

Responses to Council Questions and Comments

6/17/2024

Item #8: Introduction of an Ordinance to Amend the Zoning Map of the Implementing Zoning Ordinance to Prezone a 12.9-acre Site Located at 5400 Old Redwood Highway to Business Park (BP), Open Space and Park (OSP), and Floodplain Combining District (FP-C) Zoning Districts Prior to Annexation Proceedings to Be Conducted by the Sonoma Local Area Formation Commission (Sonoma LAFCO) and to Approve a Resolution of Application for Reorganization (Annexation) of Properties located at 5400 Old Redwood Hwy.; APNs 047-213-017 and 137-011-048; City Record Nos. PLZA-2023-0001 and PLAN-2024-0001

- Question: What is the concern with flooding regarding this project?
 - Response: The Project Site is also located within the 100-year floodplain, and future site development would be subject to the corresponding Floodplain Combining District (FP-C) overlay pursuant to IZO Chapter 6 (Floodway and Flood Plain Districts). IZO Chapter 6 establishes land use regulations for properties situated in floodways and floodplain lands so as to minimize property damage from flood waters and safeguard public health, safety, and general welfare. For example, elevating the lowest floor 12 inches or more above the level of the base flood elevation, and balancing cut and fill earthworks during grading to prevent displacement of floodwaters (Zero Net Fill Policy). A Pre-annexation Agreement (Attachment 12) is being required, and the agreement directs that any future new development on the Project Site would be subject to the same Zero Net Fill policy as adjacent properties within the Willowbrook Creek reach.

The site previously had fill imported (approximately 11,400 cubic yards) as documented in the letter from Councilmember Healy dated November 17, 2015 included as Attachment 10. The fill was permitted in the County (see Attachment 13), though a Zero Net Fill Policy did not apply at the time. The fill has since become a part of the existing condition on-site and FEMA regulatory flood hazard mapping. The fill was analyzed by West Consultants, and it was determined the removal of the fill would result in greater flood depths downstream than not (see Attachment 11).

- Question: Will soil be removed as a result of this project?
 - Response: No, no soil would be removed as a result of the project. A Pre-annexation Agreement (Attachment 12) is being required, and the agreement directs that any future new development on the Project Site would be subject to the same Zero Net Fill policy as adjacent properties within the Willowbrook Creek reach.
- Question: Is the main purpose of the application to change zoning and allow for provision of water service for public access and use?
 - Response: Yes, the purpose of the annexation, as described in the project submittal, is to allow the applicant to connect to City services, including water and sewer utilities. Connecting to City utilities would enable the applicant to lease vacant tenant spaces within the existing commercial building.
- Question: Is there a need to remediate the areas near the riparian edges of the site?
 - Response: No development is proposed on the property that would require an analysis of the existing soil or habitat. Future development would be required to comply with the City's adopted creekside setback standards.
- Question: Where is the information needed to determine if more Business Parks are a need in Petaluma (i.e. how much vacant office space and business parks is in city limits)?
 - Response: Market data available through subscription-based products used by the real estate development industry would describe such demand. No development is

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proposed as part of this project. The project site is located within the Urban Growth Boundary and is designated Business Park in the City's 2008 General Plan. The annexation is responding to direction provided in these adopted policy documents and no further analysis is required for a decision about annexation. A future proposal to increase development intensity at the site would warrant evaluation of the need or demand for additional business park-type land use.

- Question: Do we have an economic development person who has evaluate the need for additional business parks?
 - Response: An economic development analysis was not requested for this annexation request because a business park is not proposed and the existing uses (Artisan/Craft Production, Wholesaling and Distribution, a Café serving lunch, Artisan Shop, Professional Office, and Retail) would be retained.
- Question: Should this annexation wait until the General Plan land use is completed?
 - Response: Community Development is obligated to process entitlement applications in accordance with the State Permit Streamlining Act. The site was analyzed under the currently adopted General Plan. As such, the site is located within the City's UGB and has a Business Park land use designation to guide a future, anticipated annexation.
- Question: Is there access to the SMART bike trail from this site?
 - Response: SMART is currently constructing a section of trail from the current terminus at Southpoint Blvd to Penngrove. When complete, trail users will be able to access this property via Ely Rd N and Old Redwood Highway. The trail will be located on the other side of the tracks from the property, so direct access between the trail and the property would require the construction of a new rail crossing, which would need to be undertaken by SMART and the property owner at the discretion and approval of SMART, the property owner, and the California Public Utilities Commission.
- Question: Flood modeling was recently re-evaluated to learn and understand the impacts of the existing fill at 5400 Old Redwood Highway. It was determined to keep the fill onsite. Did this modeling take into account the UGB expansion on Corona Road and flood impacts on Corona and North McDowell? Was there an analysis of two old bridges over the slough? One at Old Redwood Highway and Corona Road west on the overcrossing? If those bridges were raised how would that effect water flow up and down stream? When you speak of consistency with the General Plan are we speaking to our existing GP?
 - Response: The methodology used by WEST Consultants is fully described in Attachment 11, Fill Evaluation Memo. All Planning entitlement applications are reviewed for consistency with the current adopted General Plan, which is the 2025 General Plan.
- Question: Have these results been reviewed by Sherwood, which is doing flood plain mapping for our general plan and FEMA mapping update? The consultant who prepared the report before the council was retained by the property owner.
 - Response: WEST Consultants is a subject matter expert as the City's flood modeling consultant. West has been the City of Petaluma's lead consultant for hydrology studies, hydraulics studies, and all of our FEMA mapping for nearly 2 decades, as well as the lead consultant and modeler for the new HEC-RAS 2D floodplain maps, FEMA maps, and sea level rise (SLR) maps. That experience is likely why the applicant selected WEST for this evaluation. Sherwood Engineers is the General Plan Update and Public Works consultant on sea level rise specific modeling and related policy/General Plan considerations; and

