

Resolution No. 2023-XXX N.C.S.  
of the City of Petaluma, California

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA ADOPTING A  
MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING  
PROGRAM FOR THE OYSTER COVE MIXED USE PROJECT LOCATED AT 100 EAST D  
STREET, 0 EAST D STREET, AND 0 COPELAND STREET;  
ASSESSOR PARCEL NUMBERS: 007-700-006, 007-700-003, AND 007-700-005;  
FILE NO. PLGP-2022-0003, PLZA-2022-0004, AND PLSM-2022-0002**

**WHEREAS**, Joseph Scott Ward of Oyster Cove, LLC, on behalf of the property owner Lind Family Trust, submitted a General Plan Map Amendment application to change the land use designation of an approximately 1.86-acre portion of the 3.86-acre parcel addressed as 100 E D Street (Assessor Parcel Number 007-700-006) from River Dependent Industrial (RDI) to Mixed Use, a Zoning Map Amendment application to change the SmartCode Regulating Plan zoning on that same portion of the 3.86-acre parcel from River Dependent Industrial (D3) to Urban Center (T5), and a Tentative Subdivision Map for Condominium Purposes (TSM) application and associated SmartCode warrant requests, for the Oyster Cove Mixed Use Neighborhood project; and

**WHEREAS**, the Oyster Cove Mixed Use Neighborhood project proposes to subdivide the three-parcel, 6.13-acre project site comprised of parcels located at 100 East D Street, 0 East D Street, and 0 Copeland Street (APNs 007-700-006, -003, and -005) (the “Project”) into 22 lots with 132 airspace condominiums and approximately 9,000 SF of commercial space; and

**WHEREAS**, the discretionary Planning entitlement Site Plan and Architectural Review is required prior to the project commencing construction, and application for this required entitlement will be submitted subsequent to City Council adoption of the requested General Plan and Zoning Map Amendments and approval of the Tentative Subdivision Map application and associated SmartCode warrant requests; and

**WHEREAS**, the Project is subject to the Petaluma General Plan 2025, adopted by the City on May 19, 2008; and

**WHEREAS**, the Project is subject to the Central Petaluma Specific Plan (CPSP), adopted by the City in June 2003; and

**WHEREAS**, the Project is subject to the Petaluma SMART Rail Station Areas: TOD Master Plan, adopted by the City on June 17, 2013; and

**WHEREAS**, a portion of the Project site is identified in the 2015-2023 Housing Element as Opportunity Site #32, capable of supporting up to 56 housing units; however, the MU designation within the Central Petaluma Specific Plan area anticipated residential densities up to 60 dwelling units per acre, though there are no established densities within the CPSP, rather density is regulated through building form, mass, and height pursuant to the SmartCode; and

**WHEREAS**, the Project site is identified in the 2023-2031 Housing Element as capable of providing up to 132 housing units and identifies potential constraints, including access easement; and

**WHEREAS**, in evaluating the potential environmental effects of the Project within the Initial Study, including but not limited to effects on Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards, Hydrology, Noise, and Tribal Cultural Resources, the City tiered off of the program Environmental Impact Report (EIR) for the City of Petaluma General Plan 2025, certified on April 7, 2008 (General Plan EIR) by the adoption of Resolution No. 2008-058 N.C.S., and the program EIR for the CPSP, certified June 2003 by the adoption of Resolution No. 2003-104 N.C.S. which are incorporated herein by reference; and

**WHEREAS**, the General Plan EIR identified potentially significant environmental impacts and related mitigation measures, and the City also adopted a Statement of Overriding Considerations for significant impacts that could not be avoided; and

**WHEREAS**, the CPSP EIR identified potentially significant environmental impacts and related mitigation measures, and the City also adopted a Statement of Overriding Considerations for significant impacts that could not be avoided; and

