



**Mitigation Monitoring and Reporting Program  
for the  
Downtown Housing & Economic Opportunity Overlay and EKN  
Appellation Hotel Project Environmental Impact Report  
City of Petaluma, Sonoma County, California**

Prepared for:  
**City of Petaluma**  
11 English Street  
Petaluma, CA 94952  
707.778.4470

Contact: Olivia Ervin, Principal Environmental Planner

Prepared by:  
**FirstCarbon Solutions**  
2999 Oak Road, Suite 250  
Walnut Creek, CA 94597  
925.357.2562

Contact: Mary Bean, Project Director  
Madelyn Dolan, Project Manager

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## PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts an Environmental Impact Report (EIR) in conjunction with a project approval. The purpose of the MMRP is to ensure compliance with the mitigation measures occurs during project implementation.

The Draft EIR prepared for the proposed Downtown Housing & Economic Opportunity Overlay and EKN Appellation Hotel Project (proposed project) concluded that project implementation could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these potential impacts to a less than significant level. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the Draft EIR.

This document does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.



**Table 1: Overlay and Hotel Project Mitigation Monitoring and Reporting Program**

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
3.1 Aesthetics					
Implement Mitigation Measure Overlay CUL-1e	See Overlay CUL-1e				
3.2 Cultural Resources and Tribal Cultural Resources					
<p><b>Overlay CUL-1a:</b> Individual development projects which propose to alter a building or structure greater than 45 years of age shall be subject to a Historical Resources Evaluation (HRE), performed by an architectural historian or historian who meets the Secretary of the Interior’s Professionally Qualified Standards in architectural history or history. The HRE shall include a records search to determine whether any resources that may be potentially affected by the project have been previously recorded, evaluated, and/ or designated in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or a local register. Following the records search, the qualified architectural historian shall conduct a survey in accordance with the California Office of Historic Preservation (OHP) guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the Project.</p> <p>The criteria for determining a historically significant building or structure shall meet one or more of the criteria outlined in Public Resources Code Section 5024.1 and California Environmental Quality Act (CEQA) Guidelines Section 15064.5(a).</p>	Review of Historical Resources Evaluation (HRE)	Prior to issuance of demolition, grading or building permit.	City of Petaluma Community Development Department		
<p><b>Overlay CUL-1b:</b> Properties identified as historically significant resources shall contain proper documentation meeting the Historic American Building Survey (HABS) Guidelines that shall be prepared and implemented, as</p>	Review of submitted documentation of Historic American	Prior to issuance of demolition, grading or building permit.	City of Petaluma Community Development Department		

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approved by the qualified historian meeting the Secretary of the Interior's Professional Qualifications Standards. Such documentation shall include drawings, photographs, and written data for each building/structure/element, and provide a detailed mitigation plan, including a monitoring program, recovery, rehabilitation, redesign, relocation, and/or in situ preservation plan.	Building Survey (HABS) compliance				
<b>Overlay CUL-1c:</b> To ensure that projects requiring the relocation, rehabilitation, or alteration of a historical resource do not impact the resource's significance, the Secretary of Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible. The application of the standards shall be overseen by a qualified architectural historian or historic architect meeting the Professional Qualified Standards. Prior to any construction activities that may affect the historical resource, a Historic Resource Evaluation (HRE) identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and approval.	Review of Historical Resources Evaluation (HRE)	Prior to issuance of demolition, grading or building permit.	City of Petaluma Community Development Department		
<b>Overlay CUL-1d:</b> If a Project would result in the significant alteration of historical resources, recordation of the resource prior to construction activities will assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey, Historic American Engineering Record, or Historic American Landscape Survey documentation and shall be performed by an architectural historian or historian who meets the Professional Qualified Standards. Documentation shall include an architectural and historical narrative; medium- or large-format black-and-white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historical photographs.	Review of Historic American Buildings Survey, Historic American Engineering Record, or Historic American Landscape Survey compliance documentation	Prior to issuance of demolition, grading or building permit.	City of Petaluma Community Development Department		

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Documentation shall be reproduced on archival paper and placed in appropriate local, State, or federal institutions. The specific scope and details of documentation are to be developed in coordination with the City of Petaluma.					
<p><b>Overlay CUL-1e:</b> Future developments within the Overlay that propose height above 45-feet or a lot coverage about 80 percent would be required to obtain a Conditional Use Permit (CUP) issued by the Planning Commission (PC) based on specific findings after a public hearing. A CUP can only be granted if the building height is 75 feet or below. Affirmative findings for each of the following criteria, supported by substantial evidence in the record, is required for approval of a CUP application for increased height up to 60 feet:</p> <ol style="list-style-type: none"> <li>1. That the additional height is consistent with the applicable purposes of the proposed Overlay;</li> <li>2. That the additional height makes a positive contribution to the overall character of the area and the building would be compatible with its surroundings. The “positive contribution” and “compatibility” will be assessed using a combination of visual studies, line-of-sight drawings, photo simulations, 3-D modeling, and view shed analysis;</li> <li>3. That the additional height would not adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship in terms of harmony and appropriateness with its surroundings, including neighboring structures, nor adversely affect the character, or the historical, architectural, or aesthetic interest or value of the district;</li> </ol>	Review, processing, and approval of a Conditional Use Permit	Prior to issuance of demolition, grading or building permit.	City of Petaluma Community Development Department		

