INITIAL 278-UNIT CONCEPT

HOUSING SUMMARY

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<th>BLDG. TYPE</th>
<th># OF BLDGS.</th>
<th>UNITS/BLDG.</th>
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<tr>
<td>B</td>
<td>3</td>
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TOTAL 278 UNITS

TOTAL 436 BEDROOMS

PARKING SUMMARY

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<tr>
<td>1.5 CAR PER UNIT</td>
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<td>445</td>
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<tr>
<td>1 CAR PER BEDROOM</td>
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PROJECT AREAS

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<tr>
<th>AREA</th>
<th>TOTAL UNITS</th>
<th>TOTAL AREA (AC.)</th>
<th>GRAYLAWN AVENUE</th>
<th>SHASTA AVENUE</th>
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<td>PCL. TWO</td>
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<td>PCL. THREE</td>
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</table>

TOTAL 358 UNITS 28.68 AC. 0.52 AC. 1.28 AC. 4.95 AC. 21.93 AC. 16.14

PREPARED UNDER THE DIRECTION OF:

J. CYRIL JOHNSON INVESTMENT CORP.

02/23/2015 ISSUED WFL

#5254.0 5.1037.00

5.1842

C3
From: Kallie Kull <kalliekull@gmail.com>
Sent: Tuesday, January 28, 2020 12:11 PM
To: huffman.cascheduling@mail.house.gov
Cc: Rebecca Davis <rebecca@lozeaudury.com>; -- City Clerk <CityClerk@cityofpetaluma.org>; Barrett, Teresa <tbarrett@cityofpetaluma.org>; Fischer, D’Lynda <dfischer@cityofpetaluma.org>; Healy, Mike <mhealy@cityofpetaluma.org>; Kearney, Gabe <gkearney@cityofpetaluma.org>; McDonnell, Kevin <kmcdonnell@cityofpetaluma.org>; Miller, Kathy <kmiller@cityofpetaluma.org>; Hines, Heather <hhines@cityofpetaluma.org>; King, Dave <dking@cityofpetaluma.org>; Danly, Eric <edanly@cityofpetaluma.org>; Flynn, Peggy <PFlynn@cityofpetaluma.org>; Andrew Packard <andrew@packardlawoffices.com>
Subject: URGENT: FEIR Hearing Feb 3_flood, salmon,dredge issues

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Congressman Huffman,

It’s been awhile since we worked together on salmon issues, but here is an urgent salmon, flood, river issue a group I could use your immediate assistance with. The City of Petaluma scheduled a hearing next Monday Feb 3rd, to approve a FEIR for Sid Commons, a ~180-200 unit apartments, to be built on 19 acres along the Upper Petaluma River.

Please click link to see a 1 min drone video over this amazing river property for your reference: https://youtu.be/2gAkXW7H7x4

Request to Your Office:

1. We would like to engage your assistance in bringing issues related to the proposed Sid Commons project and FEIR (described below) to the awareness of the appropriate Army Corps Flood Division Engineers.
2. We would appreciate your assistance in soliciting comments from the Army Corps on the adequacy of the FEIR for this project.
3. Since this will most likely take longer than the few days prior to the hearing on Feb 3rd, we would like your assistance soliciting a continuance of the FEIR hearing at the Petaluma City Council to allow adequate public and agency review as provided by CEQA, with adequate time to submit comments prior to an approval hearing.

Some Important Facts:
The larger, lowland 15 acre parcel (09) along the river covered with wetlands, has been protected for 38 years in a past development agreement (PUD) that prohibits development and oak tree removal. An upland parcel (06) of 4.5 acres is zoned for housing without restriction. Parcel (06) is in alignment with the rest of the neighborhood, while Parcel (09) is at a much lower elevation along the flood prone, river lowlands. The Planning Commission voted 5-2 against lifting these protections and rezoning this area to residential, but the developer is appealing to City Council to over turn this decision and certify the FEIR.

The developer is asking the City to remove Parcel 09 from the PUD and has proposed sprawling apartments, pool/clubhouse- not transit oriented or walkable, it will generate 1650+ car trips per day, and double size of small
residential neighborhood. Serious evacuation issues due to only one egress; property is trapped between fenced train tracks and river.

The project will destroy the most beautiful, wild reach of the Petaluma River, teeming with birds and salmon. Casa Grande Anglers have been restoring this reach of river for ~40 years, raising, releasing and tagging steelhead and Chinook salmon all winter. Friends of the Petaluma River, Clavey Boats, our new Petaluma Small Craft Center, and LandPaths (Vamos Afuera), all have boating programs that explore the wonder of this upper scenic river and it’s wildlife.

The project includes terracing (bull-dozing) the river bank into a compacted, widened flood control channel, removing 20,000+ CY of river bank (2,000-3,000 dump trucks), which will be used to fill Parcel 09. Due to high ground water and shrink-swell soils, EIR cites need for 3 ft. of compacted soil_lime under all bldg. foundations in Parcel 09. Bull-dozing the channel and filling wetlands is a last century idea, that has left a legacy of developments that we are challenged with now in fighting climate change and flooding from SLR.

The terracing is designed only to protect the proposed development from flooding. It is not part of the City's Detention and Terracing Program with Sonoma Water, located above Corona Rd and higher in watershed. Hydro studies in EIR show the terracing, combined with run-off will raise water levels downstream 6" in 10 yr. storm. Impacts are underestimated and do not account for loss of channel capacity due to sediment build-up in river and Sea Level Rise. Wetland mitigation is planned for compacted flood channel - this won’t work. Terracing goes around heritage oaks - they won’t survive.