**WHEREAS**, the City prepared an Initial Study for the Project consistent with California Environmental Quality Act (CEQA) Guidelines §15162 and §15163 and determined that a Mitigated Negative Declaration (MND) was required in order to analyze the potential for new or additional significant environmental impacts of the Project beyond those identified in the General Plan EIR and CPSP EIR; and,

**WHEREAS**, on or before April 7, 2023, the City published the Notice of Availability of an Initial Study/MND on the City Project webpage, in the Petaluma Argus, filed the NOA with the Sonoma County Clerk, posted the NOA to CEQAnet, and mailed the NOA to all residents and property owners within 1,000 feet of the Project providing for a 30-day public comment period commencing April 7, 2023, and ending May 8, 2023; and

**WHEREAS**, on April 28, 2023, the City's Notice of Public Hearing to be held on May 9, 2023, before the City of Petaluma Planning Commission, was published and mailed to all residents and property owners within 1,000 feet of the Project as well as persons having requested special notice of said proceedings; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 9, 2023, at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Planning Commission considered the Project, the MND, the supporting Initial Study, the staff report dated May 4, 2023, analyzing the Project and the MND, and received and considered all written and oral public comments on environmental effects of the Project which were submitted up to and at the time of the public hearings; and

**WHEREAS**, the MND reflects the City's independent judgment and analysis of the potential for environmental impacts from the Project; and

**WHEREAS**, the IS/MND applies the BAAQMD CEQA Air Quality Guidelines including the BAAQMD thresholds of significance, and as lead agency under CEQA, the City of Petaluma has the discretion to rely upon the BAAQMD CEQA Guidelines and thresholds of significance, since they include the best available scientific data and most conservative thresholds available for comparison of the Project's emissions, and comparison of the Project's emissions against these thresholds provides a conservative assessment as the basis for determination of significance; and

**WHEREAS**, pursuant to further analysis in the IS/MND, including evaluation using the BAAQMD CEQA Guidelines and thresholds of significance, the Project does not make a considerable contribution to cumulative impacts from air quality or greenhouse gas emissions identified as significant and unavoidable in the General Plan 2025 EIR, because the project's emissions are below the significance thresholds identified; and

**WHEREAS**, Pursuant to Section 15072(g)(5), the IS/MND discloses that the site is listed in hazardous waste databases, as defined under Section 65962.5 of the Government Code including the State Water Resources Control Board GeoTracker database from soil and groundwater contamination and concludes that implementation of mitigation measures will reduce impacts resulting from location on a site containing hazardous waste to less than significant; and

**WHEREAS**, the MND, Initial Study, and related project and environmental documents, including the General Plan 2025 EIR, CPSP EIR, and all documents incorporated herein by reference, are available for review in the City Community Development Department at Petaluma City Hall, during normal business hours. The custodian of the documents and other materials which constitute the record of proceedings for the Project is the City of Petaluma Community Development Department, 11 English Street, Petaluma, CA 94952, Attention: Andrew Trippel; and

**WHEREAS**, while the Initial Study/MND for the Project identified potentially significant impacts, all significant impacts are mitigated to a less than significant level, and therefore the Project would not result in any significant impacts to the environment; and

**WHEREAS**, the Planning Commission considered the Project, the MND, the supporting Initial Study, the staff report, and received and considered all written and oral public comments on environmental effects of the Project which were submitted up to and at the time of the public hearings; and

**WHEREAS**, the Planning Commission approved Resolution 2023-06 recommending the City Council approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, with minor revisions; and

**WHEREAS**, public comments received on the Draft IS/MND have been responded to in a Response to Comments document; and

**WHEREAS**, said minor revisions have been incorporated into the Final IS/MND and MMRP; and

**WHEREAS**, the Project was scheduled for review by the City Council at a public hearing held on September 18, 2023, and a notice of intent to adopt the IS/MND and public notice of the scheduled public hearing was

published in the Argus-Courier, mailed to property owners within 1,000 feet of the Project site, posted on the project site in the form of onsite signage, on September 8, 2023, in accordance with Implementing Zoning Ordinance Section 24.100 Public Notice; and