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<p>4. That the additional height would not result in unreasonable restrictions of light and air from adjacent properties or the public right-of-way, or otherwise be detrimental to the public health, safety, or welfare; and</p> <p>5. The building design expresses a relationship to an existing datum line or lines of the street wall or adjacent historic resource, if any.</p> <p>6. That the overall building design and the use of the site demonstrates exceptional architecture/design. "Exceptional" architecture/design may be demonstrated by any of the following:</p> <ul style="list-style-type: none"> <li>a. The use of innovative, creative or original architectural concepts, materials, or building techniques;</li> <li>b. The use of visual elements that contribute positively to the built environment, such as well-proportioned facades, pleasing materials, and unique features;</li> <li>c. The use of innovative building systems or forms, and/or the use of creative design, to increase building efficiency and to reduce energy consumption</li> <li>d. The use of low impact development and green infrastructure features in sustainable design and landscaping; or</li> <li>e. The use of high-quality building materials that contribute to long-term durability and visual quality.</li> </ul> <p>The determination of exceptional architecture/design shall be guided by the input of a qualified professional chosen by the City.</p> <p>Additional findings must be made for buildings that are between 60 and 75 feet. A Project must include at least two of the of the community benefits described in 1 and 2, and</p>					



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<p>one of the community benefits described in 3, 4, and 5 below:</p> <p>1. Improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/paseos, public plazas, parks. etc. For a project that would widen the sidewalk by increasing the ground floor building setback, a public outdoor amenity space shall be included in the design, and this space shall be designed and configured to provide adequate space for pedestrian movement and activity.; or</p> <p>2. Provides publicly accessible private open space, such as a street-level park or rooftop open space that is open to the public at least 8 hours per day and at least 120 days per year; and</p> <p>3. Respects and/or preserve cultural, historical, or archaeological resources that exist or occur-onsite or within the Overlay;</p> <p>4. Exceeds the minimum number of Inclusionary Dwelling units required by IZO Section 3.040; or</p> <p>5. Provides all required parking below grade.</p> <p>The Planning Commission may approve a Conditional Use Permit to allow for additional lot coverage above 80 percent if any one or more of the following are true for a project:</p> <p>1. The development improves the existing streetscape by providing widened sidewalks, additional street trees, new mid-block walkways/ paseos, public plazas, parks, etc.;</p>					

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<p>2. The additional lot coverage would reflect the prevailing development pattern established by the existing development within the block or abutting block;</p> <p>3. The development includes adequate provision for recycling and solid waste;</p> <p>4. The development includes adequate space for street trees; or</p> <p>5. The development includes other measures to enhance the pedestrian environment.</p> <p>If the Planning Commission does not make these requisite findings, it cannot issue a CUP and the project would not be approved.</p>					
<p><b>Overlay CUL-2:</b> To determine the archaeological sensitivity for individual development projects within the Overlay Area, and pursuant to General Plan Policy Impact 3-P-1(D-K), an archaeological resources assessment shall be performed under the supervision of an Archaeologist that meets the Secretary of the Interior’s Professional Qualified Standards in either prehistoric or historic archaeology. The assessments shall include a California Historical Resources Information System (CHRIS) records search at the Northwest Information Center (NWIC) and a search of the Sacred Lands File (SLF) maintained by the Native American Heritage Commission (NAHC). The records searches shall determine if the Project has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. A Phase I pedestrian survey shall be undertaken in areas that are developed and undeveloped to locate any surface cultural materials. The</p>	<p>Review of the Archaeological Resources Assessment to ensure compliance.</p>	<p>Prior to issuance of demolition, grading or building permit.</p>	<p>City of Petaluma Community Development Department</p>		

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<p>Federation Indians of Graton Rancheria (FIGR) shall be notified of the assessment and invited to participate in pedestrian survey(s). Tribal consultation with FIGR will occur during each phase: cultural identification, assessment, monitoring, discovery and post-discovery, reburial, etc., and will also include a FIGR Tribal Monitor for cultural awareness training, testing, and for all ground disturbing activities</p> <p>1. The City shall consult with FIGR to prioritize avoidance of impacts to tribal cultural resources by determining the most culturally sensitive approach to redesign the project, as feasible.</p> <p>2. If potentially significant archaeological resources are identified through an archaeological resources assessment, and impacts to these resources cannot be avoided, a Phase II Testing and Evaluation investigation shall be performed by an Archaeologist who meets the Professional Qualified Standards and a qualified FIGR Tribal Monitor prior to any construction-related ground-disturbing activities to determine significance. Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources, which includes but is not limited to, cultural sensitivity and awareness training, testing, and archaeological and FIGR Tribal monitoring. If resources are determined significant or unique through Phase II testing, the City shall consult with the qualified Archaeologist and in collaboration with the FIGR Tribal Monitor to determine the most culturally sensitive approach to redesign the project and avoid archaeological and tribal cultural resources as feasible. If resources are determined significant or unique through Phase II testing,</p>	Review of Phase II testing and evaluation report	Prior to issuance of demolition, grading or building permit.	City of Petaluma Community Development Department		

