters received during the more than 45-day public review and comment period on the Draft EIR. A specific response to each
individual comment is provided and as appropriate refers to the Master Responses presented in Chapter 4.

**Response to Oral Comments made at Public Hearings**

Chapter 6 of the FEIR includes summaries of oral comments based on notes taken during public hearings on the DEIR including the April 18, 2018 Planning Commission hearing and the May 21, 2018 hearing of the City Council. Specific responses to these individual oral comments follow each summary.

In both chapters 5 and 6, responses focus on comments that pertain to the adequacy of the analysis in the DEIR or to other aspects pertinent to the potential effects of the Project on the environment pursuant to CEQA; comments that address topics beyond the purview of this EIR or CEQA such as the merits of the project are noted as such for the public record. Where comments have triggered changes to the Draft EIR, these changes are summarized in the response.

**Changes to Draft EIR**

The FEIR Chapter 7 identifies text in the DEIR that has been changed and specifies strikethrough for deletions and underline for insertions. Changes to the DEIR include revisions warranted or required to ensure accuracy and clarity of the environmental analysis. These changes made to the DEIR constitute information that clarifies, amplifies, or makes insignificant modifications to the adequacy of the environmental analysis presented in the DEIR (CEQA Guidelines §15088.5b). While it is recognized that the Revised Project is a change from the original project proposed and analyzed under the DEIR, it is within the range of the Alternatives contemplated and modifications to the project have been undertaken in an effort to avoid or minimize identified environmental impacts and to incorporate mitigation measures directly into the project. For purposes of clarity the FEIR Chapter 7 identifies all changes or revisions to mitigation measures from the DEIR that have been made in response to the Revised Project. The Revised Project and the environmental analysis of the Revised Project are not considered changes or revisions to the DEIR.

The changes to the DEIR were promulgated pursuant to comments received and are intended to provide clarification, update information, and enhance understanding of the site conditions, potential impacts, and efficacy of mitigation. None of the proposed changes constitutes substantial new information nor were any new significant impacts identified. As such, changes to the DEIR presented in Chapter 7 of the FEIR do not require recirculation of the DEIR.

**Recirculation not Required**

No new significant impacts or other information requiring recirculation were identified as part of the responses to comments. Although the FEIR contains new information specific to the Revised Project as now proposed and includes certain corrections and clarifications to information presented in the DEIR, the FEIR (Chapter 1 page 3) concludes that none of this new information, corrections or clarifications constitutes significant new information as defined under Section 15088.5 of the CEQA Guidelines. In conclusion, no new significant impacts or substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the Revised Project over the original Project, and no considerably different mitigation measures have been added. The FEIR concludes that none of the changes, revisions, and clarification result in significant new information that would warrant recirculation.
No Significant and Unavoidable Impacts
There are no significant and unavoidable impacts identified for the Revised Project that would result in a Statement of Overriding Considerations, as discussed previously at page 8 (and as discussed FEIR starting at page 1-3). The original Project would have resulted in significant and unavoidable impacts.

Impacts Mitigated to Less than Significant Levels
Table 1-1 in the FEIR provides a summary of potential environmental impacts, mitigation measures, and the resulting level of significance after implementation of all mitigation measures. In summary, all potentially significant environmental impacts of the Revised Sid Commons Apartment project can be mitigated to a less than significant level with implementation of mitigation measures.

FEIR Recommendations
In addition to mitigation measures, the Sid Commons FEIR also makes Recommendations; these are made when there is not a CEQA-defined environmental impact, but implementation of a measure would help address potential conflicts with a City policy; for example Recommendation Transp-B is provided to address the Revised Project’s potential conflicts with the City’s 2,000 average daily trips per day design standard for Graylawn Avenue by implementing a Traffic Calming Plan along Graylawn and Jess Avenues and Recommendation Haz-7 is provided to ensure specific consideration of the final EVA design subject to reviewed and approval by the City’s Fire Marshal. In addition, Recommendations Noise 1A, 1B, 1C, and Noise 2 are provided to avoid inconsistencies with City General Plan policies that may occur by introducing new residents (noise sensitive receptors) to an area with elevated ambient noise levels due to existing conditions from operations along the rail corridor including SMART commuter rail and freight train activity. The ambient noise environment is part of the existing condition and is not an environmental impact caused by the project. Nonetheless, the project would introduce new noise sensitive receptors to an area with occasionally elevated noise levels and could present a potential inconsistency with General Plan policy 10-P-3, which provides for the protection of public health and welfare by minimizing the effects of existing noise. As such, Recommendations Noise 1A, 1B, 1C, and 2 are identified as elements the project can incorporate to ensure that new residents are not exposed to excessive noise due to ambient conditions. The recommended measures will be considered by the applicant, incorporated into their SPAR submittal, and reviewed by Planning Commission during SPAR to ensure recommendations are adequately addressed.

Planning Commission Hearing on the FEIR
Per the City’s CEQA Guidelines, the Planning Commission requested that the FEIR return to the Commission for consideration. The Commission’s discussion is expected to focus on the changes in the DEIR, responses to public comments presented in the FEIR, per CEQA Guidelines Section 15089(b), and the overall adequacy of the environmental review.

It is recommended that the Planning Commission recommend to the City Council that the DEIR adequately discloses potential impacts and identifies feasible and implementable Mitigation Measures, that the FEIR adequately addresses comments received and provides responses, and that the City Council consider certification of the EIR. The Planning Commission may then make recommendations whether to amend the Petaluma Zoning Map and the Oak Creek Apartments
PUD. The Commission may also provide feedback to the applicant as they develop their conceptual design into a full site plan and architectural review submittal.

**Subsequent Actions on the Project**

At a subsequent noticed public hearing, the City Council will consider Planning Commission’s recommendations and whether to certify the Sid Commons EIR and take other CEQA related actions. The Council will then consider the requested zoning entitlements.

If the proposed zoning modifications are approved and the Revised Project concept proceeds to the Site Plan and Architectural Review entitlement phase, all measures identified in the Mitigation Monitoring and Reporting Program will be incorporated into the conditions of approval of any subsequent Sid Commons SPAR entitlement. The recommended measures will be considered by the Applicant, incorporated into their SPAR submittal, and reviewed by Planning Commission during SPAR to ensure recommendations are adequately addressed. The Planning Commission will have approval authority on the Sid Commons SPAR entitlement and may add, modify, or amend future SPAR related conditions of approval.

Subsequent actions also include other administrative actions by the City, including a tentative parcel map or lot line adjust to accommodate the development. Additional, subsequent actions include review and approval by regional, state and federal agencies that have jurisdiction over the project and/or resources.

**PUBLIC OUTREACH**

In October 2019 the applicant engaged in door to door outreach and spoke with a number of neighborhood residents regarding the project, accepted input, and invited residents to attend one or both the neighborhood meetings.

The applicant hosted two neighborhood outreach events to present the Revised Project and receive input on the project as follows:

- **Tuesday October 15th** at the abutting Oak Creek Apartments clubhouse (150 Graylawn Avenue): This first outreach event was targeted toward the nearest neighbors (flyers were hand delivered by the applicant to residents along Graylawn and Jess Avenues, Bernice and Betty Courts, and Cordelia Drive). Approximately twelve neighbors attended.
- **Tuesday October 29th** at the abutting Oak Creek Apartments clubhouse (150 Graylawn Avenue): All neighbors and owners within a 1000-foot radius were invited to the second outreach event (flyers were mailed by applicant to those on the 1,000-foot radius list prepared by the City). Approximately 21 neighbors attended. The traffic engineer hired by the City and the City’s environmental planner attended the meeting, provided information presented in the EIR, and responded to concerns expressed by the neighborhood.

Please see the Community Outreach Narrative at Attachment G for further public outreach details. The feedback received from the community, at the neighborhood meetings described more extensively at the same Attachment, centered around the following issues:
- Traffic concern and safety along Graylawn and Jess Avenues
- Interest in understanding specific improvements to be implemented by the Traffic Calming Plan
- Lack of City maintenance on public roadways, particularly Payran Street
- Flooding concerns from past improvements
- Lack of dredging in the Petaluma River and effects of sedimentation
- Storm drain maintenance of outfall pipes
- Concerns with public access to the river trail and adequacy of policing
- Parking along Graylawn Avenue
- Interest in publicly accessible dog park and river path, as well as play structure

PUBLIC NOTICE

A Notice of Availability of the FEIR and A Notice of Public Hearing was published in the Argus Courier and notices were sent to residents and property owners within 1,000 feet of the subject property, as well as interested parties who requested notification. The Notice of Availability was also published with the Sonoma County Clerk on October 31, 2019 and submitted to the State Clearing House for publication. Additionally, on November 1st, 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. The project file including the DEIR and FEIR have also been made available for review during normal business hours at the City of Petaluma Community Development Department, Planning Division, located at 11 English Street in Petaluma.

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. Additionally, hard copies and electronic files have been made available for purchase by the public at the Planning Division.