Importantly to your role, we are deeply concerned about the proposed project impacting the performance of the Army Corps Flood Project, which has yet to be signed over to the City of Petaluma. The EIR for the ACOE Flood Project warns that upstream development will compromise the Project’s protection level to <100 Yr. and neighbors are deeply concerned about the stability of the concrete dam (weir) immediately downstream of the proposed development, which holds water upstream preventing it from flooding Downtown Petaluma and Payran area. Widening and compacting of the channel over such a long distance will create a large detention and hydraulic head upstream, with unknown impacts on weir, because it was not considered in the EIR.

Residents in the Payran neighborhood, who suffered decades of flooding before the Project was built, are angry that $100 million was spent on the Flood Project and now performance and their safety could be compromised so quickly, by one bad development. The Flood Project also took 600 residents out of the 100 yr flood plain who no longer have FEMA flood insurance, so you can understand their concern that impacts to the Flood Project performance or stability of the weir were not even considered or analyzed in the DEIR or FEIR.

I hope to speak to your staff soon about issues related to this proposed project; I’m available anytime on my cell phone or in person in either Petaluma or San Rafael to discuss this request.

I want to close by THANKING YOU for all the hard work and commitment you have shown to the City of Petaluma to find funding for dredging and plan for natural disasters, including fires, flooding and Sea Level Rise.

Most Sincerely,

Kallie Kull (on behalf of residents concerned about flooding and the river)  
Water Resources Planning & Environmental Compliance  
(415) 250-7584
January 27, 2020

Via Email
Mayor Teresa Barrett
Vice Mayor D’Lynda Fischer
Councilmember Mike Healy
Councilmember Gabe Kearney
Councilmember Dave King
Councilmember Kevin McDonnell
Councilmember Kathy Miller
City Council
City of Petaluma
11 English St.
Petaluma, CA 94952

Claire Cooper
City Clerk
City of Petaluma
11 English St.
Petaluma, CA 94952
cityclerk@ci.petaluma.ca.us

Re: Final Environmental Impact Report for the Sid Commons Apartment Project (SCH No. 2007072041)

Dear Mayor Barrett, Vice Mayor Fischer, and Honorable Councilmembers:

I am writing to request that you postpone the hearing on the Applicant’s appeal of the Planning Commission’s November 19, 2019 decisions regarding the Sid Commons Apartment Project (“Project”) and related Final Environmental Impact Report (“FEIR”). As described below, there are a number of reasons that hearing the appeal on the currently scheduled date of February 3, 2020, would be premature, and deprive the public a right to fully and intelligently comment on the Project.

First, several key interested parties who will be directly impacted by the Project’s impacts on the Petaluma River were never notified of the Project or any related EIR or hearing. These include Casa Grande Anglers Club, who have a salmon restoration project that would be destroyed by the Project, as well as Friends of the Petaluma River, and Clavey Sports. Additional time should be provided to allow all interested parties an opportunity to review the Project and comment on its lasting impacts on the Petaluma River.
Second, it is premature for the City Council to make any decisions related to the Project or the FEIR because the EIR needs to be recirculated. Where the agency adds “significant new information” to an EIR prior to final EIR certification, the lead agency must issue new notice and must recirculate the revised EIR, or portions of the EIR, for additional commentary and consultation. (14 Cal. Code Regs. § 15088.5.) Here, the FEIR contains significant new information from the DEIR, particularly because the FEIR analyzes an entirely new project, that was never analyzed in the DEIR. In addition, the FEIR contains new traffic studies that indicate traffic near the Project is much worse than previously analyzed. The public has not had an opportunity to comment on this.

Making matters worse, now, in its appeal of the Planning Commission’s November 19, 2019 decision, the Project Applicant states that is considering additional “major modifications to the project.” (Sid Commons Appeal Grounds, p. 2.) The fact that the Applicant is asking the City Council to certify an EIR for a project when major modifications are still being considered is inconsistent with CEQA’s requirements that the public and decisionmakers be fully informed of a Project’s environmental impacts before it is approved. It is premature for the City Council to hear the appeal because Councilmembers and the public still have not been told what Project the Applicant is seeking approval of, considering the Applicant is still considering “major modifications.”

Moreover, the Appeal also states that the Applicant has already committed to building a public dog park as part of the Project. This aspect of the Project was not analyzed in either the DEIR or the FEIR, and may itself result in a significant impact on the Petaluma River. This potentially new significant impact also requires recirculation of the EIR.

Finally, the public has not been given a fully opportunity to gather information about the Project and its potential environmental impacts. On December 2, 2019, attorney and community member Andrew Packard sent a Public Records Act request to the City for documents identified as essential in the review of the Final EIR. It took seven weeks – until January 22, 2020 - and several emails to the City to obtain access to review some of the responsive documents. Additional responsive documents are still being provided. The public should be given an opportunity to review and comment on these document prior to the appeal hearing.

For these reasons, I respectfully request the City Council require staff to draft and recirculate a revised Draft EIR that analyzes the whole of the Project, including any new proposed modifications. At a minimum, I request the City Council continue the Applicant’s Appeal of the Sid Commons Project from February 3, 2020 to February 17, 2020 to provide the public additional time to review only recently received public records relevant to the Project.