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and site avoidance is not possible, appropriate site specific mitigation measures shall be established and undertaken. These might include a Phase III data recovery program that would be implemented by a qualified Archaeologist, in collaboration with the Federated Indians of Graton Rancheria (FIGR) and any other consulting Tribes' involvement, and shall be performed in accordance with the California Office of Historic Preservation's (OHP) Archaeological Resource Management Reports (ARMR). Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of California Environmental Quality Act (CEQA) Guidelines. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the City of Petaluma, where they would be afforded long-term preservation to allow future scientific study. Any Tribal Cultural Resources encountered shall be managed in accordance with a City of Petaluma and FIGR approved treatment and recovery plan.	Completion of a pre-construction cultural resources training	Prior to initiation of construction activities	City of Petaluma Community Development Department		
3. If the archaeological assessment did not identify potentially significant archaeological resources within the proposed project area but indicated the area to be highly sensitive for archaeological resources and tribal cultural resources, or upon request by FIGR, then a pre-construction cultural resources training (which may include but is not limited to a cultural sensitivity and awareness training and testing) shall be conducted by a qualified Archaeologist and a qualified FIGR Tribal Monitor. The Archaeologist, in collaboration with the Tribal Monitor, shall inform all construction personnel prior to construction activities of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the	Monitoring and follow up by an Archaeologist who meets the Professional Qualified Standards, in collaboration with a qualified Native American Monitor.	As needed during construction	Archaeologist who meets the Professional Qualified Standards, in collaboration with a qualified Native American Monitor.		

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<p>project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources and tribal cultural resources. This shall be followed by monitoring of all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil by a qualified Archaeologist and qualified FIGR Tribal Monitor.</p> <p>In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities within 100 feet of the discovery shall be halted while the resources are evaluated for significance by an Archaeologist who meets the Professional Qualified Standards, in collaboration with a FIGR Tribal Monitor. If the discovery proves to be significant, the qualified Archaeologist, in collaboration with the Tribal monitor, shall make recommendations to the City of Petaluma on the measures that shall be implemented to protect the discovered resources, including but not limited to avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.</p> <p>4. If the archaeological assessment did not identify potentially significant archaeological resources but indicates the area to be of medium sensitivity for archaeological resources and tribal cultural resources, an Archaeologist who meets the Professional Qualified Standards and a qualified FIGR Tribal Monitor shall be retained on an on-call basis. The Archaeologist, in collaboration with the Tribal monitor, shall inform all construction personnel prior to construction activities about the proper procedures in the event of an archaeological discovery. The training shall be held in</p>	<p>On-call monitoring, as needed, by an Archaeologist who meets the Professional Qualified Standards, in collaboration with a qualified Native American Monitor.</p>	<p>As needed during construction</p>	<p>Archaeologist who meets the Professional Qualified Standards, in collaboration with a qualified Native American Monitor.</p>		

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conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources and tribal cultural resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities within 100 feet of the discovery shall be halted while the on-call Archaeologist is contacted. If the discovery proves to be significant, the qualified Archaeologist, in collaboration with the Tribal monitor, shall make recommendations to the City of Petaluma on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.					
<b>EKN CUL-2b: Archaeological Monitoring Plan and Archaeological Monitoring.</b> Prior to submittal of plans for building permit, the applicant shall obtain the services of a Secretary of Interior qualified Archaeologist to prepare an Archaeological Monitoring Plan (AMP) and provide archaeological and FIGR Tribal monitoring of project-related ground-disturbing activities. The AMP shall contain a provision for a pre-construction meeting and worker environmental Cultural Resource Awareness Training by a qualified Archaeologist and a qualified FIGR Tribal Monitor. The AMP shall take into account the findings of the Historical Human Remains Detection Canine (HHRDC) and Ground-Penetrating Radar (GPR) surveys and incorporate protocols for the identification, documentation and evaluation of buried archaeological features and human remains. The AMP shall provide details of the exploratory Phase II Auger testing that will occur prior to ground disturbing activities The AMP shall also provide procedures and guidelines for proper notification to FIGR, other Tribes, agencies, and stakeholders, as well as a curation and/or reburial plan for recovered	Review and approval of Archaeological Monitoring Plan (AMP)	Prior to submittal of plans for a building permit	City of Petaluma Community Development Department		