Written comments that have been received to date on the FEIR, Rezoning, and PUD Modification accompany this staff report as Attachment I.

ATTACHMENTS

Attachment A: Resolution recommending certification of the Final Environmental Impact Report
   Exhibit 1: Findings of Fact
   Exhibit 2: MMRP
Attachment B: Resolution recommending approval of the Zoning Map Amendment
   Exhibit 1: Draft Ordinance
Attachment C: Resolution recommending amendment of the Oak Creek Apartments PUD
   Exhibit 1: Revised Oak Creek Apartment PUD Development Standards and Unit Development Plan
Attachment D: Conceptual Site Plan
Attachment E: DEIR Planning Commission Staff Report dated April 24, 2018
Attachment F: DEIR City Council Staff Report dated May 21, 2018
Attachment G: Applicant’s Community Outreach Narrative
Attachment H: Legislation creating Oak Creek Apartment PUD and associated Planning Commission Staff Report (1980s)
Attachment I: Written Comments
Attachment J: EIR: Previously provided (includes the Draft EIR and the Final EIR and all attachments and appendices thereto).
RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL CERTIFY AN ENVIRONMENTAL IMPACT REPORT, MAKE FINDINGS OF FACT, AND ADOPT 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 PUD to R4 (Residential 4 and a Planned Unit Development (PUD)) and 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 Map1 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

1 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 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, 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 Environmental Impact Report ("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 concept site plan for evaluation in the Final EIR; and

WHEREAS, the Revised Project proposes 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 River and outside the Petaluma River Plan Corridor.

WHEREAS, the Revised Project also proposes 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 November 19, 2019; 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, 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 Final EIR and accepted public testimony; 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 Revised Project will require adoption of Findings on Impacts and Mitigations as set forth in attached Exhibit 1; and,

WHEREAS, the 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 FEIR did not identify any significant and unavoidable impacts of the Revised Project and therefore no statement of overriding consideration is required for approval of the Revised Project; and

WHEREAS, the 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 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 Planning Commission of the City of Petaluma and the Planning Commission reviewed and considered the information presented in the Final EIR prior to making recommendations to the City Council; 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 Planning Commission that the above recitals are true and correct and incorporated by reference.

BE IT FURTHER RESOLVED that the Planning Commission makes the following recommendations to the City Council:

1. Certify that the Sid Commons Apartments Final EIR, inclusive of the Draft EIR and references and all attachments thereto, have been completed in compliance with CEQA;

2. As required by CEQA and based on substantial evidence in the record, adopt the Findings regarding potentially significant effects of the Revised Project and mitigation measures contained in the attached Exhibit 1, which is incorporated herein by reference.

3. Adopt the Mitigation Monitoring and Reporting Program set forth in the attached Exhibit 2, which is incorporated herein by reference, to ensure that all mitigation measures relied on in the Findings are fully implemented. Compliance with the MMRP set forth therein shall be a condition of any subsequent Project approval.

4. Find that for 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 less 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 onsite 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: Protected Tree Replacements

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 a Graylawn Avenue are intended to carry up to a maximum of 2,000 average daily tips (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 equated to approximately a 149-unit multi-family residential project, at a trip rate of approximately 7 daily tips per unit. With 149 apartment units spread over the 15.45 net acres of developable portions of APNs -006 and -009, Alternative #4 would yield a density of approximately 9.6 units per gross 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 changed design enables retention of more protected trees, greater compliance with setbacks and buffers of the Petaluma River Access and Enhancement Plan, and avoidance of 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 would 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 as revised 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 205 units on the approximately 15.45 net developable parcel (approximately 13.27 units per acre); (b) provide a river trail as envisioned by the River Plan and General Plan; (c) achieve a central objective of realizing flood control improvements through terraced grading as directed through the City’s General Plan; (d) provide inclusionary housing onsite for 10%
of the units at the affordable level comprised of 5% at the low income level and 5% at the median income level; and (e) achieve the Project sponsor’s objectives for the Project.
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

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date Completed</th>
</tr>
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<tbody>
<tr>
<td><strong>Aesthetics</strong></td>
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<tr>
<td><strong>Mitigation Measure Visual-2, Implement Mitigation Bio-10A</strong>: Limitations on Improvements within the Petaluma River Plan Corridor (see Biology section for details)</td>
<td>See Biology, below</td>
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<tr>
<td><strong>Mitigation Visual-3A, Inclusion in SPAR:</strong></td>
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<tr>
<td>The Site Plan and Architectural Review process for the Revised Project shall include evaluation and review of the Revised Project for:</td>
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<td>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).</td>
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<td>b) Adequate setbacks and/or landscaping between existing abutting residential structures in the R2 zoning district (addressed from Graylawn Avenue and Bernice Court).</td>
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<td>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.</td>
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<tr>
<td>Applicant:</td>
<td></td>
<td>Demonstrate required SPAR criteria on Site Plan</td>
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<tr>
<td>Planning Division / Planning Commission:</td>
<td></td>
<td>Review and approve Project’s Site Plan pursuant to SPAR</td>
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<tr>
<td>Applicant:</td>
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<tr>
<td>Planning Division / Planning Commission:</td>
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</table>
Mitigation Measure

**Visual-3B, Implement Mitigation Bio-10B** (as amended): RODZ review at SPAR (see Biology section for details)

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

**Mitigation Visual-4, Glare Minimization Design Standards:** The following measures shall be applied to reduce light and glare at the Project site:

a) Lighting designs shall employ fixtures that would cast light in a downward direction, and building materials should not be sources of substantial glare.

b) Lighting should generally occur at intersections, areas of pedestrian activity, and building entrances, and be minimized elsewhere.

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.

d) No lighting shall blink, flash or be of unusually high intensity or brightness.

e) Lighting shall utilize energy-efficient fixtures that provide a balance between energy efficiency and pleasing light color.

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.

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<tr>
<th>Responsible Party</th>
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</thead>
<tbody>
<tr>
<td>Applicant/A. Architect:</td>
<td>Prepare Outdoor Lighting Plan for SPAR review, demonstrating implementation of all measures</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning Commission:</td>
<td>Review and approve Project’s Outdoor Lighting Plan pursuant to SPAR</td>
<td>Sign.</td>
<td>Date</td>
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<tr>
<td>Planning/Building Division:</td>
<td>Verify final SPAR-approved Outdoor Lighting Plan prior to issuance of building permits</td>
<td>Sign.</td>
<td>Date</td>
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</tbody>
</table>
### Mitigation Measure

| 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

**Mitigation Measure AQ-2A, Basic Dust Control:** 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. |

<p>| Applicant: | Include all measures in project construction documents | Sign. | Date |
| Planning/Building Division: | Verify construction documents prior to issuance of grading permit | Sign. | Date |
| Engineering/Building Division: | Conduct periodic inspections during construction to ensure that measures are in place | Sign. | Date |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
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<tr>
<td>d) All vehicle speeds on unpaved roads shall be limited to 15 mph.</td>
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<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<tr>
<td>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.</td>
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<td><strong>Mitigation Measure AQ-2B, Enhanced Dust Control:</strong> 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:</td>
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Applicant: Include all measures in project construction documents
Planning/ Verify measures are included in

Sign. Date
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<tr>
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<tbody>
<tr>
<td>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.</td>
<td>Building Division:</td>
<td>construction documents prior to issuance of grading permit</td>
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<tr>
<td>b) All excavation, grading and demolition activities shall be suspended when average wind speeds exceed 20 mph.</td>
<td>Engineering/Building Division:</td>
<td>Conduct periodic inspections during construction to ensure that measures are in place</td>
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<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<td>f) All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</td>
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<td>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.</td>
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<td>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.</td>
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</table>
i) Minimizing the idling time of diesel powered construction equipment to two minutes.

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.

k) Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).

l) Require that all construction equipment, diesel trucks and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.

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.
## Biological Resources

### Mitigation Measure Bio-2a: Pre-Construction Nesting Surveys

If grading operations or construction is scheduled during the nesting season for migratory birds (February 1

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<tr>
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<tbody>
<tr>
<td>Applicant:</td>
<td>Retain qualified biologist to perform nesting survey/call</td>
<td>Sign.</td>
<td>Date</td>
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</table>
Mitigation Measure through August 30), trees in the Project site shall be surveyed including call surveys as appropriate for nesting migratory birds.