**WHEREAS**, at said hearing, the City Council considered the staff report and approved the Final IS/MND and MMRP.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Petaluma as follows:

1. The foregoing recitals are true and correct and incorporated herein by reference.
2. Based on its review of the entire record herein, the City Council makes the following findings:
  - a. An Initial Study/MND has been prepared, and proper notice provided in accordance with CEQA and local Guidelines.
  - b. Based on its review of the entire record herein, including the MND, the Initial Study, all supporting, referenced, and incorporated documents, and all comments received, the City Council finds that there is no substantial evidence that the Project as mitigated will have a significant effect on the environment, and hereby adopts the MND for the Project, including the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit A**.
  - c. The Project does have the potential to affect wildlife resources as defined in the Fish and Game code, either individually or cumulatively; However, with mitigation, these potential environmental impacts would be reduced to a less than significant level and is not exempt from Fish and Wildlife filing fees.
  - d. The City Council reviewed the Final Initial Study/MND and considered the comments and response to comments before making a decision on the Project. Pursuant to the analysis in the Initial Study/MND, the Project does not make a cumulatively considerable contribution to the significant and unavoidable cumulative traffic or noise impacts identified in the General Plan 2025 EIR.

Under the power and authority conferred upon this Council by the Charter of said City.

**REFERENCE:**

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a Regular meeting on the DD day of Month YYYY, by the following vote:

Approved as to  
form:

\_\_\_\_\_  
City Attorney

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

City Clerk

Mayor

## EXHIBIT A

### OYSTER COVE MIXED USE NEIGHBORHOOD MITIGATION MONITORING AND REPORTING PROGRAM

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**Project Name:** Oyster Cove Mixed Use Neighborhood

**File Number:** PLPJ-2022-0005

**Address/Location:** 100 and 310 East D Street and 0 Copeland Street, City of Petaluma, California  
(APNs 007-700-003, -006, and -005)

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#### MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines. This document has been developed to ensure implementation of mitigation measures and proper and adequate monitoring/reporting of such implementation. CEQA requires that this MMRP be adopted in conjunction with project approval, which relies upon a Mitigated Negative Declaration.

The purpose of this MMRP is to: (1) document implementation of required mitigation; (2) identify monitoring/reporting responsibility, be it the lead agency (City of Petaluma), other agency (responsible or trustee agency), or a private entity (applicant, contractor, or project manager); (3) establish the frequency and duration of monitoring/reporting; (4) provide a record of the monitoring/reporting; and (5) ensure compliance.

The following table lists each of the mitigation measures adopted by the City in conjunction with project approval, the implementation action, timeframe to which the measure applies, the monitoring/reporting responsibility, reporting requirements, and the status of compliance with the mitigation measure.

#### Implementation

The responsibilities of implementation include review and approval by City staff including the Engineering, Planning, and Building divisions. Responsibilities include the following:

1. The applicant shall obtain all required surveys and studies and provide a copy to the City prior to issuance of grading permits or approvals of improvements plans.
2. The applicant shall incorporate all applicable code provisions and required mitigation measures and conditions into the design and improvement plans and specifications for the project.
3. The applicant shall notify all employees, contractors, subcontractor, and agents involved in the project implementation of mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions.
4. The applicant shall provide for the cost of monitoring of any condition or mitigation measure that involves on-going operations on the site or long-range improvements.

5. The applicant shall designate a project manager with authority to implement all mitigation measures and conditions of approval and provide name, address, and phone numbers to the City prior to issuance of any grading permits and signed by the contractor responsible for construction.
6. Mitigation measures required during construction shall be listed as conditions on the building or grading permits and signed by the contractor responsible for construction.
7. All mitigation measures shall be incorporated as conditions of project approval.
8. The applicant shall arrange a pre-construction conference with the construction contractor, City staff and responsible agencies to review the mitigation measures and conditions of approval prior to the issuance of grading and building permits.

