

## EXHIBIT A

### CEQA FINDINGS CONCERNING SIGNIFICANT IMPACTS AND MITIGATION MEASURES AND STATEMENT OF OVERRIDING CONSIDERATIONS

#### SECTION 1: INTRODUCTION

##### 1.1 Statutory Requirements for Findings

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 Scott Ranch Project as Revised (File No. PLPJ-2022-0002, formerly #03-TSM-0396-CR) ("Project") and means for mitigating those impacts. For the purpose of these Findings, the term Environmental Impact Report (EIR) means the Draft, Revised 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.

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. Section 15093 of the *CEQA Guidelines* states that:

*"If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"*

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.

## **1.2 Organization/Format of Findings**

**Section 2** of these Findings contains a summary description of the Project, sets forth the objectives of the Project and provides related background information. **Section 3** identifies the Project's potential environmental effects that were determined to have no impact or be less than significant, and do not require mitigation. **Section 4** identifies the potentially significant effects of the Project that were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Final EIR. **Section 5** identifies the significant impacts that cannot be mitigated to a less-than-significant level even though all feasible mitigation measures have been identified and incorporated into the Project. **Section 6** discusses the feasibility of Project alternatives. **Section 7** includes the City's Statement of Overriding Considerations. **Section 8** includes a list of General Findings made and adopted by the City. These Findings summarize and incorporate by reference, the impacts and mitigation measures from the Draft EIR, Revisions to the Draft EIR, and the Responses to Comments. Full descriptions of the impacts and analyses are contained in the EIR.

## **SECTION 2: SCOTT RANCH PROJECT DESCRIPTION**

### **2.1 Project Location**

The approximately 58.66-acre project site is located in the southwestern portion of the City at the corner of the intersection of Windsor Drive and D Street. It is accessible by US 101 Highway (US 101), approximately two miles to the east, and Highway 116 to the north. The main arterial street that provides access to the project site is D Street. Direct access to the site is provided by Windsor Drive and D Street. The site is currently an undeveloped property with a barn complex (consisting of three barns and an old dairy equipment cleaning shed), and an unoccupied mobile home, and remnants of a collapsed farm house that was destroyed by fire.

There are existing single-family homes developed to the north, northwest (Victoria Subdivision), and east (Pinnacle Heights Subdivision) of the project site. Helen Putnam Regional Park, maintained by the Sonoma County Regional Parks, is located to the west of the project site. Agricultural uses or rural residences on large parcels in private ownership are located to the south and southwest in unincorporated Sonoma County.

### **2.2 Project Objectives**

The City of Petaluma has developed the following primary objectives for the proposed Project to satisfy *CEQA Guidelines* Section 15124(b).

The City's objectives are to:

- provide development consistent with the City's long-term development goals, especially as related to the provision of additional housing;
- develop the project site in a manner that preserves the uniqueness and gateway value of the site;

- implement General Plan policies related to establishment of an Urban Separator and the Petaluma ring trail system; and
- provide improved recreational access to the Helen Putnam Regional Park.

The project applicants' key objectives for the proposed Project are to:

- promote and maximize new housing opportunities within the urban growth boundary thereby discouraging urban sprawl;
- develop a high-quality residential project on the west side of Petaluma, compatible with existing residential subdivisions in the neighborhood and with rural and park areas to the south and west of the site;
- permanently preserve sensitive biological and geological areas of the site as protected open space;
- preserve and enhance Kelly Creek in its natural state;
- preserve the barn complex;
- provide a public pedestrian/bicycle trail connecting to Helen Putnam Regional Park; and
- provide a large extension of the Helen Putnam Regional Park, incorporating new trails, a restored barn complex, habitat and waterway enhancements, and related features.

### **2.3 Project Description**

The proposed Scott Ranch Project consists of two components: the Davidon (28-Lot) Residential Project proposed by Davidon Homes and the Putnam Park Extension Project proposed by the Kelly Creek Protection Project (KCPP) of Earth Island Institute. The residential project component would develop approximately 11.2 acres of the site with 28 single-family residences, streets, and ancillary improvements, including approximately 5 acres of private open space. The single-family residences would be developed along two new proposed streets- one new street would branch north of Windsor Drive and a second new street would branch south of Windsor Drive. The homes would be arranged in clusters off each of the two proposed streets. Other infrastructure improvements (i.e., sewer, water, and storm drainage facilities, including detention basins) needed to serve the proposed Project would also be constructed. A roundabout on City right-of-way at the intersection of D Street and Windsor Drive would be developed as part of the residential project component. A six-foot wide sidewalk would be provided on the south side of Windsor Drive from the new intersection to D Street, in addition to an off-site sidewalk between Windsor Drive and Sunnyslope Avenue running along the east side of D Street.

The proposed Putnam Park Extension Project component would extend the existing Helen Putnam Regional Park eastward to D Street by developing a park area on the balance of the project site, approximately 47-acres. The proposed Project would develop a barn center that would include the renovation of the existing barn complex and the cleaning shed, pathways between the structures, bike parking, information kiosks, vegetable gardens, demonstration and working corrals, antique

farm equipment with a hand pump, and an amphitheater for outdoor learning activities. Access to the barn center is currently provided via D Street by a driveway, would be improved and used as a service vehicle entrance with removable bollards. The barn center would be visible from D Street and accessible from the main parking lot (or lower parking lot). The proposed Project would include a multi-use trail of approximately 0.7 mile that would run along the north and south side of Kelly Creek. A 0.35-mile section of the loop trail along the north side of Kelly Creek (north trail) would connect Helen Putnam Regional Park on the west end of the project site to the barn center on the east end of the project site. Access to this trail section would be from the upper parking lot through a four-foot-wide, 0.02-mile-long, ADA-compliant trail. A 300-foot Urban Separator would be maintained between the proposed development and the southern boundary of the project site. See **Section 2.0, Project Description**, in the FEIR for further information about the project characteristics.

The project Applicants have requested the following approvals for the proposed Project: (1) a General Plan Amendment to modify and clarify General Plan Policy 2-P-68; (2) an Amendment of General Plan Figure 5-2, Bicycle Facilities; (3) a zoning map amendment to rezone the property from Residential 1 (R1) to a Planned Unit District (PUD); (4) a zoning text amendment to adopt the Scott Ranch Planned Unit Development Plan and Guidelines; and (5) a Vesting Tentative Map to subdivide the project parcels into residential, open space, public access and parking lots. Subsequent entitlements anticipated for the Project include Site Plan and Architectural Review for both the residential component and the Phase 1 park improvements, Local Landmark Designation for the red barn complex, Historic Site Plan and Architectural Review for the renovation of the barn complex, and a Tentative Parcel Map for purpose of transferring Parcel B to Kelly Creek Protection Project prior to the final map.

### **Regional Park Trail**

The Helen Putnam Regional Park Trail project (RPT) is an approximately 0.5-mile-long trail segment proposed by Sonoma County Regional Parks (SCRCP) in collaboration with the project Applicants on parkland offsite to the west of the Scott Ranch project site. Although not being proposed jointly with the Project, the RPT is considered a related project because it would provide a connection from proposed trails onsite north and south of Kelly Creek to existing offsite trails in Helen Putnam Regional Park. Construction of the proposed multi-use trail on the project site would create conditions that could lead to the construction of the RPT on the Helen Putnam Regional Park property. While there is no guarantee that the RPT would be constructed, with the access provided by the project site multi-use trail between D Street and the eastern boundary of the regional park, the probability that the RPT would be constructed would increase. Therefore conservatively, the RDEIR analyzed the RPT as a related project and presented the environmental consequences that could result from its construction and operation. The Final EIR may be used by the SCRCP if and when it decides to construct the RPT.

## **2.4 Alternatives**

As noted in the RDEIR Section 1.2, Project History, the proposed project has been revised since its original application submittal in 2004 and the environmental review has considered prior iterations of the project including a 93 lot single family residential subdivision (2013 DEIR), a 66 lot single family residential subdivision (2017 RDEIR), and the most recent 2020 RDEIR which

analyzed a 28 lot single family subdivision on 15 acres and a 44 acre park and open space on the balance of the site. Each of the prior DEIRs (2013 and 2017) included an analysis of project alternatives.

Based on the Project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the CEQA Guidelines, the following Project alternatives were selected for analysis in the most recent 2020 RDEIR:

- The **No Project/No Development** alternative assumes the continuation of existing conditions within the Project site.
- The **Davidon (28 Lot) Residential Project** alternative would develop 28 single-family homes in the same lot configuration as the proposed Project. This alternative would not include the Putnam Park Extension Project component. Under this alternative, the multi-use trails and pedestrian and livestock bridges would not be developed, the barn complex would remain in place and would not be restored, and there would be no pasture improvements or stock pond enhancements.
- The **Putnam Park Extension Project** would only include the features of the Putnam Park Extension Project component and no residential homes would be developed.

A more detailed description of these alternatives, and required findings, are set forth in **Section 6: Feasibility of Project Alternatives**.

### **SECTION 3: EFFECTS DETERMINED TO HAVE NO IMPACT OR TO BE LESS THAN SIGNIFICANT**

The City finds that, based upon substantial evidence in the record, as discussed below, the following environmental factors associated with the Project would have No Impact or a Less Than Significant Impact and no mitigation would be required.

#### **3.1 Aesthetics**

- Implementation of the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- Implementation of the proposed project would not create new sources of substantial light or glare which would adversely affect day or nighttime views in the area.
- The implementation of the proposed RPT project would not result in a significant impact on scenic vistas, scenic resources, visual character and quality, or light and glare.
- The proposed Scott Ranch project and the RPT project, in conjunction with other past, present and reasonably foreseeable future development, would not result in a significant cumulative impact with regard to scenic vistas, visual character, or scenic resources.

- The proposed Scott Ranch project and the regional park trail project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative impact with regard to light and glare.

### **3.2 Air Quality**

- The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- The proposed project would not result in other emissions (such as leading to odors) adversely affecting a substantial number of people.
- The proposed project and the proposed RPT, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative air quality impacts.

### **3.3 Biological Resources**

- The proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.
- Implementation of the proposed RPT project would not interfere with wildlife movement.

### **3.4 Cultural Resources**

- The proposed Scott Ranch project and the regional park trail project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative cultural resource impacts.

### **3.5 Energy**

- Construction and operation of the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.
- The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.
- Construction and operation of the proposed RPT project would minimally increase the consumption of energy but would not result in significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy or exceed the capacity of distribution systems.

### **3.6 Geology and Soils**

- The proposed project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

- The proposed Scott Ranch project and the RPT project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative geology and soils impacts.

### **3.7 Greenhouse Gas Emissions**

- The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.
- Operation of the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions.
- The proposed RPT project would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment, nor would the proposed RPT conflict with any applicable plans or policies for reducing greenhouse gas emissions.
- The proposed project and the RPT project would not result in a significant cumulative greenhouse gas impact.

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

- The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it would impede groundwater management.
- The proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff.
- The proposed project would not risk the release of pollutants in flood hazard, tsunami, or seiche zones that would risk release of pollutants due to project inundation.
- The proposed project would not substantially alter the existing drainage pattern of the site or area in a manner that would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- The implementation of the proposed RPT project would not have a significant impact related to water quality, hydromodification, erosion, flooding, and other hazards.
- The proposed Scott Ranch project and the RPT project, in conjunction with other past, present and reasonably foreseeable future development, would not result in a significant cumulative impact related to hydrology and water quality.

### **3.9 Land Use and Planning**

- The proposed project would not physically divide an established community.

- The proposed project could not cause a significant environmental impact due to a conflict with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
- The proposed project would not result in development of land uses that are substantially incompatible with existing adjacent land uses or with planned uses.
- The implementation of the proposed RPT project would not physically divide an established community, conflict with applicable land use or habitat conservation plans, or be incompatible with surrounding land uses.
- The proposed Scott Ranch project and the RPT project, in conjunction with other past, present and reasonably foreseeable future development, would not result in significant cumulative impacts related to land use and planning.

### **3.10 Noise**

- Noise generated by project operation would not result in generation of a substantial permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Construction and operation of the proposed RPT project would not increase noise levels at existing residential uses in the vicinity nor expose persons to excessive groundborne vibration. The proposed RPT would not expose persons on-site to excessive noise levels nor generate traffic which would substantially increase noise levels.
- The proposed Scott Ranch project and the RPT project, in conjunction with other past, present and reasonably foreseeable future development, would not result in a significant cumulative noise impact.

### **3.11 Population and Housing**

- The proposed project would not induce substantial population growth in the area either directly or indirectly.
- The proposed project would not displace substantial numbers of existing housing or people.
- The proposed RPT project would not induce substantial unplanned population growth or displace a substantial number of existing housing or people.
- The proposed Scott Ranch project and the proposed RPT project, in conjunction with other closely related past, present and reasonably foreseeable future development, would not result in a significant cumulative impact with regards to population and housing.

### **3.12 Public Services, including Recreation**



- The proposed project would not require the construction of new or physically altered fire facilities.
- The proposed project would not require the construction of new or physically altered police facilities.
- The proposed project would not require the construction of new or physically altered school facilities.
- The proposed project would not require the construction of new or physically altered library facilities.
- Development of the proposed project would increase the use of existing neighborhood parks or other recreational facilities but not result in substantial physical deterioration of the facilities. In addition, the demand created by the proposed project would not require the construction of new or physically altered parks and recreation facilities.
- The implementation of the proposed RPT would not cause a substantial adverse impact related to fire protection, police protection, schools, parks, or other governmental services.
- The proposed Scott Ranch project and the RPT project, in conjunction with other closely related past, present and reasonably foreseeable future development, would not result in a significant cumulative impact on public services.

### **3.13 Transportation**

- Development of the proposed project would not impact access to transit facilities.
- Development of the proposed project would not impact pedestrian and bicycle facilities or create hazardous conditions for pedestrians or bicyclists that currently do not exist.
- Implementation of the proposed RPT project would not conflict with any applicable plans, ordinances or policies establishing measures of effectiveness for the performance of the traffic circulation system; increase traffic hazards; or result in inadequate emergency access.
- Development of the proposed project and the RPT project would not result in cumulative impacts related to the internal circulation system, substantially increase hazards due to a geometric design feature, nor substantially impact emergency access.
- Cumulative development, including the proposed project and the RPT project, would not result in cumulative impacts to public transit facilities.
- Cumulative development, including the proposed project and the RPT project, would not result in cumulative impacts to pedestrian and bicycle facilities.

- The proposed project and the RPT project would not cause temporary disruption to the transportation network due to construction under Cumulative conditions.

### **3.14 Utilities and Service Systems**

- Development of the proposed project would not result in the relocation or construction of new or expanded water supply entitlements and would not require expansion of the water delivery system.
- Development of the proposed project would not require the relocation or construction of new or expanded wastewater treatment facilities.
- The proposed project would comply with all applicable federal, State, and local statutes and regulations related to solid waste and would not generate solid waste that would require the expansion of the permitted capacity of a regional landfill in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Development of the proposed project would not result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects.
- Implementation of the proposed RPT project would not cause substantial adverse impacts requiring the construction or relocation of new or expanded water supply or expansion of a water delivery system; result in the construction or relocation of new wastewater treatment facilities or conveyance systems; or require relocation or construction or expansion of new or expanded stormwater drainage facilities. The proposed RPT project would comply with all regulations related to solid waste and there would be sufficient landfill capacity to serve the proposed RPT project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- The proposed project and the RPT project, in conjunction with other past, present and reasonably foreseeable future development, would not result in a significant cumulative impact on utilities.

### **3.15 Wildfire**

- The proposed project would not substantially impair an adopted emergency response plan.
- The proposed project would not substantially exacerbate wildfire risks, or expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- The proposed project would not require the installation or maintenance of associated infrastructure (such as road, fuel breaks, emergency water sources, power lines, or other

utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts on the environment.

- Implementation of the proposed RPT project would not substantially exacerbate wildfire risks or result in adverse impact related to an emergency response plan, or expose people or structures to significant risks.
- The proposed Scott Ranch Project and the RPT project, in conjunction with other closely related past, present and reasonably foreseeable future development would not result in a significant cumulative impact on wildfire.

## **SECTION 4: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS**

The Draft Revised EIR identified certain potentially significant effects that could result from implementation of the Project. However, based upon substantial evidence in the record the City finds that for each of the significant or potentially significant impacts identified in this section, that mitigations have been required or incorporated into the Project which avoid or substantially lessen the significant effects as identified in the Final EIR. Thus, adoption of these mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the Project. The following summarizes the rationale to support these findings, as presented in detail, including the data and analysis, in the Final EIR:

### **4.1 Aesthetics**

**Impact AES-1:** Development of the project would have a substantial adverse effect on a scenic vista.

However, implementation of Mitigation Measures **AES-1a** and **AES-1b** would reduce proposed project effects on a scenic vista to less than significant.

### **Mitigation Measures**

**AES-1a:** The following restrictions shall be placed on the design of the proposed project:

Elements such as design, height, contouring, and massing of proposed single-family development shall comply with Hillside Protection and Tree Protection ordinances. Homes shall be designed to step with the hillside and avoid solid walls or overhangs that run against the natural slope of the site.

Construction of Lots 1 through 10 shall be carefully evaluated during the Site Plan and Architectural Review process. These lots shall only be subdivided or developed with structures that would incorporate appropriate hillside design elements and would not substantially block or obscure views.

The design, height, and massing of retaining walls shall be specifically reviewed during the Site Plan and Architectural Review process. Retaining walls shall not exceed 5 feet

in height unless incorporating terracing with landscaping and minimum width of 3 feet. Retaining walls should conform to the slope. Treatment of retaining walls that are visible from a public street shall incorporate a veneer of natural stone, stained concrete, earth toned textured surface, or as otherwise accepted through the Site Plan and Architectural Review process such that walls blend in with the natural hillside environment and promote a rural character.