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has been working in collaboration with WEST Consultants on the SLR portion of the new maps and models.

- Question: How exactly does removing the illegal fill cause less water to break out of Willow Brook upstream and thus more water to remain in Willow Brook? That result seems counterintuitive.
 - Response: We concur that this is counterintuitive and note that this is a very complex hydraulic model to understand and graphically articulate, but which indicates (after repeated testing and model runs) that after overbanking Willowbrook, the manner in which floodwater fans out changes from the fill vs no fill scenarios, with slightly less water (approximately 1 % less flow) moving east (towards the fill site) and approximately 3% heading in a southerly direction parallel with Willowbrook. In Willowbrook just downstream of the breakout there is approximately on ½% increase in in-stream flow. The model has been tested repeatedly to confirm this outcome and we are confident in the results.

Note also that the current fill on the property has received County approval effective April 3, 2000.

- Question: The counterintuitive result presented by this report is the answer to a very binary question: should all 11,400 cubic yards of illegal fill be removed, or should it stay in place? The question that was not asked, but should have been, is what combination of removing some fill and sculpting what remains maximize benefits and minimize harm?
 - Response: See above regarding approved status of fill. Staff do not have further analysis regarding fill removal beyond that already provided.
- Question: The 0.50 foot reduction in flood levels for the building closest to the illegal fill site is far more significant than the flood level increases, ranging from 0.01 to 0.06 feet occurring off the Old Adobe Lumber site. Why does staff conclude this is not a significant benefit?
 - Response: Even with some decreases in water elevation (flood depth), the many increases would still need to be addressed/mitigated. Note that the .5 ft decrease in flood depth at the localized area just south of the fill would not bring that area out of the floodplain or change that flood designation.
- Question: I am concerned about cumulative impacts, especially downstream. Does this create a model for other property owners (e.g., pumpkin patch) to commission one-off studies on their properties to justify fill?
 - Response: Staff would review subsequent annexation proposals on their own merits, and cannot speculate on what future applicants may propose.
- Question: What kind of message would this send to the County about enforcing Zero Net Fill in unincorporated areas?
 - Response: The County approved the fill in April 2000 as noted, presumably consistent with its policies and programs in effect at the time.
- Question: A lot of folks liken our flood-prone areas to the bottom of a bathtub and adding or removing fill to adding or removing bricks from the bathtub, with water levels rising or falling as a result. Why is that analogy incorrect?
 - Response: The bathtub analogy was used to describe tidal effects and when the tide is at a certain elevation everything below that elevation is wet. The site in question is well above the tidal zone and results are therefore based on the 2D model solution.

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Downstream impacts of upstream site alterations are exceedingly complex to analyze and predict and not necessarily intuitive – e.g., the determination that removal of fill at 5400 Old Redwood Highway is not desirable from a storm water/flood water perspective. The general duty of upstream property owners to downstream owners is to act reasonably.

- Question: The illegal fill on the Old Adobe Lumber site totals 11,400 cubic yards, which is the equivalent of 7.1 acre feet. The Denman Reach Phase 4 terracing project created 10 acre feet of flood plain storage at a cost of \$1.9 million, or \$190,000 per acre foot. (January 7, 2019 council meeting, agenda item #3.C.) Shouldn't removing the illegal fill from this site be viewed as one of a series of terracing / retention pond projects that will, cumulatively, preserve the long-term effectiveness of the Corps flood control project?
 - Response: The Denman project was along the river, so the excavated material increased the stream conveyance, while this project is in the overbank so a direct comparison to Denman is not possible. We need a 2D model like the HEC-RAS model used here to understand the details of water conveyance in the overbank. As noted above, assessment of impacts of site alteration on stormwater flows and flooding requires detailed analysis (such as HEC-RAS 2D) of site-specific features and conditions.
- Question: What is the City required paving width for this wastewater main installation?
 - Response: The wastewater main would be installed within the shoulder of the public right of way. The anticipated required paving width would be 6-8 feet.