February 2, 2020

Teresa Barrett, Mayor
Members of the Petaluma City Council
11 English St.
Petaluma, CA 94952

Re: Comment on Sid Commons Agenda Item for Feb. 3, 2020 City Council meeting

Dear Mayor Barrett and Members of the City Council:

Madrone Audubon Society has a long history related to conservation and appreciation of natural areas, birds and wildlife in Petaluma. Madrone Audubon serves approximately 3000 members in Sonoma County; many of our members are in Petaluma. (See p. 4 for our contributions and qualifications for comment.)

Madrone Audubon is currently enjoying our 53rd year of service to members and Sonoma County communities. Connectivity is also important for our effectiveness. Our Audubon Chapter participates in a coalition with all Bay Area Audubon Chapters, the State organization-Audubon California, and the National Audubon Society, along with other area conservation organizations. In Petaluma, our Audubon Chapter is a strong supporter of the conservation nonprofit, Paula Lane Action Network, a nonprofit with high conservation standards, 20 years of dedicated conservation volunteering in your area, expertise in protected conservation values of West Petaluma, and the creator of the innovative “High Use-Low Impact” project design for public access and programs on land with sensitive habitat, wildlife and birds.

We write to comment on the appeal of the Sid Commons development proposal adjacent to Oak Creek Apartments in the Payran Neighborhood of north Petaluma.

The Payran neighborhood provides moderate-income and similar housing for a diverse group of citizens in Petaluma, receiving benefit from the USACE Flood Project. From our review, it appears relevant to your staff’s comment on AB 3194 that a sufficient analysis related to public health and safety of the Payran neighborhood area has not been completed. However, rather than perceiving a threat from AB 3194 in terms of the Council not approving the appeal before you (or anticipate something worse), our review of this legislation reflects a strong position for the City of Petaluma to consider decisions related to public health and safety of existing
residents in the immediate area of the proposed project as well as the Payran neighborhood itself. The amended proposal before you, to decrease density by approximately 100 units would appear too impactful to ensure the safety and public health of Payran neighborhood residents, along with the significant negative environmental impacts not adequately addressed.

The January 30, 2020 letter from the Regional Water Quality Control Board (RWQCB) to Olivia Ervin, City of Petaluma, describes …“To ensure the impacts to waters of the US and waters of the State are correctly identified and analyzed, the appropriate agencies (Water Board and Corps) should verify the wetland and other jurisdictional water features at the study area. The FEIR considered only waters of the U.S. under Corps jurisdiction. However, waters of the State under Water Board jurisdiction include the channel above the ordinary high water mark (OHWM) and extends up to the riparian corridor…”

The letter also includes, “Although the (least environmentally damaging practicable alternative) LEDPA analysis is not required by CEQA, a project proponent may tailor the EIR to fulfill both the CEQA and 404(b)(1) requirements to help expedite the Water Board’s issuance of a 401 Certification and/or waste discharge requirements under Porter-Cologne. Accordingly, we recommend the City prepare and analyze alternatives in the FEIR that would meet the LEDPA standard to help expedite future Water Board actions, and avoid the potential need for a FEIR supplement or amendment…” In this regard, it appears the Petaluma City Council, on Feb. 3, 2020, would not be able to approve/certify the FEIR with the project proposal.

With outlined requirements of the RWQCB related to this project proposal and the appeal, please consider that your City Council has also established an interface with the advising body, Climate Action Commission, to identify, plan for and bring forward substantive plans to address climate change impacts to the Petaluma environs. We understand the Commission is engaged in climate change adaptation planning to assess climate change-related risks. This analysis is not complete. Sea level rise is a real threat. The Petaluma River, a tidal slough, is the northernmost area of the San Francisco Bay Estuary. The Petaluma River floodplain is known to be prone to flooding. The Payran neighborhood is one of the most vulnerable in Petaluma and should be a priority in considering public health and safety for Payran residents, but also any development proposal that would propose to negatively alter longstanding agreed-upon plans for Parcel 09 of this property. The PUD guarantee of no development on Parcel 09 was created with foresight.

Based on two site visits to this property, we noted this property is immediately south of the City’s proposed west side end of the proposed Rainier crosstown connector, on a property with mature Live oaks, Valley oaks, multiple avian species (48 identified in 1 visit), along with Black-tailed deer, moving through the corridor, adjacent to the Petaluma River. One of our site visits was even 10 years earlier, documenting this area as an important natural area, quiet and undisturbed, except for, now, the passage of the SMART train along established rail tracks. During recent site visits to the Graylawn Avenue area, Canada Geese were observed in the very wet areas of the proposed development site, during a time when the last rains were two weeks earlier.

