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 270 & 280 Casa Grande Road Creekwood Housing Development Project (SCH #2022100452) ("Project") and means for mitigating those impacts. For the purpose of these Findings, the term Environmental Impact Report (EIR) means the Draft, and Final EIR documents collectively, along with all attachments and references, 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, and the Responses to Comments. Full descriptions of the impacts and analyses are contained in the EIR.

SECTION 2: 270 AND 280 CASA GRANDE ROAD CREEKWOOD HOUSING DEVELOPMENT PROJECT DESCRIPTION

2.1 Project Location

The Project site consists of two parcels with addresses of 270 & 280 Casa Grande Road, totaling an approximately 5.2 acres and located in the City of Petaluma (Assessor Parcel Number [APN] 017-410-042). The 280 Casa Grande parcel contains a single-family home, that is proposed to be demolished along with undeveloped land covered in non-native grasses. The 270 Casa Grande parcel also contains a single-family home, that would be retained with the proposed Project, along with several associated accessory structures and a small orchard in the northeast corner of the Project site located near Adobe Creek (Creek).

The Project site's northern boundary abuts the Casa Grande Senior Apartments. A single-family residence located at 500 Casa Grande Road is located further to the north and abuts the Casa Grande Senior Apartments' northern property line. The Project site is bound to the west by Casa Grande Road and to the east by the Creek and its associated riparian corridor. Casa Grande High School and Crinella Park are located to the west, across Casa Grande Road, from the Project site. A single-family residential neighborhood is located to the east, across from the Creek, with access from Spyglass Road. A walking path is located on the west side of Spyglass Road, allowing north-south access along the Creek. Further east from the single-family residences is a multifamily neighborhood, to which Lakeville Circle provides access. The Project site's southern boundary abuts the Casa Grande Subdivision (now referred to as Makenna), which consists of 36 single-family residential units. An existing single-family residential neighborhood is located further to the south and abuts the southern property line of the Casa Grande Subdivision site

2.2 Project Objectives

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

The Project's objectives are to:

- Promote and maximize new and diverse for-sale housing opportunities within the City limits and urban growth boundary through using an existing residentially zoned property;

- Develop a high-quality residential project within the eastern City limits that is compatible with existing residential subdivisions to the east and south of the Project site, Casa Grande High School to the west of the site, and the Petaluma Ecumenical Properties Senior Housing to the north of the site;

- Develop for-sale inclusionary housing that provides site location and model types in an equitable manner;

- Construct a public multi-use pathway through the Project site and along the westerly side of Adobe Creek that connects to the Casa Grande Subdivision public pathway to the south and allows for future extension to the north of the site;

- Install a bridge connection over Adobe Creek that connects the proposed public multi-use pathway with the residential neighborhoods to the east of the Project site, allowing for pedestrian access from the easterly residential neighborhoods to Casa Grande High School and the Casa Grande Road transit locations to the west of the Project site;

- Provide public access and maintenance access to a landlocked and isolated site; and

- Preserve Adobe Creek in its natural state.

2.3 Project Description

The proposed 270 and 280 Casa Grande Creekwood Housing Development Project consists of the demolition of the on-site residence at 280 Casa Grande Road, retention of the existing residence at 270 Casa Grande Road, development of 59 dwelling units, construction of various on-site road and utility improvements, landscaping, and a new off-site public multi-use pathway, with a bridge connection over the Creek. The Project would require City approval of a Vesting Tentative Parcel Map, Site Plan and Architectural Review, and a Tree Removal Permit.

The Project would include a Vesting Tentative Parcel Map, in accordance with Petaluma Municipal Code (PMC) Chapter 20.18, to establish a single-lot parcel (Parcel 1) to allow the sale of the proposed dwelling units as condominiums and a 0.637-acre Remainder that would not be a part of the proposed residential community. The purpose of the Remainder is to allow the property owner of 270 Casa Grande Road to retain their residence and continue to live on the property. Following the demolition of the 280 Casa Grande Road on-site residence in the site's western portion, the proposed 59 dwelling units would be constructed across three blocks (Blocks 1, 2, and 3). Block 1 units would be arranged in tri-plex configurations with three stories and a building height of 33 feet and four inches and designed in accordance with two plan types. Units within Blocks 2 and 3 would primarily be arranged in duet unit configurations with two stories and building heights ranging from 23 feet and one inch to 26 feet and one inch and designed in accordance with five plan types. All new dwellings would be located beyond the 50-foot setback that applies to new development when adjacent to a creek.

The proposed Project would also include an off-site multi-use pathway and pedestrian bridge connection over the Creek. The multi-use pathway would be 10 feet in width and installed along

the Project site's eastern boundary, west of the Creek, with a connection east of the Creek complying with the City's Bike and Pedestrian Master Plan. The pedestrian bridge would connect the proposed multi-use pathway along the west side of the Creek to the existing/planned path along Spyglass Road on the east side of the Creek. The bridge would be 90 feet in length and eight feet in width. Safety rails standing a minimum of 4.5 feet in height would line each side of the bridge.

2.4 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 Draft EIR:

- The **No Project (No Build)** alternative assumes the continuation of existing conditions within the Project site.

- The **No Bridge** alternative would include the development of 59 units, on- and off-site roadway improvements, and an off-site public multi-use pathway. However, the bridge connection over the creek for the public multi-use pathway would not be developed.

- The **Affordable Housing** alternative would have the 59 residential units proposed to be developed on-site be offered as affordable housing. All other improvements proposed as part of the Project would be developed.

A more detailed description of these alternatives, and required findings, are set forth in **Section 6: Findings Regarding 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 EIR and 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 Biological Resources

- The proposed Project would not interfere substantially with the movement of any 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. (**Impact 4.1-9**)

- Implementation of the proposed Project would not result in cumulative loss of habitat for special-status species. (**Impact 4.1-11**)

3.2 Hydrology and Water Quality

- The proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate

or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. (**Impact 4.3-3**)

- The proposed Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation. (**Impact 4.3-4**)

- The proposed Project would not result in cumulative impacts related to the violation of water quality standards or waste discharge requirements, and impacts resulting from the alteration of existing drainage patterns. (**Impact 4.3-5**)

3.3 Transportation

- The proposed Project would not conflict with a program, plan, ordinance, or policy, except LOS, addressing the circulation system, including transit, roadway bicycle, and pedestrian facilities, during operations. (**Impact 4.4-2**)

- The proposed Project would not substantially increase hazards to vehicle safety due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access. (**Impact 4.4-4**)

3.4 Effects Evaluated within the Initial Study

- Have a substantial adverse effect on a scenic vista.

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

- In non-urbanized areas, substantially degrade the existing visual character of quality of public views of site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

- Conflict with existing zoning for agricultural use, or a Williamson Act contract.

- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

- Result in the loss of forest land or conversion of forest land to non-forest use.

- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

- Conflict with or obstruct implementation of the applicable air quality plan.

- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

- Expose sensitive receptors to substantial pollutant concentrations.

- Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

- Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

- Disturb any human remains, including those interred outside of dedicated cemeteries.

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; ii. Strong seismic ground shaking; iii. Seismic-related ground failure, including liquefaction; and iv. Landslides.

- Result in substantial soil erosion or the loss of topsoil.

- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.

- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires.

- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

- Physically divide an established community.

- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

- Generation of excessive groundborne vibration or groundborne noise levels.

- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

- Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure).

- Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: a. Fire protection; b. Police protection; c. Schools; d. Parks; and e. Other Public Facilities.

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

- Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

- 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.

- Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

- Substantially impair an adopted emergency response plan or emergency evacuation plan.

- Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

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

The Draft EIR identified certain potentially significant effects that could result from implementation of the Project. However, based upon substantial evidence in the EIR and 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, as the recommended mitigation measures will be enforced as conditions of approval. The following summarizes the rationale to support these findings, as presented in detail, including the data and analysis, in the Final EIR:

4.1 Biological Resources

Impact 4.1-1: Have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.

However, implementation of **Mitigation Measure 4.1-1** would reduce proposed Project effects on substantial adverse impacts to special-status plant species to less than significant

Mitigation Measure

4.1-1: Prior to initial ground-disturbing activities, special-status plant surveys shall be conducted by a qualified biologist in areas proposed for disturbance in accordance with the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants, the CNPS Botanical Survey Guidelines of the California Native Plant Society, and CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. A report summarizing the results of the special-status plant surveys shall be submitted for review and approval to the City of Petaluma Community Development Department. If special-status plant species are not found, further mitigation shall not be required.