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<p>materials. The archaeological and FIGR Tribal monitor shall be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while it is being assessed.</p> <p>Archaeological and FIGR Tribal monitoring shall occur on a full-time basis until, in the Archaeologist's judgment, archaeological and Tribal resources are no longer likely to be encountered. A report shall also be prepared to document the findings after construction is completed and provided to the City of Petaluma and FIGR.</p>					
<p><b>EKN CUL-2b:</b> Archaeological Auger Testing. Prior to ground-disturbing activities, exploratory hand-auger excavation shall be conducted in the area marked in green on the aerial photograph in Figure 18 of the Results of the Ground-Penetrating Radar (GPR) and Historical Human Remains Detection Canine (HHRDC) Survey, prepared by Evans &amp; DeShazo Archaeology and Historic Preservation(EDS) on September 25, 2023, to determine the presence/absence of a Native American archaeological resources. The exploratory hand-auger excavation shall extend to at least 1 meter, which is the maximum depth in which the layered, sloping strata was detected by the GPR. The spoils produced from the excavations shall be screened through 0.25-inch mesh to inspect the soil for artifacts or other indications of an archaeological resource. Each excavation shall be backfilled upon completion. A qualified Archaeologist, a Federated Indians of Graton Rancheria (FIGR) Tribal Monitor shall be present for the excavation, and any artifacts identified within the excavations shall be subject to in-field analysis (i.e., photographs, descriptions, measurements, etc.),and any discovered tribal cultural resources be given to the FIGR Tribal Monitor for appropriate treatment.</p>	Review of test results of hand auguring	Prior to issuance of grading or building permit	City of Petaluma Community Development Department		

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<b>EKN CUL-2c:</b> Post-review Discoveries. If an archaeological deposit is encountered during project related ground-disturbing activities, all work within 50 feet of the discovery shall be redirected until a Secretary of Interior qualified Archaeologist, in collaboration with a FIGR Tribal Monitor, inspects the material, assess its historical significance, and provides recommendations for the treatment of the discovery. Potentially significant historic era resources may include all byproducts of human land use greater than 50 years of age, including subsurface deposits of domestic type material (e.g., glass, ceramic, metal, wood, faunal remains, brick), buried alignments of stone, brick, or foundation elements, or infrastructure related to previous buildings, and possible features associated with open workspaces or yard spaces (e.g., stone/brick foundations; chimney remains; ceramics; buttons; insignia; bullets; tools; and fragments of ceramics, glass, metal, wood, faunal, brick, concrete, coal, botanical remains). Potentially significant prehistoric resources include midden soils, artifacts such as faunal bone, groundstone, fire-affected rock, baked clay, modified bone and/or shell, flake stone debitage, flake stone tools, etc., and features such as house floors, cooking pits, and interred burials.	As needed, review of any archaeological deposits discovered during construction	As needed, during construction	City of Petaluma Community Development Department		
<b>EKN CUL-3:</b> If human remains are encountered within the project area during project-related ground-disturbing activities, all work must stop within 100-feet of the discovery area, the area and associated spoils shall be secured to prevent further disturbance. The Sonoma County Coroner must be notified immediately. It is important that the suspected human remains, and the area around them, are undisturbed and the proper authorities are called to the scene as soon as possible. The Coroner shall determine if the remains are prehistoric Native American remains or of modern origin and if any further investigation by the Coroner	Review of any documentation provided by the County Coroner and/or Most Likely Descendant	As needed, during construction	City of Petaluma Community Development Department, through review of documentation provided by the County Coroner and/or Most Likely Descendant		



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is warranted. If the remains are suspected to be prehistoric Native American remains, the Coroner shall contact the Native American Heritage Commission (NAHC) by telephone within 24-hours. The NAHC will immediately notify the person it believes to be the Most Likely Descendant (MLD) of the remains. The MLD has 48 hours to make recommendations to the landowner for treatment or disposition of the human remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in the project area, in a location that will be secure from future disturbances. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052). A Secretary of Interior qualified Archaeologist shall also evaluate the historical significance of the discovery and the potential for additional remains and provide further recommendations for the treatment of the resource in coordination with the MLD.					
<b>3.3 Land Use and Planning</b>					
<i>Implement Mitigation Measure Overlay Cul-1e</i>	See Overlay CUL-1e				
<b>4.1.2 Air Quality</b>					
<b>EKN AQ-1:</b> The latest Bay Area Air Quality Management District (BAAQMD) recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during shall be incorporated into construction plans to require implementation of the following throughout all construction activities:	Printing of BMPs on plan set.  As needed spot inspections during construction	Prior to issuance of grading or building permit  During construction	City of Petaluma Community Development Department  City of Petaluma grading/building inspectors		

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<p>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</p> <p>2. All haul trucks transporting soil, sand, or other loose material shall be covered.</p> <p>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).</p> <p>5. 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.</p> <p>6. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.</p> <p>7. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</p> <p>8. Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel. 9. Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air</p>					