This quiet and peaceful northern stretch of the Petaluma River and riparian corridor equates to fresh water habitat for birds, amphibians and endangered salmonids. The non-tidal wetlands, part of the fragile ecosystem,
help to improve water and air quality, stabilize the riverbank, and sequester carbon. This property on Graylawn Avenue has also long been an important natural area, used by wildlife and birds for food and cover.

A timely and necessary interface can occur with your Climate Action Commission to develop sound policies related to CEQA evaluation of especially biological and hydrological resource impacts. Considerations and approaches to account for mandated preservation of habitat, availability of fresh water and water quality, temperature rise and mitigation related to the Petaluma River for salmonids, and proactively engaging to protect birds, wildlife, amphibians, and habitat areas upon which they rely. This is an area of experience we have expressed interest in supporting your Climate Action Commissioners to consider and develop.

In the proposal before you, considering development on the 4.5 acre parcel and assuring preservation of Parcel 09, without grading, terracing, or other degrading actions there, still with unknown effects of mitigation, the 4.5 acre development would bring accompanying permanent impacts related to significant encroachment - humans, dogs, other pets, etc., altering the quiet and peaceful character of the property. In addition, for any proposal, installing night lighting on a path or trail would be contraindicated. This area is one for nocturnal wildlife and not human encroachment. If any development were to occur on the 4.5 acre parcel, natural areas near the river and on Parcel 09 should not be impacted with lighting or nighttime activity.

In summary, based on the Regional Water Quality Control Board’s input, the concern for public health and safety of existing Payran area residents, the inadequate information related to sea level rise, impacts and beginning to plan for and address those, and negative environmental impacts of any development on Parcel 09, these are some of the relevant reasons we recommend a denial of the developer’s appeal. The opportunities for the City of Petaluma appear to be to ensure public health and safety of the Payran area residents, ensure protection of Parcel 09, thereby potentially eliminating many expressed concerns, to expediently engage with the Climate Action Commission for timely analysis, planning and action, and to set forth clear communication and parameters for property owners and developers in this context. Equally important, to give life to the voiceless – the habitat, non-tidal wetlands, river and upland wildlife and birds, who must be considered and actively protected to be able to survive.

Please see page 4. We appreciate your accepting our comment.

Sincerely,

Susan Kirks

Susan Kirks, President
Madrone Audubon Society, Sonoma County susankirks@sbcglobal.net, 707-241-5548
Madrone Audubon Society’s Activities and Contributions in Petaluma

Fiscal sponsorship of the Petaluma Wetlands Alliance for 13 years, during the group’s most formative years, developing and offering the wetlands education program for public schools and developing and sustaining the Docent program.

Co-plaintiff with City of Petaluma et al in Dutra asphalt plant litigation (Susan Kirks was the representative for Madrone Audubon). Donation of significant funding to assist with litigation process.

Funding of $10,000 to support Petaluma Wetland Alliance’s construction of a large kiosk and bench at the entrance to the conserved Alman Marsh, the entrance from the Sheraton Hotel in Petaluma. The project is dedicated to one of Sonoma County’s most experienced birdwatcher and an expert in Owl identification.

Since 2016, sponsoring two Phenology Projects in the Petaluma area, both citizen science research projects of observation, data gathering and reporting on plants, birds and wildlife in the National Phenology Project. Data analysis to discern patterns and beneficial actions to address climate change impacts.

Monthly free bird walks and outings in the Petaluma area, one offered just this past Saturday, 02/01, at Ellis Creek, very well attended and enjoyed, led by two local birding experts and naturalists.

Co-plaintiff in Petaluma River Bridge/Cliff Swallow litigation in 2013, with multiple other conservation organizations, to require FHTA and Caltrans be accountable for unnecessary and tragic deaths of migratory Cliff Swallows from Argentina. That litigation was settled, and plaintiffs’ requests were satisfied in that process, including use of new exclusionary material by Caltrans related to bird nesting. The Petaluma River Bridge Cliff Swallow Project is an ongoing Phenology Project to monitor migratory swallows each year.

Sonoma County Renewable Energy Ordinance – Primary contributor for Wind Energy portion of the Ordinance, with benefit to Sonoma County from Marin County’s earlier research and action, along with other jurisdictions.

AA parcel tax – grant funding from San Francisco Bay Restoration Authority: Audubon fulfilled a critically important role in the advocacy effort for passage of the 9-county AA parcel tax to provide funding for restoration, including addressing climate change impacts, of the San Francisco Bay Estuary. The Petaluma River and wetlands are the northernmost part of the San Francisco Bay Estuary. There was a feeling of certainty the measure would not pass in Sonoma County; however, strategy of advocates for a 9-county passage, which would mean Sonoma County would benefit from passage of the measure, was successful.

Ramsar Wetland of International Importance designation, 2018 – Petaluma Wetlands: Madrone Audubon funded, prepared mapping and the application for the City of Petaluma, and followed up for 4 years, until the designation became official in 2018. Petaluma Wetlands are now officially designated with this honor.