If special-status perennial species are found within the proposed impact area, such as Sanford's arrowhead, the plants shall be dug up and transplanted into a suitable avoided area on-site (or elsewhere as appropriate to facilitate greatest success of transplanting) prior to construction. If the plant found is an annual, such as Pacific Grove clover, then mitigation shall consist of collecting seed-bearing soil and spreading it into a suitable constructed wetland at a mitigation site. If special-status plants would be impacted, as determined by a qualified biologist, a mitigation plan shall be developed and submitted for review and approval to the City of Petaluma and California Department of Fish and Wildlife (CDFW). Mitigation for the transplantation and/or establishment of rare plants shall result in no net loss of individual plants after a five-year monitoring period.

Finding for Impact 4.1-1: Mitigation Measures 4.1-1 would reduce proposed Project effects on substantial adverse impacts to special-status plant species to less than significant. Pursuant to

CEQA Guidelines, the City finds that **Mitigation Measures 4.1-1** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-1** to a less-than-significant level.

Rationale for Finding: Mitigation requires appropriately conducted preconstruction surveys by a qualified biologist to identify special-status species. If special-status plants are found, appropriate mitigations such as transplanting or redistributing selected species as required by the CDFW would reduce the adverse effects on special-status plants. Therefore, after applying the measure, the impact would be less than significant.

Impact 4.1-2: Have a substantial adverse effect, either directly or through habitat modifications, on western bumble bee.

However, implementation of **Mitigation Measures 4.1-2(a)** and **4.1-2(b)**would reduce proposed Project effects on western bumble bees to less than significant.

Mitigation Measures

4.1-2(a): If feasible, initial ground-disturbing activities associated with the proposed project (e.g., grading, vegetation removal, staging) shall take place between September 1 and March 31 (i.e., outside the colony active period) to avoid potential impacts on western bumble bee. If completing all initial ground-disturbing activities between September 1 and March 31 is not feasible, then at a maximum of 14 days prior to the commencement of construction activities, a qualified biologist with 10 or more years of experience conducting biological resource surveys within California shall conduct a preconstruction survey for western bumble bees in the area(s) proposed for impact.

The survey shall occur during the period from one hour after sunrise to two hours before sunset, with temperatures between 65 degrees Fahrenheit and 90 degrees Fahrenheit, with low wind and zero rain. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present within the area proposed for impact, and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources. Suitable floral resources for western bumble bee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon.

At a minimum, preconstruction survey methods shall include the following:

- Search areas with floral resources for foraging western bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging western bumble bees are present;

- If western bumble bees are observed, watch any special-status western bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest;
- Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat;
- If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of a minimum of four inches to assist with locating the nest;
- Look for concentrated western bumble bee activity;
- Listen for the humming of a nest colony; and
- If western bumble bees are observed, attempt to photograph the individual and identify it to species.

The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed western bumble bee activity, a description of any vegetation removed to facilitate the survey, and their determination of if survey observations suggest a western bumble bee nest(s) may be present or if construction activities could result in take of western bumble bee. The report shall be submitted to the City of Petaluma Community Development Department prior to the commencement of construction activities.

If western bumble bees are not located during the preconstruction survey, then further mitigation or coordination with the CDFW is not required.

If any sign(s) of a bumble bee nest is observed, and if the species present cannot be established as a common bumble bee, then construction shall not commence until either (1) the bumble bees present are positively identified as common (i.e., not a western bumble bee), or (2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include, but not be limited to, waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit (ITP) from CDFW.

If western bumble bees are located, and after coordination with CDFW take of western bumble bees cannot be avoided, the project applicant shall obtain an ITP from CDFW, and the applicant shall implement all conditions identified in the ITP. Mitigation required by the ITP may include, but not be limited to, the project applicant translocating nesting substrate in accordance with the latest scientific research to another suitable location (i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the project site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.

4.1-2(b): If western bumble bees are identified on-site by a qualified biologist, the following provisions shall be implemented to offset the loss or disturbance of foraging habitat (native forbs and shrubs): plant species that are known nectar sources of the western bumble bee shall be replaced at a 2:1 ratio, or as otherwise recommended by a

qualified biologist and CDFW, and shall be included in a revised landscaping plan. The revised landscaping plan shall be submitted to the City of Petaluma Community Development Department for review and approval prior to commencement of construction activities. Plant species shall be sited in concentrated locations selected in consultation with a qualified biologist and CDFW, as necessary, to ensure the long-term survival of such plants and to limit disturbance throughout project operation. Plant species known to benefit the western bumble bee include, but are not limited to, Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon. If western bumble bee are not identified on-site, the requirements of this measure shall be limited to the inclusion of native plant species in the aforementioned taxonomic families within the project landscaping plan, to the satisfaction of the City of Petaluma Community Development Department.

Finding for Impact 4.1-2: Mitigation Measures 4.1-2(a) and **4.1-2(b)** would reduce proposed Project effects on western bumble bees to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measures 4.1-2(a)** and **4.1-2(b)** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-2** to a less-than-significant level.

Rationale for Finding: Mitigation requires the completion of a preconstruction survey by a qualified biologist to identify special-status species and additional protective measures if western bumble bees are identified. Additionally, to address indirect impacts resulting from habitat modification if western bumble bees are identified on-site, the Project shall replace known nectar centers at a 2:1 ratio, as shown in a landscaping plan to be submitted to the City of Petaluma Community and Development Department for approval. Therefore, after applying these measures, the impact would be less than significant.

Impact 4.1-3: Have a substantial adverse effect, either directly or through habitat modifications, on anadromous fish.

However, implementation of **Mitigation Measures 4.1-3(a)**, **(b)**, and **(c)** would reduce proposed Project effects on substantial adverse impacts to anadromous fish to less than significant.

Mitigation Measures

4.1-3(a): Construction activities within 50 feet of Adobe Creek (Creek) shall be conducted outside of the known salmonid winter and fall runs (known to occur from November to April for the project region). Prior to issuance of grading permit, the foregoing provision shall be noted on the final improvement plans, which shall be subject to review and approval by the City of Petaluma Community Development Department. The City shall also coordinate with the National Oceanic and Atmospheric Administration (NOAA) Fisheries/West Coast Region to obtain its concurrence that the language is acceptable, prior to approval of final improvement plans.

4.1-3(b): Prior to the commencement of construction, standard erosion-control best management practices (BMPs) shall be implemented around the proposed disturbance areas. A qualified biologist shall be present during installation of the BMPs to ensure special-status wildlife species are not harmed during installation or become entrapped within the disturbance area. The BMPs shall be included in the

final improvement plans and subject to review and approval by the City of Petaluma Community Development Department. The City shall also coordinate with the NOAA Fisheries/West Coast Region to obtain its concurrence that the BMPs are acceptable, prior to approval of final improvement plans.

4.1-3(c): Implement **Mitigation Measures 4.1-7(a)** and **4.1-7(b)** and **Mitigation Measures 4.1-8(a) through 4.1-8(c)**.

Finding for Impact 4.1-3: Mitigation Measures 4.1-3(a), **(b)**, and **(c)** would reduce proposed Project effects on substantial adverse impacts to anadromous fish to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measures 4.1-3(a)**, **(b)**, and **(c)** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-3** to a less-than-significant level.

Rationale for Finding: The Creek provides a suitable habitat for many anadromous fish species, with Steelhead having been documented in the CNDDB. The Project would include installation of a span bridge that could result in discharges of erosion/sedimentation to Creek waters during construction. If construction is done between November and April, there could be significant adverse effects to the autumn and winter runs of local anadromous fish species. However, by following **Mitigation Measures 4.1-7** and **4.1-8,** which includes completing a preconstruction survey by a qualified biologist along with implementation of necessary protective measures by way of temporary exclusion fencing, awareness training, and installation of project-specific stormwater Best Management Practices (BMPs) around disturbance areas, the impact to anadromous fish would be minimized. Therefore, after applying these measures, the impact would be less than significant.

Impact 4.1-4: Have a substantial adverse effect, either directly or through habitat modifications, on foothill yellow-legged frog, California red-legged frog, and northwestern pond turtle.

However, implementation of **Mitigation Measures 4.1-4(a)** through **4.1-4(g)** would reduce proposed Project effects on substantial adverse impacts to foothill yellow-legged frog (FYFL), California red-legged frog (CRLF), and northwestern pond turtle to less than significant.