### **Monitoring and Reporting**

The responsibilities of monitoring and reporting include the engineering, planning, and building divisions, as well as the fire department. Responsibilities include the following:

1. The Building, Planning, and Engineering Divisions and Fire Department shall review the improvement and construction plans for conformance with the approved project description and all applicable codes, conditions, mitigation measures, and permit requirements prior to approval of a site design review, improvement plans, grading plans, or building permits.
2. The Planning Division shall ensure that the applicant has obtained applicable required permits from all responsible agencies and that the plans and specifications conform to the permit requirements prior to the issuance of grading or building permits.
3. Prior to acceptance of improvements or issuance of a Certificate of Occupancy, all improvements shall be subject to inspection by City staff for compliance with the project description, permit conditions, and approved development or improvement plans.
4. City inspectors shall ensure that construction activities occur in a manner that is consistent with the approved plans and conditions of approval.

### **MMRP Checklist**

The following table lists each of the mitigation measures adopted by the City in connection with project approval, the timeframe to which the measure applies, the person/agency/permit responsible for implementing the measure, and the status of compliance with the mitigation measure.

## OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<b>AIR QUALITY</b>				
<p><b>AQ-1:</b> The applicant shall incorporate the Best Management Practices (BMPs) for construction into the construction and improvement plans and clearly indicate these provisions in the specifications. In addition, an erosion control program shall be prepared and submitted to the City of Petaluma prior to any construction activity. BMPs shall include but not be limited to the BAAQMD Basic Construction Mitigation Measures as modified below:</p> <p>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</p> <p>All haul trucks transporting soil, sand, or other loose material shall be covered.</p> <p>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>All vehicle speeds on unpaved roads shall be limited to 15 mph.</p> <p>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p>	<ul style="list-style-type: none"> <li>Measures shall be included in project design and construction documents.</li> <li>Periodic inspections during construction to ensure that measures are in place.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant</li> <li>Planning Division</li> <li>Building Division</li> </ul>		



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<p>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.</p> <p>A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>				
<b>BIOLOGICAL RESOURCES</b>				
<p><b>BIO-1:</b> Prior to issuance of grading permit, the project applicant shall provide documentation to the City of Petaluma that the required permits for installation of culvert outfalls from regulatory agencies have been obtained. The permit authorization process shall include, if needed and at the discretion of the regulatory agencies involved, consultation with National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), and/or California Department of Fish and Wildlife (CDFW) to determine if avoidance, minimization, and mitigation measures beyond those described below are necessary. At a minimum, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• Project work shall be conducted, as much as practicable, during the dry season (May through October) to reduce runoff. If rainfall is in the forecast predicted to be greater than one-half inch over a 24-hour period, standard erosion control measures (e.g., straw wattles, bales, silt fencing) shall be deployed and grading shall be suspended.</li> <li>• Erosion control measures shall be utilized throughout all phases of the project where sediment runoff from construction may potentially enter waters. Erosion control structures shall be monitored for effectiveness and will be repaired or replaced as</li> </ul>	<ul style="list-style-type: none"> <li>• Measures shall be included in project design and construction documents.</li> <li>• Inspection by a qualified biologist shall be conducted prior to commencement of earthwork activities and verified periodically.</li> <li>• Qualified biologist shall conduct training.</li> <li>• Contractor shall maintain records to document compliance.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Planning Division</li> <li>• Qualified Biologist</li> <li>• NMFS</li> <li>• USFWS</li> <li>• CDFW</li> <li>• CORPS</li> </ul>		