Sincerely,

Rebecca L. Davis
From: Kallie Kull <kalliekull@gmail.com>
Sent: Sunday, January 19, 2020 9:48 AM
To: Barrett, Teresa; Fischer, D'Lynda; Healy, Mike; Kearney, Gabe; McDonnell, Kevin; Miller, Kathy; King, Dave; Hines, Heather; Robbe, Tiffany; Danly, Eric
Cc: Andrew Packard; Rebecca Davis; — City Clerk
Subject: Sid Commons scheduling at City Council
Attachments: Sid Commons FEIR_CEQA due process 12_5_19.pdf; PRA Sid Commons_APackard 12_3_2019.pdf

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.----

Dear Mayor Barrett and City Council Members,

I am writing with concern about the public review process, scheduling of the hearing for the Sid Commons FEIR and appeal of the Planning Commission vote against the project. The following issues have seriously impacted the public review process under CEQA and should be considered in the scheduling for this hearing moving forward:

On December 3, 2019 Attorney Andrew Packard sent a Public Records Act Request to the City for documents identified as essential in the review of the Final EIR (see attached). On Jan 16, after several e-mails to the City, we were offered a time slot on Jan 22nd- seven weeks after the PRA was submitted. We will be looking at boxes of technical flood related documents in Public Works and preparing comments, which takes time. We request that the project not be scheduled at the City Council until we have had at a minimum of 30 days to review and provide comments on this material once we are allowed full access to it.

On Dec 5, I sent a letter to City Attorney Eric Danly, noting that No Interested Parties other than immediate neighbors were not sent the Notification of the Final EIR with the Planning Commission hearing date. As such their voices were not represented in written or public comments at the PC hearing. Important entities not notified include: Friends of the Petaluma River, Clavey Sports, Casa Grande Angler’s Club, Trout Unlimited, Petaluma River Stakeholders Group and all individuals who commented on the Draft EIR. Several resource agencies in the Stakeholders Group (CA Fish and Wildlife, Regional Water Quality Control Board and National Marine Fisheries Service) have told me they would have commented at the PC hearing but they were not notified. My colleague at the SF Regional Water Quality Control Board said that the EIR was sent to the North Coast Regional Board (which we confirmed in the records), and by the time it got to the SF Board it was too late to comment. Do Petaluma City Planners not know which Regional Board they are regulated by? When questioned about agency feedback at the PC hearing, planners stated that there were no comments from these agencies, and therefore assumed they were ok with the project. As noted in my attached memo, these actions are in direct violation of CEQA Statutes and Guidelines Article 7: EIR Process. Moving forward the City is advised to comply with CEQA statute and notify All Interested Parties, allowing them a minimum of 30 days to respond after receiving the notification.

Lastly, in terms of scheduling this hearing, there is a concern that the timing of the item could impact public comments. The Planning Commission hearing was set for the same evening as the Corona Train Station hearing. Scheduled last, we didn’t even begin the hearing for Sid Commons until after 9 pm, wrapping up at 1:00 am. The majority of residents in the Payran neighborhood who will be seriously impacted by this development are elderly and want to comment having lived through decades of flooding, or they have young families with kids to get to bed and jobs to go to in the morning. We had 40 public speakers at the PC hearing and now with notification of ‘All Interested Parties’, we anticipate an even larger attendance at City Council. Given this, we request that the hearing be scheduled on an evening when no other lengthy items are being discussed, allowing our elderly residents and families a chance to speak at a reasonable hour. Anything short of this would be considered a dampening of public comment both under CEQA and by the public.
Thank you for your consideration of these issues impacting review of public records, public notification and comments, and scheduling of the Sid Commons hearing,

Regards,

Kallie Kull
Water Resources Planning & Environmental Compliance
(415) 250-7584
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hi Heather-

In my letter to the City regarding Due Process under CEQA (attached), I offered to provide the City with a list of Interested Parties to receive all notifications of available CEQA documents or scheduled hearings with City Council or Planning Commission related to the Sid Commons Apartments Development. Please find attached the list of the Petaluma River Stakeholders group that I received from the Executive Director of Friends of the Petaluma River. We request that you send all notifications of documents available, Notices of Hearing or Appeals to this list, with ample time (two weeks minimum) in order to give them time to respond and comment. Several of the people on this list work for government agencies and getting comment letters approved intra-agency takes time.

Also can you confirm that the Sid Commons appeal is scheduled for Feb 3, 2020 at the City Council? We have been offered a two hour time slot at City Hall this Thursday morning (Jan 16), to review on-site the large volume of documents we requested in a Public Records Act request submitted by Attorney Andrew Packard. A hearing on Feb 3rd allows less than 3 weeks between receiving these documents and the hearing, which we believe is inadequate for a proper and fair public review process. We request that the City Planning Department abide by the policies of the CEQA to allow for unobstructed public participation and reschedule this appeal to later in February or early March.

Thank you,
Kallie Kull
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<td><a href="mailto:ryon.watanabe@wildlife.ca.gov">ryon.watanabe@wildlife.ca.gov</a></td>
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<td>Christine Freeman</td>
<td>CA State Parks</td>
<td><a href="mailto:christine.freeman@parks.ca.gov">christine.freeman@parks.ca.gov</a></td>
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<td>Candy Shafer</td>
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<td>Jason Bradly</td>
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<tr>
<td>Doreen Amivam</td>
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My comments tonight are related to the Sid Commons project.

I live on Graylawn Ave., the single-family-home-lined street currently treated as an expressway by the Johnson Brothers’ tenants at Oak Creek Apartments.

As you know, the Johnsons own 4 parcels in that area: 6, 7, 8 and 9.

In 1982, the Johnsons wanted to build on it, but the City held an easement on 3.11 acres of parcel 7.

It was a Hydraulic Maintenance and Public Access easement, which meant parcel 7 was non-buildable.

In good faith, the City conceded the easement for the Johnsons in exchange for their agreement to permanently subtract parcel 9 from their 4 parcels in that area. APN 009 is the “remainder” parcel as it was subtracted from their future buildable land.

Now the Johnsons want the City to remove and/or revise the PUD. To do so would be a bad decision and would give them all the revenue/profit benefits and leave the neighborhood suffering the costs:

- Flood
- Traffic congestion and danger
- Noise pollution
- Air pollution
- Increased flood insurance premiums
- No/reduced City access to river area for hydraulic maintenance

Please do not allow the PUD to be removed or revised because doing so would set a precedent for inducing un-orderly growth.