Mitigation Measures

4.1-4(a): Within 14 days prior to the commencement of construction (including tree trimming and removal), a qualified biologist approved by the U.S. Fish and Wildlife Service (USFWS) and/or CDFW shall conduct preconstruction surveys of all areas proposed for ground disturbance within suitable habitats for special-status species, including foothill yellow-legged frog (FYLF), California red-legged frog (CRLF), and northwestern pond turtle. The preconstruction surveys shall occur in areas within and adjacent to the project site to determine if the foregoing special-status species are present and shall not be completed more than five days prior to the initiation of grading activities in habitats where FYLF, CRLF, and northwestern pond turtle have potential to occur. A report summarizing the results of the preconstruction surveys shall be submitted for review and approval to the City of Petaluma Community Development Department.

If any special-status species are found, the qualified biologist shall contact the

CDFW (and USFWS) to determine whether relocation and/or additional exclusion buffers are appropriate. If CDFW approves relocating the animal(s), the qualified biologist shall be given sufficient time to move the animal(s) from the work site before work construction activities begin.

Following construction activities, results from any sensitive species surveys shall be documented in a memorandum and provided to the City of Petaluma Community Development Department within 30 days following the end of construction activities, or sooner, if requested by City staff.

4.1-4(b): If disturbance is to occur within the ordinary high-water mark (OHWM) of the Creek, the project applicant shall complete Section 7 consultation with the USFWS and the National Oceanic and Atmospheric Administration (NOAA) Fisheries/National Marine Fisheries Service (NMFS) for potential impacts to federally listed species, prior to the commencement of construction. Proof of compliance with the foregoing provisions shall be documented and submitted for review and approval to the City of Petaluma Community Development Department.

4.1-4(c): Within 14 days prior to the commencement of construction activities, exclusionary fencing shall be installed along the work area boundary, as determined by a qualified biologist. Exclusionary fencing shall act as a barrier to keep special-status species from entering the work area. An Exclusionary Fence Plan shall be prepared by a qualified biologist and subject to review and approval by USFWS/CDFW and the City of Petaluma Community Development Department. The Exclusionary Fence Plan shall include, but not necessarily be limited to, the following components:

a. Areas approved for grading and clearing shall be delineated with suitable fencing materials and dimensions (such as temporary high-visibility orange-colored fence or silt fence at least four feet in height, flagging, or other barriers and buried to a depth of at least four inches) to act as a barrier to keep special-status species from entering the project site. Signs shall be posted that clearly state that construction personnel and equipment are excluded from the marked area. The fencing shall be inspected and approved by a qualified biologist and maintained daily until all construction activities are complete. The fencing shall be removed only when all construction equipment is not on-site any longer. Construction activities shall not take place outside the delineated project site.

b. To avoid attracting predators, food-related trash shall be kept in closed containers and removed daily from the exclusion zone.

c. At the end of each day, all construction-related holes or trenches deeper than one foot shall be covered to prevent entrapment of special-status species.

d. Prior to the commencement of daily construction activities, all conduits and pipes shall be inspected for the presence of animals. Removal of any animals shall be done in consultation with the approved qualified biologist.

e. Prior to the commencement of construction, any vegetation removed prior to the start of construction activities shall be placed away from sensitive species exclusion areas so that cut vegetation does not remain once exclusionary fencing is installed. All removed non-native, invasive vegetation shall be discarded off-site and away from aquatic resources to

prevent reseeding.

4.1-4(d): Within 14 days prior to the commencement of construction, a qualified biologist shall conduct an Environmental Awareness Training session to familiarize all construction personnel with identification of special-status species and associated habitats, general provisions and protections afforded by the federal Endangered Species Act (FESA) and California Endangered Species Act (CESA), measures implemented to protect such species, actions to be taken if protected species are observed on-site, and a review of project site boundaries and job site maintenance protocols (i.e., worker-generated trash, worker vehicle and construction equipment parking, and disposal of construction wastes). All personnel shall sign an affidavit acknowledging participation in the training and understanding species legal status, penalties for violations, and all protective measures. A wallet-sized card or fact sheet handout shall be distributed to all crews on-site. Proof of completion of the training for all on-site personnel shall be kept on-site and submitted for review and approval to the City of Petaluma Community Development Department.

4.1-4(e): During project construction, grading activities shall cease a half-hour before sunset and shall not commence prior to a half-hour before sunrise. Grading activities shall be prohibited during rain events that meet the following conditions: within 24 hours of events predicted to deliver more than 0.2-inch of rain and within 24 hours after rain events exceeding 0.2-inch in measurable precipitation. Grading shall not occur after 0.5-inch of rain has occurred after November 1 in the year construction grading work is occurring unless a one-week extension based on fair weather is approved by the City of Petaluma, CDFW, and the Regional Water Quality Control Board (RWQCB). The foregoing provisions shall be noted on the final improvement plans, which shall be verified by the City of Petaluma Community Development Department.

4.1-4(f): Prior to the commencement of any effort to advertise or promote the sale of any of the proposed dwelling units, all promotional materials, deeds/rental agreements, etc., shall include information that informs all tenants that dogs are to be leashed at all times within development boundaries, including within 50 feet of the riparian habitat within the study area, in order to ensure that sensitive resources and riparian habitat are preserved. Proof of compliance with the foregoing provision shall be submitted for review and approval to the City of Petaluma Community Development Department.

4.1-4(g): Prior to the commencement of construction, the project applicant shall include a design sheet of the proposed trash enclosure and receptacles as part of the improvement plan submittal. The design sheet shall note that trash receptacles must be secured within enclosures that exclude mesopredators (e.g., racoons and coyotes) to avoid attracting and subsidizing such predators. On-site trash enclosures and receptacles shall also be routinely maintained. Inclusion of the design sheet shall be subject to review and approval by the City of Petaluma Community Development Department.

Finding for Impact 4.1-4: Mitigation Measures 4.1-4(a) through **4.1-4(g)** would reduce proposed Project effects on substantial adverse impacts to foothill yellow-legged frog (FYFL),

California red-legged frog (CRLF), and northwestern pond turtle to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **Mitigation Measures 4.1-4(a)** through **4.1-4(g)** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-4** to a less-than-significant level.

Rationale for Finding: Implementation of **Mitigation Measures 4.1-4(a)** through **4.1-4(g)** would minimize impacts related to FLYF, CRLF, and northwestern pond turtles by following procedures determined by the CDFW (and USFWS) to reduce impacts to the aforementioned species, including a preconstruction survey, exclusionary fencing, awareness training by a qualified biologist, and timing of construction activity. In addition, operational requirements, such as information for residents to leash dogs and keep trash enclosures secured, would minimize impacts during operation. Therefore, after applying these measures, the impact would be less than significant.

Impact 4.1-5: Have a substantial adverse effect, either directly or through habitat modifications, on Swainson's hawk and other nesting birds and raptors protected under the MBTA and CFGC.

However, implementation of **Mitigation Measure 4.1-5** would reduce proposed Project effects on substantial adverse impacts to Swainson's hawk to less than significant.

Mitigation Measures

4.1-5: During project construction, site preparation activities, including tree trimming and removal, should occur between September 1 and January 31, outside of the bird nesting season. If vegetation removal or construction begins between February 1 and August 31, preconstruction nesting bird surveys shall be conducted by a qualified biologist within seven days prior to vegetation removal or ground-disturbing activities to determine the presence or absence and location of nesting bird species. A report summarizing the results of the preconstruction nesting bird surveys shall be submitted for review and approval to the City of Petaluma Community Development Department. If a lapse in construction activity occurs for more than seven consecutive days or if construction activity is phased at the work site, preconstruction and nesting bird surveys shall be repeated.

If active nests are present within 500 feet of construction areas, temporary protective construction exclusion zones shall be established by a qualified biologist in order to avoid direct or indirect mortality or disruption of the birds, nests, or young. The appropriate buffer distance shall be dependent on the species, surrounding vegetation, and topography and shall be determined by a qualified biologist, but shall be a minimum of 500 feet for raptors and 100 feet for songbirds. Exclusion zones shall remain in place until all young have fledged or until the nest has been naturally abandoned or predated. Work may proceed if active nests are not found during surveys or once nests are determined by a qualified biologist to be inactive.

The non-disturbance buffers may be reduced if a smaller, sufficiently protective buffer is approved by the City after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, the nest occupants' habituation to existing or ongoing activity, and nest concealment (i.e., whether visual or acoustic barriers occur between the proposed activity and the nest).

A qualified biologist may visit the nest, as needed, to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season. If the nest buffer is reduced but construction activities cause a nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest in a way that would be considered a result of construction activities, then the exclusionary buffer shall be increased such that activities are far enough from the nest to stop the agitated behavior. The revised non-disturbance buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified biologist in consultation with the City.