Review during the Site Plan and Architectural Review shall include project landscape. Vegetation including woodland cover shall be reestablished on graded slopes and between existing abutting residential structures (See also Mitigation Measure BIO-2a). Reestablishment of vegetation near the project's residences shall conform to the requirement of the project's Fuel Management Program.

**AES-1b:** The architectural elevations and materials used on the exterior of the residences (including roofing materials, exterior finishing, and trim palette) shall include natural, terrain-neutral colors and prohibit the use of brightly colored terra cotta or red clay roof tiles in order to limit potential visual contrast between the proposed development and the adjacent hillsides, as determined acceptable by the Planning Commission through the Site Plan and Architectural Review process required by Petaluma Municipal Code Section 24.010. The developer shall include Codes, Covenants, and Restrictions (CC&R) that prohibit or limit roofing color changes by future owners, in accordance with the Planning Commission Site Plan and Architectural Review approval.

**Finding for Impact AES-1:** Mitigation Measures AES-1a and AES-1b would reduce proposed project effects on a scenic vista to less than significant. Pursuant to *CEQA Guidelines*, the City finds that Mitigation Measures AES-1a and AES-1b will be incorporated into the Project via conditions of approval and will reduce **Impact AES-1** to a less-than-significant level.

**Rationale for Finding:** Mitigation requires the site plan and architectural and review (SPAR), which will occur pursuant to Chapter 24 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 and replanting requirements shall also be monitored for compliance. Therefore, after applying these measures, the impact would be less than significant.

**Impact AES-3:** Development of the project site could substantially degrade the visual character and quality of public views of the site and its surroundings.

However, implementation of Mitigation Measures **AES-3a** and **AES-3b** would reduce proposed Project effects on the visual character and quality of public views of the site and its surroundings to less than significant.

### **Mitigation Measures**

**AES-3a:** All construction staging shall occur within the project boundaries and on authorized road encroachment. Construction staging areas shall use appropriate screening (i.e.,

temporary fencing with opaque material) to screen views of construction equipment and material.

**AES-3b:** Project landscaping and recreational features shall be designed and located in a manner to preserve the visual character of the project site and promote the view of the barn complex. As part of the SPAR, the Applicants shall submit to the City of Petaluma detailed landscape plans showing the location of the new trees and visual simulations demonstrating the preservation of the existing scenic view of the barn complex.

**Finding for Impact AES-3:** Mitigation Measures AES-3a and AES-3b would reduce proposed project effects on a scenic vista to less than significant. Pursuant to *CEQA Guidelines*, the City finds that Mitigation Measures AES-3a and AES-3b will be incorporated into the Project via conditions of approval and will reduce **Impact AES-3** to a less-than-significant level.

**Rationale for Finding:** Mitigation requires that construction staging occur within the project boundaries and on an authorized road encroachment, and be required to use appropriate screening (i.e., temporary fencing with opaque material) to screen views of construction equipment and material.

Mitigation requires project landscaping and recreational features be designed and located in a manner to preserve the visual character of the project site and promote the view of the barn complex. As part of the SPAR, the Applicants shall submit to the City of Petaluma detailed landscape plans showing the location of the new trees and visual simulations demonstrating the preservation of the existing scenic view of the barn complex. Therefore, after applying these measures, the impact would be less than significant.

## **4.2 Air Quality**

**Impact AIR-2:** Construction and operation of the proposed project would generate emissions that would result in a cumulatively considerable net increase of any critical pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

**Impact AIR-3:** Construction and operation of the proposed project would expose sensitive receptors to substantial pollutant concentrations.

However, implementation of Mitigation Measure **AIR-2** would reduce project construction impacts to less than significant.

### **Mitigation Measure**

#### **Mitigation Measure AIR-2**

The construction contractor(s) shall implement the following measures during construction:

- 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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- 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.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency 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.

**Finding for Impact AIR-2 and AIR-3:** Mitigation Measure AIR-2 would reduce proposed Project fugitive dust and construction emissions to less than significant. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measure AIR-2 will be incorporated into the Project via conditions of approval and will reduce **Impact AIR-2** and **AIR-3** to a less-than-significant level.

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

**RPT Impact AIR-1:** The construction of the proposed RPT project would not result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable national or state ambient air quality standard, expose existing sensitive receptors to substantial pollutant concentrations, create objectionable odors, or conflict with or obstruct implementation of the applicable air quality plan, but construction-phase emissions of fugitive dust could exceed applicable thresholds.

However, implementation of Mitigation Measure **RPT AIR-1** would reduce RPT project construction impacts to less than significant.

### **Mitigation Measure**

## **Mitigation Measure RPT AIR-1**

The construction contractor(s) shall implement the following measures during construction:

- a. All exposed surfaces (e.g., 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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. 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]).
- f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency 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.

**Finding for Impact RPT AIR-1:** Mitigation Measure RPT AIR-1 would reduce proposed Project fugitive dust and construction emissions to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measure RPT AIR-1 will be incorporated into the Project via conditions of approval and will reduce Impact RPT AIR-1 to a less-than-significant level.

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

## **4.3 Biological Resources**

**Impact BIO-1:** The proposed project would not affect special-status plant species but would result in substantial adverse effects on special-status animal species, including California red-legged frog (CRLF), nesting birds, and roosting bats.

However, implementation of Mitigation Measures **BIO-1a** through **BIO-1d** would reduce proposed project adverse effects on special-status animal species to less than significant.

## **Mitigation Measures**

- BIO-1a:** Mitigation for impacts on regulated waters shall be provided at a minimum 2:1 ratio as detailed in Mitigation Measure BIO-3. Mitigation for impacts on habitat for CRLF shall be provided at a minimum 3:1 ratio for permanent impacts and 1:1 ratio for temporary impacts, as detailed in Mitigation Measure BIO-1b. In addition, the project Applicants shall obtain all required permits from the USFWS, CDFW, RWQCB, and USACE (e.g., 1600 series permits, 404 and 401 permits), incidental take permits and any others. The project Applicants will submit with the permit application a Wetland Mitigation Program for review and approval by the regulatory agencies. The project Applicants shall implement mitigation measures, as required by federal and State law and included in the permits, to avoid, minimize, or offset impacts to any species listed under either the state or Federal Endangered Species Acts or protected under any other state or federal law. Evidence that the project Applicants have secured all required authorization from these agencies shall be submitted to the Community Development Department of the City of Petaluma prior to issuance of any grading or building permits for the project.
- BIO-1b:** A Final California Red-Legged Frog Mitigation Plan (CRLFMP) shall be prepared by a qualified wildlife biologist to minimize and mitigate potential impacts of the project on CRLF. The Final CRLFMP shall be prepared in consultation with and be approved by the USFWS, CDFW, USACE, and City, and shall provide for the protection, replacement, and management of habitat for CRLF affected by proposed development and public open space use on the project site. The Final CRLFMP shall be required as a condition of approval for the project Tentative Map, and shall include the following components and meet the following standards:

### **Preconstruction and Construction Avoidance Provisions**

- a. Preconstruction surveys shall be conducted by a Service-approved biologist prior to any grading or major vegetation clearance to ensure that no individual CRLF are lost during construction. These preconstruction surveys shall also verify the presence or absence of occupied dens of American badger, burrows of western burrowing owl, and individuals of western pond turtle and foothill yellow-legged frog in the remote instance individuals were to disperse onto the site in advance of construction-related disturbance. The Final CRLFMP shall: 1) describe in detail the survey approach and methodology, and 2) specify that grading or vegetation clearance may not occur in any area where individual CRLF, American badger, western burrowing owl, western pond turtle, and/or foothill yellow-legged frog are located until such time as the individual has either moved out of the disturbance zone or has been physically relocated by a Service-approved biologist legally authorized to handle the species. Any relocation effort for CRLF, American badger, western burrowing owl, western pond turtle, and/or foothill yellow-legged frog shall be formulated in consultation with and approved by CDFW and USFWS, and shall be implemented by a qualified biologist.



- b. All project-related -vegetation clearing and grading activities within potential habitat for CRLF shall be monitored by a Service-approved biologist. The Final CRLFMP shall specify the duties of the Service-approved biologist.
- c. All construction personnel shall be trained in CRLF identification, habitat description, legal protective status, construction restrictions, and procedures to avoid unnecessary disturbance to potential habitat or incidental take of these species. The Final CRLFMP shall describe this training program.
- d. Exclusionary fencing shall be installed prior to grading or major vegetation clearance where appropriate to keep CRLF out of construction areas. The Final CRLFMP shall identify where such fencing is to be installed and provide procedures for fence installation, monitoring, and maintenance. The Final CRLFMP shall require that the exclusionary fencing be installed under the direct supervision of a Service-approved biologist and shall be maintained during the course of construction activities on the site.
- e. If necessary, identify the locations for use of permanent exclusionary fencing or other barriers to prevent and minimize dispersal of CRLF into areas with concentrated human activity, based on input from the USFWS and CDFW. This may be particularly important at locations along segments of the multi-use trail to the south of Kelly Creek or parking lot and staging area on the east side of the D Street tributary, to prevent the movement of individual frogs into areas, of intensive bike, pedestrian and vehicle activity. If used, the permanent exclusionary fencing/barriers shall be designed and installed during project construction under the supervision of a Service-approved biologist.
- f. Appropriate signage shall be designed and installed to restrict unauthorized human access into essential habitat areas for CRLF during construction.

#### **Habitat Avoidance and Mitigation Provisions**

- g. Avoid development and associated direct and indirect impacts on CRLF in accordance with project revisions required as part of the consultation review and approval process with CDFW and USFWS. Compensatory mitigation shall be provided at a minimum of 3:1 for permanent impacts and 1:1 for temporary impacts to CRLF habitat. This may be accomplished through permanent protection and establishment of two conservation easements or other mechanisms of suitable habitat on-site and off-site, where necessary to achieve the minimum compensatory mitigation requirements or as otherwise required by the CDFW and USFWS.
- h. Control unauthorized access to the on-site stock pond and open space in the southwestern portion of the project site to protect these essential habitat features for CRLF. Install fencing and interpretive displays and restrictive signage along all trail systems as necessary to control access from the proposed multi-use trails and other locations where unauthorized access is likely.

- i. Where disturbance and improvements within essential habitat and movement corridors cannot be completely avoided and on-site mitigation is considered insufficient by the CDFW and USFWS, the loss shall be mitigated by permanently preserving similar quality habitat known to support CRLF at off-site locations preferably in the Petaluma vicinity of Sonoma County, as negotiated with the regulatory agencies. It is possible that the mitigation location, whether on-site or possibly off-site as well, could be used to achieve mitigation for other biological and wetland impacts, depending on its habitat characteristics, provisions for habitat creation and/or enhancement defined as part of the Final CRLFMP, and negotiations with the CDFW and USFWS.
- j. Identify methods to minimize the potential for harassment or take of listed and non-listed species as a result of increased human activity associated with development and open space use of the site. This shall include an educational program for future residents and visitors, fencing and interpretive signage at access points into natural open space, use of sensitive grade changes, culverted undercrossings, and bridged overcrossings in uplands where roadways or trails bisect movement corridors, and possible use of permanent exclusionary fencing.

#### **Habitat Connectivity and On-Site Management Provisions**

- k. Define methods to provide connectivity for CRLF between open space areas on site and to the surrounding undeveloped lands to the west, south, and east.
- l. Provide for permanent protection and adaptive management of open space lands (both on-site and possibly off-site) intended to function as potential habitat for CRLF.

**BIO-1c:** Any active nests of raptors or other birds protected under federal and state regulations in the vicinity of construction shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling grading, vegetation removal and demolition activities during the non-nesting period (September 1 through January 31), or if this is not feasible, by conducting a pre-construction survey for raptor and other bird nests. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:

- a. To avoid “take” of barn owls in the large barn, any relocation or restoration work shall be initiated in the non-nesting period or shall be performed in conformance with the pre-construction survey procedures detailed below.
- b. If grading is scheduled during the active nesting period (February 15 through August 31), a qualified wildlife biologist shall conduct a pre-construction nest survey no more than 15 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity.

- c. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading and vegetation removal in the vicinity of the nest shall be deferred until the young birds have fledged or are no longer dependent on the nest. A nest-setback zone shall be established within which all construction-related disturbances shall be prohibited. These are typically at least 300 feet for all raptors and 100 feet for other birds protected under the Migratory Bird Treaty Act and State Fish and Game Code, unless site-specific conditions allow for some variation from these distances as determined by the qualified wildlife biologist in coordination with CDFW. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area.
- d. If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival.
- e. Demolition of any existing buildings and removal of any trees shall also consider possible bat use of the site, as defined below in Mitigation Measure BIO-1d.
- f. A survey report by the qualified biologist verifying that the young birds have fledged shall be submitted to the Community Development Department of the City of Petaluma prior to initiation of grading and vegetation removal in the nest-setback zone.

**BIO-1d:** Measures shall be taken to avoid possible loss of bats during project construction. Any buildings that are approved for demolition, rehabilitation, or relocation shall be done using the following provisions:

- a. Any buildings approved for removal shall be demolished between March 1 (or after evening temperatures rise above 45 degrees F and/or no more than ½” of rainfall within 24 hours occurs) to April 15 or from August 31 to October 15 (or before evening temperatures fall below 45 degrees F and/or more than ½” of rainfall within 24 hours occurs) to minimize the likelihood of removal during the winter roosting period when individuals are less active and more difficult to detect, and the critical pupping period (April 16 to August 30) when young cannot disperse.
- b. Buildings shall be surveyed by a qualified bat biologist possessing a Memorandum of Understanding with the CDFW no more than 2 weeks before demolition and/or relocation work is undertaken to avoid “take” of any bats that may have begun to use the structures for roosting subsequent to the assessments by Wildlife Research Associates (2004 and 2014). The buildings in which

roosting would be most likely to occur are the large two-story barn, hay barn, and garage building.

- c. If the pre-demolition survey reveals bats or bat roosting activity, all doors and windows shall be opened and left open continually until demolition, relocation and/or rehabilitation work is to begin. Additional recommendations may be made by the qualified bat specialist following the pre-construction survey, including monitoring of demolition and/or relocation and other measures to avoid take of individual bats.
- d. A tree roost habitat assessment shall be conducted by a qualified bat biologist possessing a Memorandum of Understanding with the CDFW of any trees that will be removed as part of the project. The habitat assessment shall be conducted no more than 2 weeks prior to tree removal and vegetation clearing. Additional detailed measures may be required based on the results of the habitat assessment if evidence of bat roosting is observed. This may include supervision of tree removal by the qualified bat biologist, and systematic removal of selected trees and major limbs to encourage dispersal and avoid “take” of individual bats.

**Finding for Impact BIO-1:** Mitigation Measures BIO-1a through BIO-1d would reduce project impacts on special status animal species to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures BIO-1a through BIO-1d will be incorporated into the Project via conditions of approval and will reduce Impact BIO-1 to a less-than-significant level.

**Rationale for Finding:** The residential development is limited to 11.2 acres of the site (including 6.4 acres of lots and street and 4.8 acres of private open space), all of which would be located at least 100 feet from the centerline of Kelly Creek and outside of the critical habitat boundary for CRLF. In addition, the project would preserve 47 acres of open space including designated critical habitat for CRLF that would be protected in perpetuity through the establishment of two conservation easements. Further, the project includes restoration and enhancement activities that would improve habitat for CRLF and other species. Pursuant to existing regulations, the applicant is required to obtain all required authorizations from the USACE, the RWQCB, the CDFW, the USFWS, and other regulatory agencies with jurisdiction, for disturbance to waters of the U.S. and 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 WMP and implementation of the Project’s CRLFMP, habitat for the CRLF will be restored. Therefore, after applying these measures and regulatory requirements, the impact would be less than significant.

Additionally, although no individuals of the American badger, burrows of western burrowing owl, and individuals of western pond turtle or foothill yellow-legged frog are expected to occur based on surveys and field investigations, and thus the Project would not result in a potentially significant impact to these species, Mitigation Measure BIO-1b(a), was modified to specifically include these species as part of the pre-construction surveys and identifies avoidance or relocation in the event of discovery. No new impact has been identified and no new mitigation is required to address

potential future occupancy of the site by American badger, burrows of western burrowing owl, and individuals of western pond turtle or foothill yellow-legged frog. Nonetheless, to address concerns that these species may move onto the site, Mitigation Measures BIO-1b(a) was modified to include these species in the preconstruction survey. Therefore, potential impacts would be less than significant.

Further, the required nesting surveys and protection of any identified nests or roosts 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 project's impacts would be less than significant.

**Impact BIO-2:** The proposed project would affect sensitive natural communities, including riparian habitat, native grasslands, and regulated seasonal wetlands.

However, implementation of Mitigation Measures **BIO-2a** through **BIO-2e** would reduce project adverse effects on sensitive natural communities, including riparian habitat, native grasslands, and regulated seasonal wetlands to less than significant.