By “un-orderly growth,” I mean development that doesn’t fit surrounding context; cuts through dead-end streets and cul-de-sacs; traffic and safety consequences; flooding danger; quality of life consequences (deters pedestrians, seniors connecting with neighbors, children playing outdoors with their friends).
Regarding Flooding
The General Plan proclaims the City's priority is to "Continue to preclude new developments from compounding or impacting the potential for flooding in the developed areas."

To achieve this, it is necessary to have proper analysis, analysis based on reality -- not on paper.

The Sid Commons EIR is inadequate.
- Sid Commons EIR is partial because it is focused to only the Sid Commons parcels.
- The USACE EIR is whole because it addresses the entire Petaluma River system.

The Graylawn neighborhood residents, along with Petalumans city-wide, do not want a bad decision that increases flooding potential, safety, and devastating financial consequences for both neighbors and the City.

USACE specified NO DEVELOPMENT for the "Upper Paytan Reach."
- "Flooding can occur along the entire length of the Petaluma River, with shallower, widespread flooding occurring between the Willow Brook and Lynch Creek confluences with the Petaluma River. Significantly deeper flooding can occur in the urban and commercial area between the Lynch Creek confluence and the Washington St bridge."
- "...future development (beyond the City's General Plan date of year 2035) upstream of the proposed [Flood Wall area] would reduce the flood damage protection below the 100-year recurrence level."
- "Upstream development can create a higher need of flood protection downstream, since it can cause a significant increase in peak flows downstream."

The Graylawn neighborhood survived a flooding disaster. We know the reality of our neighborhood -- beyond paper analysis.

Traffic calming such as slow bumps and bulb outs will not work on Graylawn. Why? Because every time it rains, the run-off down Graylawn is substantial and large pools form and remain along the street, even after weeks of dry weather. "Traffic calming solutions" would exacerbate flooding on Graylawn.
After rain, parcels 6 and 9 become deep, saturated sponges. One cannot walk the land without tall boots, as one will sink beyond the ankles. In fact, boots will sink to depths that result in suction and difficulty getting out! The soil holds a massive volume of water and numerous ponds cover the land.

Impacts to one area can have consequences for another area. Paving over the land and collecting, routing water through drains would result in more run-off down Graylawn and faster river over capacity.
We live in fluid times: the climate is changing, and Petaluma's constituency is changing. None of us want development in or near the floodplain and bordering marsh land (I am told local governments are now required by the CA Office of Planning and Research to prepare for 10 feet of sea level rise).

Please do not be short sighted and allow Sid Commons. Build on higher, dryer ground.

Thank you for your attention,
Taryn Obaid
Ervin, Olivia

From: Taryn Obaid <taryn_obaid@hotmail.com>
Sent: Thursday, December 19, 2019 3:24 PM
To: Ervin, Olivia
Cc: Robbe, Tiffany; -- City Clerk; Teresa Barret; Flynn, Peggy; -- City Attorney
Subject: Re: SID FEIR missing information

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Olivia -- No, it does not answer my questions. My request stands: I did not ask for the traffic calming memo, which unlike the traffic reports, is in the Appendix (AND that is not what I asked you for) -- I want draft and final versions of both Jan and Mar Traffic Studies. I want the versions that, according to proper rules, contain both Engineer signatures and their official stamps.

Please tell me: is it the case I need to hire an attorney to submit a Public Information Request? If so, my error -- I thought citizens could make requests.

You might like to know I consider your responses evasive, and they make me inclined to wonder whether M Group’s omission of the reports is intentional, as I have had to repeatedly request them. Further, for me, it impacts trust of M Group’s greater body of service -- for example: your omitting them seems deliberate and biased to Johnson Brothers developers. Especially considering additional details re: handling traffic impact reports, such as 1) both traffic studies conducted during school holiday weeks, and 2) your statement in EIR that data was added "manually" to the analysis because traffic counter was inaccurately set-up (missed several households on Graylawn).

I await your response of whether I need an attorney to request these reports.

In the meantime, I repeat my question: when and how these reports will be included and circulated to all relevant and interested parties for the SID Commons project? This is important information; I believe everyone in the neighborhood has the right to know impact to traffic volume and safety of safety of our children who play baseball, football, run back-and-forth to each others houses, and ride bikes and skateboards on our short dead-end street the street.

I am copying City Manager Flynn, Mayor Barrett, and City Attorney with the hope it may help me get this information I have repeatedly requested. I copy City Clerk with request this communication be entered into official file for SID Commons project.

Sincerely,
Taryn
Robbe, Tiffany

From: Ervin, Olivia
Sent: Friday, December 20, 2019 3:42 PM
To: Taryn Obaid
Cc: Robbe, Tiffany; -- City Clerk; Teresa Barret; Flynn, Peggy; -- City Attorney; Heather Hines
Subject: RE: SID FEIR missing information

Taryn,

The Traffic Memo that I provided yesterday is the Appendix C referenced in the FEIR. It is the Supplemental Traffic Evaluation that was conducted to respond to comments raised on the DEIR. It is not the Traffic Calming Memo, which is presented in Appendix A to the FEIR. The FEIR provides Master Responses Related to Traffic beginning on page 4-4 of the FEIR. The comprehensive Traffic Impact Study prepared for the Sid Commons Project is presented in Appendix 14 A of the DEIR and has been publicly available since March of 2018. The Traffic Impact Study, supplemental counts and supporting memos have all been prepared by a qualified Transportation Engineering Firm, Fehr & Peers and collectively characterize existing traffic conditions and affects that the project will have on the transportation system. The Traffic Studies for the Sid Commons Project including the scope of analysis, methodology and findings were developed in close coordination with the City’s Development and Engineering Departments and were prepared in accordance with industry standards and found to be acceptable.