Cleared vegetation during the nesting season shall be collected and transported off-site during each week to prevent birds from nesting in vegetative debris.

Results from any survey for nesting birds shall be documented in a memorandum and provided to the City of Petaluma Community Development Department within 30 days following the end of construction activities.

Finding for Impact 4.1-5: Mitigation Measure 4.1-5 would reduce proposed Project effects on substantial adverse impacts to Swainson's hawk to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measure 4.1-5** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-5** to a less-than-significant level.

Rationale for Finding: In order to address the potentially significant impact, **Mitigation Measure 4.1-5** shall be required, which recommends that site preparation activities take place outside of the nesting season and necessitates preconstruction surveys within seven days of construction activities and additional protective measures if such activities do occur within the nesting season. Therefore, after applying these measures, the impact would be less than significant.

Impact 4.1-6: Have a substantial adverse effect, either directly or through habitat modifications, on pallid bat.

However, implementation of **Mitigation Measure 4.1-6** would reduce proposed Project effects on substantial adverse impacts to pallid bat to less than significant.

Mitigation Measures

4.1-6: Prior to the commencement of construction, a qualified biologist shall conduct a preconstruction survey of suitable habitat for special-status bats, including existing structures proposed for demolition or removal, that could support special-status bats, at most, 14 days prior to initiation of ground disturbance, including tree trimming and removal. A report summarizing the results of the preconstruction survey shall be submitted for review and approval to the City of Petaluma Community Development Department. If a lapse in construction activity occurs for more than seven consecutive days or if construction activity is phased at the work site, preconstruction bat surveys shall be repeated.

If special-status bat roosts are observed, ground disturbance within 50 feet of roosts

shall be restricted to between August 31 and October 15 and between March 1 and April 15 to avoid hibernation and rearing periods. Removal of potential suitable bat roost trees shall occur over a two-day phased process with a qualified biologist present.

In addition, if bats or evidence of bat roosting are observed, exclusionary fencing and/or construction activity avoidance limits shall be put in place. Exclusion devices may include features such as one-way exits from roost habitat and shall be installed by a qualified biologist, in consultation with CDFW, and shall not occur outside of the date ranges listed above to avoid hibernation or rearing periods.

Following construction activities, results from any sensitive bat species survey shall be documented in a memorandum, written by the qualified biologist, and provided to the City of Petaluma Community Development Department within 30 days following the end of construction activities.

Finding for Impact 4.1-6: Mitigation Measure 4.1-6 would reduce proposed Project effects on substantial adverse impacts to pallid bat to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **Mitigation Measure 4.1-6** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-6** to a less-than-significant level.

Rationale for Finding: On-site and off-site trees offer potential roosting habitats that, if present and removed during Project construction, could have adverse effects on pallid bats. However, by completing a preconstruction survey conducted by a qualified biologist along with implementation of necessary protective measures by way of fencing and/or construction activity avoidance through exclusion devices, the impact on special-status bats would be minimized. Therefore, after applying these measures, the impact would be less than significant.

Impact 4.1-7: Have a substantial adverse effect on any riparian habitat or other Sensitive Natural Community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.

However, implementation of **Mitigation Measures 4.1-7(a)**, **(b)**, and **(c)** would reduce proposed Project effects on substantial adverse impacts to any riparian habitat or other Sensitive Natural Community to less than significant.

Mitigation Measures

4.1-7(a): Prior to the commencement of construction, the project applicant shall implement minimization and avoidance measures that may include, but not necessarily be limited to, preconstruction species surveys and reporting, protective fencing around avoided biological resources, worker environmental awareness training, seeding disturbed areas adjacent to open space areas with native seed, and installation of project-specific stormwater BMPs. Mitigation for impacts to riparian habitat may include, but not be limited to, restoration or enhancement of resources on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to CDFW. Mitigation shall result in no net loss of riparian habitat. Prior to the commencement of construction, the project applicant shall apply for a Section 1600

Lake or Streambed Alteration Agreement (LSAA) from CDFW. The project applicant shall comply with any terms and conditions contained within the final LSAA for the proposed project, which may differ from the above. Written verification of the Section 1600 LSAA shall be submitted to the City of Petaluma Community Development Department.

4.1-7(b): A 50-foot setback from riparian vegetation shall be established prior to the commencement of grading activities, except for construction of the stormwater outfall facilities, pedestrian bridge connection, and the off-site public multi-use pathway, where a lesser setback shall be established in consultation with a qualified biologist. Construction and staging of vehicles and equipment shall not occur within 50 feet of riparian vegetation and shall be parked only in designated staging areas. Silt fencing shall be installed along the outer edge of the project's disturbance footprint and shall remain during grading activities associated with the proposed project. The foregoing provisions shall be based on recommendations by a qualified biologist, comply with agency approval, and noted on the final improvement plans, which shall be subject to review and approval by the City of Petaluma Community Development Department.

4.1-7(c): Implement **Mitigation Measures 4.1-8(b)** and **4.1-10**.

Finding for Impact 4.1-7: **Mitigation Measures 4.1-7(a)**, **(b)**, and **(c)** would reduce proposed Project effects on substantial adverse impacts to any riparian habitat or other Sensitive Natural Community to less than significant. Pursuant to *CEQA Guidelines*, the City finds that Mitigation **Measures 4.1-7(a)**, **(b)**, **(c)** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-7** to a less-than-significant level.

Rationale for Finding: The Project site contains 1.22 acres of riparian habitat and 0.22-acre of riverine habitat, associated with the Creek, both of which are designated as Sensitive Natural Communities. However, **Mitigation Measures 4.1-7(a)** through **(c)** require preconstruction surveys and reporting, protective fencing to avoid biological resources, worker environmental awareness training, seeding disturbed areas with native seed, and installation of stormwater BMPs. Mitigation for impacts to riparian habitat may include, but not be limited to, restoration or enhancement of resources on- or off-site, purchase of habitat credits from an agency-approved mitigation/conservation bank, working with a local land trust to preserve land, or any other method acceptable to CDFW that results in no net loss of riparian habitat. Furthermore, **Mitigation Measures 4.1-7(a)** through **(c)** require compliance with CFGC Section 1600, establishment of a 50-foot setback, and compliance with the Clean Water Act (CWA) which would minimize the impacts and be imposed as a project condition of approval. Therefore, after applying these measures, the impact would be less than significant.

Impact 4.1-8: Have a substantial adverse effect on State or 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 4.1-8(a)** and **4.1-8(b)** would reduce proposed Project effects on substantial adverse impacts to federally protected wetlands through direct removal, filling, hydrological interruption, or other means to less than significant.

Mitigation Measures

4.1-8(a): Prior to the commencement of grading activities, a 50-foot setback from the OHWM of the Creek shall be established and noted on the improvement plans, except for construction of the stormwater outfall facilities and the off-site public multi-use pathway and bridge, where a lesser setback shall be established in consultation with a qualified biologist. Construction and staging of vehicles and equipment shall not occur within the Creek channel. Silt fencing shall be installed along the outer edge of the project's disturbance footprint and shall remain during grading activities. Inclusion of the 50-foot setback from the OHWM of the Creek on the improvement plans shall be subject to review and approval by the City of Petaluma Community Development Department.

4.1-8(b): Prior to initiation of any ground-disturbing activities, the project proponent shall submit a formal Aquatic Resources Delineation to the USACE for verification purposes and determination as to whether the project activities will require a Clean Water Act (CWA) Section 404 permit. A copy of the USACE's determination shall be submitted to the City of Petaluma Community Development Department. If a Section 404 permit is not required, further mitigation shall not be required. If a Section 404 permit is required, the project proponent shall apply for a Clean Water Act (CWA) Section 404 permit from the USACE. Waters that would be lost or disturbed shall be restored, replaced, or rehabilitated on a "no-net-loss" basis. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE. If a Section 404 permit is required, the project applicant shall also apply for a Section 401 water quality certification from the RWQCB prior to the issuance of grading permits and adhere to the certification conditions. A copy of the Section 404 and 401 permits detailing the provisions with which the proposed project must comply shall be submitted to the City of Petaluma Community Development Department.

Finding for Impact 4.1-8: Mitigation Measures 4.1-8(a) and **4.1-8(b)** would reduce proposed Project effects on substantial adverse impacts to federally protected wetlands through direct removal, filling, hydrological interruption, or other means to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measures 4.1-7(a)** and **4.1-8(b)** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-8** to a less-than-significant level.