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<tr>
<th>Mitigation Measure</th>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Completion:</th>
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<tbody>
<tr>
<td>Mitigation Measure Bio-2b, Pre-Construction Tree Roost Surveys: For all tree removal and vegetation management activities the following measures shall be implemented to protect bats:</td>
<td>Applicant:</td>
<td>Schedule and perform tree removal in conformance with measures, or retain qualified biologist to perform a bat roost survey, as required per measure</td>
<td>Signature</td>
</tr>
<tr>
<td>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.</td>
<td>Applicant:</td>
<td>Notify Planning Division and CDFW in the event of active nest discovery</td>
<td>Signature</td>
</tr>
<tr>
<td>b) The surveys shall be conducted no more than 15 days prior to the start of any ground disturbing activities.</td>
<td>Qualified Biologist:</td>
<td>Perform survey in event of active nest discovery consult with CDFW and establish buffer. Submit findings to City.</td>
<td>Signature</td>
</tr>
<tr>
<td>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.</td>
<td>Building/ Engineering/ Planning Division:</td>
<td>Review findings prior to issuance of grading permit and verify that buffers are maintained (if required) during construction through periodic site inspections</td>
<td>Signature</td>
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<tr>
<td>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.</td>
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<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
<td>Completion:</td>
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<td>a) Tree removal shall be conducted between September 1st and March 31st 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.</td>
<td>Applicant:</td>
<td>survey within 7 days prior to tree removal</td>
<td>Signature Date</td>
</tr>
<tr>
<td>Qualified Biologist:</td>
<td>Notify Planning Division and CDFW in the event of protected bat discovery</td>
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<td>Sign. Date</td>
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<tr>
<td>Building/ Engineering/ Planning Division:</td>
<td>Perform Preconstruction surveys and submit results and recommendations to the City.</td>
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<td>Sign. Date</td>
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<tr>
<td>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.</td>
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<td>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.</td>
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<td>Mitigation Measure</td>
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<td><strong>Regulatory Requirements, Bio-3</strong>: 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 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.</td>
<td>Applicant:</td>
<td>Obtain all required agency permits and authorizations (e.g., from U.S. Army Corps, USF&amp;WS, RWQCB and/or CDFW) for River terrace grading</td>
<td>Signature</td>
</tr>
<tr>
<td>Planning Division:</td>
<td>Verify that all required agency permits have been obtained prior to issuance of grading or building permits including for River Terracing</td>
<td></td>
<td>Sign.</td>
</tr>
<tr>
<td><strong>Mitigation Measure Bio-3A, Limitations on the Grading Period</strong>: 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.</td>
<td>Applicant:</td>
<td>Schedule terraced grading and vegetation removal as prescribed</td>
<td>Signature</td>
</tr>
<tr>
<td>Building/Planning Division:</td>
<td>Limit issuance of grading permit for River terracing to schedule as prescribed</td>
<td></td>
<td>Sign.</td>
</tr>
<tr>
<td><strong>Mitigation Measure Bio-3B: Pre-Construction Surveys</strong>: A qualified USFWS-approved biologist shall conduct pre-</td>
<td>Applicant:</td>
<td>Retain a qualified biologist to perform</td>
<td></td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
<td>Completion:</td>
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<tr>
<td>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.</td>
<td>Qualified Biologist:</td>
<td>pre-construction surveys</td>
<td>Sign. Date</td>
</tr>
<tr>
<td>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.</td>
<td>Planning Division</td>
<td>In consultation with CDFW, establish exclusion zone buffer in event of discovery. Submit results and recommendations to the City.</td>
<td>Sign. Date</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td>Verify results of pre-construction surveys prior to issuance of grading permits for River terracing</td>
<td>Sign. Date</td>
</tr>
<tr>
<td>Mitigation Measure Bio-3C, Relocation: 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.</td>
<td>Applicant/ Biologist</td>
<td>In the event of discovery of special status species, contact Planning Division and CDFW</td>
<td>Sign. Date</td>
</tr>
<tr>
<td>a) Any re-location efforts shall be pre-approved by the resource agencies.</td>
<td>CDFW (if special status species are found):</td>
<td>In the event of discovery of special status species, determine whether</td>
<td>Sign. Date</td>
</tr>
</tbody>
</table>
Mitigation Measure

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.

<table>
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<tr>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building/Planning Division</td>
<td>In the event of discovery of special status species, authorize construction activity only after CDFW authorization</td>
<td>________</td>
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</tbody>
</table>

**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. These measures shall include, but not be limited to:

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.

b) Install exclusion fencing around grading and clearing zones to keep out special-status. The areas approved for

<table>
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<tr>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date</th>
<th>Completed</th>
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</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Retain USFWS-approved biologist/Biological Monitor</td>
<td>________</td>
<td>________</td>
<td></td>
</tr>
<tr>
<td>Biological Monitor:</td>
<td>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.</td>
<td>________</td>
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</table>
### Mitigation Measure

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.

c) Have the Biological Monitor survey each zone periodically and relocate species as necessary.

d) Prior to construction, a qualified biologist shall conduct training sessions to familiarize all construction personnel with:
   - identification of California red-legged frog and their habitat, Western pond turtle and their habitat and identification of protected salmonids and their habitats,
   - general provisions and protections afforded by the Endangered Species Act,
   - measures implemented to protect the species, and
   - a review of project site boundaries

e) To avoid attracting predators, food-related trash shall be kept in closed containers and removed daily from the project site.

<table>
<thead>
<tr>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date Completed</th>
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</thead>
<tbody>
<tr>
<td>Building/ Planning/ Engineering Division</td>
<td>Verify presence and maintenance of BMPs during construction at site inspections</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
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<tr>
<td>f) At the end of each day, all construction-related holes or trenches deeper than 1 foot shall be</td>
<td></td>
<td>cover to prevent entrapment of potential California red-legged frog.</td>
<td></td>
</tr>
<tr>
<td>g) During the process of reviewing the USACE permit application, the USACE will determine the need</td>
<td></td>
<td>to enter into consultation with the USFWS for impacts on the federally listed</td>
<td></td>
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<tr>
<td>to consult with the USFWS for the California red-legged frog. If consultation with the USFWS for</td>
<td></td>
<td>the California red-legged frog is needed, the City of Petaluma would comply</td>
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<tr>
<td>the California red-legged frog is needed, the City of Petaluma would comply with all the terms and</td>
<td></td>
<td>conditions required by the USFWS.</td>
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<tr>
<td>conditions required by the USFWS.</td>
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</table>

**Regulatory Requirements, Bio-4:** Pursuant to existing regulations, the Applicant is required to obtain all required authorizations from the U.S. Army Corps of Engineers pursuant to Section 404 and/or Section 401 of the Clean Water Act. For the fill of wetlands, waters of the US and/or the State.

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.

<table>
<thead>
<tr>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date</th>
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<tbody>
<tr>
<td>Applicant:</td>
<td>Obtain all required agency permits and authorizations (e.g., from U.S. Army</td>
<td>__________</td>
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<td></td>
<td>Corps, and/or RWQCB) for wetlands fill</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning/Building</td>
<td>Verify that all required agency permits have been obtained, and all conditions</td>
<td>__________</td>
<td>______</td>
</tr>
<tr>
<td>Division:</td>
<td>have been met prior to issuance of grading or building permits for project</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td></td>
<td>activities, terracing and fill to wetlands</td>
<td></td>
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<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
<td>Completion:</td>
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<tr>
<td><strong>Bio-4: Compensation for Seasonal Wetlands Fill.</strong></td>
<td><strong>Applicant/Qualified Biologist:</strong></td>
<td>Demonstrate all required on-site compensatory mitigation in Landscape Plan for terrace grading</td>
<td>Signature Date</td>
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<td></td>
<td></td>
<td>Prepare Restoration Habitat and Monitoring Plan</td>
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<td></td>
<td></td>
<td>Planning Division / Planning Commission:</td>
<td>Review and approve Landscape Plan for terrace grading and HMMP, pursuant to SPAR process</td>
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<tr>
<td></td>
<td></td>
<td>Building/Planning Division:</td>
<td>Verify that on-site compensatory mitigation locations are provided on grading and improvement plans for terrace grading prior to issuance of grading permit</td>
</tr>
</tbody>
</table>

**Regulatory Requirements, Bio-5:** 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

<table>
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<tr>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Completion:</th>
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<tbody>
<tr>
<td><strong>Applicant/ Biologist:</strong></td>
<td>Obtain all required agency permits and authorizations (e.g., from CDFW for loss</td>
<td>Signature Date</td>
</tr>
</tbody>
</table>
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.

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.

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Completion:</th>
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<tbody>
<tr>
<td><strong>Mitigation Measure Bio-5A, Riparian Preservation Zone:</strong> Final grading plans for the Project’s proposed terraced grading concept along the Petaluma River shall include a Riparian (Willow) Preservation Zone comprising the approximately 0.30 acres of high quality riparian habitat along the River. Preservation of existing high quality riparian vegetation shall be achieved in these zones while accommodating widened channel designs that provides acceptable flood control containment. The River Plan calls for all development (including grading and flood control alterations) to be severely restricted within high priority Riparian Preservation Zones, all development, including trails, grading and flood control alterations, shall be prohibited in these Zones. Minimal intrusions in a carefully</td>
<td>Planning/ Building Division:</td>
<td>Verify that all required agency permits have been obtained and conditions met prior to issuance of grading or building permits for River terracing and upland development</td>
<td>Sign. Date</td>
</tr>
<tr>
<td></td>
<td>Applicant/ Biologist:</td>
<td>Demonstrate all required on-site compensatory mitigation in Landscape Plan for terrace grading. Prepare Restoration and Monitoring Plan as part of HMMP for the Project</td>
<td>Sign. Date</td>
</tr>
<tr>
<td></td>
<td>Planning Division / Planning Commission:</td>
<td>Review and approve Landscape Plan for terrace grading and HMMP, pursuant to SPAR process</td>
<td>Sign. Date</td>
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</tbody>
</table>
Mitigation Measure

selected location could be authorized by the City for interpretive purposes only.