Citizens are certainly allowed to make a Public Information Request. I have made an effort to respond directly to your questions and provide the additional information you’ve requested in a timely fashion.

Materials for the Sid Commons EIR including supporting studies are publicly available and have been posted to the City’s website and circulated in full compliance with CEQA requirements.

Regards,

Olivia Ervin, Environmental Planner
M-Group Consulting Planner
Serving the City of Petaluma
T 707.778-4556
M, W, TH, F 707.259-1790

Hours: Monday-Thursday 8am-5pm, closed Fridays

From: Taryn Obaid <taryn_obaid@hotmail.com>
Sent: Thursday, December 19, 2019 3:24 PM
To: Ervin, Olivia <oervin@cityofpetaluma.org>
Cc: Robbe, Tiffany <trobbe@cityofpetaluma.org>; -- City Clerk <CityClerk@cityofpetaluma.org>; Teresa Barret <teresabarrett@comcast.net>; Flynn, Peggy <PFlynn@cityofpetaluma.org>; -- City Attorney
<cityattorney@cityofpetaluma.org>
Subject: Re: SID FEIR missing information

--- Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM. ---
Olivia -- No, it does not answer my questions. My request stands: I did not ask for the traffic calming memo, which unlike the traffic reports, is in the Appendix (AND that is not what I asked you for) -- I want draft and final versions of both Jan and Mar Traffic Studies. I want the versions that, according to proper rules, contain both Engineer signatures and their official stamps.

Please tell me: is it the case I need to hire an attorney to submit a Public Information Request? If so, my error -- I thought citizens could make requests.

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I am copying City Manager Flynn, Mayor Barrett, and City Attorney with the hope it may help me get this information I have repeatedly requested. I copy City Clerk with request this communication be entered into official file for SID Commons project.

Sincerely,
Taryn

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From: Ervin, Olivia <oervin@cityofpetaluma.org>
Sent: Thursday, December 19, 2019 2:14 PM
To: Taryn Obaid <taryn_obaid@hotmail.com>
Cc: Robbie, Tiffany <trobbe@cityofpetaluma.org>
Subject: RE: SID FEIR missing information

Hello Taryn,

Attached please find the Traffic Memo, referenced as Appendix C in the FEIR. This provides the supporting information presented in the FEIR regarding updated traffic counts including both counts from January and March.
I hope that this, along with the extensive responses on traffic provided in the FEIR, addresses your questions regarding the traffic modeling used for the Sid Commons analysis.

Happy Holidays,

**Olivia Ervin, Environmental Planner**
M-Group Consulting Planner
Serving the City of Petaluma
T 707.778-4556
M, W, TH, F 707.259-1790

Hours: Monday-Thursday 8am-5pm, closed Fridays

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From: Taryn Obaid <taryn_obaid@hotmail.com>
Sent: Wednesday, December 18, 2019 5:30 PM
To: Ervin, Olivia <oeervin@cityofpetaluma.org>
Cc: Robbe, Tiffany <trobbe@cityofpetaluma.org>
Subject: Re: SID FEIR missing information

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Hi Olivia,

Thank you for your responses in red. I look forward to reviewing, and I do look forward to receiving those docs when you can provide them: both full draft and final reports for the March 2019 traffic study. Also, a question about the March 2019 traffic study: my understanding is that, among other criteria, traffic studies are to not be conducted during bad weather and school vacations. The March 2019 was conducted during Spring break for students of the JCC -- how does this fact qualify for the criteria please?

New request: will you please send me both the draft and final January traffic study reports? I do not see them in appendix either (sorry if they are there; I just cannot find them).

Thank you again,
Taryn

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From: Ervin, Olivia <oeervin@cityofpetaluma.org>
Sent: Wednesday, December 18, 2019 4:39 PM
To: taryn_obaid@hotmail.com <taryn_obaid@hotmail.com>
Cc: Robbe, Tiffany <trobbe@cityofpetaluma.org>
Subject: RE: SID FEIR missing information

Hello Taryn,
We received your inquiry below and are providing responses to address your questions. The Final EIR, Draft EIR and all supporting studies are available on the City Website at the following link: https://cityofpetaluma.org/sid-commons/
Please see responses in red below to your questions.

Thank you,

Olivia Ervin, Environmental Planner
M-Group Consulting Planner
Serving the City of Petaluma
T 707.778-4556
M, W, TH, F 707.259-1790

Hours: Monday-Thursday 8am-5pm, closed Fridays

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
In the Final SID Commons EIR it is stated:
"Supplemental peak period and 72-hour traffic counts were conducted again in March 2019 at each intersection to confirm that the January counts, which occurred Tuesday through Thursday during the one week without rain during the initial data collection period, were not influenced by the Martin Luther King Jr. holiday (Monday January 21st). The March counts are not substantially different from the January counts (see Appendix C to this document), confirming that the January counts adequately represent 2019 conditions."

However, I cannot find any reference to the findings of the March traffic study. If this is missing, please inform me the process of correcting this error of exclusion and notifying officials and public of that fact. The Findings are presented in the body of the FEIR and references Appendix C for traffic count data, which I understand to be a tabulation of traffic counts, not a separate Traffic Report or Findings. I've flagged this and will circle back asap with information on the referenced Appendix C. This will absolutely be made available to support the summary presented in the FEIR.