Rationale for Finding: The Project site contains three seasonal wetlands totaling approximately 0.09-acre occur in the annual grassland in the southern portion, and as such, all of the foregoing wetlands would be impacted in their entirety through development of the proposed residences and Basin Retention Area 5. In addition, the Creek is adjacent to the Project site. However, **Mitigation Measures 4.1-8(a)** and **4.1-8(b)** require setbacks from the Creek in conjunction with silt fencing during construction. Additionally, a formal Aquatic Resources Delineation must be submitted to USACE and compliant with USACE and RWQCB requirements are mandated. Therefore, after applying these measures to avoid the impacts, the impact would be less than significant.

Impact 4.1-10: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, or have a substantial adverse effect on the

environment by converting oak woodlands.

However, implementation of **Mitigation Measure 4.1-10** would reduce proposed Project effects on substantial adverse impacts to oak woodlands to less than significant.

Mitigation Measures

4.1-10: Prior to approval of the final improvement plans, the project applicant shall obtain a Tree Removal Permit from the City of Petaluma Community Development Department. In addition, all protected trees to be removed, as identified in the Tree Protection and Removal Plan prepared by Urban Forestry Associates, Inc. for the proposed project, shall be replaced in accordance with the ratios established in the Tree Replacement Calculations table in the Tree Protection and Removal Plan. All trees to be preserved and protected, as detailed in Table 2 of the Tree Protection and Removal Plan shall be preserved in accordance with the recommendations established therein. Proof of compliance with the foregoing provisions shall be submitted for review and approval to the City of Petaluma Community Development Department.

Finding for Impact 4.1-10: Mitigation Measure 4.1-10 would reduce proposed Project effects on substantial adverse impacts to oak woodlands to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **Mitigation Measure 4.1-10** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.1-10** to a less-than-significant level.

Rationale for Finding: 72 trees are located within the proposed development area, with 41 trees proposed to be retained, and 31 trees requiring tree removal permits, including seven trees outside the riparian dripline and 24 trees within the riparian dripline that are designated as protected by Petaluma Implementing Zoning Ordinance (IZO) Section 17.040. The proposed Project would plant 73 new trees for purposes of mitigating impacts, as well as compliance with requirements set forth by Petaluma IZO Section 17.060 to address tree impacts. The Tree Protection and Removal Plan required in **Mitigation Measure 4.1-10** would ensure compliance. Therefore, after applying these measures as Project conditions of approval, the impact would be less than significant.

4.2 Hydrology and Water Quality

Impact 4.3-1: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during construction.

However, implementation of **Mitigation Measures 4.3-1(a)** and **4.3-1(b)** would reduce proposed Project effects on substantial adverse impacts surface or ground water quality during construction to less than significant.

Mitigation Measures

4.3-1(a): Prior to issuance of grading permits, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the State Water Resources Control Board (SWRCB). The SWPPP shall serve as the framework for identification, assignment, and implementation of Best Management Practices (BMPs). The SWPPP shall be

submitted to the Director of Public Works and Utilities/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable.

4.3-1(b): Prior to issuance of grading permits, the project applicant shall ensure that a final grading plan is prepared by a State-registered civil engineer in accordance with Petaluma Municipal Code (PMC) Chapter 17.31. The final grading plan shall include, but not be limited to, the following:

- A project vicinity map that shows the location of the proposed grading activities within the project site and off-site areas associated with Adobe Creek (Creek);
- The property line boundaries of the project site and off-site areas of disturbance associated with the Creek;
- All existing improvements on and adjacent to the project site;
- The existing and proposed contours of the project site and off-site areas proposed for disturbance;
- The existing and proposed drainage of the project site and off-site areas;
- The extent and manner of tree cutting and vegetation clearing, the disposal of vegetation, and the measures to be taken for the protection of undisturbed trees and vegetation in on-site and off-site areas proposed for disturbance, unless the foregoing information is provided on the final erosion and sediment control plan;
- Specifications of the proposed construction methods and materials to be used in on-site and off-site areas; and
- Any other information required by the Director of Public Works and Utilities.

The final grading plan shall be submitted for review and approval to the City of Petaluma Public Works and Utilities Department.

Finding for Impact 4.3-1: Mitigation Measures 4.3-1(a) and **4.3-1(b)** would reduce proposed Project effects on substantial adverse impacts surface or ground water quality during construction to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **Mitigation Measures 4.3-1(a) and 4.3-1(b)** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.3-1** to a less-than-significant level.

Rationale for Finding: The proposed Project would result in construction activities such as grading, excavation, and trenching for site improvements that could result in discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality downstream. However, the mitigation requires preparation of a SWPPP and implementation of BMP, as well as compliance with Petaluma Municipal Code related to grading permits to ensure water quality impacts would not occur during construction. Therefore, after applying these measures via conditions of approval on the proposed Project, the impact would be less than significant.

Impact 4.3-2: Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality during operation.

However, implementation of **Mitigation Measure 4.3.2** would reduce proposed Project effects on substantial adverse impacts to surface or ground water quality during operation to less than significant.

Mitigation Measures

4.3-2: Prior to approval of final project improvement plans, a final Stormwater Control Plan shall be submitted to the Director of Public Works and Utilities/City Engineer for review and approval. The final Stormwater Control Plan shall be in compliance with all applicable provisions of the National Pollutant Discharge Elimination System (NPDES) Phase II MS4 General Permit (NPDES General Permit No. CAS612008, Order No. R2-2022-0018) and shall meet the standards of the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment. Site design measures, source-control measures, hydromodification management, and Low Impact Development (LID) standards, as necessary, shall be incorporated into the design and shown on the improvement plans. The final plans shall include calculations demonstrating that the water quality BMPs are appropriately sized, using methodology in the CASQA Stormwater BMP Handbook for New Development and Redevelopment. The final plans shall also incorporate the proposed components for maintaining the stormwater-treatment facilities. The final plans shall be submitted to the City of Petaluma Public Works and Utilities Department for review and approval.

Finding for Impact 4.3-2: Mitigation Measure 4.3.2 would reduce proposed Project effects on substantial adverse impacts to surface or ground water quality during operation to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **Mitigation Measure 4.3-2** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.3-2** to a less-than-significant level.

Rationale for Finding: Post-construction, there would be operational pollutants such as nutrients, oil and grease, metals, organics, pesticides, bacteria, sediment, trash, and other debris that could enter stormwater runoff, which could adversely affect water quality downstream. However, Mitigation Measure 4.3-2 requires a Final Stormwater Control Plan in compliance with NPDES provisions and CASQA standards to minimize water quality impacts. In addition, a maintenance plan must also be submitted. Therefore, after applying these measures which would reduce the post-construction operational pollutants, the impact would be less than significant.

4.3 Transportation

Impact 4.4-1: Conflict with a program, plan, ordinance, or policy, except LOS, addressing the circulation system during construction activities.

However, implementation of **Mitigation Measure 4.4-1** would reduce proposed Project effects on conflicting with applicable program, policy, plan, or ordinance addressing the circulation system during construction to less than significant.

Mitigation Measures

4.4-1: Prior to issuance of grading and building permits, a construction management plan shall be prepared by the applicant for review and approval by the City of Petaluma Public Works and Utilities Department. The plan shall include, but not necessarily be limited to, the following items:

a. Comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, including school peak times, detour signs if required, lane closure procedures if required, sidewalk closure procedures if required, cones for drivers, and designated construction access routes.
b. Evaluation of the need to provide flaggers or temporary traffic control at key intersections along the truck route(s).
c. Notification procedures for adjacent property owners, Casa Grande High School, and public safety personnel regarding schedules when major deliveries, detours, and lane closures would occur.
d. Location of construction staging areas for materials, equipment, and vehicles if there is insufficient staging area within the work zone of the proposed project.
e. 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.
f. A process for responding to and tracking complaints pertaining to construction activity, including identification of an on-site complaint manager.
g. 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 4.4-1: Mitigation Measure 4.4-1 would reduce proposed Project effects on conflicting with applicable program, policy, plan, or ordinance addressing the circulation system during construction to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measure 4.4-1** will be incorporated into the Project via conditions of approval and will reduce **Impact 4.4-1** to a less-than-significant level.

Rationale for Finding: During construction there would be increased traffic from construction equipment, materials delivery, and construction workers' commutes. In addition, Casa Grande High School is located adjacent to the Project site. The presence of substantial motor vehicle, pedestrian, bicycle, and school bus traffic is expected in the Project vicinity during school start and end times and could result in safety concerns. However, compliance with **Mitigation Measure 4.4-1**, which requires an approved construction management plan, would ensure that circulation impacts would be minimized. Therefore, after applying these measures, the impact would be less than significant.