<table>
<thead>
<tr>
<th>Mitigation Measure Bio-5B, Riparian Tree Preservation:</th>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Completion:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Building/Planning Division:</td>
<td>Verify that on-site compensatory mitigation locations are provided prior to issuance of grading permit for terrace grading</td>
<td>Signature</td>
</tr>
<tr>
<td>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)</td>
<td></td>
<td></td>
<td>__________</td>
</tr>
<tr>
<td>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</td>
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<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
<td>Completion:</td>
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<tr>
<td></td>
<td>Planning Division / Planning Commission:</td>
<td>Review and approval of Tree Removal pursuant to SPAR</td>
<td>Signature</td>
</tr>
<tr>
<td></td>
<td>Engineering/Planning/Building Division:</td>
<td>Verify that final SPAR-approved Tree Removal and all conditions thereof are included in Frontage Improvement Plans and grading permits</td>
<td>Signature</td>
</tr>
<tr>
<td><strong>Mitigation Measure Bio-5C, Habitat Mitigation and Monitoring Plan:</strong></td>
<td>Applicant:</td>
<td>Finalize HMMP for review by the regulatory agencies and the City</td>
<td>Signature</td>
</tr>
<tr>
<td></td>
<td>Planning Division:</td>
<td>Coordinate and ensure review and comment on HMMP by applicable regulatory agencies prior to City approval</td>
<td>Signature</td>
</tr>
<tr>
<td></td>
<td>Planning Division / Planning Commission</td>
<td>Review and approval of HMMP pursuant to SPAR</td>
<td>Signature</td>
</tr>
</tbody>
</table>

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. 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.

a) When stabilized and restored, the Restoration Zone shall be designed and constructed such that it contributes
Mitigation Measure

significantly to the wildlife and fishery habitat values and water quality of the greenway.

b) Restoration treatments shall include re-grading, slope stabilization and planting with genetically local native riparian and upland species.

c) Access shall be generally restricted from the banks and bank-top areas in this zone, except at carefully selected and controlled points where overlooks and interpretive areas are permitted.

<table>
<thead>
<tr>
<th>Mitigation Measure Bio-6, Terraced Grading Erosion Control/Stormwater Pollution Prevention Plan:</th>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Completion:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Applicant:</td>
<td>Prepare final Erosion Control Plan for all terrace grading work and trail construction within and abutting the Petaluma River floodplain</td>
<td>Signature</td>
</tr>
<tr>
<td>a) Install and maintain silt fences adjacent to the perimeter of the work area and immediately downstream of disturbed areas and install and maintain erosion control blankets on all disturbed ground to prevent inadvertent transport of sediments into the Petaluma River. The Project applicant shall be responsible for ensuring that sediment-control devices are installed and maintained correctly. The devices shall be inspected frequently (e.g., daily) to ensure they are functioning properly. Controls shall be immediately repaired or replaced or additional</td>
<td>Engineering / City Engineer:</td>
<td>Review and approve Erosion Control Plan as being in conformance with all applicable City and regulatory agency design standards prior to issuance of grading, permits for river terracing</td>
<td>Signature</td>
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</table>

A - 53
<table>
<thead>
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<th>Mitigation Measure</th>
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<tr>
<td>Controls shall be installed as necessary. Sediment that is captured in these</td>
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<td>controls may be disposed of onsite in an appropriate approved area or off-site at</td>
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<tr>
<td>an approved disposal site.</td>
</tr>
<tr>
<td>b) Soil materials stockpiled at the site must be covered with plastic sheeting</td>
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<td>at the end of each workday until permanently protected with rock ballast materials.</td>
</tr>
<tr>
<td>c) Spill prevention and control BMPs shall be implemented throughout grading</td>
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<tr>
<td>activities. Train onsite personnel in spill prevention practices, and provide</td>
</tr>
<tr>
<td>spill containment materials near all storage areas. All contractors are responsible</td>
</tr>
<tr>
<td>for familiarizing their personnel with the information contained in the Storm Water</td>
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<tr>
<td>Pollution Prevention Plan.</td>
</tr>
<tr>
<td>d) Spills, leaks, and other problems of a similar nature shall be resolved</td>
</tr>
<tr>
<td>immediately to prevent unnecessary impacts. A plan for the emergency cleanup of</td>
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<tr>
<td>any spills of fuel or other material shall be available on-site, and workers shall</td>
</tr>
<tr>
<td>be trained in techniques to reduce the chance for spills, contain and clean up</td>
</tr>
<tr>
<td>spills, and properly dispose of spilled materials for the potential pollutants.</td>
</tr>
<tr>
<td>Adequate materials for spill cleanup shall be maintained on-site and readily</td>
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<td>available to the employees of each contractor or subcontractor for immediate</td>
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<tr>
<td>response should a spill occur on-site.</td>
</tr>
<tr>
<td>e) Maintain all construction equipment to prevent oil or fluid leaks, use drip</td>
</tr>
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<td>pans or other secondary containment materials.</td>
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<td>Responsible Party</td>
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</table>

A - 54
Mitigation Measure

measures beneath vehicles during storage, and regularly inspect all equipment and vehicles for fluid leaks.

f) Water down all disturbed ground surfaces as necessary to minimize windblown dust.

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.

h) Implement the HMMP immediately after grading operations are complete to re-vegetate all disturbed areas.

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 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.)

Mitigation Measure Bio-7B, Pre-Construction Surveys (see Mitigation Measure Bio-1A): This measure requires pre-construction biological surveys and determination of avoidance measures as necessary during construction.

Mitigation Measure Bio-7C, Avoidance and Minimization (see Mitigation Measure Bio-3): This

<table>
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<tr>
<th>Mitigation Measure</th>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>applicant/architect</td>
<td>Prepare Outdoor Lighting Plan for SPAR review, demonstrating implementation of all measures</td>
<td>Sign.</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>planning division/planning commission</td>
<td>Review and approve Project’s Outdoor Lighting Plan pursuant to SPAR</td>
<td>Sign.</td>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>building/planning division</td>
<td>Verify final SPAR-approved Outdoor Lighting Plan prior to issuance of building permits</td>
<td>Sign.</td>
<td>Date</td>
<td></td>
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</tbody>
</table>
Mitigation Measure

A mitigation measure requires avoidance and minimization measures to be employed prior to and during all grading and construction activities within the Petaluma River, as required and/or approved by subsequent permitting agencies, to protect special status species and sensitive habitats. These measures include, but are not limited to 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.

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<tr>
<th>Mitigation Measure</th>
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<th>Signature</th>
<th>Date Completed</th>
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</thead>
<tbody>
<tr>
<td><strong>Mitigation Bio-9, Incorporation of Native Plants in Landscaping Plans:</strong> As part of the Project’s Site Plan and Architectural Review process, the Project 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 Petaluma River Access and Enhancement Plan.</td>
<td>Applicant/ Landscape Architect:</td>
<td>Prepare final Landscape Plan for SPAR review, demonstrating use of City-approved native riparian plant species for landscaping within the Petaluma River Preservation and Restoration zones.</td>
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<tr>
<td>a) The Landscape Plan shall only include plants from the City’s approved list of commonly occurring native riparian plant species for landscaping proposed within the Petaluma River Preservation and Restoration zones.</td>
<td>Planning Division / Planning Commission:</td>
<td>Review and approve Project Landscape Plan, including use of native riparian species, pursuant to SPAR</td>
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<tr>
<td>b) In the Buffer Zone (including 200 feet from the River centerline and its extension 50’ from oak drip lines and wetlands and 30’ from constructed river terrace top of bank), the Landscape Plan shall incorporate riparian</td>
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</table>
### Mitigation Measure

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.

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).

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.

### 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, 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.

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<thead>
<tr>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date Completed</th>
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</thead>
<tbody>
<tr>
<td>Building/Planning Division:</td>
<td>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</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Prepare final Site Plans demonstrating no encroachment of residential structures into Petaluma River Plan Corridor</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning Division /</td>
<td>Verify no encroachment of residential structures</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
<td>Completion:</td>
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<tr>
<td><strong>Mitigation Bio-10B, RODZ review at SPAR:</strong> 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.</td>
<td>Planning Commission</td>
<td>into Petaluma River Plan Corridor, and specifically itemize any approved minor encroachments for associated improvements</td>
<td>Signature Date</td>
</tr>
<tr>
<td></td>
<td>Building/ Planning Division:</td>
<td>Verify that final SPAR-approved Site Plan conditions of approval are included prior to issuance of grading and/or building permits</td>
<td></td>
</tr>
<tr>
<td><strong>Mitigation Measure Bio-11A, Ensure Preservation of Existing Trees:</strong> 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.</td>
<td>Applicant/ Professional Arborist:</td>
<td>Prepare a Landscape Plan for SPAR review demonstrating best efforts to preserve the most desirable and significant healthy trees on site, per measures</td>
<td>Signature Date</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ensure protection of all trees to be retained pursuant to Mitigation Measure Bio-11C (below)</td>
<td></td>
</tr>
</tbody>
</table>
Mitigation Measure

a) No protected tree shall be removed unless a tree removal, grading or building permit is issued by the Community Development Department.