Please provide reference to exactly where in the the document (page number) that March report can be found so that your conclusion of *although the January traffic study was conducted against the rules -- during a holiday week -- the January #s are in fact the same as the later March #s* may be fact-checked. New Traffic Counts (2019) is presented starting at the bottom of page 4-6 of the Final EIR. It explains the methodology, timing and equipment used to collect traffic counts in January and March. Table 4-1 on page 4-9 of the Final EIR provides the Traffic Volume Comparison. The average daily traffic levels are presented starting on page 4-
14 of the FEIR and Table 4-6 provides the comparison between 2019 and 2015 Counts. Additionally, we have previously provided detailed responses to your questions regarding the timing of counts on January 31, 2019 and on March 14, 2019, I’ve attached both of these previous correspondences.

Also, please explain why you are using 2015 traffic LOS of D level for Petaluma rather than the current LOS. Further, does Petaluma really aiming to be a "D" class city? If so, that is monumentally disappointing. The LOS is from the General Plan EIR and applies to all projects citywide through the life of the General Plan unless otherwise revised or amended. LOS D is identified as the minimum acceptable standard. The LOS measure for environmental impacts has been changed by the state through SB 743 as described on page 4-4 of the Final EIR and will go into effect on July 1, 2020. The Sonoma County Regional Transportation Authority is working to establish a framework for to shift from the level of service metric to the Vehicle miles metric. The City of Petaluma is working towards adopting VMT thresholds, in compliance with SB 743 and will be bringing that forward for the decision makers to consider in 2020. The Governor’s Office of Planning and Research has a lot of information on LOS and VMT which you can brows at the following link: http://opr.ca.gov/ceqa/updates/sb-743/
From: CDD <CDD@cityofpetaluma.org>
Sent: Monday, December 16, 2019 7:27 AM
To: PetalumaPlanning <PetalumaPlanning@cityofpetaluma.org>
Subject: FW: Sid Commons traffic data and analysis

FYI

From: Taryn Obaid <taryn_obaid@hotmail.com>
Sent: Friday, December 13, 2019 5:49 AM
To: CDD <CDD@cityofpetaluma.org>; -- City Clerk <CityClerk@cityofpetaluma.org>
Subject: Sid Commons traffic data and analysis

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Please define "substantially" in statement in final Sid Commons EIR: "As demonstrated in Table 4-3 of this document, the local trip generation rates from the Oak Creek Apartments do not differ substantially from the trip generation rates used in the Draft EIR."

Please provide data source for statement: "the actual trip generation rates from the existing Oak Creek Apartments is 6.88 daily trips per unit," Please provide traffic study done specifically for Oak Creek Apartments, specifically conducted at intersection of Graylawn Avenue and Jess in order to include count of apartment overflow parking at intersection of Graylawn and Jess.

Please provide full list of category definitions/levels of "ITE Trip Generation 10th ed. trip rates" -- specifically, how rates are structured per urban, suburban and rural settings -- and which rate M Group used in FEIR for SID Commons.

Thank you,
Taryn Obaid
From: CDD <CDD@cityofpetaluma.org>
Sent: Monday, December 16, 2019 7:26 AM
To: PetalumaPlanning <PetalumaPlanning@cityofpetaluma.org>
Subject: FW: SID FEIR missing information

From: Taryn Obaid <taryn_obaid@hotmail.com>
Sent: Friday, December 13, 2019 5:22 AM
To: CDD <CDD@cityofpetaluma.org>
Subject: Re: SID FEIR missing information

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---
Please disregard my second-to-last mist-typed question in email below: "Also, please explain why you are using 2015 traffic LOS of D level for Petaluma rather than the current LOS."

I do, however, request all reports (draft and final) of the March 2019 traffic analysis, which is omitted from FEIR as well as M Group's criteria used to define "substantially" per statement: "The March 2019 counts are not substantially different from the January 2019 counts."

From: Taryn Obaid
Sent: Thursday, December 12, 2019 5:08 PM
To: cdd@cityofpetaluma.org <cdd@cityofpetaluma.org>
Subject: SID FEIR missing information

In the Final SID Commons EIR it is stated:
"Supplemental peak period and 72-hour traffic counts were conducted again in March 2019 at each intersection to confirm that the January counts, which occurred Tuesday through Thursday during the one week without rain during the initial data collection period, were not influenced by the Martin Luther King Jr. holiday (Monday January 21st). The March counts are not substantially different from the January counts (see Appendix C to this document), confirming that the January counts adequately represent 2019 conditions."

However, I cannot find any reference to the findings of the March traffic study. If this is missing, please inform me the process of correcting this error of exclusion and notifying officials and public of that fact.
Please provide reference to exactly where in the document that March report can be found so that your conclusion of *although the January traffic study was conducted against the rules -- during a holiday week -- the January #s are in fact the same as the later March #s* may be fact-checked.

Also, please explain why you are using 2015 traffic LOS of D level for Petaluma rather than the current LOS. Further, does Petaluma really aiming to be a "D" class city? If so, that is monumentally disappointing.
---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Council Members, Planning Commissioners and City staff,

It has come to my attention that you may not have received two documents that were sent last week to City Attorney Eric Danly in relation to Sid Commons proposed development:

1) Public Records Act request filed by Attorney Andrew Packard, and
2) Set of requests related to due process under CEQA for the circulation, public review and public hearings on the Final EIR.

Please find these two documents attached to this email.

Best regards,

Kallie Marie Kull
Water Resources/Environmental Compliance
Via E-mail
Eric W. Danly, City Attorney
City of Petaluma
11 English St.
Petaluma, CA 94952

December 5, 2019

RE: Requests related to adequate public review of the proposed Sid Commons Apartment project Final Environmental Impact Report (FEIR), including an appeal of the Planning Commission vote to approve the FEIR for the project.