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District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.					
<b>4.1.3 Biological Resources</b>					
<p><b>MM Overlay BIO-1</b> Should construction activities commence during the bird nesting season (February 15 to September 15), a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than 14 days prior to the start of ground-disturbing activities. Areas within 300 feet of construction shall be surveyed for active nests.</p> <p>Should active nests be identified, a disturbance-free buffer shall be established based on the needs of the species identified and shall be maintained until a qualified biologist verifies that the nestlings have fledged, or the nest has failed. Should construction activities cease for 14 consecutive days or more within the nesting season, an additional nesting bird survey shall be required prior to resuming ground-disturbing activities. Results of the nesting bird survey shall be submitted in writing to the City of Petaluma, Community Development Department.</p>	<p>Results of pre-construction survey</p> <p>If needed, confirmation of establishment of a buffer</p> <p>Confirmation of successful fledging</p>	<p>Prior to issuance of grading or building permit; or prior to re-initiation of construction if activities cease for more than 14 days</p> <p>As needed, during construction</p> <p>Prior to re-initiation of construction activities</p>	<p>City of Petaluma Community Development Department</p> <p>City of Petaluma, via confirmation by a qualified biologist</p> <p>City of Petaluma, via confirmation by a qualified biologist</p>		
<p><b>MM EKN BIO-2</b> The project shall incorporate design features such as window screens and coverings, window glazing, and overhangs to minimize risks of collisions with migrating avian species.</p>	<p>Review of building plans to ensure all measures are incorporated</p>	<p>Prior to issuance of building permit</p>	<p>City of Petaluma Community Development Department</p>		
<b>4.1.3 Biological Resources</b>					
<p><b>EKN GHG-2:</b> Prior to the issuance of a building permit, the proposed off-street parking located within the subterranean garage on the site of the proposed Hotel shall be designed and verified for compliance with CALGreen Tier 2 standards.</p>	<p>Review of plans to ensure compliance</p>	<p>Prior to issuance of building permit</p>	<p>City of Petaluma Community Development Department</p>		

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<b>4.1.5 Geology, Soils, and Seismicity</b>					
<b>EKN GEO-1:</b> All applicable recommendations set forth in the Design Level Geotechnical Investigation prepared by Miller Pacific Engineering Group on January 28, 2022, for the subject property, including, but not limited to recommendations related to seismic design, site preparation and grading, foundation designs, retaining wall designs, settlement monitoring (see also MM GEO-3), site and foundation drainage, interior concrete slabs-on-grade, exterior concrete slabs, underground utilities, and recommendations for wintertime construction shall be implemented. Final grading plan, construction plans, and building plans shall demonstrate that recommendations set forth in the geotechnical reports have been incorporated into the final design of the project and to the satisfaction of the City of Petaluma Public Works and Utilities Department.	Review of plans to ensure compliance	Prior to issuance of grading or building permit	City of Petaluma Public Works and Utilities Department		
<b>EKN GEO-2:</b> Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma's Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code. These plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during construction activity on the project site.	Review of erosion control plan to ensure compliance	Prior to issuance of grading permit	City Engineer		
<b>EKN GEO-3:</b> Upon submittal of plans for project construction, a damage assessment of all existing adjacent structures and improvements shall be submitted to the City of Petaluma Community Development Department. The damage	Review of assessment of existing adjacent structures	Prior to issuance of building permit	City of Petaluma Community Development Department		

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assessment shall document existing conditions of adjacent improvements, including foundation cracking, un-level floors, out of plumb walls, out of square door/window openings, etc. Upon excavation of the proposed basement, vertical and lateral control points shall be established. Throughout project construction, the control points shall be periodically measured and monitored by a licensed surveyor to determine whether any vertical or lateral movement is occurring adjacent to the excavation. If any movement is observed/measured, steps shall be taken to strengthen the excavation shoring to control settlements and lateral movements. All measurements shall be provided to the City of Petaluma Community Development Department.	Periodic inspection	Periodically, throughout construction	City of Petaluma Community Development Department will review licensed surveyor measurements		
<p><b>EKN GEO-4:</b> Prior to the start of construction activities, a Qualified Paleontologist that meets the standards of the Society of Vertebrate Paleontology (SVP) shall be retained to prepare and conduct pre-construction worker paleontological resources sensitivity training. The training shall include information on what types of paleontological resources could be encountered during excavations, what to do in case an unanticipated discovery is made by a worker (i.e., discoveries made within the first 10 feet below ground surface [BGS]), and laws protecting paleontological resources. All construction personnel shall be informed of the possibility of encountering fossils and instructed to immediately inform the construction foreman or supervisor if any bones or other potential fossils are unexpectedly unearthed during construction.</p> <p>The Qualified Paleontologist or Paleontological Monitor (under the supervision of the Qualified Paleontologist shall monitor mass grading and excavation activities below 10 feet BGS in areas within the project site identified as likely to</p>	Completion of pre-construction paleontological sensitivity training	Prior to any ground disturbing activity	City of Petaluma Community Development Department		