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.

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

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<tbody>
<tr>
<td>Planning Division / Planning Commission</td>
<td>Review and approval of Tree Protection pursuant to SPAR</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning/ Engineering/ Building Division</td>
<td>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</td>
<td>Sign.</td>
<td>Date</td>
</tr>
</tbody>
</table>
Mitigation Measure particularly pursued. Tree protection on APN-006 shall be equal to that depicted by the Revised Project’s concept plan. Thinning of the redwoods along Graylawn may be authorized by SPAR if recommended by the arborist. The EVA shall be designed to accommodate oaks 1 and 2, but should the Fire Marshal and the arborist find this impossible, SPAR is authorized to allow their removal pursuant to Mitigation Measure Bio 11-B.

e) During preparation of the site plan for SPAR, the applicant shall work collaboratively with the arborist and the civil engineer to design a site plan that addresses Bio 11B through 11D. The arborist shall provide further tree preservation analysis as part of the SPAR submittal, and shall ensure that all trees over 4 inches at breast height are included in the analysis.

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 at the following ratios:

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
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<th>Signature</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bio-11B, Protected Tree Replacements</td>
<td>Applicant/ Landscape Architect</td>
<td>Prepare final Landscape Plan for SPAR review, demonstrating all required tree replacement measures have been met</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td></td>
<td>Planning Division / Planning Commission</td>
<td>Review and approve Project landscape Plan, including tree replacement plans, pursuant to SPAR</td>
<td>Sign.</td>
<td>Date</td>
</tr>
</tbody>
</table>
Mitigation Measure

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

c) Replacement tree ratios shall be applied as follows:

- 24-inch box replacement tree = 2-inch replacement trunk diameter
- 36-inch box replacement tree = 3-inch trunk replacement diameter
- 48-inch box replacement tree = 4-inch trunk replacement diameter

d) Replacement trees shall be at minimum 24-inch box size.

e) All protected trees determined by the Project arborist to have poor health or poor structure are not required to be replaced.

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.

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

<table>
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<tr>
<th>Responsible Party</th>
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<tbody>
<tr>
<td>Engineering/Planning/Building Division:</td>
<td>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</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
<td>Signature</td>
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<tr>
<td><strong>Mitigation Measure Bio-11C, Tree Protection Plan:</strong> 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:</td>
<td>Applicant/ Licensed Landscape Architect, Arborist or Certified Forester approved by the City</td>
<td>Prepare conceptual Tree Protection Plan for all trees to be preserved within the Project, and to protect them during on-site grading and construction</td>
<td>Sign.</td>
</tr>
<tr>
<td></td>
<td>Planning Division / Planning Commission:</td>
<td>Review and approval of conceptual tree protection plan pursuant to SPAR</td>
<td>Sign.</td>
</tr>
<tr>
<td></td>
<td>Engineering / Planning/ Building Division:</td>
<td>Verify that final SPAR-approved tree protection plan is included in Public Improvement Plans and grading permits</td>
<td>Sign.</td>
</tr>
</tbody>
</table>

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.
<table>
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<tr>
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<tbody>
<tr>
<td>b) Plans shall indicate clearing, stripping and grading limits. Clearing and stripping limits must be staked on-site by the project engineer.</td>
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<tr>
<td>c) All utility plans must be included and their location relative to trees shown on plans.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>e) Trees within the clearing areas (including exotics) noted to be removed shall be clearly marked on plans and in the field.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>g) Bulkheads or tree wells may be used around trees where grading may be detrimental to the tree’s preservation.</td>
</tr>
<tr>
<td>h) No grading shall be done within the drip line of trees to be saved except where noted on approved grading or landscaping plan.</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>j) Trees to be saved shall be fenced or protected to the satisfaction of the Planning Director prior to start of...</td>
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<td>Mitigation Measure</td>
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<td>construction, and maintained throughout the construction period.</td>
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<td>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.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>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.</td>
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<tr>
<td>n) There should be no trenching, drilling, or boring within six feet of the trunk. In parking lots, irrigation and airification devices must be installed.</td>
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<td>Mitigation Measure</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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-expend its energy reserves in response to the fertilizer.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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</tbody>
</table>
### Mitigation Measure

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<thead>
<tr>
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<tbody>
<tr>
<td>t) On-site inspections by the project engineer and landscape architect shall ensure</td>
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<td>that there is no encroachment into the areas beyond the &quot;limits of grading&quot; as</td>
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<td>shown. Trees outside the grading area or designated “to be saved” are to be</td>
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<td>adequately protected during construction operations.</td>
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<td>u) Landscaping under native oak trees should consist of drought tolerant plants</td>
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<td>or California native plants that are drought tolerant in nature and must not</td>
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<td>require supplemental water so as to be detrimental to the trees. There is to be</td>
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<td>no landscaping within the drip line. Chipped bark, mulch or cobblestones are</td>
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<td>suitable for this area. No lawns should be planted within the drip line.</td>
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<td>v) Permanent irrigation systems should be bubbler, drip or sub-terrain only. No</td>
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<td>sprinkler systems should be allowed within six feet of trees, except for Oaks.</td>
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<td>Oaks may have a temporary drip only.</td>
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<td>w) A manually operated drip system is the preferable method of irrigation within</td>
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<td>the drip line, although irrigation is not recommended under established native</td>
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<td>oaks at all, and especially not in the summer. Never allow irrigation water to</td>
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<td>seep into the six-foot radius or pool around the root crown</td>
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### Mitigation Measure Bio-12A, Infected Tree Identification:

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

Applicant/Arborist: __________

Survey all trees of “at-risk” species proposed for removal for sudden oak death pathogens

Sign. __________

Date __________
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<tr>
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</thead>
<tbody>
<tr>
<td>proposed for removal shall be surveyed for sudden oak death pathogens and individual treatment methods identified.</td>
<td></td>
<td>Develop individual treatment methods per measures, include measures in grading plan and implement during tree removal</td>
<td>Signature</td>
</tr>
<tr>
<td><strong>Mitigation Measure Bio-12B, Tree Removal Precautions:</strong> 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).</td>
<td>Planning / Engineering / Building Division:</td>
<td>Verify treatment measures and approve Tree Removal prior to Public Improvement Plan approvals and grading permit issuance</td>
<td>Date</td>
</tr>
<tr>
<td><strong>Mitigation Measure Bio-12C, Debris Removal Precautions:</strong> 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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>Mitigation Measure</td>
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<tr>
<td>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.).</td>
<td>Applicant/ Qualified Archaeologist:</td>
<td>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</td>
<td>Sign.</td>
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<tr>
<td>Cultural Resources</td>
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<tr>
<td>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.</td>
<td>Applicant:</td>
<td>Retain 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</td>
<td>Sign.</td>
</tr>
<tr>
<td>Mitigation Measure Cultural-2: Discovery of Unknown Archaeological Resources and Tribal Resources (as amended). 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</td>
<td>Applicant:</td>
<td>Retain 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</td>
<td>Sign.</td>
</tr>
</tbody>
</table>
Mitigation Measure

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 archeological 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.

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.

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<tr>
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<th>Date Completed</th>
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<tbody>
<tr>
<td>Qualified Archaelogical Consultant</td>
<td>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</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>FIGR THPO:</td>
<td>If resources are encountered, review find, assess significance, and provide input of treatment plan</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning / Division:</td>
<td>Review record of monitoring and coordinate with FIGR on treatment plan</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
<td>Signature</td>
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<tr>
<td><strong>Mitigation Measure Cultural-3: Discovery of Unknown Paleontological Resources.</strong> 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.</td>
<td>Applicant:</td>
<td>Include measure on project construction contract and improvement plans</td>
<td>Sign.</td>
</tr>
<tr>
<td></td>
<td>Construction Contractor/ Applicant:</td>
<td>Notify Planning Division in the event of potentially significant archaeological resource discovery</td>
<td>Sign.</td>
</tr>
<tr>
<td></td>
<td>Paleontologist:</td>
<td>In event of discovery, prepare and recommend to the City an excavation plan for mitigating effects to the resource</td>
<td>Sign.</td>
</tr>
<tr>
<td></td>
<td>Planning / Division:</td>
<td>In event of discovery, review and approve an excavation plan for mitigating effects to the resource</td>
<td>Sign.</td>
</tr>
<tr>
<td><strong>Mitigation Measure Cultural-4: Discovery of Human Remains.</strong> In the event that human remains are uncovered during earthmoving activities, all construction excavation activities shall be suspended and the following measures shall be developed and submitted to the City for review and approval prior to resuming construction activities.</td>
<td>Applicant/ Construction Contractor:</td>
<td>Include measure on project construction contract and improvement plans</td>
<td>Sign.</td>
</tr>
</tbody>
</table>
Mitigation Measure 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.