Dear Mr. Danly,

The following requests are made of the City Planning Department, in reference to the proposed Sid Commons Apartment project. I am writing on behalf of a group of technical experts and important local stakeholders, who have reported to me serious issues and concerns related to the review and notification process for the Sid Commons FEIR. The following requests have been developed to address these issues. Granting these requests will allow for a rightful and legitimate review of the FEIR, as well as bring the City Planning Department into compliance with the 2019 CEQA Statutes and Guidelines.

REQUEST #1 Circulate the Notice of Availability for the Final EIR to All Interested Parties

The City of Petaluma Planning Department failed to send the Notice of Availability (NOA) of the Sid Commons Apartments FEIR and Notice of Public Hearing before the Planning Commission, to important stakeholders with potential to be impacted by the proposed project. Local groups and businesses like Casa Grande Anglers Club, Friends of the Petaluma River, and Clavey Sports were not notified, even though the project would highly impact their programs. Representatives from local, State and Federal agencies, who are active participants in the Petaluma River Stakeholders group, were not notified. Additionally, several people who submitted written comments on the Draft EIR, were not notified. In accordance with the 2019 CEQA Statutes and Guidelines, the City is required to circulate the NOA to a broad list of stakeholders as defined in the 2019 CEQA Statutes and Guidelines; Article 7. EIR Process; ....

Circulation to a distribution list of agencies and parties, at a minimum, should include: Planning department and other appropriate departments (such as public works, fire, police, etc.) of each adjoining city and county. Other local agencies that may be affected, including utility providers such as local water districts, sanitation districts, solid waste management agencies, etc. Local organizations that have expressed interest or would likely be interested in the project. This includes local historic preservation groups, environmental groups, neighboring homeowner associations, and other similar groups (as appropriate for each specific project). All documents must be sent by a method (US Postal Service, UPS, FedEx, etc.) that provides proof of delivery.

In order to comply with CEQA, the City Planning Department should recirculate the NOA for the FEIR to a complete list of interested Parties. To facilitate this effort, we propose to provide a list of Interested Parties to City Planner Tiffany Robbe, to be used to recirculate the NOA for the FEIR. This list shall be
incorporated into the project record of all interested parties and any subsequent notices of documents available for review and/or notices of hearings related to the Sid Commons project, shall be sent to this revised list of all interested parties.

REQUEST #2: Extend the review period of the Final EIR to a minimum of 90 days, once the requested Public Records are received.

On Dec 3, 2019, a Public Records Act Request was submitted by attorney Andrew Packard, seeking documents deemed necessary for the review of the Sid Commons Apartment project Final EIR. Due to the volume and technical complexity of the information that will be made available as a result of PRA request, we request that a minimum of 90 days be allowed to review this new material, prior to scheduling a hearing on this project before the City Council or Planning Commission. The 90-day time period shall not begin until the documents listed in the PRA request have been made available, both to the public and to City decision makers.

REQUEST #3: Repeal the Planning Commission vote on November 19, 2019 to approve the FEIR and call for a revote once the 90 day review period has ended.

Planning Commissioners, City Council Members, as well as the public, have not had access to several key documents needed to fully analyze the impacts of the project and the adequacy of the FEIR to address those impacts. Additionally, several key stakeholders who would have wanted to comment on the FEIR and speak before the Planning Commission hearing, were not notified. Given that CEQA law provides for a fair and rightful public review, we are appealing the Planning Commission decision on November 19, 2019 to approve the FEIR. On the grounds of lack of due process, we request that the Planning Commission revote on the approval of the FEIR, after the conditions set forth in Requests #1 and #2 have been met.

Please do not hesitate to contact me with any questions you may have related to these requests.

Respectfully submitted,

Kallie Marie Kull; MLA
Water Resource Planner; Environmental Compliance Specialist
(415) 250-7584
kalliekull@gmail.com

CC:
Peggy Flynn; Petaluma City Manager
Heather Hines; Planning Manager
Tiffany Robbe; Project Planner
Petaluma City Council
Petaluma Planning Commission
Andrew Packard; Attorney
December 3, 2019

Via E-mail
Eric W. Danly, City Attorney
City of Petaluma
11 English Street
Petaluma, CA  94952

Re:  CALIFORNIA PUBLIC RECORDS ACT REQUEST

Dear Mr. Danly,

Pursuant to the California Public Records Act ("CPRA"), Government Code sections 6250 et seq., and the amendments to the California Constitution provided by Proposition 59, this firm is requesting that the City of Petaluma ("the City") provide all documents\(^1\) that are "public records," as defined in California Government Code section 6252(e), comprising, discussing, or relating to the following subject matters:

1. **SID Commons Apartments DEIR and FEIR**

   1) Records identifying all recipients of the Notice of Availability ("NOA") for the SID Commons Apartment Project Draft Environmental Impact Report ("DEIR") and Final Environmental Impact Report ("FEIR").
   
   2) Records of all public and agency comments received on the SID Commons Apartment Project DEIR/FEIR, including any emails to the City Planning Department or the City Clerk.

   3) Records of any site visits or meetings between the City Planning Department and Federal and State agencies concerning the SID Commons Apartment Project (including Fish and Wildlife, the Army Corps of Engineers or Regional Water Quality Control Board), including records of attendance at such site visits or meetings and records of comments made by agencies regarding the SID Commons Apartment Project.

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\(^1\) For the purposes of this request, the term "documents" includes, but is not limited to, "writings" as defined in Government Code sections 6252(g), any written material, electronic material, facsimiles, e-mails, photographs, maps, data, reports, videotapes, audiotapes, notes of telephone calls or meetings, factual or legal analysis, and any and all correspondence and memoranda in any written form, or other information that would be an agency record subject to the requirements of the CPRA when maintained by an agency in any format, including an electronic format.
II. Army Corps of Engineers Flood Project (ACE Project)

4) The Army Corps of Engineer’s FEIR (Petaluma River Detailed Project Report for Flood Control; Final Environmental Impact Statement/Environmental Impact Report; March 1995), including technical studies, approved mitigations, and the public record of all comments received prior to approval of the FEIR.