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<p>contain paleontological resources. Unanticipated discovery procedures shall be included in the paleontological resources sensitivity training to address any potential discoveries in the first 10 feet BGS. Monitoring activities may be increased or decreased based on fossil finds (or the lack thereof), at the discretion of the Qualified Paleontologist.</p> <p>If a paleontological resource is discovered during construction, the Paleontological Monitor shall be empowered to temporarily divert or redirect grading and excavation activities in the area of the exposed resource to facilitate evaluation of the discovery. An appropriate buffer area shall be established by the Qualified Paleontologist around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All significant fossils shall be collected by the Paleontological Monitor and/or the Qualified Paleontologist. Collected fossils shall be prepared to the point of identification and cataloged before they are submitted to their final repository. Any fossils collected shall be curated at a public, non-profit institution with a research interest in the materials, such as the University of California Museum of Paleontology (UCMP). A final report of findings and significance will be prepared by the Qualified Paleontologist, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s).</p>	Establishment of a buffer area, as needed	As needed during construction	City of Petaluma Community Development Department, via input from Paleontological monitor		
<b>4.1.6 Greenhouse Gas Emissions</b>					
<b>EKN GHG-1:</b> The most current, at time of project approval, Bay Area Air Quality Management District- (BAAQMD-) recommended Best Management Practices (BMPs) to control for construction-related greenhouse gas (GHG) emissions	Printing of BMPs on plan set.	Prior to issuance of grading or building permit	City of Petaluma Community Development Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>shall be incorporated into construction plans to require implementation throughout all construction activities.</p> <p>1. Use zero-emission and hybrid-powered equipment to the greatest extent possible, particularly if emissions are occurring near sensitive receptors or located within a BAAQMD-designated Community Air Risk Evaluation (CARE) area or Assembly Bill 617 community.</p> <p>2. Require all diesel-fueled off-road construction equipment be equipped with United States Environmental Protection Agency (EPA) Tier 4 Final compliant engines or better as a condition of contract.</p> <p>3. Require all on road heavy-duty trucks to be zero emissions or meet the most stringent emissions standard, such as model year (MY) 2024 to 2026, as a condition of contract.</p> <p>4. Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 2 minutes (A 5-minute limit is required by the State Airborne Toxics Control Measure (ATCM) (Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations). Provide clear signage that posts this requirement for workers at the entrances to the site and develop an enforceable mechanism to monitor idling time to ensure compliance with this measure.</p> <p>5. Prohibit off-road diesel-powered equipment from being in the “on” position for more than 10 hours per day.</p> <p>6. Use California Air Resources Board–approved renewable diesel fuel in off road construction equipment and on road trucks.</p>					

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<p>7. Use EPA SmartWay certified trucks for deliveries and equipment transport.</p> <p>8. Require all construction equipment is maintained and properly tuned in accordance with manufacturer's specifications. Equipment should be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>9. Where grid power is available, prohibit portable diesel engines and provide electrical hook ups for electric construction tools, such as saws, drills and compressors, and using electric tools whenever feasible.</p> <p>10. Where grid power is not available, use alternative fuels, such as propane or solar electrical power, for generators at construction sites.</p> <p>11. Encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking to construction workers and offer meal options on-site or shuttles to nearby meal destinations for construction employees.</p> <p>12. Reduce electricity use in the construction office by using light-emitting diode (LED) bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.</p> <p>13. Minimize energy used during site preparation by deconstructing existing structures to the greatest extent feasible.</p>					



Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>14. Recycle or salvage nonhazardous construction and demolition debris, with a goal of recycling at least 15 percent more by weight than the diversion requirement in Title 24.</p> <p>15. Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products used should be certified through a sustainable forestry program.</p> <p>16. Use low carbon concrete, minimize the amount of concrete used and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix.</p> <p>17. Develop a plan to efficiently use water for adequate dust control since substantial amounts of energy can be consumed during the pumping of water.</p> <p>18. Include all requirements in applicable bid documents, purchase orders, and contracts, with successful contractors demonstrating the ability to supply the compliant on- or off-road construction equipment for use prior to any ground-disturbing and construction activities.</p>					
<b>MM EKN GHG-2:</b> Prior to the issuance of a building permit, the proposed off-street parking located within the subterranean garage on the site of the proposed Hotel shall be designed and verified for compliance with CALGreen Tier 2 standards.	Review of plans and specifications to ensure compliance	Prior to issuance of building permit	City of Petaluma Community Development Department		
<b>4.1.7 Hazards and Hazardous Materials</b>					
<b>EKN HAZ-1:</b> Prior to approval of ground-disturbing activities, the applicant shall submit a site- and project-specific Health	Review and approval by the City and Sonoma	Prior to issuance of a grading permit	City of Petaluma Community		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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and Safety Plan (HASP) and a Soil Management Plan (SMP) to the Sonoma County Department of Health Services and the City of Petaluma, Community Development Department. The HASP shall be developed in accordance with 29 Code of Federal Regulations. In addition to compliance with federal regulations, the HASP shall address potential exposure due to dermal contact and inhalation of residual total petroleum hydrocarbons (TPH) and benzene, shall specify an air monitoring program for volatile organic compounds (VOCs) when performing subsurface earthwork, and shall specify appropriate personal protective equipment (PPE) to be used. The SMP shall include, at a minimum, dust control and monitoring measures, management of stockpiles, and procedures to follow for disposal of soil off-site, including required testing for TPH and benzene.	County Department of Health Services of a Health and Safety Plan (HASP) and a Soil Management Plan (SMP)		Development Department		
<p><b>EKN HAZ-2:</b> Upon submittal of building permit plans, the project applicant shall demonstrate compliance (e.g., include directly in project plans, provide written documentation, etc.) with all requirements of the Risk Management Plan included as 'Exhibit B' to the Covenant and Environmental Restriction recorded against the property, as summarized below. In addition, the applicant shall comply with project-specific recommendations provided by the Regional Water Quality Control Board (RWQCB) in July 2022. This measure shall not be construed to preclude requirements of the Risk Management Plan (RMP) that are not explicitly listed here.</p> <p>1. The first floor of the proposed Hotel shall be restricted to industrial, commercial, and/or office space only; no Hotel rooms or day care shall be permitted.</p> <p>2. Concurrent with submittal of building permit plans, provide a copy of written approval to the City of Petaluma, Community Development Department from the Sonoma</p>	Review of plans and any other submitted documentation to ensure compliance with the Risk Management Plan	Prior to issuance of a building permit	City of Petaluma Community Development Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>County Department of Health Services for the project as it involves disturbance of more than 5 cubic yards of soil (RMP, Section 2.0).</p> <p>3. Prior to groundwater extraction or discharge, including construction dewatering, soil or groundwater sampling, or soil reuse or disposal, written approval from the Sonoma County Department of Health Services shall be obtained and a copy shall be provided to the City of Petaluma, Community Development Department (RMP, Section 2.0(d, e, f).</p> <p>4. At least three working days prior to commencement of ground-disturbing activities, groundwater extraction or construction dewatering, soil or groundwater sampling, or soil reuse or disposal, provide written notification to the Sonoma County Department of Health Services and the Regional Water Quality Control Board (RWQCB). Proof of notification shall be provided to the City of Petaluma, Community Development Department (RMP, Section 3.0(B)).</p> <p>5. Following excavation of the proposed 7,140 cubic yards of soil, collect soil confirmation samples and grab-groundwater samples from the resulting excavation pit. 6. Upon submittal of plans for building permit, demonstrate incorporation of a Liquid Boot® membrane/liner or equivalent and a LiquidBoot® Geo Vent system or equivalent beneath the slabs of all proposed building (RMP mitigation measures 3, 4).</p> <p>7. Throughout project construction, any equipment used in subsurface activities shall be decontaminated using visual inspection to verify that all residual soils or groundwater have been removed prior to leaving the property (RMP, Section 6.0(D)).</p>					