### **Mitigation Measures**

**BIO-2a:** A detailed Landscape and Vegetation Management Plan (Plan) shall be prepared by a qualified landscape architect in consultation with CDFW and a plant ecologist experienced with native species. The Plan shall: 1) provide for re-establishment of grassland, riparian, and oak woodland cover on graded slopes in open space areas; 2) incorporate mitigation requirements to replace and enhance wetland habitat and provide for replacement of native trees removed as part of the project; 3) provide for replacement of native grasslands lost as a result of development and trail improvements; 4) identify unsuitable species which should not be used in landscaping; 5) prevent the establishment and spread of introduced broom; and 6) specify long-term management provisions to ensure re-establishment of native and ornamental landscape improvements. Aspects of the plan shall include, but will not be limited to, the following:

- a. Graded slopes in open space areas shall be reseeded with a mixture of native perennial and annual grassland species to increase the diversity of the grassland cover. Suitable species to be used in the seed mix include: California brome (*Bromus carinatus*), purple needlegrass (*Stipa pulchra*), creeping wildrye (*Elymus tritichoides*), California poppy (*Eschscholtzia californica*), among others. Highly invasive non-native annuals, typically used for erosion control alone, should not be used.
- b. Landscaping and revegetation shall emphasize the use of native plant species along the fringe of proposed development, and plantings in open space areas should be restricted to native species. Suitable plant species for use in open space areas include: valley oak (*Quercus lobata*), coast live oak (*Quercus agrifolia*), California buckeye (*Aesculus californica*), toyon (*Heteromeles arbutifolia*), California rose (*Rosa californica*), creeping wildrye, and purple needlegrass, among other species.

- c. Use of non-native, invasive species which may spread into adjacent undeveloped open space areas shall be prohibited in landscaping plans. Unsuitable species include: blue gum eucalyptus (*Eucalyptus globulus*), acacia (*Acacia* spp.), pampas grass (*Cortaderia selloana*), broom (*Cytisus* spp.), gorse (*Ulex europaeus*), bamboo (*Bambusa* spp.), giant reed (*Arundo donax*), periwinkle (*Vinca* spp.), English ivy (*Hedera helix*), and German ivy (*Senecio milanioides*). This prohibition shall be included in the CC&R for the proposed residential subdivision, as well as undeveloped areas to be retained as permanent open space.
- d. Graded slopes and areas disturbed as part of the project shall be monitored to prevent establishment and spread of introduced broom species (*Cytisus* spp and *Genista monspesullana*). This should apply to the lands on the project site that are placed under a conservation easement as well as common open space areas. The removal and monitoring program shall include annual late winter removal of any rooted plants when soils are saturated and cutting back of any remaining flowering plants in the spring before seed begins to set in late April.
- e. Provisions for maintenance of landscaping and revegetation of graded slopes shall be specified as part of the plan, with replacement plantings and seeding provided as necessary to ensure re-establishment of cover. Tree replacement shall be at ratios consistent with Mitigation Measure BIO-2d below and meet with the intent of Petaluma Municipal Code Section 20.32.320. Maintenance and monitoring of mitigation and habitat enhancement plantings in open space areas shall be provided for a minimum of five years.
- f. Vehicles and motorcycles shall not be allowed to travel off designated roadways and limits of grading to minimize future disturbance to grassland cover and other vegetation, and unauthorized access to the surrounding undeveloped lands and open space.

**BIO-2b:** The Tree Preservation Plans shall be updated and refined to comply with the requirements of IZO Chapter 17. The Grading Plan and Landscape Plan shall include the mapped location of tree trunks, including those which will be preserved or removed, show the recommended tree protection zones, and identify locations of construction-restriction fencing.

**BIO-2c:** A Tree Replacement Program shall be prepared as part of the Landscape and Vegetation Management Plan to provide for replacement of individual native trees removed by proposed development. The Tree Replacement Program shall provide for replacement of impacted individual native trees consistent with Petaluma Municipal Code Section 20.32.320 and Implementing Zoning Ordinance Section 17.065, and shall be accomplished on-site in designated open space areas. Tree plantings shall be monitored and maintained for a minimum of 5 years by a qualified biologist or landscape specialist. All water used for temporary irrigation shall be from wells and/or municipal supplies and not diverted out of Kelly Creek, the stock pond or tributary drainages to prevent any potential secondary adverse impacts to existing

aquatic habitats. Any plantings lost within this monitoring period shall be replaced at a 1:1 ratio on an annual basis to maintain the replacement values specified in the Municipal Code and Implementing Ordinance.

**BIO-2d:** To avoid creation of informal trails through native grasslands on Helen Putnam Regional Park adjacent to the project site, the existing fence between the project site and the regional park to the north of Kelly Creek shall be maintained and strengthened to control unauthorized entry into the regional park from the terminus of the Kelly Creek multi-use trail. As and when the regional park trail project is constructed, the fence may be removed.

**BIO-2e:** A Native Grassland Avoidance and Replacement Program (Program) shall be developed by a qualified biologist in consultation with CDFW to address the loss of native grasslands on the site and provide for adequate replacement. The Program shall define short-term construction controls and long-term maintenance requirements necessary to ensure grasslands are successfully reestablished and existing and restored native grasslands remain viable. The maintenance and management requirements shall include provisions for annual invasive species removal, and control on the establishment of both native and non-native trees and shrubs that could eventually shade out the grassland to be protected. The Final Program shall be subject to review and approval by the City and CDFW. The Program shall contain the following provisions and performance standards:

- a. The proposed limits of grading and enhancement tree plantings shall be modified to avoid additional areas of the stands of native grassland on the site and a compensatory mitigation component prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of the project.
- b. Areas retained or restored as native grassland shall be permanently protected as open space and managed as native grassland by deed restriction or conservation easement.
- c. To prevent inadvertent disturbance of native grassland to be preserved, these areas shall be flagged in the field prior to any vegetation removal or grading for habitat restoration, and temporary orange construction fencing installed under supervision of the qualified biologist around all areas to be retained within 50 feet of proposed disturbance.
- d. Areas of native grassland within the limits of proposed grading and construction shall be salvaged and used in revegetation efforts implemented as part of the Program. Salvage material may include mature seed and intact stem and root material, which shall be stored and maintained until ready for reinstallation in the late fall/early winter when conditions are optimal for successful reestablishment.

- e. Personnel involved in habitat restoration activities shall be trained by the qualified biologist over the sensitivity of the native grasslands, purpose of the temporary orange construction fencing, and that all construction-related disturbance should be restricted outside of the fence.
- f. A monitoring program shall be implemented by the qualified biologist to oversee successful establishment of any native grasslands to be restored, and shall define both short-term and long-term requirements. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period. Performance standards, success criteria, and contingency measures shall be defined as part of the Program. Monitoring transects shall be established over each location to be vegetated as native grassland, and monitored on an annual basis. Within a five-year period, native grass shall be successfully established over all treatment areas and shall comprise a minimum 50 percent of the relative cover. Monitoring shall be extended where the success criteria are not met, and the minimum 1:1 replacement ratio is not reached. The Program and its requirements may be modified to require further measures if monitoring shows that performance standards are not being met.
- g. Annual monitoring reports shall be prepared by the qualified biologist and submitted to the CDFW and Community Development Department of the City of Petaluma by December 31 of each monitoring year, for a minimum of five years or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

**Finding for Impact BIO-2:** Mitigation Measures BIO-2a through BIO-2e would reduce proposed project impacts on sensitive natural communities, including riparian habitat, native grasslands, and regulated seasonal wetlands to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures BIO-2a through BIO-2e will be incorporated into the Project via conditions of approval and will reduce Impact BIO-2 to a less-than-significant level.

**Rationale for Finding:** The residential development is limited to 11.2 acres of the site (including 6.4 acres of lots and streets and 4.8 acres of private open space), all of which would be located at least 100 feet from the centerline of Kelly Creek and outside of the critical habitat boundary for CRLF. In addition, the project would preserve 47 acres of open space including designated critical habitat for CRLF, riparian habitat, and native grasslands that would be protected in perpetuity through the establishment of two conservation easements. Further, the project includes restoration and enhancement activities that would improve habitat for CRLF and other species. Pursuant to existing regulations, the applicant is required to obtain authorizations from the USACE, the RWQCB, the CDFW, the USFWS, and other regulatory agencies with jurisdiction, for the



disturbance of waters of the U.S. and their associated riparian habitat and seasons wetlands. 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 other sensitive habitats. With completion of the Project's WMP, and implementation of the Project's Landscape and Vegetation Management Plan, and Native Grassland Avoidance and Replacement Program, the impacts would be less than significant

**Impact BIO-3:** The proposed project would have a substantial adverse effect on state and federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

However, implementation of Mitigation Measures **BIO-3** would reduce the project's adverse effects on state and federally protected wetlands to less than significant.

### **Mitigation Measure**

**BIO-3** A Final Wetland Replacement and Enhancement Program (WREP) shall be prepared and implemented to compensate for the loss of jurisdictional waters on the project site. The Final WREP shall be prepared by a qualified wetland consultant in consultation with and for review and approval by the City, the RWQCB, the USACE, and the CDFW. The Final WREP shall clearly identify the total wetlands and other jurisdictional areas affected by the project, shall identify compensatory mitigation to replace wetland habitat lost as a result of development, and provide for re-establishment, enhancement, and/or replacement of wetlands. The Final WREP shall include the following performance standards:

- a. Identify the location(s) of mitigation sites and provide for replacement of wetland habitat loss at a minimum replacement ratio of 2:1. Create or restore wetlands with high functions and values in accordance with USACE and RWQCB standards. Compensatory mitigation can be achieved through on- or off-site habitat creation or through the use of an approved mitigation bank, or a combination thereof.
- b. Specify performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures. This shall include expanding the compensatory mitigation to achieve a replacement ratio of at least 2:1 (or as otherwise required by regulatory agencies). Monitoring shall be conducted by the project applicant's consulting wetland specialist for a minimum of five years and continue until the success criteria are met.
- c. Define site grading, preparation and revegetation procedures, an implementation schedule, and funding sources to ensure long-term management of the Final WREP.
- d. The mitigation (habitat restoration or enhancement) effort shall be considered successful when the performance standards are met. Performance standards

would be met when the habitat has sustained itself for a minimum of two years in the absence of significant maintenance measures.

Subsequent permitting processes with resource agencies could result in additional mitigation beyond that required by the City in the CEQA process. Any additional mitigation required by the agencies (the RWQCB, the USACE, and the CDFW) would be incorporated as conditions of their permit authorization.

**Finding for Impact BIO-3:** Mitigation Measure BIO-3 would reduce proposed project impacts on state and federally protected wetlands to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measure BIO-3 will be incorporated into the Project via conditions of approval and will reduce Impact BIO-3 to a less-than-significant level.

**Rationale for Finding:** The project proposes to avoid and retain a majority of the onsite wetlands and includes restoration of Kelly Creek. Impacts to regulated waters would be limited to an estimated 0.13 acres. Restoration activities and establishment of conservation easements would be sufficient to accommodate the required 2:1 replacement ratio onsite. Pursuant to existing regulations, the applicant is required to obtain all required authorizations from the USACE, the RWQCB, the CDFW, the USFWS, and other regulatory agencies with jurisdiction, for the disturbance of state and federally protected wetlands. With completion of the Project's Final WREP, the impacts would be less than significant

**Impact BIO-4:** The proposed project would interfere substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

However, implementation of Mitigation Measures **BIO-4a** through **BIO-4d** would reduce proposed project adverse effects on the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites to less than significant.

### **Mitigation Measures**

**BIO-4a:** An interpretive program shall be developed by a qualified biologist in cooperation with the project landscape architect which serves to educate park visitors and trail users of the sensitivity of Kelly Creek and D Street tributary as wildlife movement corridors, and the importance of remaining outside the southern portion of the site to protect the stock pond and surrounding uplands to CRLF and other wildlife that are sensitive to human disturbance. The interpretive program shall be integrated into the final Landscape Plan for the project. Interpretive elements of the program shall include use of permanent signage at the trail heads, all pedestrian bridge crossings, and other critical locations. The signage shall explain the sensitivity of the open space for wildlife and the importance of staying on the improved trails and out of restricted areas. Dogs, cats, and other pets shall be leashed at all times in the open space areas on the site, and signage shall be provided at the trail heads at D Street and Windsor Drive explaining this restriction and need to prevent harassment of wildlife by unleashed pets.

- BIO-4b:** The existing plywood barrier fence on the east side of the D Street concrete box culvert undercrossing shall be removed as part of initial construction activities to improve opportunities for wildlife movement along the Kelly Creek corridor. Replacement fencing at this undercrossing shall be prohibited to prevent future obstruction of wildlife movement along Kelly Creek.
- BIO-4c:** Fencing, signage, dense native vegetation, and other deterrents shall be used as part of the interpretive program to adequately contain livestock, equestrians and other visitors with their pets from sensitive wildlife areas, including Kelly Creek, the D Street tributary, and stock pond. Exclusionary fencing used to contain livestock and control access by visitors and their pets shall be wildlife-friendly in design, such as barbed wire with a smooth bottom wire. Signs shall be posted along the trails limiting access of equestrian to designated trails at all times.
- BIO-4d:** The existing fencing between the western boundary of the project site and Helen Putnam Regional Park south of Kelly Creek shall be removed where it borders lands to be dedicated as permanent open space on the project site, and replaced with wildlife-friendly fencing, such as barbed wire with smooth bottom wire, if fencing is necessary. This would improve opportunities for wildlife movement between the existing parklands and the future open space lands on the project site.

**Finding for Impact BIO-4:** Mitigation Measures BIO-4a through BIO-4d would reduce proposed project impacts on the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures BIO-4a through BIO-4d will be incorporated into the Project via conditions of approval and will reduce Impact BIO-4 to a less-than-significant level.

**Rationale for Finding:** The project would preclude residential development south of Kelly Creek and within 100 feet of the Kelly Creek centerline. Restoration activities including enhancements to the stock pond, bank stabilization, removal of invasive species, introduction of native species, and planting of approximately 327 trees would ensure that movement of native species is retained. Approximately 47 acres of open space would be established and preserved in perpetuity through two conservation easements including Kelly Creek, its tributaries, and the stock pond. Pursuant to the mitigation measures, installation of interpretive signage, cultivation of dense native vegetation, and the installation of wildlife-friendly barrier fencing, would reduce human disturbance, and improve opportunities for wildlife movement, and impacts would be less than significant.

**Impact BIO-5:** The proposed project would conflict with a local policy for protecting biological resources, such as a tree preservation policy or ordinance.

However, implementation of **Mitigation Measure BIO-2c** (above) would reduce project impacts related to protected trees to less than significant.

**Finding for Impact BIO-5:** Mitigation Measure BIO-2c (above) would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measure BIO-2c will

be incorporated into Project via conditions of approval and will reduce **Impact BIO-5** to a less-than-significant level.

**Rationale for Finding:** The project proposed the removal of 30 protected trees (which represents an estimated 6% of the 472 total protected trees onsite) and the replanting of approximately 327 trees, which exceeds the City's required replacement ratio. Pursuant to the mitigation measure, implementation of a Tree Replacement Program as part of the Landscape and Vegetation Management Plan, would mitigate project impacts to less than less than significant.

**RPT Impact BIO-1:** Implementation of the proposed RPT project could result in potential impacts to special-status plant and wildlife species, including California red-legged frog, special-status plant species, and nesting birds, which would be a significant impact.

However, implementation of Mitigation Measures **RPT BIO-1a** through **RPT BIO-1d** would reduce RPT project adverse effects on special-status plant and wildlife species to less than significant.

### **Mitigation Measures**

**RPT BIO-1a:** Sonoma County Regional Parks or its agent shall obtain all required permits before construction from the USFWS, CDFW, RWQCB, and USACE (e.g., 1600 series permits, 404 and 401 permits), incidental take permits and any others and implement mitigation measures, as required by federal and State law, to avoid, minimize, or offset impacts to any species listed under either the state or Federal Endangered Species Acts or protected under any other state or federal law.

**RPT BIO-1b:** A Final California Red-Legged Frog Mitigation Plan (CRLFMP) shall be prepared by a qualified wildlife biologist to minimize and mitigate potential impacts of the project on CRLF. The Final CRLFMP shall be prepared in consultation with USFWS, CDFW, and USACE and shall provide for the protection, replacement, and management of habitat for CRLF affected by the regional park trail. The Final CRLFMP shall include the following components and meet the following standards:

- a. Preconstruction surveys shall be conducted by a Service-approved biologist prior to any grading or vegetation clearance to ensure that no individual CRLF are lost during construction. The Final CRLFMP shall: 1) describe in detail the survey approach and methodology, and 2) specify that grading or vegetation clearance may not occur in any area where individual CRLF are located until such time as the individual has either moved out of the disturbance zone or has been physically relocated by a Service-approved biologist legally authorized to handle the species.
- b. All vegetation clearing and grading activities within potential habitat for CRLF shall be monitored by a Service-approved biologist. The Final CRLFMP shall specify the duties of the Service-approved biologist.

- c. All construction personnel shall be trained in CRLF identification, habitat description, legal protective status, construction restrictions, and procedures to avoid unnecessary disturbance to potential habitat or incidental take of these species. The Final CRLFMP shall describe this training program.
- d. Exclusionary fencing shall be installed prior to grading or major vegetation clearance where appropriate to keep CRLF out of construction areas, if required by the USFWS and/or CDFW. The Final CRLFMP shall identify where such fencing is to be installed and provide procedures for fence installation, monitoring, and maintenance, if required. The exclusionary fencing be installed under the direct supervision of a Service-approved biologist and shall be maintained during the course of construction activities on the site.
- e. Sonoma County Regional Parks shall prohibit access by unleashed dogs and require that dogs be leashed, and that access be limited to designated trails at all times to minimize the potential for inadvertent take of CRLF.
- f. Sonoma County Regional Parks shall post signs along the trails limiting access of equestrian to designated trails at all times.
- g. Sonoma County Regional Parks shall implement measures to minimize the potential for harassment or take of listed and non-listed species as a result of increased human activity associated with the proposed trail. This shall include an educational program for future park visitors, signage at access points into open space and other key locations, and possible use of permanent exclusionary fencing, if required by the USFWS. Appropriate interpretive signage shall be provided instructing park users on access rules to prevent inadvertent take of CRLF.