5) Records of all Federal, State or Local agency permits associated with the ACE Flood Project referenced in No. 4, above.

6) Records of any official agreements between the City of Petaluma and the ACE related to long-term maintenance of the ACE Flood Project referenced in No. 4, above.

7) Records of any legal settlements stemming from individual and/or class action lawsuits against the City of Petaluma over flooding in the Payran Neighborhood, including any agreements requiring plaintiff(s) to accept a clause on their property’s title deed that prohibits them from ever suing the City again over flooding.

III. Terracing and Detention Project Upstream of the SID Commons Project

8) Records, including technical studies and policy documents, related to the City of Petaluma’s terracing and detention project for the Upper Petaluma River channel and floodplain upstream of the Army Corps weir, including areas outside the City on Denman Flats.

9) Records of the City of Petaluma’s grant proposal and the subsequent grant contract between the California Department of Water Resources and the City of Petaluma for the terracing and detention project identified in No. 8, above.

10) Records of all Federal, State or Local agency permits associated with the terracing and detention project identified in No. 8, above.

11) Records of annual monitoring reports associated with the terracing and detention project identified in No. 8, above.

IV. Oak Creek Apartments Project PUD (built in 1982)

12) Records of the Oak Creek Apartments Project PUD (1982) and all associated documents, including resolutions, ordinances and public comments.

13) Records of any agreements, encroachment permits, or easements negotiated between the City of Petaluma and property owners, related to public use or public management of, the areas along the Petaluma River on Parcels APN-019-010-007 (Oak Creek Apts.) and APN-019-010-009 (SID Commons).

14) Records of the Oak Creek Apartments Project Negative Declaration, including all technical studies, summary of mitigations, and the public record of all comments during both DEIR and FEIR review periods.

15) Records of all Federal, State or Local Agency permits for the Oak Creek Apartments Project, including all permits issued by the Regional Water Quality Control Board, the Army Corps of Engineers, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and the Department of Fish and Wildlife.
Eric W. Danly, Sid Commons CPRA Request
December 3, 2019
Page 3

V. City of Petaluma Urban Growth Boundary

16) Records related to the establishment of the City of Petaluma’s Urban Growth Boundary, specifically any documents that identify the SID Commons parcels (APN 006 and APN 009), as required to provide 250 units of development.

The request includes all archived emails, whether sent or received from/at a City-provided email account or from/at a personal email account, and all text messages. All references to the City in this CPRA request include, but are not limited to, the City’s decision-making bodies, consultants, employees, officers, and attorneys and any other person or entity contracted to do business on the City’s behalf.

If you determine that any of the requested records are exempt from disclosure, we ask that you reconsider that determination in view of Proposition 59, which amended the state Constitution to require that all exemptions to the CPRA be “narrowly construed.” We remind you that Government Code section 6257 requires release of all reasonably segregable portions of the requested records which are not themselves exempt from mandatory disclosure.

If you determine that the requested records are subject to a still-valid exemption, we would further request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the remaining content. Should you deny part or all of this request, Government Code § 6255(a) requires that you justify withholding any record by demonstrating that the record in question is exempt under an express provision or provisions of the CPRA.

Please make a determination on and respond to this request within 10 days of your receipt of it. Government Code § 6256. If any of the requested records are currently in electronic format, we request electronic transmission of these records. These electronic records may be placed on an FTP site or mailed on a compact disc/thumb drive to the above address. Please also notify me of the direct cost of making any paper copies of the requested records before such copies are made. See Gov’t Code § 6253(d) (fees may only be charged for the direct costs of duplication). If the cost is too high, I may request inspection of records instead.

Thank you for your attention to this request. Please contact me at (707) 782-4060, ext. 1, or andrew@Packardlawoffices.com if you have any questions.

Very Truly Yours,

[Signature]
Andrew E. Packard
From: Bernie Album <allbernie5@gmail.com>
Sent: Thursday, November 21, 2019 11:33 AM
To: -- City Council <--CityCouncil@cityofpetaluma.org>
Cc: Kellie Kull <kallelieku@gmail.com>; Moira Sullivan <msullivan64@hotmail.com>; Veronica Elgin <nicamail@icloud.com>; Cader-Thompson Janice <janicecader@gmail.com>; David Mulford <davidamulford@gmail.com>; Patricia Tuttle Brown <drptb@sonic.net>; Chris Marsh <legoval1@aol.com>; Taryn Obaid <taryn_obaid@hotmail.com>; Bernie Album <allbernie5@gmail.com>
Subject: Mitigation Matters: Policy Solutions to Reduce Local Flood Risk

---Warning: Use caution before clicking any attachments. THIS EMAIL IS FROM OUTSIDE OUR EMAIL SYSTEM.---

Dear Mayor Theresa Barrett and Councilmembers,

Recently I have become involved with a group of local Petaluma residents to form a political lobby group advocating to save the Petaluma wetlands and floodplains from development. Our mission is to prevent floods like we have had over the past years. We anticipate climate change will pose an even greater risk.

We started by opposing the Rainier Hwy101 Interchange and Sid-Commons Apartment Project application for development. We will also be active to oppose the Cinnabar Project currently in the permit application process.

For your information please read this report about what cities across the country are doing with policies to prevent floods.

Thank you,

Bernie Album
1666 Creekview Circle
Petaluma, CA 94954

CLICK HERE
https://pew.org/2rRJ3PP

Sent from Mail for Windows 10