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>8. Following completion of project development and prior to issuance of a certificate of occupancy, collect paired subslab and indoor air samples to ensure effectiveness of the required vapor barriers and venting systems.</p> <p>9. Throughout project operation, if disturbance to hardscape, building slabs, or the vapor barrier system occurs, a written plan must be prepared for any such work, and must include the method and timing for reinstatement. (RMP, Section 5.0(A).</p> <p>10. Throughout project operation, the owner and/or operator shall be responsible for submitting an annual summary report to the Sonoma County Department of Health Services and the RWQCB that describes, in detail, the type, cause, location, and date of all of the previous year's disturbance, if any, to any hardscape or mitigation measure, any remedial measures taken or remedial equipment installed, and any groundwater monitoring system installed on the property pursuant to the requirements of the Sonoma County, which could affect the ability of such mitigation measures, remedial measures and/or equipment, or monitoring system to perform their respective functions and the type and date of repair of such disturbance (RMP, Section 7.0).</p>					
<b>4.1.10 Noise</b>					
<p><b>EKN NOI-1:</b> The following Best Construction Management Practices shall be implemented to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:</p> <p>1. Pursuant to the Implementing Zoning Ordinance, restrict noise generating activities at the construction site or in areas</p>	<p>Printing of BMPs on plan set.</p> <p>As needed inspection during construction</p>	<p>Prior to issuance of grading or building permit</p> <p>As needed, during construction</p>	City of Petaluma Community Development Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>adjacent to the construction site to the hours between 7:00 a.m. and 10:00 p.m., Monday through Friday and 9:00 a.m. to 10:00 p.m. on Saturday, Sunday, and State, federal, or local Holidays.</p> <p>2. Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists.</p> <p>3. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</p> <p>4. Locate all stationary noise generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent receptors.</p> <p>5. Acoustically shield stationary equipment located near adjacent receptors with temporary noise barriers.</p> <p>6. Locate staging areas and construction material areas as far away as possible from adjacent receptors.</p> <p>7. Prohibit all unnecessary idling of internal combustion engines.</p> <p>8. Route all construction traffic to and from the project site via designated truck routes and prohibit construction-related heavy truck traffic in residential areas where feasible.</p> <p>9. Notify all adjacent receptors of the construction schedule in writing.</p> <p>10. Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about</p>			City of Petaluma Grading and Building Inspectors		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented.</p> <p>11. 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.</p>					
<p><b>EKN NOI-2:</b> The following measures shall be implemented when construction activities occur within 20 feet of adjacent buildings:</p> <p>1. Prohibit the use of heavy vibration-generating construction equipment within 20 feet of adjacent buildings.</p> <p>2. Use a smaller vibratory roller, such as the Caterpillar Model CP433E vibratory compactor, when compacting materials within 20 feet of adjacent buildings. Only use the static compaction mode when within 10 feet of the adjacent buildings.</p> <p>3. Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects, within 20 feet of adjacent buildings.</p> <p>4. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of the designated person shall be clearly posted on the construction site.</p>	<p>Printing of BMPs on plan set.</p> <p>As needed inspection during construction</p>	<p>Prior to issuance of grading or building permit</p> <p>As needed, during construction</p>	<p>City of Petaluma Community Development Department</p> <p>City of Petaluma Grading and Building Inspectors</p>		
<b>4.1.14 Transportation</b>					
<p><b>EKN TRA-1:</b> Upon submittal of plans for building permit, the applicant shall submit a Valet Service Plan prepared by a</p>	<p>Review and approval of Valet Plan</p>	<p>Prior to issuance of building permit</p>	<p>City of Petaluma Community</p>		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>licensed traffic engineer. The Plan shall be subject to review and approval by the City of Petaluma prior to issuance of building permits, and on an annual basis after the start of operation. The Plan shall, at a minimum ensure the three-vehicle capacity is not exceeded.</p> <p>The Plan may include any combination of the following measures, or other similarly effective measures, in order to prevent employee use of the valet parking spaces:</p> <ul style="list-style-type: none"> <li>• All employees of the Hotel who drive their own vehicle to work or who carpool to work with other employees must register their primary vehicle with the hotel operator. Employee vehicles will include a decal. A reporting form shall be maintained by the hotel and be updated monthly to reflect any new hires or employee departures. At hiring/orientation, all employees will be informed of all hotel and local parking policies.</li> <li>• Employees will be instructed to park on the hotel grounds and will be prohibited from parking in public spaces/streets.</li> <li>• The parking plan and policies will be included in all employee training manuals and handbooks to be developed prior to occupancy and utilize for all employee training sessions pre-opening and through ongoing operations.</li> <li>• Starting at 12 to 18 months after initial occupancy, and annually thereafter, until no longer deemed necessary to the City, the hotel management team shall prepare and submit a parking compliance report to The Planning Department. The report shall list the number of employees traveling to work by vehicle, the number of reported and observed infractions in a given year, and the success of</li> </ul>			Development Department		