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.

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.

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<tr>
<th>Responsible Party</th>
<th>Implementation</th>
<th>Signature</th>
<th>Date Completed</th>
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<tbody>
<tr>
<td>Applicant:</td>
<td>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</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Native American Heritage Commission</td>
<td>In event of discovery, retain qualified archaeologist to provide inspection, recommendations and retrieval, if appropriate</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning / Division:</td>
<td>In event of discovery of Native American remains, contact most likely descendent and develop disposition plans</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning / Division:</td>
<td>In event of discovery, review and coordinate on recommendations and treatment</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
<td>Implementation</td>
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<tr>
<td><strong>Mitigation Measures Cultural-2 through -4</strong> 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.</td>
<td>See above</td>
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</table>

<p>| Geology and Soils | |
|--------------------| |
| <strong>Mitigation Measure Geo-2A, Compliance with California Building Code:</strong> 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. | Applicant: Incorporate all Building Code and Geotechnical Investigation recommendations into project construction and improvement plans | Sign. | Date |
| <strong>Mitigation Measure Geo-2B, Incorporation of Geotechnical Investigation Recommendations:</strong> 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 made in accordance with the geotechnical specifications. | 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 |</p>
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<th>Mitigation Measure</th>
<th>Responsible Party</th>
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<th>Completion:</th>
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<tbody>
<tr>
<td><strong>Geo-5A, Soil Treatment:</strong></td>
<td>Applicant:</td>
<td>Incorporate soil treatment and/or Foundation design measures into project construction and improvement plans</td>
<td>Signature: Sign. Date:</td>
</tr>
<tr>
<td></td>
<td>Building Division:</td>
<td>Review and approve all building permits in accordance with required measures</td>
<td>Signature: Sign. Date:</td>
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<tr>
<td>constructed in accordance with the approved Geotechnical Investigation specifications.</td>
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</table>

**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. 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 (El less than 50), and conform in general to the following requirements:

a) Sieve size of 6 inches – 100% passing (by dry weight)
b) Sieve size of 4 inches – 90% to 100% passing (by dry weight)
c) No. 200 – 10% to 60% passing (by dry weight)

**Mitigation Measure Geo-5B, Foundation Design:** 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.
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<tr>
<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>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.</td>
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<tr>
<td><strong>Mitigation Measure Geo-6, Erosion Control Plan:</strong> 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.</td>
<td>Applicant/ Contractor/ Geotechnical Engineer:</td>
<td>Prepare Erosion Control Plan for review and approval by City Engineer, including all applicable measures</td>
<td>Sign.</td>
<td>Date</td>
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<td></td>
<td>City Engineer / Building Division:</td>
<td>Approve Erosion Control Plan prior to issuance of grading permit Periodic site visit to verify compliance</td>
<td>Sign.</td>
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<td>Sign.</td>
<td>Date</td>
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<tr>
<td>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.</td>
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<tr>
<td>b) The Erosion Control Plan shall describe the &quot;best management practices&quot; (BMPs) to be used during and following construction to control pollution resulting from both storm and construction water runoff. The Plan shall</td>
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</table>
identify locations for vehicle and equipment staging, portable restrooms, mobilization areas, and access routes.

**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.

**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.

---

### 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

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<tr>
<td>identify locations for vehicle and equipment staging, portable restrooms, mobilization areas, and access routes.</td>
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<tr>
<td><strong>c)</strong> 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.</td>
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<tr>
<td><strong>d)</strong> 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.</td>
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<tr>
<td><strong>Applicant:</strong></td>
<td>Conduct soil testing program and investigations per measures</td>
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<tr>
<td><strong>Applicant/ Applicable Regulatory Agency:</strong></td>
<td>Submit to the City proof of clearance from all appropriate agencies prior to issuance of a grading permit- Or – submit approved Soils Management Plan</td>
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**Applicant:** Conduct soil testing program and investigations per measures

**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
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<td>appropriate off-site disposal prior to development pursuant to existing regulatory requirements.</td>
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<tr>
<td>Mitigation Measure Haz-1B, Discovery of Unknown Contaminants (as amended): 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.</td>
<td>Applicant/Grading Contractor:</td>
<td>Comply with all requirements and conduct construction in conformance with measures</td>
<td>Sign. Date</td>
</tr>
<tr>
<td></td>
<td>Building/Planning/Engineering Division:</td>
<td>Review proof of clearance or Soil Management plan and verify through site inspections</td>
<td>Sign. Date</td>
</tr>
<tr>
<td>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 Mitigation Measure Hydro-1: SWPPP Requirements (see Chapter 11: Hydrology).</td>
<td>See MM Hydro-1, below</td>
<td></td>
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</tr>
<tr>
<td>Mitigation Measure Haz-5, Fencing (as amended): 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.</td>
<td>Applicant:</td>
<td>Prepare detailed fence design plans</td>
<td>Sign. Date</td>
</tr>
<tr>
<td></td>
<td>Planning Division / Planning Commission:</td>
<td>Review and approval of fence design pursuant to SPAR</td>
<td>Sign. Date</td>
</tr>
<tr>
<td>Hydrology and Water Quality</td>
<td>Applicant:</td>
<td>Obtain all required agency permits and</td>
<td>Sign. Date</td>
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<tr>
<td>Regulatory Requirement Hydro-1: Pursuant to existing regulations, the applicant is required to obtain coverage under the NPDES General Construction Activities Permit</td>
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</table>
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. 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.

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<tr>
<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>Hydro-1, SWPPP Requirements:</td>
<td>Applicant:</td>
<td>Prepare final SWPPP for all construction phases of the Project</td>
<td>Sign.</td>
</tr>
<tr>
<td></td>
<td>City Engineer/Engineering Division:</td>
<td>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</td>
<td>Sign.</td>
</tr>
<tr>
<td></td>
<td>Building/Planning/Engineering Division:</td>
<td>Verify that all required agency permits have been obtained prior to issuance of grading or building permits, and</td>
<td></td>
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</tbody>
</table>

**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. It is recommended that the SWPPP, at a minimum, include the following or similar provisions:

**a)** Leave existing vegetated areas undisturbed until construction of improvements on each portion of the development site is ready to begin;

**b)** Immediately re-vegetate or otherwise protect all disturbed areas from both wind and water erosion upon the completion of grading;

**c)** Collect storm water runoff into stable drainage channels, from small drainage basins, to prevent the buildup of large, potentially erosive storm water flows;
<table>
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<tr>
<td>d) Direct runoff away from all areas disturbed by construction;</td>
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<tr>
<td>e) Use sediment ponds or siltation basins to trap eroded soils before runoff is discharged into onsite or off-site drainage culverts and channels;</td>
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<tr>
<td>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;</td>
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<tr>
<td>g) To the extent possible, schedule major site development work involving excavation and earthmoving for construction during the dry season;</td>
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<tr>
<td>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;</td>
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<tr>
<td>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.</td>
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<td>j) Avoid cleaning, fueling, or maintaining vehicles on-site, except in an area designated to contain and treat runoff; and</td>
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<td>k) After construction is completed, inspect all drainage facilities immediately downstream of the grading site for</td>
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<tr>
<td>Mitigation Measure</td>
<td>Responsible Party</td>
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<td>accumulated sediment, and clear these facilities of debris and sediment as necessary.</td>
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<tr>
<td><strong>Mitigation Measure Hydro-2A, SWCP Implementation:</strong> 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.</td>
<td>Applicant: Prepare final Storm Water Control Plan for all phases of the project’s operations</td>
<td>Signature Date</td>
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<tr>
<td></td>
<td>Engineering / City Engineer: Review and approve SWCP as being in conformance with all applicable City of Petaluma’s Stormwater Management and Pollution Control Ordinance requirements 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</td>
<td>Sign. Date</td>
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<tr>
<td>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.</td>
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<td>b) The Projects SWCP must provide the capacity to either infiltrate or evapotranspire all runoff generated by the 85th percentile storm event.</td>
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<tr>
<td>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.</td>
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<tr>
<td>d) Water quality improvements shall not be placed so low in the floodplain that they are inundated by a 2-year storm.</td>
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<tr>
<td><strong>Mitigation Measure Hydro-2B, SWCP Monitoring and Maintenance Agreement:</strong> Prior to public improvement plan</td>
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</table>
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.

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.

b) Wastes removed from BMPs may be hazardous. Therefore, maintenance costs should be budgeted to include disposal at a proper site.

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.

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.

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
Mitigation Measure

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.

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.