**RPT BIO-1c:** Active nests of raptor, loggerhead shrike, or other birds protected under federal and state regulations in the vicinity of construction shall be avoided until young birds are able to leave the nest (i.e., fledged) and forage on their own. Avoidance may be accomplished either by scheduling grading, vegetation removal and revegetation activities during the non-nesting period (August 30 through February 14), or if this is not feasible, by conducting a pre-construction survey for raptor, loggerhead shrike, and other bird nests. Provisions of the pre-construction survey and nest avoidance, if necessary, shall include the following:

- a. If grading is scheduled during the active nesting period (February 15 through August 31), a qualified wildlife biologist shall conduct a pre-construction nest survey no more than 15 days prior to initiation of grading to provide confirmation on presence or absence of active nests in the vicinity.
- b. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of the nest shall be deferred

until the young birds have fledged. A nest-setback zone of at least 300 feet for all raptors and 100 feet for loggerhead shrike and other birds protected under the Migratory Bird Treaty Act shall be established within which all construction-related disturbances shall be prohibited. The perimeter of the nest-setback zone shall be fenced or adequately demarcated with staked flagging at 20-foot intervals, and construction personnel restricted from the area.

- c. If permanent avoidance of the nest is not feasible, impacts shall be minimized by prohibiting disturbance within the nest-setback zone until a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from the nest are foraging independently and capable of independent survival at an earlier date.
- d. A survey report by the qualified biologist verifying that the young have fledged shall be submitted to the Sonoma County Regional Parks prior to initiation of grading in the nest-setback zone.

**RPT BIO-1d:** In advance of any trail construction through the Helen Putnam Regional Park, a qualified botanist shall conduct detailed preconstruction surveys in spring and summer to confirm absence of any special-status plant species along the trail alignment. The survey shall focus on special-status plant species considered to have a potential for occurrence in grassland, woodland scrub and riparian habitats from the Petaluma vicinity, and shall be conducted according to the latest CDFW survey guidelines. The surveys shall be completed and a report of findings shall be submitted to the Sonoma County Regional Parks before the start of any initial ground-disturbing activity or construction.

If populations of any special-status plant species are encountered along the trail alignment, then Sonoma County Regional Parks shall ensure that construction-related impacts are avoided through changes in trail alignment or adequately mitigated by retaining a qualified botanist to develop and implement a Special-Status Plant Species Mitigation and Monitoring Program (Program). A Program shall only be required if a listed species or those maintained on Lists 1B or 2 of the CNPS Inventory are encountered during the preconstruction survey and cannot be avoided. Potential impacts on any species maintained on Lists 3 and 4 of the CNPS Inventory would not be considered significant and no additional mitigation would be required for these species if encountered during the preconstruction survey.

The Program shall be prepared in consultation with the CDFW and shall be approved by Sonoma County Regional Park prior to any initial ground-disturbing activity or construction. The Program shall be based on the status and vulnerability of the species present with avoidance of all or a majority of any population(s) the preferred method of mitigation. Where complete or even partial avoidance of any special-status plant population(s) is considered infeasible, options for mitigation may include salvage and re-establishing the population at

an alternative, suitable location. Details of any salvage and habitat recreation effort shall include the following criteria and performance standards:

- a. Collection of seeds/roots/vegetative material during the appropriate developmental stage of the plant.
- b. Procedures for sowing/replanting techniques appropriate to the life cycle of the plant.
- c. Development of a maintenance and monitoring plan specific to the environmental conditions necessary for survival of the new population. Maintenance and monitoring shall be provided for a minimum of five years to determine success of re-seeding and habitat creation, and need for additional preservation.
- d. Identification of funding sources by Sonoma County Regional Parks to provide implementation of the Program in consultation with the qualified plant ecologist.
- e. In addition, preservation of another existing occurrence of the affected special-status plant species shall be required if monitoring indicates that the re-establishment efforts have not been successful after five years. The preservation program shall provide for permanent protection of a different existing population in Sonoma County, which is equal or larger in size than that encountered on the site (minimum 1:1 replacement), through land acquisition, use of a conservation easement, or some other permanent land protection method. Any off-site mitigation lands shall include establishment of a management endowment as necessary to provide for long-term management of the preserved population.

**Finding for Impact RPT BIO-1:** Mitigation Measures RPT BIO-1a through RPT BIO-1d would reduce RPT project adverse effects on special-status plant and wildlife species to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures RPT BIO-1a through RPT BIO-1d will be incorporated into the Project via conditions of approval and will reduce Impact RPT BIO-1 to a less-than-significant level.

**Rationale for Finding:** Pursuant to existing regulations, Sonoma County Regional Parks is required to obtain all required authorizations from the USACE, the RWQCB, the CDFW, the USFWS, 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 RPT project on special status species and sensitive habitats. With the acquisition of all required permits before construction, and implementation of the Project's CRLFMP, habitat for the CRLF will be restored. Therefore, after applying these measures and regulatory requirements, impacts would be less than significant.

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.

The required preconstruction surveys, and the implementation of a Special-Status Plant Species Mitigation and Monitoring Program would prevent harm to special status plant species. Therefore, after applying these measures, the impact would be less than significant.

**RPT Impact BIO-2:** Implementation of the proposed regional park trail project would result in potential impacts to a sensitive natural community as a result of trail construction, which would be a significant impact.

However, implementation of Mitigation Measures **RPT BIO-2** would reduce RPT project adverse effects on a sensitive natural community to less than significant.

### **Mitigation Measure**

**RPT BIO-2:** A Native Grassland Avoidance and Replacement Program (Program) shall be developed by a qualified biologist to address the loss of native grasslands along the trail alignment and provide for adequate replacement. The Program shall contain the following provisions and performance standards:

- a) Under the supervision of a qualified biologist, the proposed limits of grading shall be modified and controlled to avoid areas of native grassland along the trail alignment to the maximum extent feasible and a compensatory mitigation component prepared and implemented to provide a minimum 1:1 replacement ratio for grasslands lost as a result of trail improvements.
- b) Areas of native grassland adjacent to the trail alignment shall be flagged in the field prior to any vegetation removal or grading, and temporary orange construction fencing installed under supervision of the qualified biologist to avoid any inadvertent damage.
- c) Construction personnel shall be trained by the qualified biologist over the sensitivity of the native grasslands, purpose of the temporary orange construction fencing, and that all construction-related disturbance should be restricted outside of the fence.
- d) Areas of native grassland within the limits of proposed grading and construction shall be salvaged and used in revegetation efforts implemented as part of the Program. Salvage material shall include seed and both intact stem and root material, which shall be stored and maintained until ready for reinstallation in the late fall/early winter when conditions are optimal for successful reestablishment.
- e) A monitoring program shall be implemented by the qualified biologist to oversee successful establishment of any native grasslands to be restored, and shall define both short-term and long-term requirements. The Program and its



requirements may be modified to require further measures if monitoring shows that performance standards are not being met.

- f) Annual monitoring reports shall be prepared by the qualified biologist for a minimum of five years or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations

**Finding for Impact RPT BIO-2:** Mitigation Measures RPT BIO-2 would reduce RPT project adverse effects on a sensitive natural community to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measure RPT BIO-2 will be incorporated into the Project via conditions of approval and will reduce Impact RPT BIO-2 to a less-than-significant level.

**Rationale for Finding:** A Native Grassland Avoidance and Replacement Program (Program) shall be developed by a qualified biologist to address the loss of native grasslands along the trail alignment and provide for adequate replacement and on-going monitoring. In addition to all avoidance and minimization measures identified in the mitigation measure would reduce potential impacts of the RPT project on this sensitive natural community. Therefore, after applying these measures and regulatory requirements, impacts would be less than significant.

**RPT Impact BIO-3:** Implementation of the proposed regional park trail project would result in potential impacts to jurisdictional waters as a result of trail construction, which would be a significant impact.

However, implementation of Mitigation Measures **RPT BIO-3** would reduce RPT project adverse effects on jurisdictional waters to less than significant.

### **Mitigation Measure**

**RPT BIO-3:** As called for in Mitigation Measure RPT BIO-1a, authorizations shall be secured by Sonoma County Regional Parks or its agent from the USACE, RWQCB, and CDFW for proposed trail improvements where they pass through jurisdictional waters, and all conditions and mitigation measures required under these authorizations shall be implemented as part of the project. Appropriate measures shall be developed and implemented to minimize disturbance to jurisdictional waters, prevent erosion and sedimentation, and revegetate areas disturbed by trail construction. This shall include: 1) construction during the dry season after all affected drainages are dry and surface water is absent; 2) installation of temporary orange construction fencing at the limits of proposed construction at the drainage crossings and vicinity of wetland seeps in advance of grading and other disturbance; 3) use of BMPs to minimize the potential for erosion and sedimentation such as installation of straw wattle, jute fabric or other surface controls on graded slopes within 30 feet of the drainage crossings; and 4) revegetation of all disturbed slopes outside the actual footprint of the trail through

broadcast seeding with native grass and forb seed or other technique within 30 feet of the drainage crossings.

**Finding for Impact RPT BIO-3:** Mitigation Measures RPT BIO-3 would reduce RPT project adverse effects on jurisdictional waters to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measure RPT BIO-3 will be incorporated into the Project via conditions of approval and will reduce Impact RPT BIO-3 to a less-than-significant level.

**Rationale for Finding:** Pursuant to existing regulations, Sonoma County Regional Parks is required to obtain all required authorizations from the USACE, the RWQCB, the CDFW, the USFWS, 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 measure would reduce potential impacts of the RPT project on jurisdictional waters. Therefore, after applying these measures and regulatory requirements, impacts would be less than significant.

**RPT Impact BIO-5:** Implementation of the proposed regional park trail project could result in a significant conflict with local plans and policies.

However, implementation of Mitigation Measures **RPT BIO-1a** and **RPT BIO-3** (above) would eliminate RPT project conflicts with local plans and policies to less than significant.

**Finding for Impact BIO-5:** Mitigation Measure RPT BIO-1a and RPT BIO-3 (above) would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures RPT BIO-1a and RPT BIO-3 will be incorporated into Project via conditions of approval and will reduce **Impact RPT BIO-5** to a less-than-significant level.

**Rationale for Finding:** Pursuant to the mitigation measure, consulting with the regulatory agencies, along with the acquisition of the appropriate permits, would mitigate the potential for conflicts with local plans and policies to less than less than significant

**Cumulative Impact BIO-1:** The proposed Scott Ranch project and the regional park trail project, in conjunction with other past, present and reasonably foreseeable future development, could result in significant cumulative impacts on biological resources.

However, implementation of Mitigation Measures **BIO-1a, BIO-1b, BIO-3, RPT BIO-1a, RPT BIO-1b, RPT BIO-3** and **HYD-1a**, (above and below) would reduce project cumulative impacts to biological resources to less than significant.

**Finding for Cumulative Impact BIO-1:** Mitigation Measures BIO-1a, BIO-1b, BIO-3, RPT BIO-1a, RPT BIO-1b, RPT BIO-3 and HYD-1a (above and below) would reduce cumulative project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures BIO-1a, BIO-1b, BIO-3, RPT BIO-1a, RPT BIO-1b, RPT BIO-3 and HYD-1a will be incorporated into the Project via conditions of approval and will reduce **Cumulative Impact BIO-1** to a less-than-significant level.

**Rationale for Finding:** Cumulative development contributes to an incremental reduction in the amount of existing wildlife habitat, particularly for birds, bats, and larger mammals. Habitat for

species intolerant of human disturbance would be lost as development encroaches into previously undeveloped areas, disrupting or eliminating movement corridors and fragmenting the remaining suitable habitat retained within parks, private open space, or undeveloped properties. As discussed above, the proposed project would result in less-than-significant impact associated with the disturbance of wildlife habitat with the implementation of Mitigation Measures BIO-1a, BIO-1b, and BIO-3. Additionally, development may also contribute to degradation of the aquatic and riparian habitat of creeks and tributaries in the area. Grading associated with construction activities generally increases erosion and sedimentation, and urban pollutants from new development would reduce water quality. As discussed in RDEIR Section 4.8, Hydrology and Water Quality, rolling dips, switchbacks, and other hydrologic control measures would be incorporated in order to limit concentration of flow to creeks. In addition, appropriate erosion control and runoff protection measures would be incorporated at and near streams and crossings to provide additional protection against hydrologic impacts.

With implementation of Mitigation Measures BIO-1a, BIO-1b, and BIO-3, HYD-1a, contribution of the proposed project to the reduction of wildlife habitat would not be cumulatively considerable. Similarly, the regional park trail would not result in cumulatively considerable impact on wildlife habitat with implementation of Mitigation Measures RPT-BIO-1a, RPT-BIO-1b, and RPT-BIO-3.

With regard to development of the project site and its relationship to surrounding habitat, the proposed project would contribute to a cumulative loss of grassland and woodland habitat in the area, converting approximately 6.4 acres of grassland to suburban residential development. However, a majority of the grasslands on the balance of the project site, 47 acres, would be permanently protected and enhanced through establishment of two conservation easements, and substantial grassland habitat would remain to the south of the project site and to the west in Helen Putnam Regional Park. Opportunities for foraging and dispersal from Helen Putnam Regional Park across the site and to locations to the east and southeast would be reduced as a result of proposed development and the effects of increased activity by humans and their pets. Mitigation measures would offset the potentially significant impacts of the project on sensitive resources, and would any project-related contribution to cumulative impacts on biological and wetland resources. Thus, with recommended mitigation incorporated, the cumulative biological impacts of the proposed Scott Ranch project and the RPT would be less than significant.

#### **4.4 Cultural Resources**

**Impact CUL-1:** The proposed project could cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5.

However, implementation of Mitigation Measures **CUL-1a** and **CUL-1b** would reduce proposed project adverse effects on historical resources to less than significant.

#### **Mitigation Measures**

**CUL-1a** Prior to the relocation of the barn structures, a qualified historic preservation architect shall be selected by the City of Petaluma to review the relocation plans and verify that the relocation is not affecting the building structures and character defining features. To ensure the barn structures would retain their eligibility for

the local designation, the barn structures shall be relocated within the same general area and the new location shall be compatible with their original character and use.

**CUL-1b** The Applicants shall retain a qualified preservation architect to oversee the relocation process and ensure that all the relocation activities are implemented in compliance with the relocation plans reviewed under Mitigation Measure CUL-1a.

**Finding for Impact CUL-1:** Mitigation Measures CUL-1a and CUL-1b would reduce proposed project impacts on historical resources to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures CUL-1a and CUL-1b will be incorporated into the Project via conditions of approval and will reduce Impact CUL-1 to a less-than-significant level.

**Rationale for Finding:** The proposed project would retain and stabilize the existing barn complex and the old dairy equipment cleaning shed. As necessary the barns may be relocated farther away from the creek to ensure structural stability of the barns, provide a sound foundation, and/or prevent the barns from eventually collapsing into Kelly Creek. Mitigation Measures Cul-1a and CUL-1b, would require review of the relocation plans and oversight of relocation activities by a qualified historic preservation architect. With implementation of Mitigation Measures Cul-1a and CUL-1b, the proposed project impact to historic resources would be less than significant.

**Impact CUL-2:** The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.

However, implementation of Mitigation Measures **CUL-2a** through **CUL-2c** would reduce proposed project adverse effects on historical resources to less than significant.

### **Mitigation Measures**

**CUL-2a:** Prior to excavation and construction on the proposed project site, the prime construction contractor and any subcontractor(s) shall be informed by a qualified archaeologist retained by the project Applicants, on the legal and/or regulatory implications of knowingly destroying cultural resources or removing historic or prehistoric artifacts, human remains, and other cultural materials from the project site as outlined in Mitigation Measure CUL-2b below.

**CUL-2b:** Prior to commencing any demolition, excavation or other ground-disturbing activities, the project Applicants shall retain a qualified archaeologist to monitor construction activity. The City shall approve the selected project archaeologist prior to issuance of the grading and/or demolition permit. The selected project archaeologist shall be present at the preconstruction meeting to discuss what protocols should be followed with respect to the potential discovery of prehistoric or historic artifacts of possible significance. The selected project archaeologist shall have the authority to perform full time or spot check monitoring of subsurface construction and watch for and evaluate artifacts or resources that may be uncovered.

The selected project archaeologist shall have the authority to halt excavation and construction activities in the immediate vicinity (distance to be determined by the project archaeologist) of a find if significant or potentially significant cultural resources are exposed and could be adversely affected by construction operations. Construction activities could continue in other areas of the project site where no cultural resources have been identified.

**CUL-2c:** Should archaeological resources be encountered during ground-disturbing activities (i.e., grading and excavation), the project archaeologist shall initiate sampling, identification, and evaluation of the resources. If the archaeological resources are found to be significant, the archaeologist shall take appropriate actions in conjunction with the City for preservation and/or data recovery, including recordation with the California Historic Resources Information System (CHRIS) and professional museum curation as appropriate. Following the completion of evaluation and data recovery, the archaeologist shall prepare a professional report detailing the results of the find and submit it to the City of Petaluma Community Development Department and to CHRIS along with a DPR form to ensure that resource inventories are accurately updated.

**Finding for Impact CUL-2:** Mitigation Measures CUL-2a through CUL-2c would reduce proposed project impacts on archeological resources to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures CUL-2a through CUL-2c will be incorporated into the Project via conditions of approval and will reduce Impact CUL-2 to a less-than-significant level.