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>participation in ride sharing, carpool, vanpool, and public transit incentive programs.</p> <ul style="list-style-type: none"> <li>• All employees, upon training and employee initiation, shall be informed that local transit passes are available to all employees free of charge. Employees will receive information on alternative transportation options. Employees will utilize vanpools, carpools, ride sharing, or public transit must also be informed that if the irregular means of transportation to/from work is somehow compromised, that hotel management is obligated to provide the employee with a “free ride” home via taxi, Uber, Lyft, or other method with no cost to the employee. The number of employees utilizing transit passes and the “free ride” home program will be documented in the annual compliance report.</li> <li>• In the employee dining area, all transit-related information will be posted. This information will include but is not limited to: ridesharing boards, and information regarding local mass transit routes, and free public transit passes must be posted at all times. Verification by the Planning Department prior to issuance of a Certificate of Occupancy shall be made available upon inspection by the Planning Department on an ongoing basis.</li> <li>• Employees shall have access to locker rooms with showers (both male and female) at all times during their employment. This facility is a part of the project plans and shall be verified by the Planning Department staff prior to certificate of occupancy. These facilities shall be inspected to ensure they are in clean and working order on an ongoing basis by the Planning Department, upon request.</li> </ul>					



Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<ul style="list-style-type: none"> <li>Employees wishing to bike to work shall have access to secure bike storage facilities. Those employees who bike to work shall register with human resources and shall inform human resources in the event that they are unable to bike to work for a particular reason including inclement weather. Human resources will work to either provide temporary parking passes to employees who will need to drive to work for a limited period of time, or assist in finding carpools vanpools, or ride sharing services or public transit services for these employees.</li> </ul> <p>The Plan may include any combination of the following measures, or other similarly effective measures, for Hotel guest valet parking:</p> <ul style="list-style-type: none"> <li>Starting with reservations, prospective and confirmed hotel guests will be made aware of the multiple transportation offers available to them including complimentary transfers upon request.</li> <li>On the Hotel website, information will be made available to guests and prospective guests.</li> <li>Upon requests, all guest wishing to travel to/from the hotel to local destinations will be provided with complimentary transit in a hotel owned or leased vehicle.</li> <li>Guests will be notified at the time of reservation, confirmation, and check-in that parking is valet only.</li> <li>At check in, the valet will take the guest's name with the make, model, name, color, and license plate number of the guest's vehicle. Hotel management will respond to complaints if they notice a resort guest utilizing public streets. The hotel will have a guest's vehicle information on file and will</li> </ul>					

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<p>immediately contact the guest to have the vehicle moved to the hotel parking lot.</p> <p>The Plan may include any combination of the following measures, or other similarly effective measures, for special events and valet parking:</p> <ul style="list-style-type: none"> <li>• Hotel events shall be valet only. All events shall feature a form of validation for guest valet parking such that staff can monitor the number of guest's valet parking vehicles on site for a given event.</li> <li>• Hotel management shall produce event-related compliance reports starting 12-18 months after occupancy, and then every year thereafter until no longer deemed necessary by the Planning Department. The report shall be generated for events exceeding 50 people in size, or when the cumulative number of outside event guests on site at a given time is 100 or more. The reports shall list the type of event, the number of patrons at the event, the time of the event, the number of employees staffing the event, and the number of valet tickets utilized for a particular event.</li> </ul>					