4.4 Initial Study Impacts Requiring Mitigation

Impact V-b: Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?

However, implementation of **Mitigation Measure V-1** would reduce proposed Project effects on substantial adverse impacts to unique archaeological resources to less than significant.

Mitigation Measures

V-1: If during the course of ground-disturbing activities, including, but not limited to, excavation, grading, and construction, a potentially significant prehistoric or historic resource is encountered, all work within a 100-foot radius of the find shall be suspended for a time deemed sufficient for a qualified and City-approved archaeologist to adequately evaluate and determine significance of the discovered resource and provide treatment recommendations.

Should a significant archeological resource be identified, a qualified archaeologist shall prepare a resource mitigation plan and monitoring program to be carried out during all construction activities. Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).

Finding for Impact V-b: **Mitigation Measure V-1** would reduce proposed Project effects on substantial adverse impacts to unique archaeological resources to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measure V-1** will be incorporated into the Project via conditions of approval and will reduce **Impact V-b** to a less-than-significant level.

Rationale for Finding: Although the Cultural Resources Study (CRS) did not yield any evidence indicating the presence of archaeological resources, the CRS noted that the Project site is within the Coastal Miwok ethnographic territory. As such, the Project vicinity potentially contains unknown Native American resources associated with the Coastal Miwok, including human remains, particularly in areas adjacent to historic waterways, and could pose a significant impact on archaeological resources. **Mitigation Measure V-1** requires that, if historic resources are encountered, work must stop and a City-approved archaeologist would prepare a resource mitigation plan to minimize the impacts. Therefore, after applying these measures, the impact would be less than significant.

Impact VII-d: Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

However, implementation of **Mitigation Measure VII-1** would reduce proposed Project effects on expansive soils creating substantial direct or indirect risks to life or property to less than

significant.

Mitigation Measures

VII-1: Prior to the issuance of grading permits, the project civil engineer shall show on the final improvement plans that the project design adheres to all engineering recommendations provided in the site-specific Geotechnical Investigation prepared for the project by PJC & Associates, Inc. The recommendations incorporated into the final improvement plans shall include, but not be limited to, those pertaining to the top 18 inches of soil beneath exterior flatwork consisting of imported engineered fill; demolition and stripping; excavation and compaction; temporary slopes; and vertical loads and lateral loads of post-tension slab-on-grade foundations. Proof of compliance with all recommendations set forth in the Geotechnical Investigation shall be subject to review and approval by the City Engineer.

Finding for Impact VII-d: Mitigation Measure VII-1 would reduce proposed Project effects on expansive soils creating substantial direct or indirect risks to life or property to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measure VII-1** will be incorporated into the Project via conditions of approval and will reduce **Impact VII-d** to a less-than-significant level.

Rationale for Finding: The Geotechnical Investigation found that the top two to three feet of surface soils are weak and compressible and determined that the on-site soils exhibit high plasticity characteristics and, therefore, have very high potential for expansion which could result in a potentially significant impact on life or property. However, compliance with California Building Standards and Code (CBSC) and the Geotechnical Investigation recommendations as outlined in **Mitigation Measure VII-1** would ensure the structural integrity of the proposed structures and the impacts would be minimized. Therefore, after applying these measures, the impact would be less than significant.

Impact IX-b: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

However, implementation of **Mitigation Measure VII-1** would reduce proposed Project effects of creating a hazard to the public or environment through the release of hazardous materials into the environment to less than significant

Mitigation Measures

IX-1 Prior to issuance of a demolition permit by the City for the on-site structure at 280 Casa Grande Road, the project applicant shall provide a site assessment that determines whether the structure to be demolished contains lead-based paint (LBP) or asbestos. If the structure does not contain LBP or asbestos, further mitigation shall not be required; however, if LBP is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with California Air Resources Board recommendations and Occupational Safety and Health Administration (OSHA) requirements. If asbestos is found, all construction activities shall comply with all requirements and regulations

promulgated through the Bay Area Air Quality Management District (BAAQMD) Asbestos Demolition and Renovation Program. The demolition contractor shall be informed that all paint on the building shall be considered as containing lead and/or asbestos. The contractor shall follow all work practice standards set forth in the Asbestos National Emission Standards for Hazardous Air Pollutants (Asbestos NESHAP, 40 CFR, Part 61, Subpart M) regulations, as well as Section V, Chapter 3 of the OSHA Technical Manual. Work practice standards generally include appropriate precautions to protect construction workers and the surrounding community, and appropriate disposal methods for construction waste containing lead paint or asbestos in accordance with federal, State, and local regulations subject to approval by the City Engineer.

IX-2 Prior to issuance of a demolition permit by the City for the on-site structure at 280 Casa Grande Road, the project applicant shall prepare an Off-Hauling and Disposal Plan that incorporates industry standard BMPs during proposed off-hauling activities associated with waste from on-site demolition activities. The following Best Management Practices (BMPs) shall be incorporated:

- During loading activities the project contractor shall place two layers of heavy plastic sheeting (minimum thickness of six mils) beneath trucks to be sued for off-hauling activities to collect any spilled soil;
- After each truck is loaded and prior to removing the plastic sheeting, visible dust or soil spilled during loading shall be removed from the top rails, fences, tires, and all other surfaces by dry brushing methods at the point of loading;
- Collected soil on the plastic sheeting shall be removed periodically to avoid the spreading of contaminated soil on truck tires;
- The soil shall be transported by a licensed transporter;
- All off-hauling trucks shall be loaded at the project site and appropriately covered (tarped), in accordance with U.S. Department of Transportation regulations;
- Loaded trucks shall use the most direct routes to the disposal site(s) to provide the least risk of exposure to surrounding communities and avoid residential areas to the maximum extent feasible; and
- Any additional BMPs determined necessary by the City Engineer.

During loading activities, the project contractor shall ensure that all applicable work practice standards set forth in Section V, Chapter 3 of the OSHA Technical Manual are followed, including appropriate precautions to protect construction workers and the surrounding community, in accordance with applicable federal, State, and local regulations, including those set forth by the Sonoma County Environmental Health and Safety Division (SCEHD) and the Department of Toxic Substances Control (DTSC). The Off-Hauling and Disposal Plan shall be subject to approval by the City Engineer.

IX-3: Prior to improvement plan approval, the project applicant shall ensure that the on-site septic systems are abandoned in compliance with applicable SCEHSD standards. Upon removal, the septic tanks shall be inspected for leaks. Should any leaks be identified, the project applicant shall conduct additional testing of soils at the

location of the on-site septic systems for chemicals associated with the on-site septic systems in accordance with applicable USEPA Methods. Where concentrations exceed applicable DTSC screening levels, the soil shall be excavated and that portion of material shall be transported and disposed of off-site at an appropriate Class I or Class II facility permitted by DTSC, or other options implemented as deemed satisfactory to SCEHSD. The results of soil sampling and analysis, as well as verification of proper remediation and disposal, shall be submitted to the City of Petaluma Planning Division for review and approval. Any remediation shall be completed prior to acceptance of the site improvements for that phase.

IX-4: Prior to improvement plan approval, the project applicant shall hire a licensed well contractor to obtain a well abandonment permit from the SCEHSD for all on-site wells, and properly abandon the on-site wells, pursuant to Department of Water Resources Bulletin 74-81 (Water Well Standards, Part III), for review and approval by the SCEHSD.

Finding for Impact IX-b: **Mitigation Measures IX-1** through **IX-4** would reduce proposed Project effects of creating a hazard to the public or environment through the release of hazardous materials into the environment to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measure IX-1** through **IX-4** will be incorporated into the Project via conditions of approval and will reduce **Impact IX-b** to a less-than-significant level.

Rationale for Finding: The Environmental Site Assessment (ESA) found that the residence at 280 Casa Grande Road had the potential for Asbestos, Lead Based Paints (LBPs) and other hazardous materials related to on-site septic tanks and on-site wells that could significantly impact the public or the environment. **Mitigation Measure IX-1** through **IX-4** require an assessment for LBP and asbestos with the need to comply with applicable standards if found. In addition, an Off-Hauling and Disposal Plan with appropriate BMPs is required as well as the appropriate abandonment of well and septic systems. Therefore, after applying these measures, the impact would be less than significant.

Impact XIII-a: Generation of a substantial temporary or 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.