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<tr>
<th>Mitigation Measure</th>
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Land Use

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:

See individual Mitigation Measures
<table>
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<tr>
<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>Mitigation Measure Bio-4: Compensation for Seasonal Wetlands Fill</td>
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<td>Mitigation Measure Bio-5A: Riparian Preservation Zone</td>
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<tr>
<td>Mitigation Measure Bio-5B: Riparian Tree Preservation (as amended)</td>
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<td>Mitigation Measure Bio-5C: Habitat Mitigation and Monitoring Plan</td>
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<tr>
<td>Mitigation Measure Bio-6: Terraced Grading Erosion Control/Stormwater Pollution Prevention Plan</td>
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<tr>
<td>Mitigation Bio-9: Incorporation of Native Plants in Landscaping Plans</td>
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<tr>
<td>Mitigation Bio-10A: Limitations on Improvements within the Petaluma River Plan Corridor (also listed as Mitigation Measure Visual-2)</td>
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<td>Mitigation Bio-10B: RODZ review at SPAR</td>
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<tr>
<td>Mitigation Measure Bio-11A: Ensure Preservation of Existing Trees (as amended)</td>
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<td>Mitigation Measure Bio-11B: Protected Tree Replacements</td>
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<td>Mitigation Measure Bio-11C: Tree Protection Plan</td>
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**Noise**

**Mitigation Measure Noise-4A, Construction Hours:** Due to the proximity of sensitive receptors (residences) to the development areas, construction activities shall be required

<table>
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<tr>
<th>Applicant:</th>
<th>Incorporate all mitigation measures into construction and grading plans</th>
<th>Sign.</th>
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</table>
Mitigation Measure

to comply with following, and shall be noted accordingly on construction contracts:

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.

b) Construction is prohibited on Sundays and on all holidays recognized by the City of Petaluma.

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.

Mitigation Measure Noise-4B, Construction Engine Controls: The Project Applicant shall implement the following engine controls to minimize disturbance to adjacent residential uses during Project construction:

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,

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<tbody>
<tr>
<td>Planning Division</td>
<td>Review and verify construction and grading plans for all noise measures</td>
<td>Sign.</td>
<td>Date</td>
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<tr>
<td>Applicant</td>
<td>Provide notice to surrounding properties in accordance with measures</td>
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<td></td>
<td>Conduct construction in conformance with measures</td>
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<td></td>
<td>Maintain delivery, hauling and construction in accordance with measures</td>
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<tr>
<td>Building/Planning Division</td>
<td>Periodic inspection during construction to ensure that measures are in place</td>
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hydraulically or electric-powered equipment shall be used to avoid the noise associated with compressed-air exhaust from pneumatically powered tools.

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.

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.

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.

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.

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.

Mitigation Measure Noise-4D, Miscellaneous Construction Noise: The contractor shall minimize use of vehicle backup alarms and other miscellaneous construction noise.

a) A common approach to minimizing the use of backup alarms is to design the construction site with a circular...
**Mitigation Measure**

flow pattern that minimizes backing up of trucks and other heavy equipment.

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.

c) Construction worker’s radios shall be controlled to be inaudible beyond the limits of the project site boundaries.

**Mitigation Measure Noise-4E, Noise Barriers (as amended):** 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.

**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.

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<th>Mitigation Measure</th>
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<tr>
<td>Noise-4E, Noise Barriers</td>
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<tr>
<td>Noise-4F, Noise Disturbance Coordinator</td>
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### Mitigation Measure

The construction schedule and telephone number for the Noise Disturbance Coordinator shall be conspicuously posted at the Project construction site.

### Traffic and Circulation

**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. The plan shall include at least the following items:

a) Development of a construction truck route that would appear on all construction plans to limit truck and auto traffic on nearby streets.

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.

c) Evaluation of the need to provide flaggers or temporary traffic control at key intersections along the truck route(s)

d) Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur

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.

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<tbody>
<tr>
<td>Applicant:</td>
<td>Prepare Construction Management Plan including all measures, Comply with all measures during construction</td>
<td>Sign.</td>
<td>Date</td>
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<tr>
<td>Engineering Division:</td>
<td>Review and approve Construction Management Plan, Periodic inspection to verify compliance</td>
<td>Sign.</td>
<td>Date</td>
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### Mitigation Measure

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<tr>
<td>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.</td>
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<td>g) A process for responding to and tracking complaints pertaining to construction activity, including identification of an on-site complaint manager</td>
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<tr>
<td>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.</td>
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### Non-CEQA Recommendations to be Implemented at SPAR

**Recommendation Haz-7, EVA Design:** 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

| Applicant: | Prepare final, detail design plans for Bernice Court EVA |
| Engineering / Fire Marshal | Review and provide recommendations on Bernice Court EVA design |
### Mitigation Measure

EVA access. Final EVA design measures shall be subject to review and approval by the Fire Marshal.

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<tbody>
<tr>
<td>Planning Division / Fire Marshal/ Planning Commission</td>
<td>Review and approve Bernice Court EVA design, incorporating City Engineer and Fire Marshal recommendations, pursuant to SPAR</td>
<td>Signature</td>
</tr>
<tr>
<td>City Engineer/ Building Division:</td>
<td>Verify that final SPAR-approved EVA design is included in Public Improvement Plans</td>
<td>Signature</td>
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#### Recommendation Noise 1A, Ensure “Conditionally Acceptable” Noise Levels:

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.

#### Recommendation Noise 1C, Ensure Normally Acceptable Outdoor Noise Exposure:

No primary outdoor use area (i.e., the swimming pool and courtyard or active play areas),
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<td>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.</td>
<td>Planning Division / Planning Commission:</td>
<td>Review and approval of Site Plan and setbacks from rail centerline, pursuant to SPAR</td>
<td>Signature</td>
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<tr>
<td>Recommendation Noise-1B, Noise Insulation: 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</td>
<td>Building/Planning Division:</td>
<td>Verify that final SPAR-approved Site Plan setbacks from rail centerline are maintained in building permit applications</td>
<td>Signature</td>
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<tr>
<td></td>
<td>Applicant:</td>
<td>Retain Acoustical Consultant</td>
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<td></td>
<td>Acoustical Consultant:</td>
<td>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</td>
<td>Signature</td>
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</table>
### Mitigation Measure

Ventilation openings, stucco siding, thicker walls, bedroom orientation, etc.) that are to be applied.

### Recommendation Noise 2, Avoidance/Vibration Attenuation Measures (as amended)

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 setback 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 setback 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.

### Completion:

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<tr>
<td>Building/Planning Division</td>
<td>Verify that noise insulation treatments are included in building permit documents prior to issuance of building permits</td>
<td>Sign.</td>
<td>Date</td>
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<tr>
<td>Building Division</td>
<td>Review and approve all building permits in accordance with required measures</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Applicant</td>
<td>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</td>
<td>Sign.</td>
<td>Date</td>
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</table>
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.

**Recommendation Transp-B, Introduce Traffic Calming and Enhance Livability along Graylawn Avenue and Jess Avenue:** 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

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<tr>
<td>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 a...</td>
<td>Planning / Building Division / Planning Commission</td>
<td>Review and approval of Site Plan and setbacks from rail centerline, pursuant to SPAR</td>
<td>Sign.</td>
<td>Date</td>
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<td></td>
<td>Planning / Building Division / Planning Commission</td>
<td>Verify that final SPAR-approved Site Plan setbacks and/or special building methods incorporated in building permit applications</td>
<td>Sign.</td>
<td>Date</td>
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<tr>
<td>Applicant:</td>
<td>Applicant</td>
<td>Applicant to coordinate with Public Works staff on the preferred Traffic Calming approach</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Planning Division / Planning Commission</td>
<td>Planning Division / Planning Commission</td>
<td>Review and approval of preferred Traffic Calming Plan, pursuant to SPAR</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Applicant</td>
<td>Include the finalized Traffic Calming Plan. On the Public Improvement Plan set</td>
<td>Sign.</td>
<td>Date</td>
</tr>
<tr>
<td>City Engineer:</td>
<td>City Engineer</td>
<td>Verify that final Traffic Calming Plan</td>
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<p>| Planning / Building Division / Planning Commission | Review and approval of Site Plan and setbacks from rail centerline, pursuant to SPAR | Sign. | Date |
| Planning Division / Planning Commission | Verify that final SPAR-approved Site Plan setbacks and/or special building methods incorporated in building permit applications | Sign. | Date |
| 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 | | |</p>
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<td>the Revised Project shall include the finalized Traffic Calming Plan.</td>
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<td></td>
<td>is incorporated into Public Improvement Plans prior to issuance of permits</td>
<td>Sign.</td>
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A RESOLUTION OF THE CITY OF PETALUMA PLANNING COMMISION
RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING
THE ZONING MAP
CONTAINED IN THE IMPLEMENTING ZONING ORDINANCE NO. 2300 N.C.S
TO CHANGE THE ZONING OF 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 was rezoned; and

WHEREAS, the General Plan designation has been changed to designate the PUD area as
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 6.58 acres of non-floodway lands, and has a density of 11.55 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 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-XX 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, a copy of the public notice 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.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Implementing Zoning Ordinance §25.060 that the Planning Commission recommends that the City Council adopt an ordinance amending the Zoning Map 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.