**Rationale for Finding:** There is the possibility of encountering unrecorded cultural deposits during excavation and grading of the project, especially because of the presence of a known pre-historic site to the north of the project site and the presence of a water source (Kelly Creek) within the project site. Additional prehistoric cultural sites and objects may exist in the project area, but may be obscured by vegetation or buried by fill or natural sediments. Without proper care during the grading and excavation phases of the proposed project, unknown and potentially significant historic and prehistoric archaeological resources could be damaged or destroyed, if present. With implementation of Mitigation Measures CUL-2a through CUL-2c, the proposed project impacts to archeological resources would be less than significant.

**Impact CUL-3:** The proposed project could disturb unknown human remains, including those interred outside of formal cemeteries.

However, implementation of Mitigation Measure **CUL-3** would reduce proposed project adverse effects on unknown human remains to less than significant.

### **Mitigation Measure**

**CUL-3** Procedures to be implemented following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are discovered

at the project site during construction, work at the specific construction area at which the remains have been uncovered shall be suspended, and the City of Petaluma and County of Sonoma coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (“MLD”) of any human remains. The guidelines of the NAHC shall be adhered to in the treatment and subsequent disposition of the remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, re-inter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the owner or the descendent may request mediation by the NAHC.

**Finding for Impact CUL-3:** Mitigation Measure CUL-3 would reduce proposed project impacts on unknown human remains to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measure CUL-3 will be incorporated into the Project via conditions of approval and will reduce Impact CUL-3 to a less-than-significant level.

**Rationale for Finding:** No known human burials have been identified on the project site or within recorded resources located in the vicinity. However, it is possible that unknown human remains could occur on the project site, and if proper care is not taken during the project’s grading and excavating phases, damage to or destruction of these unknown remains could occur, if present. Implementation of Mitigation Measure CUL-3 would ensure that impacts to buried human remains, if present onsite, would be reduced to less than significant levels.

**Impact CUL-4:** The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource.

However, implementation of Mitigation Measures **CUL-2a** through **CUL-2c**, and **CUL-3** (above) would reduce proposed project adverse effects on tribal cultural resources to less than significant.

**Finding for Impact CUL-4:** Mitigation Measures CUL-2a through CUL-2c, and CUL-3 (above) would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures CUL-2a through CUL-2c, and CUL-3 will be incorporated into Project via conditions of approval and will reduce **Impact CUL-4** to a less-than-significant level.

**Rationale for Finding:** Having notified the Federated Indians of Graton Rancheria in accordance with AB 52 (refer to Appendix 4.3 of the RDEIR), having followed up with the request to consult with Federated Indians of Graton Rancheria including providing requested materials and records, and having received no further response for consultation, the City has determined that with the Mitigation Measures CUL-2a through CUL-2c, and CUL-3, outlined above, that require avoiding inadvertent impacts to prehistoric resources and human remains, should they be encountered during excavation and grading, the proposed project would not affect any known or unknown tribal

cultural resources in the area. Therefore, with mitigation the proposed project would result in a is less than significant impact on tribal cultural resources.

**RPT Impact CUL-1:** The implementation of the proposed RPT project would not cause a substantial adverse change in the significance of a historical resource but could significantly affect unknown archaeological resources, human remains, and tribal cultural resources.

However, implementation of Mitigation Measures **RPT CUL-1a** and **RPT CUL-1b** would reduce RPT project adverse effects on unknown archaeological resources, human remains, and tribal cultural resources to less than significant.

### **Mitigation Measures**

**RPT CUL-1a:** If archaeological materials, artifacts, culturally modified soil deposits, or other indicators of a potentially significant cultural resource are encountered anywhere in the project site, all work should be halted in the vicinity and an archaeologist consulted immediately.

**RPT CUL-1b:** If human remains are encountered anywhere on the property, all work must stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist must be notified immediately so that an evaluation can be performed.

If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” can be designated

**Finding for Impact RPT CUL-1:** Mitigation Measures RPT CUL-1a and RPT CUL-1b would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures RPT CUL-1a and RPT CUL-1b will be incorporated into Project via conditions of approval and will reduce **Impact RPT CUL-1** to a less-than-significant level.

**Rationale for Finding:** Although there are no known archaeological resources on the regional park trail site, there is always a possibility of disturbance to unrecorded cultural deposits, especially because of the presence of a known pre-historic site to the northeast of the project site and the presence of a water source (Kelly Creek) adjacent to the regional park trail alignment. It is also possible that unknown human remains could occur on the project site. Further, having notified the Federated Indians of Graton Rancheria in accordance with AB 52 (refer to Appendix 4.3 of the RDEIR), having followed up with the request to consult with Federated Indians of Graton Rancheria and having received no response, the City has determined that with Mitigation Measures RPT CUL-1a and RPT CUL-1b, outlined above, that require avoiding inadvertent impacts to prehistoric resources and human remains, should they be encountered during construction of the trail, the proposed project would not affect any known or unknown tribal cultural resources in the area. Therefore, with mitigation the RPT project would result in a is less than significant impact on archeological resources, unknown human remains, and tribal cultural resources.

## 4.5 Geology and Soils

**Impact GEO-1:** The proposed project would not directly or indirectly cause potential substantial adverse effects related to fault rupture but would cause potential substantial adverse effects related to seismic ground shaking and/or seismic-related ground failure.

However, implementation of Mitigation Measures **GEO-1a** and **GEO-1b** would reduce potential project adverse effects related to seismic ground shaking and/or seismic-related ground failure to less than significant.

### **Mitigation Measures**

**GEO-1a:** The project Applicants shall submit for City's approval a preconstruction design-level geotechnical report for the Davidon (28-Lot) Residential Project component and the Putnam Park Extension Project component. The report shall include all applicable geologic report standards, reconnaissance and subsurface exploration data, laboratory test results, and conclusions and recommendations, including, but not limited to, those pertaining to: 1) site preparation, excavation, fill placement and compaction, temporary and permanent cut and fill slope inclinations (including whether slopes steeper than 3:1 can be used at the site), slope stability, slope erosion mitigation, and landslide movement mitigation; 2) surface and subsurface drainage systems, including drainage associated with grading for landslide movement mitigation and new cut and fill slopes; 3) foundations and floors for planned residential structures; 4) foundations for planned site improvements, including, but not limited to restrooms, barn, pedestrian bridges, and other structures; 5) settlement and swell estimates for planned residential structures and site improvements, including those bearing of engineered fill; 6) foundations, back-drains, and lateral earth pressures for site retaining walls; 7) seismic design parameters for the planned residential structures, site improvements, and site retaining walls; 8) pavement design for driveways, parking lots, pathways and trails, where applicable; 9) utility trench backfill, including check dams and trench drainage, if appropriate; 10) geologic/geotechnical construction monitoring, testing, and certification requirements; and 11) loop trail construction and long-term maintenance requirements, including criteria for inspecting and maintaining pedestrian bridges, culverts, and pathway surfaces, as appropriate.

The geotechnical report shall include measures, as necessary, to reduce the potential for static and earthquake-induced slope movements that may adversely impact the Davidon (28-Lot) Residential Project component and the Putnam Park Extension Project component including areas currently underlain by mapped landslides. Engineering analyses shall estimate the factors of safety against slope movements within the planned development area and estimates of the magnitude and location of earthquake-induced slope deformation.

**GEO-1b:** As determined by the City Engineer and/or Chief Building Official, all recommendations outlined in the preconstruction design-level geotechnical report



for the Davidon (28-Lot) Residential Project component and the Putnam Park Extension Project component, as described under Mitigation Measure GEO-1a, are herein incorporated by reference and shall be adhered to in order to ensure that appropriate measures are incorporated into the design and construction of the project. Nothing in this mitigation measure shall preclude the City Engineer and/or Chief Building Official from requiring additional information be provided to determine compliance with applicable standards. The project geotechnical engineer shall review the project plans and specifications and submit a letter certifying to the City that the project plans and specifications have been prepared in accordance with the geotechnical recommendations for the project. The project geotechnical engineer or personnel under their direct supervision shall inspect the construction of geotechnical and/or geologic aspects of the project and shall submit a letter certifying to the City that prior to issuance of a certificate of occupancy, the geotechnical and geologic aspects of the project plans and specifications have been appropriately constructed at the site and are acceptable to the project geotechnical engineer.

**Finding for Impact GEO-1:** Mitigation Measures GEO-1a and GEO-1b would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures GEO-1a and GEO-1b will be incorporated into Project via conditions of approval and will reduce **Impact GEO-1** to a less-than-significant level.

**Rationale for Finding:** Due to the project site's proximity to the Rodgers Creek fault which is located approximately 6.5 miles northeast of the site, the project would likely experience strong ground shaking during a seismic event, which could affect the proposed residences and structures onsite and result in seismically-induced landslides and ground movement in areas of moderate to steep slopes underlain by thick soils, weak or fractured rock, or loose fill. State building codes require that structures be designed to resist stresses produced by lateral forces caused by wind and earthquakes. The proposed project would comply with building requirements set forth by the State, which have been designed to reduce the likelihood of damage as a result of ground shaking. In addition, Mitigation Measures GEO-1a and GEO-1b, which require the preparation of a project-specific geotechnical report and the implementation of recommendations identified in the report in relation to seismic ground shaking and associated ground failure would reduce the potential for structures on the project site to sustain damage during an earthquake event. With implementation of Mitigation Measures GEO-1a and GEO-1b, the potential for seismically induced landslides and fill slope movements associated with the proposed project would be less than significant.

**Impact GEO-2:** The proposed project would result in substantial soil erosion or the loss of topsoil.

However, implementation of Mitigation Measures **GEO-2a** and **GEO-2b** and **HYD-3** (listed under Hydrology and Water Quality, below) would reduce proposed project adverse effects related to substantial soil erosion or the loss of topsoil to less than significant.

### **Mitigation Measures**

**GEO-2a:** The preconstruction design level geotechnical report, identified in **Mitigation Measure GEO-1**, shall include specific recommendations to mitigate surface

erosion. The project geotechnical engineer or personnel under their direct supervision shall inspect the construction of geotechnical and/or geologic aspects of fill placement and compaction and surface drainage systems of cut and fill slopes to ensure that the geotechnical recommendations associated with mitigating surface soil erosion are properly implemented during construction. At a minimum, 1) slope inclinations shall be no steeper than 3:1 (horizontal to vertical), unless the project engineering geologist specifically indicates that a steeper slope would perform satisfactorily over the long term, 2) fill slope requirements shall include a process of overbuilding the fill on the slope and shaving it back to expose a well compacted fill surface that is less susceptible to surface erosion, and 3) the project civil engineer shall check the final grading of the site and the elevations of the surface drainage systems to confirm that the grading contractor graded the site and constructed surface improvement in accordance with the approved grading plans.

**GEO-2b:** The project geotechnical engineer shall review the geotechnical aspects of the SWPPP and, where applicable, shall provide comments to the Qualified SWPPP Developer (QSD) to ensure that the geotechnical recommendations associated with mitigating surface soil erosion through BMPs and a long-term monitoring and maintenance program of the planned cut and fill slopes are properly incorporated into the SWPPP and/or a project specific operations and maintenance plan. As a minimum, the geotechnical aspects of the SWPPP shall include a requirement to check the condition of the slope at the beginning of the first rainy season after the completion of grading and periodic inspections until surface vegetation has been fully established on the exposed slopes.

**Finding for Impact GEO-2:** Mitigation Measures GEO-2a and GEO-2b along with HYD-3 would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures GEO-2a and GEO-2b along with HYD-1a - HYD-1d, and HYD-3 will be incorporated into Project via conditions of approval and will reduce **Impact GEO-2** to a less-than-significant level.

**Rationale for Finding:** The residential project component would require grading and earthwork leaving bare earth that could result in soil erosion and loss of topsoil on the project site. Mitigation Measures GEO-2a and GEO-2b would address erosion impacts during construction that are related to geotechnical aspects of the project, and would reduce the impact associated with erosion of poorly compacted soil by ensuring that geotechnical recommendations associated with mitigating surface soil erosion are properly implemented during construction.

Stormwater runoff from the proposed trails could result in soil erosion and discharge of sediment into Kelly Creek. Mitigation Measures GEO-2a GEO-2b would ensure that the geotechnical recommendations associated with mitigating surface soil erosion through BMPs and a maintenance program of the planned cut and fill slopes are properly incorporated into the SWPPP and/or a project specific operations and maintenance plan.

There are existing areas of ongoing erosion along the incised channels of Kelly Creek and along the central and stock pond drainages. Mitigation Measures HYD-1a - HYD-1d, and HYD-3 would address this impact by guiding the design of stormwater outfalls and by incorporating geomorphic

erosion mitigation techniques, such as planting native vegetation, repairing overly steep head cuts, modifying grades, and repairing bank instability to reduce this potential impact to a less-than-significant level.

With the implementation of Mitigation Measures GEO-2a and GEO-2b, along with HYD-1a-HYD-1d, and HYD-3 project impacts associated with erosion during construction and operation would be reduced to less than significant levels.

**Impact GEO-3:** The proposed project would expose people and structures to substantial adverse effects from landslides and unstable slopes.

However, implementation of Mitigation Measures **GEO-3a** and **GEO-3b** reduce proposed project adverse effects from landslides and unstable slopes to less than significant.

### **Mitigation Measures**

#### **GEO-3a      Landslide Remediation**

Where landslide mitigation is required under **Mitigation Measure GEO-1a**, the project geotechnical engineer or personnel under their direct supervision shall inspect the excavation and grading associated with the landslide removal and/or stabilization work to ensure that the geotechnical recommendations associated with mitigating landslide hazards are properly implemented during construction.

The project geotechnical engineer shall evaluate Landslides B, G, H, L, N, O, and R, which have a potential to adversely impact the foundations of footbridges and/or the loop trail pavement. As a minimum, the project geotechnical engineer shall establish an inspection and maintenance program to ensure that any damage to the planned footbridge foundations and loop trail improvements due to landslide movements are identified and repaired.

#### **GEO-3b      Cut and Fill Slopes**

The project geotechnical engineer, project engineering geologist, or personnel under their direct supervision shall inspect all cut slopes focusing on evidence of potential instability. If areas of adverse bedrock structure are encountered, then the project geotechnical engineer and/or project engineering geologist shall develop remedial measures for these slopes and the grading contractor shall implement the remedial activity, under the direction and supervision of project geotechnical engineer and/or engineering geologist, and acceptable by the City engineer.

**Finding for Impact GEO-3:** Mitigation Measures GEO-3a and GEO-3b would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures GEO-3a and GEO-3b will be incorporated into Project via conditions of approval and will reduce **Impact GEO-3** to a less-than-significant level.

**Rationale for Finding:** The proposed residential project avoids cut slopes on areas with identified landslides and minimizes grading onsite by limiting the area of disturbance to 11.2 acres. Due to

the nature of the underlying bedrock, localized areas of adverse bedrock structure or other zones of geologic weakness could be exposed during grading of cut slopes, any adverse bedding which is uncovered during grading would increase the potential for landslides. In addition, cut and fill slopes, if not properly designed and constructed could also result in slope instability. Mitigation Measures GEO-1a and GEO-1b, identified above, would require the preparation and implementation of the recommendations of an updated geotechnical report that would address project impact associated with landslides and cut and fill slopes. In addition, Mitigation Measures GEO-3a and GEO-3b, would require specific analysis and monitoring of measures to address the impacts related to the landslides at the project site. With implementation of Mitigation Measures GEO-3a and GEO-3b, the impacts from landslides and slope instability would be reduced to less than significant.

**Impact GEO-4:** The proposed project would be located on a geologic unit that could become unstable as a result of the project, and on expansive soils creating direct or indirect risk to life or property.

However, implementation of Mitigation Measures **GEO-4a** and **GEO-4b** would reduce proposed project adverse effects related to expansive soils to less than significant.

### **Mitigation Measures**

**GEO-4a** A preconstruction geotechnical report shall be prepared for the Davidon (28-Lot) Residential Project component and the Putnam Park Extension Project component, as previously discussed in **Mitigation Measure GEO-1a**. Specific to site geology, bedrock shear, settlement, and expansive soil, the project geotechnical engineer shall confirm that the conclusions and all applicable recommendations previously presented in the 2015 design-level geotechnical report are still applicable for the design and construction of the Davidon (28-Lot) Residential Project component and the Putnam Park Extension Project component.

**GEO-4b** As a minimum, cut lots that have subgrades exposing bedrock shall be over-excavated and recompacted to a minimum depth of three feet, and backfilled as described below, unless the project geotechnical engineer provides project specific alternative recommendations to mitigate the potential for differential settlement associated with variable settlement and swell behavior between bedrock and compacted engineered fill. The exposed surface shall be scarified to a depth of about 12 inches, moisture-conditioned to not less than three percent over optimum moisture content and compacted to at least 90 percent relative compaction.

Excavation deeper than the above recommendations may be required to expose competent material under conditions where soft or saturated soil is encountered. The excavation depth will be determined in the field as part of the geotechnical analysis required under **Mitigation Measure GEO-1a**.

Project site grades shall be designed to slope away from the proposed structures, and water from roof drains shall be directed to suitable outlets. Fill slopes comprised of low to moderately expansive soil shall be evaluated for stability (see

**Mitigation Measures GEO-1a and GEO-3a).** Additional mitigations to reduce the impact of expansive soils on the proposed residences shall include:

- a. Moisture conditioning and re-compacting low to moderately expansive soil.
- b. Placing non-expansive fill beneath the homes and rigid surface improvements.
- c. Designing foundations to resist or tolerate differential movement of moderately expansive soil.

**Finding for Impact GEO-4:** Mitigation Measures GEO-4a and GEO-4b would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures GEO-4a and GEO-4b will be incorporated into Project via conditions of approval and will reduce **Impact GEO-4** to a less-than-significant level.