However, implementation of **Mitigation Measure XIII-1** would reduce proposed Project effects on generation of substantial ambient noise levels established under local regulations, standards, policy, or ordinance to less than significant

Mitigation Measures

XIII-1: The following criteria shall be included in the Improvement Plans. Exceptions to allow expanded construction activities shall be reviewed on a case-by-case basis, as determined by the Community Development Director:

- Limit construction hours to between 8:00 AM and 5:30 PM, Monday through Friday, and between 9:00 AM and 5:00 PM on Saturday. Construction activities shall be prohibited on Sundays and State, federal and local holidays;

- High noise-producing activities, such as excavation and grading and construction finishing, shall only occur between the hours of 8:00 AM and 5:00 PM to minimize disruption at adjacent noise sensitive uses;
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment;
- Locate stationary noise-generating equipment (e.g., compressors) as far as possible from adjacent residential receivers;
- Acoustically shield stationary equipment located near residential receivers with temporary noise barriers;
- Utilize "quiet" air compressors and other stationary noise sources where technology exists;
- The project contractor shall implement appropriate additional noise-reduction measures that include shutting off idling equipment after five minutes (as feasible) and notifying adjacent residences (at least one time) in advance of construction work;
- Construction workers; radios shall be controlled to not exceed ambient noise levels beyond the limits of the project site boundaries;
- 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;
- Two weeks prior to the commencement of construction, notification in writing shall be provided to residents within 500 feet of the project site and if during the school year, officials at the Casa Grande High School campus, disclosing the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period; and
- The project contractor shall designate a "disturbance coordinator" responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem.

Finding for Impact XIII-a: **Mitigation Measure XIII-1** would reduce proposed Project effects on generation of substantial ambient noise levels established under local regulations, standards, policy, or ordinance to less than significant. Pursuant to *CEQA Guidelines*, the City finds that **Mitigation Measure XIII-1** will be incorporated into the Project via conditions of approval and will reduce **Impact XIII-a** to a less-than-significant level.

Rationale for Finding: During construction, heavy equipment for installation of utilities, excavation of foundations, building construction, paving, and landscaping, along with hauling materials would generate noise on-site and at adjacent receivers. However, **Mitigation Measure XIII-1** limits construction hours, requires equipment maintenance and noise reduction measures, as well as notification to residents and the school of the construction schedule and designating a disturbance coordinator. Compliance with these measures would minimize the construction noise impacts. Therefore, after applying these measures, the impact would be less than significant.

Impact XVIII-a: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); and **Impact XVIII-b:** A resource determined by the lead agency, in its discretion and

supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

However, implementation of **Mitigation Measure XVIII-1 and XVIII-2** would reduce proposed Project effects on historical resources to less than significant

Mitigation Measures

XVIII-1: To protect buried tribal cultural resources that may be encountered during ground disturbing activities, the project shall implement **Mitigation Measure V-1**.

XVIII-2: Prior to initiation of ground-disturbing activities, a qualified archaeologist retained by the project applicant shall conduct a short awareness training session for all construction workers and supervisory personnel. The course shall explain the importance of, and legal basis for, the protection of significant archaeological resources, as well as the legal and regulatory implications of knowingly destroying cultural resources or removing historic or precontact artifacts, human remains, and other cultural materials from the project site. Each worker shall also learn the proper procedures to follow in the event cultural resources or human remains/burials are uncovered during construction activities, including work curtailment or redirection and to immediately contact their supervisor and the archaeological monitor. The worker education session shall include visuals of artifacts (prehistoric and historic) that might be found in the project vicinity, and take place on the construction site immediately prior to the start of construction. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training. The signed form shall be submitted to the City of Petaluma Community Development Department.

Finding for Impacts XVIII-a & XVIII-b: **Mitigation Measures XVIII-1** and **XVIII-2** would reduce proposed Project effects on historical resources to less than significant. Pursuant to *CEQA Guidelines,* the City finds that **Mitigation Measures XVIII-1** and **XVIII-2** will be incorporated into the Project via conditions of approval and will reduce **Impacts XVIII-a and XVIII-b** to a less-than-significant level.

Rationale for Finding: The CRS determined the site does not contain any recorded archaeological resources. A request was sent to the California Native American Heritage Commission (NAHC) for information regarding the Project site, as well as a notification letter to the Federated Indians of Graton Rancheria. The Federated Indians of Graton Rancheria noted that construction of the Project could result in a substantial adverse change in the significance of a tribal cultural resource. However, compliance with **Mitigation Measures XVIII-1** and **XVIII-2,** which require preconstruction awareness training and work to stop if any resources are found, would ensure that any on-site tribal cultural resources would be preserved. Therefore, after applying these measures, the impact 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 identified by the Draft EIR are discussed below.

Impact 4.2-1: Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Finding for Impact 4.2-1: Mitigation Measure 4.2-1 would ensure the Project meets BAAQMD transportation criteria b. related to energy conservation and fuel efficiency, including the Building Energy Efficiency Standards and the CALGreen Code as adopted by Petaluma Municipal Code Chapter 17.09, but would not be able to achieve BAAQMD's transportation criteria a. related to VMT per capita being below 15 percent of the existing citywide average because the proposed Project's per capita VMT exceeds thresholds. As such **Impact 4.2-1** would remain *cumulatively considerable* and *significant and unavoidable.*

Mitigation Measures

4.2-1 Prior to the approval of project improvement plans, the applicant shall implement the following measure:

- Consistent with BAAQMD's Transportation criterion b., a total of three EV Capable parking spaces shall be installed throughout the nine undesignated on-street parking spaces within the project site, consistent with the current CALGreen Tier 2 standards.

Compliance with the foregoing measure shall be ensured by the City of Petaluma Community Development Department and will be incorporated into the Project via conditions of approval.

Rationale for Finding: The Bay Area Air Quality Management District (BAAQMD) established qualitative thresholds of significance for proposed projects related to buildings and transportation to be consistent with local GHG reduction strategies. Although the Project would comply with building energy efficiency standards, and transportation criteria, with the incorporation of **Mitigation Measure 4.2-1**, the transportation criteria a, related to VMT reduction would not be satisfied. Feasible mitigation measures do not exist to reduce VMT to a less-than-significant level as further described in **Impact 4.4-3** below. Therefore **Impact 4.2-1** would remain *cumulatively considerable* and *significant and unavoidable,* despite Mitigation Measure 4.2-1.

Impact 4.4-3: Result in VMT which exceeds an applicable threshold of significance, except as provided in CEQA Guidelines Section 15064.3, subdivision (b).

Finding for Impact 4.4-3: There are no feasible Mitigation Measures to reduce **Impact 4.4-3** to

less than significant.

Rationale for Finding: There are no feasible mitigation measures identified that would reduce Project VMT impacts to less than significant. Other potentially effective on-site VMT measures, such as increasing the density or mixed uses within a convenient walk, bike, or transit trip would help the City of Petaluma meet their GHG goals consistent with VMT reduction strategies. However, due to the relatively recent shift in CEQA Guidelines evaluating transportation impacts through VMT, the aforementioned reduction strategies require further consideration to resolve uncertainties, fill in information gaps, and monitoring of VMT reductions. Therefore, the potential impact would remain *significant and unavoidable*.

SECTION 6: FINDINGS REGARDING ALTERNATIVES

1.1 Project Alternatives

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives that would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126[a]). Case law has indicated that the lead agency has the discretion to determine how many alternatives constitute a reasonable range (*Citizens of Goleta Valley v. Board of Supervisors* [1990], 52 C.3d 553, 566). The CEQA Guidelines note that alternatives evaluated in the EIR should be able to attain most of the basic objectives of the project (CEQA Guidelines Section 15126.6[a]). An EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* [1992], 10 Cal.App.4th 908); and the CEQA Guidelines provide that an EIR need not consider alternatives that are infeasible (CEQA Guidelines Section 15126.6[a]). The CEQA Guidelines provide that among the factors that may be taken into account when addressing the feasibility of alternatives are "site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site." (CEQA Guidelines Section 15126.6[f][1]). The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice (CEQA Guidelines Section 15126.6[f]).

As presented in the Draft EIR Section 6.3, Alternatives Considered But Dismissed From Further Analysis provides a summary of the various alternatives that were considered but found to be infeasible including an off-site alternative and a reduced housing density alternative.