A. The foregoing recitals are true and correct and incorporated herein by reference.

B. Based on the staff report, staff presentation, comments received and the public hearing, the Planning Commission makes the following findings based on substantial evidence in the record:

1. The proposed Zoning Map Amendment is consistent with the Petaluma General Plan Land Use Map which designates the land as Medium Density Residential.

2. Pursuant to Implementing Zoning Ordinance §4.020, the R4 zoning district is consistent with and implements the Medium Density Residential land use classification of the General Plan.

3. 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.

4. 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.
5. 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:

a. 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 inclusion in the 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.

b. A proposed Project would provide inclusionary housing as directed by Housing Element Policy 4.2; the Revised Sid Commons Project proposes to provide 10% onsite inclusionary housing.

c. A proposed Project would be charged with developing the river terrace on site as directed by General Plan 8-P-28, incrementally lessening Citywide flood impacts. The Revised Sid Commons project analyzed by the FEIR proposes this river terrace and designs that terrace 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 also proposes to implement a Habitat Mitigation and Monitoring 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.

d. 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.

e. A proposed Project would be subject to subsequent Site Plan and Architectural Review before the Planning Commission.

6. The impacts of the project were fully analyzed through the preparation of an EIR in compliance with all requirements of the California Environmental Quality Act (CEQA) and the Planning Commission approved Resolution No. 2019-XX recommending that the City Council certify the EIR, make findings of fact, and adopt the MMRP.
DRAFT
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING
THE ZONING MAP
CONTAINED IN THE IMPLEMENTING ZONING ORDINANCE NO. 2300 N.C.S
TO CHANGE THE ZONING OF 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 6.58 acres of non-floodway lands, and has a density of 11.55 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 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-XX 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, after said public hearing, the Planning Commission adopted its Resolution No. 2019-XX, recommending that the City Council adopt the zoning map amendment; and

WHEREAS, a copy of the public notice of the December 16, 2019 public hearing before the City Council to consider the 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

WHEREAS, at a duly noticed hearing on XXX, 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 XXX, the City Council of the City of Petaluma held a duly noticed public hearing to consider the amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:

Section 1: Findings. The City Council of the City of Petaluma hereby finds:

1. 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.
2. 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.

3. 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.

4. 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:

   a. 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.

   b. 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.

   c. 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.

   d. 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.

e. A proposed Project would be subject to subsequent Site Plan and Architectural Review before the Planning Commission.

5. 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 XXX certifying the EIR, making findings of fact, and adopting the MMRP.

Section 5: 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 6: 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 7: Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 8: 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.
Zoning District Regulations

OAK CREEK APARTMENTS
PLANNING UNIT DEVELOPMENT (PUD)

Originally Adopted by Petaluma City Council in 1982 (City Council Resolution No. 9628)
Amended by the Petaluma City Council in 1984 (City Council Resolution No. 84-121 N.C.S.)
Combined, Amended, and Restated on December XX, 2019 (City Council Resolution No. 2019-XX N.C.S.)
1.0 **PUD Zoning District General Provisions**: The purpose of this document is to provide written standards based on the Oak Creek Apartments as built and approved by previous approvals. The overall objective is to memorialize the as built condition and carry forward those conditions essential to the original approval.

2.0 **Applicability**

2.1 **Location**: The Oak Creek Apartment PUD Regulations apply to the approximately 6.58-acre site on Graylawn Avenue that is developed as the Oak Creek Apartments.

2.2 **Boundaries**: The boundaries of the Oak Creek Apartments PUD include approximately 6.58 acres of APN 019-010-007 that lies outside of the Floodway as defined by the 2014 FEMA Flood Mapping. The PUD also includes APN 019-010-008 which is an approximately 0.52 acre privately owned landscaped area at the Graylawn turn around. This area is encumbered with an irrevocable offer of dedication to the City of Petaluma (PM No. 307) and is not a legal lot of record but a component of the PM No. 3017 remainder parcel.

2.3 **Boundary Modification**: City Council Resolution No. 2019-XX approved a Zoning Text Amendment to rezone an approximately 11.73-acre parcel (APN 009-010-009) and remove said property from the Oak Creek Apartments PUD.

2.4 **Effect of Prior Actions**: The following actions were incorporated into the Oak Creek Apartments PUD and shall no longer be in effect:

2.4.1 City Council Resolution No. 9628
2.4.2 City Council Resolution 84-121 N.C.S.

2.5 **Relationship to IZO**: Where the Oak Creek Apartments PUD regulations are silent on a matter related to land use or development, or less restrictive than the City ordinance or policies, the properties in the Oak Creek Apartments PUD shall be subject to applicable City of Petaluma ordinances and development policies.

3.0 **Permitted Uses**

3.1 The only permitted use under the PUD is the 76-unit Oak Creek Apartments and associated amenities (community room, club house, pool, etc.)

4.0 **Parking**

4.1 **Minimum Parking Required**: 170 parking space shall be provided on site, pursuant to the project design approved by Resolution 84-121 N.C.S. (that is 152 spaces (two spaces/unit) plus 38 additional spaces).
4.2 Future modifications of the Oak Creek Apartments may be subject to the parking standards as outlined in the zoning ordinance, if found appropriate through the Site Plan and Architectural Review Process.

4.3 Recreational vehicles parking shall not be allowed on-site. (Reso 9628 -- Condition #15)

4.4 ADA and guest parking should be clearly identified to avoid confusion by users. (Reso 9628 -- Condition #3b)

5.0 Conditions of Approval

5.1 A Portion of the property within the boundaries of the Oak Creek Apartments PUD is within the City’s Floodplain overlay zoning district. Any proposed modifications within the Floodplain area are subject to Floodplain regulation contained in the current zoning ordinance. See latest Floodplain Mapping. (Informational)

5.2 The PUD is subject to the River Access and Enhancement Plan and any proposed modifications are subject to that Plan. (Informational)

5.3 The existing children’s play area including play apparatus and an open lawn area is a required component of the Oak Creek Apartments project. Minor maintenance and upgrades are allowed but significant changes to the children’s play area are subject to Site Plan and Architectural Review. (Reso 84-121)

5.4 If any subsurface archaeological materials are encountered, all work shall be immediately halted, and a qualified archaeological consultant contact in order to evaluate the materials and formulate appropriate strategies for their preservation and protection. (Reso 9628 -- Condition #1)

5.5 Applicable Noise Regulations as outlined in the zoning ordinance apply to all use of the site. Any future remodel or construction shall be designed with consideration of the SMART rail line use and appropriate noise attenuation in construction. (Reso 9628 -- Condition #2)

5.6 All sidewalks within the Oak Creek development shall assure logical connections are made to the existing sidewalks along Graylawn Avenue as well as to building and activity centers with the complex. (Reso 9628 -- Condition 3a)

5.7 That portion of a natural rock outcropping that was preserved during construction of the Oak Creek Apartments by its incorporation into a small landscape and traffic calming island within the Graylawn Avenue is intended to be permanently preserved.1 (Reso 9628 -- Condition #5)

5.8 All existing on-site Oak trees shall be permanently preserved in healthy growing condition. (Reso 9628 -- Condition #5)

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1 However, the rock outcropping island is on land that has been dedicated as City right-of-way and is outside the limits of the PUD. Thus, the City could choose to modify the island.
5.9 Any future modification in the area designated as Petaluma River Floodway shall be subject to prior approval by the Planning Commission. (Reso 9628 -- Condition #5)

5.10 The northernmost street turn-around (in Graylawn Avenue) shall be fully landscaped and maintained. (Reso 9628 -- Condition #8)

5.11 The riverside pedestrian path shall be developed and maintained along the full length of the site. (Reso 9628 -- Condition #9)

5.12 Development rights to the full strip of land located along the River and in the Floodway has been dedicated to the City for the purposes of creating permanent open space. (Reso 9628 -- Condition 10)

5.13 The area between the apartment complex and the river shall be landscaped and irrigated. Any modifications shall be subject to review and approval by the Planning Director. (SPARC 1983 approval -- Condition #12)

5.14 The storm water system shall remain as approved by the City Engineer. The owner is responsible for conducting ongoing hydraulic maintenance of the storm water system and detention basins. All future owners of the property shall likewise maintain the system. Should the City ever need to enforce proper maintenance of the system, reimbursement for all costs shall be borne by the apartment owner. (Reso 9628 -- Condition #14)

6.0 Modifications

6.1 **PUD Guidelines:** From time to time it may be necessary and desirable to modify the Oak Creek Apartments PCD development standards. Modifications shall be in accordance with IZO Chapter 19 (Planned Unit District and Planned Community District).

6.2 **Oak Creek Apartments:** Any proposed modifications or reconstruction shall be subject to Site Plan and Architectural Review in accordance with zoning ordinance provisions prior to the issuance of any on-site development permits. (Reso 9628 -- Condition #6)

6.3 **Parking Modifications:** Revisions to the parking area shall be subject to Site Plan and Architectural Review (Reso 84-121 -- Condition #1).