**Rationale for Finding:** Fill and bedrock materials have different expansion and settlement potentials. Therefore, structures and foundations constructed across the transition line between cut and fill could experience significant differential expansion and/or settlement on the project site. Cracked or damaged foundations could pose a danger to the structures or future occupants on the project site, resulting in a potentially significant impact. However, implementation Mitigation Measures GEO-4a and GEO-4b reduce potentially significant impacts associated with bedrock shear zones and settlement to a less than significant level.

**Impact GEO-6:** The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic features.

However, implementation of Mitigation Measures **GEO-6a** through **GEO-6c** would reduce proposed project adverse effects related to expansive soils to less than significant.

### **Mitigation Measures**

**GEO-6a** The project Applicants shall identify a qualified paleontologist prior to any demolition, excavation, or construction. The City shall approve the selected project paleontologist prior to issuance of the demolition permit. The paleontologist shall attend the pre-grading meeting to inform the contractor(s) how to recognize paleontological resources in the soil during grading activities. The prime construction contractor and any subcontractor(s) shall be informed on the legal and/or regulatory implications of knowingly destroying paleontological resources or removing paleontological resources from the project site.

**GEO-6b** If paleontological resources are encountered during the course of site development activities, work in that area shall be halted and the selected project paleontologist, as outlined in **Mitigation Measure GEO-6a** above, shall be notified of the find to determine the significance of the find and to recommend appropriate mitigation measures. Recommendations shall be presented for City approval in a Treatment and Recovery Plan. The selected project paleontologist shall have the authority to

temporarily divert or redirect grading to allow time to evaluate any exposed fossil material.

**GEO-6c** If the selected project paleontologist determines that the resource is significant, then any scientifically significant specimens shall be properly collected by the project paleontologist. During collecting activities, contextual stratigraphic data shall also be collected. The data will include lithologic descriptions, photographs, measured stratigraphic sections, and field notes.

Scientifically significant specimens shall be prepared to the point of identification (not exhibition), stabilized, identified, and offered for curation to a suitable repository that has a retrievable storage system, such as the University of California, Berkeley, Museum of Paleontology.

The selected project paleontologist shall prepare a final report at the end of the earth-moving activities. The report shall include an itemized inventory of recovered fossils and appropriate stratigraphic and locality data. The project paleontologist shall send one copy of the report to the City of Petaluma Community Development Department; another copy should accompany any fossils, along with field logs and photographs, to the designated repository.

**Finding for Impact GEO-6:** Mitigation Measures GEO-6a through GEO-6c would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measures GEO-6a through GEO-6c will be incorporated into Project via conditions of approval and will reduce **Impact GEO-6** to a less-than-significant level.

**Rationale for Finding:** It is possible that undiscovered paleontological resources could be present on the project site and without proper care during the grading and excavation phases these resources could be damaged or destroyed. However, implantation of Mitigation Measures GEO-6a through GEO-6c would reduce potential impact to paleontological resources to a less than significant level.

**RPT Impact GEO-1:** The implementation of the proposed RTP project could directly or indirectly cause substantial adverse effects related to landslides and cut slopes; however, it would not result in substantial adverse effects related to fault rupture, seismic ground shaking, seismic-related ground failure, or existing geologic conditions. Regional park trail project implementation would also not result in substantial soil erosion or have soils incapable of adequately supporting the use of septic tanks.

However, implementation of Mitigation Measure **RPT GEO-1** would reduce RTP project adverse effects related to landslides and cut slopes to less than significant.

### **Mitigation Measure**

**RPT GEO-1** To reduce the potential risks of regional park trail damage as a result of earthquake-induced landslide movement, the project geotechnical engineer shall develop and submit to the Sonoma County a long-term maintenance plan, including criteria for inspecting and maintaining the planned regional park trail improvements.

**Finding for Impact RPT GEO-1:** Mitigation Measure RPT GEO-1 would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measure RPT GEO-1 will be incorporated into Project via conditions of approval and will reduce **Impact RPT GEO-1** to a less-than-significant level.

**Rationale for Finding:** Although the proposed regional park trail alignment is in an area with known landslides, the RTP project would not contain permanent residences or any structures. Additionally, if the regional park trail becomes damaged and inaccessible to pedestrians, the risk of injury would persist unless the regional park trail is closed to the public and/or until the regional park trail is repaired and accessibility is restored. Mitigation Measure RPT-GEO-1 requires periodic inspection and repair of the regional park trail to reduce impacts associated with landslide movement. With implementation of Mitigation Measure RPT GEO-1, the potential impacts associated with regional park trail damage from earthquake-induced landslides would be less than significant.

**RPT Impact GEO-2:** The proposed regional park trail could directly or indirectly destroy a unique paleontological resource or site or unique geologic features.

However, implementation of Mitigation Measure **RPT GEO-2** would reduce potential project adverse effects related to unknown paleontological resources to less than significant.

#### **Mitigation Measures**

**RPT GEO-2** If paleontological resources are encountered anywhere in the project site, all work should be halted in the vicinity and a paleontologist consulted immediately.

**Finding for Impact RPT GEO-2:** Mitigation Measure RPT GEO-2 would reduce project impacts to less than significant. Pursuant to *CEQA Guidelines*, the City finds Mitigation Measure RPT GEO-2 will be incorporated into Project via conditions of approval and will reduce **Impact RPT GEO-2** to a less-than-significant level.

**Rationale for Finding:** Although the potential to encounter paleontological resources during construction of the RTP is low, Mitigation Measure RPT GEO-2 shall be implemented to ensure that impacts to paleontological resources would be less than significant.

## **4.6 Hydrology and Water Quality**

**Impact HYD-1:** The proposed project would result in the discharge of stormwater that could violate water quality standards, degrade surface or ground water quality, and cause hydromodification.

However, implementation of Mitigation Measures **HYD-1a** through **HYD-1d** would reduce proposed project adverse effects on water quality and hydromodification to less than significant.

#### **Mitigation Measures**

**HYD-1a:** Prior to issuance of grading permits for the proposed project, the City of Petaluma shall verify that the Applicants have prepared a SWPPP in accordance with the

requirements of the statewide Construction General Permit. The SWPPP shall be designed to address the following objectives: (1) all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity are controlled; (2) where not otherwise required to be under a Regional Water Quality Control Board permit, all non-stormwater discharges are identified and either eliminated, controlled, or treated; (3) site BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity; and (4) stabilization BMPs are installed to reduce or eliminate pollutants after construction is completed. The SWPPP shall be prepared by a qualified SWPPP developer. The SWPPP shall include the minimum BMPs required for the identified Risk Level. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction or the Caltrans Stormwater Quality Handbook Construction Site BMPs Manual.

**HYD-1b:** In areas within 50 feet of sensitive habitat areas, construction activities should be planned to avoid disturbance of riparian vegetation, including trees and their root systems. The SWPPP shall specifically address special considerations for controlling sediment and other pollutants within these areas, through additional erosion control measures (such as berms and temporary retention/settling basins that divert runoff away from the creek banks, limiting the use of heavy construction vehicles within the riparian zone, or conserving and replacing topsoil during grading near the riparian zone to speed up the re-establishment of stabilizing vegetation), to limit grading near riparian areas to occur only during the dry-season. Erosion control measures shall also include staged grading to reduce the area of exposed soil at any one period of time, and/or other measures specifically tailored to riparian and sensitive areas.

**HYD-1c:** The project shall implement appropriate post-construction stormwater treatment measures to reduce water quality and hydromodification impacts to downstream reaches, as required by the current post construction controls requirements of the Small MS4 General Permit. Upon completion of the final project design, the Applicants shall provide documentation to the City of stormwater management measures that show compliance with the Small MS4 General Permit. 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 and outlined in the 2019 BASMAA (2019) guidance document. The report shall also include design calculations that show post-project runoff for the 2-year, 24-hour storm event does not exceed pre-project flow for each DMA, and that each DMA has appropriate stormwater quality treatment based on flow- or volumetric-based calculation, as outlined in the Small MS4 General Permit and in compliance with the 2019 BASMAA guidance document (2019). The final documentation shall be submitted to the City for approval before the beginning of grading.



**HYD-1d:** The proposed multi-use trails shall be designed to direct stormwater runoff away from Kelly Creek and D-Street tributary and/or to vegetated pervious areas not susceptible to erosion. The path shall be designed to limit the amount of runoff concentrated from any one portion of the path in order to prevent gullyng. In areas close to Kelly Creek or otherwise not suitable for distributed discharge of runoff, stormwater treatment measures such as swales shall be implemented to protect the creek.

**Finding for Impact HYD-1:** Mitigation Measures HYD-1a through HYD-1d would reduce proposed project impacts on water quality and hydromodification to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures HYD-1a through HYD-1d will be incorporated into the Project via conditions of approval and will reduce Impact HYD-1 to a less-than-significant level.

**Rationale for Finding:** Construction activities would increase the potential for on-site erosion, potentially leading to increased turbidity and sedimentation in Kelly Creek on the project site and in downstream reaches (including the Petaluma River). Because the project would disturb more than one acre of land, the Applicants are required to prepare a SWPPP, per NPDES general construction permit requirements through the SWRCB. The SWPPP would address potential erosion and sedimentation issues through a project-specific erosion control plan, as well as other BMPs to reduce the potential for spills and other contamination from on-site construction activities. Proper implementation of the project-specific SWPPP would reduce the potential construction-related surface-water quality impacts to a less-than-significant level. However, because a project-specific SWPPP has not been prepared at this time, the potential remains for project construction runoff to adversely affect surface-water quality and the impact is considered potentially significant.

In addition, construction of the edges of fill pads for housing, barn stabilization, the multi-use loop trail, as well as stormwater conveyance, treatment, and detention facilities, may occur in locations adjacent to Kelly Creek or other areas near sensitive waters or habitat. These areas are more sensitive to construction activities, and special consideration is needed to limit potential impacts to water bodies and riparian habitat. Implementation of Mitigation Measures HYD-1a and HYD-1b would reduce project impact during construction on surface water quality, jurisdictional waters, and riparian areas to a less-than-significant level.

The proposed project would increase the amount of impervious surfaces within the sub-watershed, including new roadways, driveways, parking areas, sidewalks, and rooftops. Untreated runoff has the potential to adversely impact surface water quality in Kelly Creek and downstream water bodies. The proposed project would be required to comply with the *NPDES General Permit for the Discharge of Storm Water from Small MS4s* (SWRCB 2013), which prescribes methods for residential developments to control and treat stormwater runoff. Therefore, potential impacts from the project would be reduced to less than significant.

Separate from the direct effects on water quality, increased runoff generated on the project site as a result of the increase in impervious surfaces would have the potential to result in ‘hydromodification’ in Kelly Creek and drainages downstream of the project site. The Small MS4 General Permit requires projects to control for hydromodification effects of impervious areas. In

the absence of final design plans which is required to demonstrate that the post-project runoff does not exceed estimated pre-project flow rates for the 2-year, 24-hour storm, Mitigation Measure HYD-1c would reduce the post-construction impact of the proposed project on surface water quality and potential hydromodification to a less than significant level.

The proposed project also includes a multi-use trail network that would be surfaced with ADA-compliant material, such as park tread, asphalt, or decomposed granite. Stormwater runoff from the proposed trails could result in erosion and discharge of sediment into the creek. Mitigation Measure HYD-1d is proposed to address this potentially significant impact, which requires that trail paths be designed to drain runoff into pervious areas not susceptible to erosion, and would effectively reduce the proposed project's post-construction impact on surface water quality related to stormwater runoff to a less-than-significant level.

**Impact HYD-3:** The proposed project would substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial alteration of stream or river or through the addition of impervious surfaces in a manner that would result in erosion or siltation on- or off-site.

However, implementation of Mitigation Measure **HYD-3** would reduce proposed project adverse effects related to the alteration of the existing drainage patterns of the project site to less than significant.

### **Mitigation Measure**

**HYD-3** Stormwater outfalls to Kelly Creek and the D Street tributary shall be designed to reduce the potential to cause bank instability. Outfall locations near (or especially across from) existing or potential bank instabilities shall be avoided so that outflows do not exacerbate erosion. Appropriate energy dissipation, such as boulder aprons, biostabilization, or directing outfalls in a downstream rather than cross-channel direction, shall be incorporated to reduce the potential to cause erosion

**Finding for Impact HYD-3:** Mitigation Measure HYD-3 would reduce proposed project impacts on changes to the existing drainage patterns to less than significant. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measure HYD-3 will be incorporated into the Project via conditions of approval and will reduce Impact HYD-3 to a less-than-significant level.

**Rationale for Finding:** The proposed project would construct up to three stormwater outfalls along Kelly Creek. High flows from these stormwater outfalls could cause or exacerbate erosion of the banks if appropriate energy dissipation is not incorporated. Mitigation Measure HYD-3 guides the design of stormwater outfalls and would reduce this potential impact to a less-than-significant level.

**Impact HYD-4:** The proposed project would substantially alter the existing drainage pattern of the site or area in a manner that would substantially increase the rate or amount of surface runoff that would result in flooding on- or off-site.

However, implementation of Mitigation Measures **HYD-4a** through **HYD-4c** would reduce proposed project adverse effects related to an increase in surface runoff that could result in flooding on- or off-site to less than significant.

### **Mitigation Measures**

- HYD-4a:** Prior to final map approval, the Applicants shall submit final detention design that shows that appropriate controls have been included to ensure that the post-project 10- and 100-year peak flows will not exceed pre-project peaks. Hydrologic analyses and final detention designs shall be consistent with the standards outlined in Sonoma Water's Flood Management Design Manual, adopted May 19, 2020. Total detention volume may be less than the volume projected in the preliminary hydrologic analysis if final analysis shows appropriate compliance through integrated LID/water quality treatment/detention features. Final hydrologic analysis and detention sizing shall include potential increases in peak flow due to all new impervious surfaces associated with the proposed project, including the parking areas.
- HYD-4b:** The project Applicants shall prepare and execute, in coordination with the City Engineer or other privately funded and operated maintenance mechanism which ensures that maintenance of all detention facilities will be provided as necessary to continuously provide the required volume storage in a 10-year storm and in a 100-year storm, throughout the life of the project, and shall include a financing mechanism acceptable to the City Engineer to ensure that the required maintenance will be performed.
- HYD-4c:** The project Applicants shall design, in coordination with the City Engineer, on-site detention facilities sufficient to detain on-site and release runoff from storm events such that any runoff temporarily detained on-site is released either before or after the expected peak flood flow of the Petaluma River and that any release of runoff temporarily detained on-site does not contribute to an increase in peak flood periods on the Petaluma River. Prior to final map approval, the project Applicants' final stormwater detention design calculations shall be subject to review by the City's stormwater consultant and City Engineer. The project Applicants shall be responsible for funding all costs and providing the required technical information to the City.

**Finding for Impact HYD-4:** Mitigation Measures HYD-4a through HYD-4c would reduce potential project impacts related to an increase in surface runoff that could result in flooding on- or off-site to less than significant. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measures HYD-4a through HYD-4c will be incorporated into the Project via conditions of approval and will reduce Impact HYD-4 to a less-than-significant level.

**Rationale for Finding:** Adequate detention capacity can be provided on the project site and flooding within the Kelly and Thompson Creek system would not occur as a result of the proposed project. However, the design and configuration of these basins may change during the final design process, and when integrating stormwater quality treatment measures. Therefore, Mitigation

Measure HYD-4a would guide the design process and ensure that final designs maintain peak flows at or below existing levels. As such, the proposed project's impact related to altering drainage patterns and flooding is less than significant.

All treatment and detention facilities would require maintenance for the life of the development project to remain effective. Mitigation Measure HYD-4b would ensure maintenance of all detention facilities and reduce impacts to a less-than-significant level.

Detention of stormwater at the project site would tend to delay flows from the site, and potentially cause peak flows downstream to coincide, resulting in slight increases in peak flow elevations at the Petaluma River, even though peak flow in Thompson/Kelly Creek would not increase. Mitigation Measure HYD-4c would guide final detention designs so that peak flows from the project site do not add to the peaks downstream in the Petaluma River. Implementation of this mitigation measure would reduce this potential impact to a less-than-significant level.

**Impact HYD-6:** The proposed project would substantially alter the existing drainage pattern of the site or area in a manner that would redirect flood flows.

However, implementation of Mitigation Measure **HYD-6** would reduce proposed project adverse effects related to the alteration of the existing drainage patterns of the project site in a manner that would redirect flood flows to less than significant.

#### **Mitigation Measure**

**HYD-6** Pedestrian bridges across Kelly Creek shall be designed to fully span the channel in order to reduce the potential to impede streamflow. If full-span lengths are not feasible, bridge supports shall be designed to maximize the natural channel cross-section area in order to reduce the potential obstruction to in-stream flow.

**Finding for Impact HYD-6:** Mitigation Measure HYD-6 would reduce potential project impacts on changes to the existing drainage patterns to less than significant. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measure HYD-6 will be incorporated into the Project via conditions of approval and will reduce Impact HYD-6 to a less-than-significant level.

**Rationale for Finding:** The Putnam Park Extension Project component proposes three separate pedestrian bridges across Kelly Creek. Piers, abutments, or supports for these crossings could impede and or redirect flood flows within the Kelly Creek corridor. Mitigation Measure HYD-6 would reduce this potential impact by requiring the design of the pedestrian footbridges to maximize the natural channel cross section and avoid potential obstruction of in-stream flow. With the implementation of Mitigation Measure HYD-6 potential impacts associated with redirecting flood flows would be less than significant.

#### **4.7 Noise**

**Impact NOISE-1:** Noise generated by construction activities on the project site would result in a substantial temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

However, implementation of Mitigation Measure **NOISE-1** would reduce proposed project adverse effects to sensitive receptors related to construction noise to less than significant.