The Final EIR included an analysis of three alternatives: the No Project/(No Build); the No Bridge Alternative; and the Affordable Housing Alternative. The City hereby concludes that the Final EIR and Draft EIR sets forth a reasonable range of alternatives to the 270 and 280 Casa Grande Road Creekwood Housing Development 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 following provide the primary objectives for the proposed Project:

- Promote and maximize new and diverse for-sale housing opportunities within the City limits and urban growth boundary through using an existing residentially zoned property;
- Develop a high-quality residential project within the eastern City limits that is compatible with existing residential subdivisions to the east and south of the project site, Casa Grande High School to the west of the site, and the Petaluma Ecumenical Properties Senior Housing to the north of the site;
- Develop for sale inclusionary housing that provides site location and model types in an equitable manner;
- Construct a public multi-use pathway through the project site and along the westerly side of Adobe Creek that connects to the Casa Grande Subdivision public pathway to the south and allows for future extension to the north of the site;
- Install a bridge connection over Adobe Creek that connects the proposed public multi-use pathway with the residential neighborhoods to the east of the project site, allowing for pedestrian access from the easterly residential neighborhoods to Casa Grande High School and the Casa Grande Road transit locations to the west of the project site;
- Provide public access and maintenance access to a landlocked and isolated site; and
- Preserve Adobe Creek in its natural state.

1.1.2 No Project / (No Build) Alternative

The *State CEQA Guidelines* require the analysis of a No Project/(No Build) 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. As development of the site would not occur, land disturbance, and any associated physical environmental impacts related to such land disturbance, would not occur.

The No Project / (No Build) Alternative is rejected for any and all of the following reasons:

- The No Project Alternative would not realize any of the Project Objectives because it would not maximize new housing opportunities, develop a compatible, high-quality residential project, or provide a multi-use pathway for public use.

1.1.3 No Bridge Alternative

The No Bridge Alternative would include demolition of the on-site residence at 280 Casa Grande Road, retention of the existing residence at 270 Casa Grande Road, development of 59 dwelling units, construction of various on-site road and utility improvements, landscaping, and a new off-site public multi-use pathway along the west side of the Creek. However, the bridge connection over the Creek for the public multi-use pathway would not be developed under the No Bridge Alternative.

Development of the No Bridge Alternative would involve a smaller disturbance footprint, as the bridge would not be installed over Adobe Creek and abutments supporting the bridge on the Creek banks would not be included. However, given that the No Bridge Alternative would still result in the development of the same land uses as compared to the proposed Project, impacts associated with the other CEQA topics in which the proposed Project could have significant impacts, as identified in the Initial Study (cultural resources, geology, hazards, noise, and tribal cultural resources) and Draft EIR (hydrology and water quality), would be anticipated to be similar in scale under the No Bridge Alternative.

The No Bridge Alternative is rejected for any and all of the following reasons:

- The No Bridge Alternative would not meet two of the project objectives including: construct a public multi-use pathway through the Project site and along the westerly side of Adobe Creek that connects to the Casa Grande Subdivision public pathway to the south and allows for future extension to the north of the site; and install a bridge connection over Adobe Creek that connects the proposed public multi-use pathway with the residential neighborhoods to the east of the Project site, allowing for pedestrian access from the easterly residential neighborhoods to Casa Grande High School and the Casa Grande Road transit locations to the west of the Project site.

- The No Bridge Alternative would result in greater impacts related to GHG and VMT.

- The No Bridge Alternative would not advance the City in realizing the following City Wide Goals and Priorities, including the following:

    - Item 18: Establish and improve paths, as useful transportation options, and make walking and biking easy, fun and safe.

    - Item 218: Look at ways/locations to increase river footbridges.

1.1.4 Affordable Housing Alternative

Under the Affordable Housing Alternative, the 59 residential units proposed to be developed on-site would be offered as affordable housing. All other on- and off-site improvements proposed as part of the Project, including demolition of the on-site residence at 280 Casa Grande Road, retention of the existing residence at 270 Casa Grande Road, construction of various on-site road and utility improvements, landscaping, and a new off-site public multi-use pathway, with a bridge connection over the Creek, would remain the same.

Given that all on- and off-site improvements required under the Affordable Housing Alternative would be the same as the proposed Project, the Alternative would still require a Vesting Tentative Parcel Map, Site Plan and Architectural Review, and a Tree Removal Permit. In addition, because the Affordable Housing Alternative would generally result in similar development of the proposed Project, all project objectives would be met. Given that development of the Affordable Housing Alternative would involve the same disturbance footprint and development of similar land uses as compared to the proposed Project, impacts associated with the other CEQA topics in which the proposed Project could have significant impacts, as identified in the Initial Study (cultural resources, geology, hazards, noise, and tribal cultural resources), are anticipated to be similar in scale under the Affordable Housing Alternative.

The Affordable Housing Alternative would result in fewer impacts related to GHG emissions and transportation, and similar impacts to the proposed Project for biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and tribal cultural resources. Furthermore, the Project's two significant and unavoidable impacts would be eliminated with buildout of the Affordable Housing Alternative.

As the Project will result in significant and unavoidable impacts, the City must make specific findings regarding the environmentally superior option (Public Resources Code Section 21081[a][3] and CEQA Guidelines Section 15091[a][3]). The City Council finds that the Affordable Housing Alternative is not feasible. "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors." (Public Resources Code Section 21061 and CEQA Guidelines Section 15364) The City Council finds that the Affordable Housing Alternative is not feasible, as defined under CEQA, as the City cannot legally require the Project applicant to construct 100% affordable housing on the site as Section 3.040 of the Petaluma IZO only requires 15% of the total number of residential units be affordable.

The Affordable Housing Alternative is rejected for any and all of the following reasons:

- The Affordable Housing Alternative is not financially viable.
- The City cannot legally require the Project applicant to construct 100% affordable housing on the site.

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 would:

- provide development consistent with the City's General Plan, zoning regulations, and long-term development goals, especially as related to the provision of additional housing;
- develop the Project site in a manner that implements the City's Housing Element and advances the City's pro-housing designation;
- promote and realize new housing opportunities within the urban growth boundary, thereby discouraging urban sprawl; and
- enhance neighborhood connections with construction of a multi-use pathway and bridge.

The City Council finds that the 270 and 280 Casa Grande Road Creekwood Housing Development Project have been carefully reviewed and that Project design features and recommended mitigation measures have been incorporated into the 270 and 280 Casa Grande Road Creekwood Housing Development Project 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 Draft EIR.

The City Council has considered the fiscal, economic, social, environmental, and orderly land use planning benefits of the 270 and 280 Casa Grande Road Creekwood Housing Development Project. 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 270 and 280 Casa Grande Road Creekwood Housing Development Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the 270 and 280 Casa Grande Road Creekwood Housing Development Project outweigh the adverse environmental effects, and that the remaining significant and unavoidable impacts of the 270 and 280 Casa Grande Road Creekwood Housing Development Project 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 Community Development Department, 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, considered, and analyzed the EIR for the Project, that the 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 Draft EIR evaluated the following potential Project and cumulative environmental impacts: Biological Resources, Greenhouse Gas Emissions, Hydrology and Water Quality, and Transportation. Additionally, the EIR considered, in separate sections, Significant Irreversible Environmental Changes and Growth Inducing Impacts. An Initial Study, Appendix A of the Draft EIR, addressed the remaining CEQA topics. The significant environmental impacts of the Project, as well as other alternatives were identified in the Draft EIR.

3. The City finds that the Draft EIR 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 Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4. The City of Petaluma evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, written responses were provided describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments. The City of Petaluma 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 Draft EIR. The City of Petaluma, as 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.

    a. Having reviewed the information contained in the 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 recirculation of the Draft EIR, or that would require preparation of a supplemental or subsequent EIR. Specifically, the City finds that 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 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 Draft EIR, which would require recirculation of the Draft EIR. Thus, the City finds that, as significant new information was not added to the Draft EIR, recirculation is not required pursuant to Public Resources Code Section 21092.1.

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 Draft EIR and Final EIR. The final mitigation measures for the Project are described in the Mitigation Monitoring and Reporting Program (MMRP) and subsequently incorporated into the Project as conditions of approval. The City finds that the impacts of the Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP.

5. 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 in the MMRP as adopted by the City serve that function. The MMRP includes all of the mitigation measures 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 Section 21081.6, the City hereby adopts the MMRP.

6. In accordance with the requirements of Public Resources Code Section 21081.6, the City hereby adopts each of the mitigation measures expressly set forth herein as conditions of approval for the Project.

7. The custodian of the documents or other materials which constitute the record of proceedings upon which the City's decision is based is the City of Petaluma.

8. 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.

9. 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 270 and 280 Casa Grande Road Creekwood Housing Development Project.

10. The EIR is a project EIR for purposes of environmental analysis of 270 and 280 Casa Grande Road Creekwood Housing Development 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.

11. The City of Petaluma, as the Lead Agency, has eliminated or substantially lessened all significant effects when feasible and has determined that any remaining significant effects are acceptable when balanced against the project's benefits as stated in Section 7 Statement of Overriding Considerations.