### **Mitigation Measure**

**NOISE-1** The proposed project shall implement the following control measures during construction.

- a. Noise-generating construction activities shall be limited to daytime, weekday hours (7 AM to 6 PM) and 9 AM to 5 PM on weekends and holidays. When construction is occurring within 100 feet of existing residences, then construction shall occur between 9 AM and 5 PM and shall be prohibited on Sundays and Holidays.
- b. High noise-producing activities, such as excavation and grading and construction finishing, shall be scheduled between the hours of 8 AM and 5 PM to minimize disruption on sensitive uses.
- c. All stationary noise generating equipment that generates noise levels in excess of 65 dBA Leq shall be located as far as possible from sensitive receptors. If re-locating stationary equipment is not feasible, the equipment shall be shielded from noise sensitive receptors by using temporary walls, sound curtains, or other similar devices to reduce noise levels at nearby sensitive receptors to less than 65 dBA Leq.
- d. The construction contractor shall implement feasible noise controls to minimize equipment noise impacts on nearby sensitive receptors. Feasible noise controls include improved mufflers, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds.
- e. Equipment used for project construction shall be hydraulically or electrically powered impact tools (e.g., jack hammers) wherever possible to avoid 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. A muffler could lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of five dBA. Quieter procedures shall be used (such as drilling rather than impact equipment) wherever feasible.
- f. The construction contractor shall implement appropriate additional noise reduction measures that include shutting off idling equipment after 5 minutes (as feasible) and notifying adjacent residences (at least one time) in advance of construction work.
- g. The construction contractor shall not stage equipment within 200 feet of the existing residences adjacent to the project site.

- h. The contractor shall minimize use of vehicle backup alarms. 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.
- i. Construction worker's radios shall be controlled so as to be inaudible beyond the limits of the project site boundaries.
- j. 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.
- k. Two weeks prior to the commencement of construction, notification in writing must be provided to residents within 300 feet of the project site, disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.
- l. The construction contractor shall designate a city-approved "disturbance coordinator" who shall be responsible for responding to any local complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall require that reasonable measures warranted to correct the problem be implemented. The construction contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

**Finding for Impact NOISE-1:** Mitigation Measure NOISE-1 would reduce potential project adverse effects to sensitive receptors related to construction noise to less than significant. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measure NOISE-1 will be incorporated into the Project via conditions of approval and will reduce Impact NOISE-1 to a less-than-significant level.

**Rationale for Finding:** The temporary or periodic increases in noise that would result when grading or construction activities occur near the northern, eastern and northwestern portions of the site would be significant. As a result of the stay-at-home guidelines due to the COVID pandemic, a major portion of the work force has been working from home; therefore, under these conditions, noise resulting from construction activities would more adversely affect the nearby sensitive receptors, albeit on a temporary and periodic bases when construction activities are occurring proximate to existing sensitive receptors. With implementation of Mitigation Measure NOISE-1 project impacts associated with construction activities would be reduced to a less than significant level.

**Impact NOISE-2:** Construction of the proposed project would result in the generation of excessive groundborne vibration or groundborne noise levels.

However, implementation of Mitigation Measures **NOISE-2a** and **Noise-2b** would reduce potential project adverse effects related to excessive groundborne vibration or groundborne noise levels during construction operations to less than significant.

#### **Mitigation Measures**

**NOISE-2a:** Heavy construction equipment shall be prohibited from operating within 100 feet of an existing residence between the hours of 5:00 PM and 9:00 AM and on holidays.

**NOISE-2b:** Operation of heavy equipment shall be prohibited within 20 feet of the barn complex. Temporary reinforcements/stabilization measures shall be installed at the barn structures, as needed, to minimize vibration damage.

**Finding for Impact NOISE-2:** Mitigation Measures NOISE-2a and NOISE-2b reduce proposed project adverse effects related to excessive groundborne vibration or groundborne noise levels during construction operations to less than significant. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measures NOISE-2a and NOISE -2b will be incorporated into the Project via conditions of approval and will reduce Impact NOISE-2 to a less-than-significant level.

**Rationale for Finding:** In the event that heavy duty equipment were to operate in close proximity to existing sensitive receptors, groundborne vibration may be perceptible and could result in disturbance to occupants, particularly during the quieter hours early in the morning and evening. Implementation of Mitigation Measure NOISE-2a would reduce this impact to less than significant.

Considering the age of the barn complex (late 19<sup>th</sup> and early 20<sup>th</sup> century) and the conditions of the foundation and the overall structure that may require stabilization, the use of vibratory rollers near the barn complex would have the potential to result in vibrations that could cause some architectural damage. This would be a significant impact. To minimize vibration impacts on the barn complex, the proposed project would implement Mitigation Measure NOISE-2b. With implementation of Mitigation Measure NOISE-2b, the project's impact related to vibration would be less than significant.

## **4.8 Transportation and Traffic**

**Impact TRANS-5:** The proposed project would cause temporary disruption to the transportation network due to construction.

However, implementation of Mitigation Measure **TRANS-5** would reduce proposed project adverse effects related to construction traffic to less than significant.

#### **Mitigation Measure**

**TRANS-5** 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 schedules 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.
- 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.
- g) A process for responding to and tracking complaints pertaining to construction activity, including identification of an on-site complaint manager.
- 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.

**Finding for Impact TRANS-5:** Mitigation Measure TRANS-5 would reduce proposed project adverse effects related to construction activities to less than significant. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measure TRANS-5 will be incorporated into the Project via conditions of approval and will reduce Impact TRANS-5 to a less-than-significant level.

**Rationale for Finding:** During construction of the residences and the park extension, additional heavy vehicle traffic would be added to the street network in the vicinity of the project site, and the proposed project would have the potential to result in potentially significant temporary impacts on the transportation network during construction, such as the effect of slow moving trucks and lane closures on disrupting emergency access or accessibility for people traveling on the surrounding roadway network, or damage to road pavement from truck movement. Mitigation Measure TRANS-5 would reduce this potentially significant impact to a less than significant level.



## 4.9 Utilities and Service Systems

**Impact UTL-3:** Development of the proposed project would require the construction of new or expanded wastewater conveyance systems. The construction of new or expanded wastewater conveyance systems would result in significant environmental effects.

However, implementation of Mitigation Measures **UTL-3a** and **UTL-3b** would reduce proposed project adverse effects related to the construction of new or expanded wastewater conveyance systems to less than significant.

### **Mitigation Measures**

**UTL-3a** Prior to issuance of building permits, the project shall be required to upsize the D Street sewer between Grossland Way to the manhole west of 10<sup>th</sup> Street, subject to the review and approval by the City Public Works and Utilities Department.

**UTL-3b** **Mitigation Measure AIR-2, Mitigation Measures CUL-2a through 2c, Mitigation Measure CUL-3, and Mitigation Measure NOISE-1 and NOISE-2a** shall be implemented in conjunction with the sewer main upgrade project.

**Finding for Impact UTL-3:** Mitigation Measures UTL-3a and UTL-3b would reduce proposed project adverse effects related to the construction of new or expanded wastewater conveyance systems to less than significant. Pursuant to CEQA Guidelines, the City finds that Mitigation Measures UTL-3a and UTL-3b will be incorporated into the Project via conditions of approval and will reduce Impact UTL-3 to a less-than-significant level.

**Rationale for Finding:** The upsizing of the sewer main on D Street between Grossland Way and the manhole west of 10<sup>th</sup> Street, could result in air pollutant emissions, noise and vibration, and inadvertent impacts to previously unknown cultural resources that might be present. Implementation of mitigation measures during the sewer main upsizing would avoid or reduce potential air quality impacts, cultural resource impacts, and noise and vibration impacts to less than significant.

**Impact UTL-4:** Development of the proposed project would require the construction of new storm water drainage facilities on site. The construction of new storm water drainage facilities could result in significant environmental effects.

However, implementation of **Mitigation Measures HYD-1c and HYD-4a through 4c** (listed above) would reduce the potential project's impact related to storm water drainage facilities to a less-than-significant level.

**Finding for Impact UTL-4:** Mitigation Measures HYD-1c and HYD-4a through 4c (listed above) would reduce the potential project's impact related to storm water drainage facilities to a less-than-significant level. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measures HYD-1c and HYD-4a through 4c will be incorporated into the Project via conditions of approval and will reduce Impact UTL-4 to a less-than-significant level.

**Rationale for Finding:** The environmental effects from the construction of on-site storm water drainage facilities are evaluated throughout the RDEIR, and to the extent that there would be significant impacts on biological resources, cultural resources, air quality and noise from construction of storm water drainage facilities, those impacts would be reduced to less than significant levels with the mitigation measures.

#### **4.10 Wildfire**

**Impact WDF-4:** The proposed project would expose people or structures to significant risks, including downslope or downstream flooding or landslide, as a result of landslide, runoff, post-fire slope instability, or drainage changes.

However, implementation of Mitigation Measures **GEO-1a, GEO-3a, GEO-3b, HYD-4a, HYD-4b, and HYD-6** (listed above) would reduce the potential project's impact related the exposure of people or structures to significant risks, including downslope or downstream flooding or landslide, as a result of landslide, runoff, post-fire slope instability, or drainage changes to a less-than-significant level.

**Finding for Impact WDF-4:** Mitigation Measures GEO-1a, GEO-3a, GEO-3b, HYD-4a, HYD-4b, and HYD-6 (listed above) would reduce the potential project's impact related the exposure of people or structures to significant risks, including downslope or downstream flooding or landslide, as a result of landslide, runoff, post-fire slope instability, or drainage changes to a less-than-significant level. Pursuant to CEQA *Guidelines*, the City finds that Mitigation Measures GEO-1a, GEO-3a, GEO-3b, HYD-4a, HYD-4b, and HYD-6 will be incorporated into the Project via conditions of approval and will reduce Impact WDF-4 to a less-than-significant level.

**Rationale for Finding:** The residential project footprint avoids overlap with identified landslides onsite and limits ground disturbance to 11.2 acres of the site. As discussed in RDEIR Section 4.6, Geology and Soils, risks associated with potential destabilization of existing landslides would be reduced to a less-than-significant level with implementation of Mitigation Measures GEO-1a and GEO-1b, which would require the preparation and implementation of the recommendations of a preconstruction to address landslides and landslide movement. Mitigation Measures GEO-3a and GEO-3b, which would require the preparation of project specific design-level recommendations for geotechnical treatment where foundations of the proposed footbridges and the loop trail overlap with Landslides. The provisions outlined in Mitigation Measures GEO-1a, GEO-1b, GEO-3a, and GEO-3b would reduce the impact associated with landslide movement as a result of soil instability post-fire to a less-than-significant level.

As described in Section 4.7, Hydrology and Water Quality, the proposed project would not alter drainage patterns. Mitigation Measure HYD-4a and Mitigation Measure HYD-4b were identified to ensure that final project designs maintain peak flows at or below existing conditions and ensure continuous maintenance of the proposed water detention facilities.

As described under Impact HYD-6 in Section 4.7, Hydrology and Water Quality, to reduce the potential impact of the proposed three pedestrian bridges to impede and or redirect flood flows within the Kelly Creek corridor, Mitigation Measure HYD-6 would require designing the

pedestrian footbridges to maximize the natural channel cross section and reduce potential obstruction of in-stream flow.

Therefore, with incorporation of Mitigation Measures GEO-1a, GEO-1b, GEO-3a, GEO-3b, HYD-4a, HYD-4b, and HYD-6, the potential risk to expose people or structures to landslide, slope instability, flooding, or drainage changes would be less than significant.

## **SECTION 5: SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL**

The Final EIR identifies two impacts that cannot be mitigated to a less-than-significant level even though the City finds that all feasible mitigation measures have been identified and adopted as part of the Project. The significant and unavoidable impacts (one project-related and one cumulative) are discussed below.

**Impact TRANS-1:** Development of the proposed project would generate VMT per capita greater than the project threshold.

**Finding for Impact TRANS-1:** As discussed in the FEIR, Section 3 in Master Response 10 – VMT Mitigation, changes or alterations have been required in or incorporated into the project which will lessen, but not avoid, the significant effect identified in the RDEIR, including new sidewalks, and crosswalks to improve pedestrian access along Windsor Drive, a new roundabout, crosswalks, and new sidewalks, trails, and pathways would enhance access to the park via D Street, and to the future Petaluma Ring Trail. However, specific economic, social, technological, and other considerations addressed in FEIR, Section 3 in Master Response 10-VMT, and incorporated herein as rationale for this finding, make infeasible the mitigation measures or project alternatives to reduce Impact TRANS-1 to a less than significant level.

**Rationale for Finding:** There are no feasible mitigation measures identified that would reduce project-level VMT impacts to less than significant. Other potentially effective on-site VMT measures, such as increasing the density, affordability, or providing access to e-bikes or bike share facilities would not result in a quantifiable reduction of project-generated VMT given the project site's location within the regional context and at the edge of City limits, the project site's land use designation and zoning provisions, and the supportive (non-quantifiable) nature of e-bike amenities and bike share facilities. Potentially effective offsite VMT measures were also investigated, including sidewalk gap closures, expanding transit service elsewhere in the City, expanding the pilot bikeshare program, subsidizing transit passes and constructing other bike facilities, and were determined to be infeasible given offsite constraints, insufficient right-of-way, lack of engineered design, outside agency approval, and administrative demands associated with managing such a program.

As discussed in the FEIR in Chapter 5 (corrections to RDEIR pages 4.13.50) and as incorporated herein, based on research documented in California Air Pollution Control Officers Association (CAPCOA) 2021, transportation demand management (TDM) strategies would be insufficient for mitigating the project's VMT due to the project's location on the urban fringe of Petaluma since traditional TDM strategies are dependent on the land use context and final building occupants who choose to be located in walkable or transit-supportive locations, lack of design or plans in place to

implement offsite measures, timing for implementation, lack of citywide administrative plan for oversight, and uncertainties related to outside agency approval requirements. Further, based on the updated CAPCOA 2021 guidance on quantifying VMT reductions from TDM strategies, the effectiveness of TDM mitigation measures would not fully mitigate the project's VMT impacts.

As such, there are no additional feasible mitigation measures identified that would reduce project-level VMT impacts to less than significant.

The above Findings are made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 7).

**Cumulative Impact TRANS-1:** Development of the proposed project and the regional park trail would generate VMT per capita greater than the project threshold under cumulative conditions.

**Finding for Impact TRANS-1:** As discussed in the FEIR, Section 3 in Master Response 10 – VMT Mitigation and incorporated herein, changes or alterations have been required in or incorporated into the project which will lessen, but not avoid, the significant effect identified in the RDEIR, including new sidewalks, and crosswalks to improve pedestrian access along Windsor Drive, a new roundabout, crosswalks, and new sidewalks, trails, and pathways would enhance access to the park via D Street, and to the future Petaluma Ring Trail. However, specific economic, social, technological, and other considerations addressed in FEIR, Section 3 in Master Response 10-VMT, and incorporated herein as rationale for this finding, make infeasible the mitigation measures or project alternatives to reduce the Impact TRANS-1 to below significant.

**Rationale for Finding:** There are no feasible mitigation measures identified that would reduce cumulative level VMT impacts to less than significant. Other potentially effective on-site VMT measures, such as increasing the density, affordability, or providing access to e-bikes or bike share facilities, would not result in a quantifiable reduction of project-generated VMT given the project site's location within the regional context and at the edge of City limits, the project site's land use designation and zoning provisions, and the supportive nature of e-bike amenities and bike share facilities. Potentially effective offsite VMT measures were also investigated, including sidewalk gap closures, expanding transit service elsewhere in the City, expanding the pilot bikeshare program, subsidizing transit passes and constructing other bike facilities, and were determined to be infeasible given offsite constraints, insufficient right-of-way, lack of engineered design, outside agency approval, and administrative demands associated with managing such a program.

As discussed, in the FEIR in Chapter 5 (corrections to RDEIR pages 4.13-66) and incorporated herein, based on research documented in CAPCOA 2021, TDM strategies would be insufficient for mitigating the project's VMT due to the project's location on the urban fringe of Petaluma since traditional TDM strategies are dependent on the land use context and final building occupants who choose to be located in walkable or transit-supportive locations, lack of design or plans in place to implement offsite measures, timing for implementation, lack of citywide administrative plan for oversight, and uncertainties related to outside agency approval requirements. Further, based on the updated CAPCOA 2021 guidance on quantifying VMT reductions from TDM strategies, the effectiveness of TDM mitigation measures would not fully mitigate the project's cumulative VMT impacts.

As such, there are no feasible mitigation measures identified that would reduce cumulative VMT impacts to less than significant.

The above Findings are made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 7).

## **SECTION 6: FINDINGS REGARDING ALTERNATIVES**

### **6.1 Project Alternatives**

As noted in Section 1.2, Project History, in 2004, the project applicant for Davidon Homes put forth a Vesting Tentative Map for a residential development project to subdivide the 58.66-acre project site into 93 single-family residential lots. A Draft EIR was published in February of 2013 that analyzed the then proposed 93 lot subdivision, and presented a range of alternatives including a reduced density project alternative. In response to the comments received on the 2013 DEIR, the project applicant for Davidon Homes put forth a reduced development proposal of 66 single-family homes at the project site, which was analyzed in a new Draft EIR released for public review in 2017 and presented a range of alternatives, including a reduced project alternative.

The Scott Ranch Project, as currently proposed and analyzed in this FEIR is a variation on the reduced project alternative identified in the prior Draft EIRs. The Scott Ranch Project consists of a 28 lot residential subdivision on 11.2 acres including 5 acres of private open space as proposed by Davidon Homes, and a 47 acre extension of Helen Putnam Park balance of the project site, as proposed by Kelly Creek Protection Project (KCPP) of Earth Island Institute KCPP.

As presented in the RDEIR Section 5.4 Alternatives Considered But Not Evaluated provides a summary of the various alternatives that were considered by found to be infeasible including an increased housing density alternatives, a reduced project alternative, and an off-site alternative.

The Final EIR included three alternatives: the No Project/No Development; the Davidon (28-Lot) Residential Project Alternative; and the Putnam Park Extension Project Alternative. The City hereby concludes that the Final EIR and prior Draft EIRs sets forth a reasonable range of alternatives to the Scott Ranch Project so as to foster informed public participation and informed decision making. The City finds that the three alternatives identified and described in the Final EIR were considered and finds them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to CEQA, Public Resources Code section 21081.

#### ***6.1.1 Objectives of the Proposed Project***

The California Environmental Quality Act (CEQA) requires that an environmental impact report (EIR) include a statement of the objectives sought by a proposed project (Section 15124(b) of the State CEQA Guidelines).

The City of Petaluma has developed the following primary objectives for the proposed project:

- provide development consistent with the City's long-term development goals, especially as related to the provision of additional housing;
- develop the project site in a manner that preserves the uniqueness and gateway value of the site;
- implement General Plan policies related to establishment of an Urban Separator and the Petaluma ring trail system; and
- provide improved recreational access to the Helen Putnam Regional Park.

The project applicants' key objectives for the proposed project are to:

- promote and maximize new housing opportunities within the urban growth boundary thereby discouraging urban sprawl;
- develop a high-quality residential project on the west side of Petaluma, compatible with existing residential subdivisions in the neighborhood and with rural and park areas to the south and west of the site;
- permanently preserve sensitive biological and geological areas of the site as protected open space;
- preserve and enhance Kelly Creek in its natural state;
- preserve the barn complex;
- provide a public pedestrian/bicycle trail connecting to Helen Putnam Regional Park; and
- provide a large extension of the Helen Putnam Regional Park, incorporating new trails, a restored barn complex, habitat and waterway enhancements, and related features.

### ***6.1.2 No Project / No Development Alternative***

The *State CEQA Guidelines* require the analysis of a No Project Alternative (Section 15125.6(e)). This analysis must discuss existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not to be approved, based on current plans, site zoning, and consistent with available infrastructure and community services. The purpose of describing and analyzing a No Project Alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

The project site is currently zoned Residential 1 (R1) on the City's Zoning Map and designated Very Low Density Residential (0.6 to 2.5 dwelling units per acre) in the City's General Plan. Given the project site zoning and General Plan designation, if the proposed project were not to be

approved, the site could still be developed with 28-113 single-family homes<sup>1</sup> without requiring a General Plan amendment or rezoning. Such a No Project Alternative could result in the development of a subdivision that is comparable to or even larger than the proposed project. Prior DEIRs prepared for the project included an analysis of a 93 and a 66 unit subdivision, and therefore, such a No Project Alternative was not evaluated in the RDEIR. Instead, the No Project Alternative analyzed is the No Development Alternative, under which no alterations would be made to the project site, the existing barn complex and mobile home would remain in place, and the site would continue to be used as grazing land.

*The No Project / No Development Alternative is rejected for any and all of the following reasons:*

- The No Project Alternative would not realize any of the City of Petaluma's Project Objectives because it would not provide development consistent with the City's long-term development goals, especially as related to the provision of additional housing or develop the project site in a manner that preserves the uniqueness and gateway value of the site. In addition, it would not implement General Plan policies related to the site's land use and zoning provisions, establishment of an Urban Separator, and the Petaluma ring trail system, or provide improved recreational access to the Helen Putnam Regional Park.
- The No Project Alternative would not realize any of the Project Applicant's Project Objectives because it would not maximize new housing opportunities within the urban growth boundary, develop a compatible, high-quality residential project on the west side of Petaluma, permanently preserve sensitive biological and geological areas of the site as protected open space, nor would it enhance Kelly Creek or preserve the barn complex. Further, a public pedestrian/bicycle trail connecting to Helen Putnam Regional Park would not be provided and Helen Putnam Regional Park would not be extending, incorporating new trails, habitat and waterway enhancements, and related features.

### ***6.1.3 Davidon (28 Lot) Residential Project Alternative***

The Davidon (28-Lot) Residential Project Alternative would develop 28 single-family homes in the same lot configuration as the proposed project. Development of this alternative would be on approximately 11.2 acres of the project site, north of Kelly Creek, with 6.4 acres for the residences and approximately 5 acres of private open space. This alternative would not include the Putnam Park Extension Project component and would be limited to the 28 lot residential subdivision and associated improvements. Under this alternative, the multi-use trails and pedestrian and livestock bridges would not be developed, the barn complex would remain in place and would not be restored, and there would be no pasture improvements or stock pond enhancements. As with the proposed project, this alternative would construct the roundabout at D Street and Windsor Drive and the detention and infiltration facility located south of Windsor Drive. It would also include a new off-site sidewalk improvement along the east side of D Street between Windsor Drive and Sunnyslope Avenue, for a distance of approximately 800 feet, to connect with the existing sidewalk. Storm drains would be installed in the new streets that serve the proposed residences to

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<sup>1</sup> The net acreage of the site is 45.27 acres (excludes public or private rights-of-way, public open space and floodways, but does not exclude the Urban Separator per Policy 1-P-19). As such, the number of units allowed to be developed on the project site ranges between 28 and-113 dwelling units.

collect the runoff generated by new impervious surfaces. Collected storm water would be detained and infiltrated onsite before eventual discharge into Kelly Creek via a new outfall. A detention and infiltration facility would be constructed south of Windsor Drive. Another detention and infiltration basin would be installed at the southwest corner of Windsor Drive and D Street to capture existing, untreated runoff from Windsor Drive. The runoff would be intercepted on Windsor Drive in a newly constructed drop inlet and flow into a vegetated swale leading to the proposed infiltration basin.

With the exception of similar significant and unavoidable VMT traffic impacts, the Davidon (28-Lot) Residential Project Alternative would reduce all other impacts of the proposed project, because it would not develop the Putnam Park Extension Project component. This alternative would achieve the project objective of promoting development within the established urban growth boundary, thereby discouraging urban sprawl. It would also achieve the objectives of developing a high-quality residential project on the west side of Petaluma, preservation of Kelly Creek in its natural state, and providing new housing opportunities while minimizing neighborhood impacts.

*The Davidon (28-Lot) Residential Project Alternative is rejected for any and all of the following reasons:*

- Not all project objectives would be achieved
- VMT impacts would remain significant and unavoidable and other environmental impacts identified would not be substantially reduced
- Permanently preserving sensitive biological and geological areas of the site as protected open space would not be realized
- Restoration of the riparian corridor, enhancement to stockpond, gully repair, and public park uses on more than 3 acres would not occur
- Untreated runoff from Windsor Drive would continue to drain to Kelly Creek

#### ***6.1.4 Putnam Park Extension Project Alternative***

The Putnam Park Extension Project Alternative would only include the features of the Putnam Park Extension Project component and no residential subdivision would be developed. The Putnam Park Extension Project Alternative Site Plan would construct multi-use trails and the upper and main parking lots. As with the proposed project alternative, the barn complex under this alternative would be preserved and may be relocated for purposes of stabilization and preservation, and pathways between the structures (surfaced with ADA-compliant material), bike parking, information kiosks, vegetable gardens, demonstration and working corrals, antique farm equipment with a hand pump, and an amphitheater for outdoor learning activities would be established. Under this alternative, like the proposed project, a playground and picnic areas would be constructed south of Kelly Creek. This alternative would also include a multi-use loop trail circling the north and potentially south side of Kelly Creek. A short trail from the loop trail that connects to the upper parking lot would also be installed. A trail would be constructed parallel to D Street that travels northerly through the park, along the west side of the main parking lot, through



a proposed playground area, over a footbridge crossing Kelly Creek, and through the barn center. As with the proposed project, this alternative would include pasture improvements, stock pond enhancements, and features to protect and conserve habitat for the California red-legged frog. A stormwater treatment facility may be required to treat runoff from the proposed main parking lot (south of Kelly Creek).

The Putnam Park Extension Project Alternative would reduce or avoid all of the proposed project's impacts, because no residential units would be constructed and disturbance on the project site would be limited to activities associated with the public open space, recreational amenities, and restoration and preservation efforts. This alternative would achieve the objective of implementing General Plan policies related to establishment of an Urban Separator and the Petaluma ring trail system and would provide improved recreational access to the Helen Putnam Regional Park. The Putnam Park Extension Project Alternative would also achieve the objectives of permanently preserving sensitive biological and geological areas of the site as protected open space; preserving and enhancing Kelly Creek in its natural state; preserving the barn complex; providing a public pedestrian/bicycle trail connecting to Helen Putnam Regional Park; and providing a large extension of the Helen Putnam Regional Park, with new trails, a restored barn complex, habitat and waterway enhancements, and related features.

*The Putnam Park Extension Project Alternative is rejected for any and all of the following reasons:*

- Not all project objectives would be achieved
- the objective to develop a high-quality residential project on the west side of Petaluma and provide new housing opportunities while minimizing neighborhood impacts would not be achieved
- the City's long term development goals, especially related to the provision of additional housing and the objective to maximize new housing opportunities within the urban growth boundary thereby discouraging urban sprawl would not be realized
- This alternative would present an inconsistency with the City of Petaluma General Plan and zoning provisions, which provide for very low residential density (0.2-2.5 dwelling units per acre) on the project site, and
- No infiltration basin would be installed and untreated runoff from Windsor Drive would continue to drain to Kelly Creek

## **SECTION 7: STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable. CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record.

In accordance with the requirements of CEQA and the *CEQA Guidelines*, the City finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program (MMRP), when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Draft and Final EIR. Nonetheless, two significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. The significant unavoidable impacts are identified and discussed in Section 5 of these Findings. The City further specifically finds that notwithstanding the disclosure of the significant unavoidable impacts, there are specific overriding economic, legal, social, and other reasons for approving the Project. Each of the following reasons provides an independent basis to support the override of the significant and unavoidable impacts. Those reasons are enumerated below.

Implementation of the Project will:

- provide development consistent with the City's long-term development goals, especially as related to the provision of additional housing;
- develop the project site in a manner that preserves the uniqueness and gateway value of the site;
- implement General Plan policies related to establishment of an Urban Separator and the Petaluma ring trail system;
- provide improved recreational access to the Helen Putnam Regional Park;
- promote and maximize new housing opportunities within the urban growth boundary thereby discouraging urban sprawl;
- develop a high-quality residential project on the west side of Petaluma, compatible with existing residential subdivisions in the neighborhood and with rural and park areas to the south and west of the site;
- permanently preserve sensitive biological and geological areas of the site as protected open space;
- preserve and enhance Kelly Creek in its natural state;
- preserve the historic barn complex;
- provide a public pedestrian/bicycle trail connecting to Helen Putnam Regional Park; and
- provide a large extension of the Helen Putnam Regional Park, incorporating new trails, a restored barn complex, habitat and waterway enhancements, and related features.

In addition, the Scott Ranch and RTP projects will provide the following community benefits:

- preserve over 47 acres of public open space that will be managed and maintained by Sonoma County Regional Parks;
- realize public parklands with trails, paths, and amenities including restrooms, demonstration corrals, outdoor educational spaces, interpretive signs, picnic area, and natural playground;

- enhance parkland accessibility for Petaluma residents;
- record two conservation easements, which will permanently limit uses to open space;
- provide for enhanced habitat preservation, increased plant diversity, and restoration;
- provide for enhanced bank stabilization, repair of eroded gullies, and riparian restoration of Kelly Creek;
- provide for enhancements to the stock pond to improve habitat for California Red Legged Frog
- provide for improved carbon sequestration from retention of open space / enhanced native grassland, tree protection, and new plantings, including approximately 327 new tree onsite;
- provide for the treatment of runoff from Windsor Drive (which is not currently treated);
- provide for enhanced fire protection from the managed open space at the City boundary;
- develop the project site with the lowest allowable density under the very low density land use designation, 28 single-family residences including nine (9) junior accessory dwelling units (ADUs) on the portion of the site closest to existing residential development;
- provide for the preservation of the historic landscape and preserve the Barn complex to provide recreational and educational opportunities for the community;
- provide a roundabout with pedestrian crosswalks at D Street and Windsor Drive, which would enhance safety, reduce speeds and congestion, and provide traffic control at a major gateway to the City;
- provide for enhanced bicycle, pedestrian and multi use (including equestrian) trail access connecting the regional park with the City (within 1.25 miles of downtown Petaluma);
- provide for enhanced frontage improvements (sidewalks, bike lane striping, sidewalk gap closure);
- provide for an offsite sidewalk gap closure on the east side of D street north of Windsor Drive; and
- provide for additional public parking for Helen Putnam Park, including the provision of electrical vehicle charging stations.

The City Council finds that the Scott Ranch Project and the Regional Trail Project have been carefully reviewed and that project design features and recommended mitigation measures have been incorporated into the Scott Ranch and RTP projects to reduce all environmental effects to the fullest extent possible. Nonetheless, the analysis has identified environmental effects which cannot be avoided or substantially lessened. The City Council has considered each environmental effect which has not been mitigated to a less than significant level, all as described above and in the RDEIR.

The City Council has considered the fiscal, economic, social, environmental, and orderly land use planning benefits of the Scott Ranch and RTP projects. Pursuant to Public Resources Code section

21081 and CEQA Guidelines section 15093, the City Council has balanced the fiscal, economic, social, environmental, and land use benefits of the Scott Ranch and RTP projects against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Scott Ranch and RTP projects outweigh the adverse environmental effects, and that the remaining significant and unavoidable impacts of the Scott Ranch and RTP projects are acceptable in light of the project's multiple benefits, any one of which is sufficient to constitute grounds for this statement of overriding considerations. The substantial evidence supporting these overriding considerations can be found in these Findings, and in the documents comprising the Record of Proceedings.

## **SECTION 8: GENERAL FINDINGS**

1. The City, acting through the Planning Division, is the “Lead Agency” for the Project evaluated in the EIR. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the Project, that the Revised Draft EIR which was circulated for public review reflected its independent judgment and that the Final EIR reflects the independent judgment and analysis of the City in accordance with Public Resources Code Section 21082.1(c)(3).
2. The RDEIR evaluated the following potential Project and cumulative environmental impacts: aesthetics, air quality, biological resources, cultural and tribal cultural resources, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, utilities and service systems, and wildfire. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. The significant environmental impacts of the Project, as well as other alternatives were identified in the RDEIR.
3. The City finds that the RDEIR provides objective information to assist the decision makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Revised Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.
4. The Planning Division evaluated comments on environmental issues received from persons who reviewed the Revised Draft EIR. In accordance with CEQA, the Planning Division prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The Planning Division reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Revised Draft EIR. The Lead Agency has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR.
5. The Final EIR Section 5.0 documents changes to the RDEIR. Having reviewed the information contained in the Revised Draft EIR, the Final EIR, and the administrative record, as well as the requirements of CEQA and the CEQA Guidelines regarding recirculation of Draft EIRs, the City finds that there is no new significant impact, substantial increase in the severity of a previously disclosed impact, significant new information in the record of proceedings or other criteria under CEQA that would require additional recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that:

- a. The Responses to Comments contained in the Final EIR fully considered and responded to comments claiming that the Project would have significant impacts or more severe impacts not disclosed in the Revised Draft EIR and include substantial evidence that none of these comments provided substantial evidence that the Project would result in changed circumstances, significant new information, considerably different or feasible mitigation measures, or new or more severe significant impacts than were discussed in the Revised Draft EIR.
  - b. The City has thoroughly reviewed the public comments received regarding the Project and the Final EIR as it relates to the Project to determine whether under the requirements of CEQA, any of the public comments provide substantial evidence that would require recirculation of the EIR prior to its adoption and has determined that recirculation of the EIR is not required.
  - c. None of the information submitted after publication of the Final EIR, including testimony at the public hearings on the Project, constitutes significant new information or otherwise requires preparation of a supplemental or subsequent EIR. The City does not find this information and testimony to be credible evidence of a significant impact, a substantial increase in the severity of an impact disclosed in the Final EIR, or a feasible mitigation measure or alternative not included in the Final EIR.
  - d. The mitigation measures identified for the Project were included in the Revised Draft EIR and Final EIR. As revised, the final mitigation measures for the Project are described in the Mitigation Monitoring and Reporting Program (MMRP). Each of the mitigation measures identified in the MMRP is incorporated into the Project. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP.
6. CEQA requires the Lead Agency approving a project to adopt a MMRP or the changes to the project which it has adopted, or made a condition of project approval, in order to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City and revised in the MMRP as adopted by the City serve that function. The MMRP includes all of the mitigation measures and Project Design Features adopted by the City in connection with the approval of the Project and has been designed to ensure compliance with such measures during implementation of the Project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable. In accordance with the requirements of Public Resources Code § 21081.6, the City hereby adopts the MMRP.
  7. In accordance with the requirements of Public Resources Code § 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

8. The custodian of the documents or other materials which constitute the record of proceedings upon which the City decision is based its decision making is the City of Petaluma, Planning Division.
9. The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.
10. The City is certifying an EIR for, and is approving and adopting Findings for, the entirety of the actions described in these Findings and in the EIR as comprising the Scott Ranch project and the Regional Trail Project.
11. The EIR is a project EIR for purposes of environmental analysis of the Scott Ranch Project and the Regional Trail Project. A project EIR examines the environmental effects of a specific project. The EIR serves as the primary environmental compliance document for entitlement decisions regarding the project by the City and the other regulatory jurisdictions.