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<p>needed. Appropriate erosion control measures shall be installed around any stockpiles of soil or other materials which could be mobilized by rainfall or runoff. Erosion control structures shall not include plastic monofilament or other components that may entrap wildlife. Following completion of ground disturbance, silt wattles or other erosion control methods shall be installed along the stream bank, above the mean high tide water level. Silt wattles shall be made of jute and not plastic.</p> <ul style="list-style-type: none"> <li>• All equipment shall be staged above the top of bank and spill kits shall be located within working equipment. Equipment fuels and lubricants shall be prevented from reaching the river by locating fueling/maintenance areas an appropriate distance away from the river or drainage ways to the river and construction contractors shall have a spill prevention kit and plan on location.</li> <li>• Uncured concrete shall not be exposed to water flowing to the river or within the river itself and all excess uncured concrete shall be properly disposed of at an offsite location.</li> <li>• Areas of vegetation removal shall be limited to the smallest area feasible. Any areas of bare ground shall be re-seeded immediately following completion of all ground disturbance work. Additional erosion control measures (jute, hay) as feasible will be installed prior to rainy season. Areas of exposed stream bank above the mean high water shall be planted with native species appropriate for area and habitat.</li> <li>• An environmental awareness training program shall be given to all crew members working on the outfall replacement part of the project. The training will be given by a qualified biologist and shall include education on sensitive resources such as protected fish and wildlife with the potential to occur within the Study Area, water quality, and environmental protection measures.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant shall obtain and provide to the City all regulatory approval.</li> </ul>			

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<ul style="list-style-type: none"> <li>• Equipment shall be thoroughly cleaned prior to being moved onsite and prior to being removed such that it will not pose a potential to introduce or spread invasive plant or animal species.</li> <li>• Prior to construction, an Accidental Spill Prevention and Cleanup Plan shall be prepared. This plan shall include required spill control absorbent material, for use beneath stationary equipment, to be present on-site and available at all times.</li> <li>• No fueling, cleaning, or maintenance of vehicles or equipment shall take place within any areas where an accidental discharge may cause hazardous materials to enter waterways.</li> <li>• Any equipment or vehicles used for the project will be checked and maintained daily to prevent leaks of fluids that could be deleterious to aquatic habitats.</li> <li>• Construction disturbance or removal of vegetation shall be restricted to the minimum footprint necessary to complete the work. The work area shall be delineated by the project biologist where necessary to minimize impacts to vegetated habitats beyond the work limit, and to protected vegetation within the work area.</li> <li>• Staging and storage areas for equipment, materials, fuels, lubricants and solvents, shall be located outside of the floodplain and set back as far as feasible from channel banks and seasonal wetlands.</li> <li>• Stationary equipment such as motors, pumps, and generators, located adjacent to aquatic features shall be positioned over secondary containment sufficient to arrest a catastrophic failure.</li> <li>• All activities performed near aquatic features shall have absorbent materials designated for spill containment and cleanup activities on-site for use in an accidental spill.</li> </ul>				

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
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<ul style="list-style-type: none"> <li>• Stockpiles of excavated soil or other shall be covered when not in active use (i.e. will not be used, or moved for 72 hours). All trucks hauling soil, sand, and other loose materials will be covered.</li> <li>• No construction debris of any type will be allowed to enter or be placed where they may be washed into any aquatic features.</li> <li>• At the end of the project construction activities all temporary flagging, fencing, or other materials shall be removed from the project site and vicinity of the channel.</li> <li>• No equipment shall be washed down where runoff could enter waterways.</li> </ul> <p>Avoidance and Minimization Measures for NMFS Species and resources (including critical habitat and essential fish habitat) that shall be implemented during project construction activities are outlined below.</p> <ul style="list-style-type: none"> <li>• Any work below the top of bank shall be completed during the dry season, between June 15 and October 15.</li> <li>• No work requiring heavy machinery to enter the wetted channel of the Petaluma River shall be conducted. To the greatest extent feasible, any work below the top of bank of the Petaluma River and McNear Canal shall be conducted using an excavator or other similar equipment capable of reaching the work area from above top of bank.</li> <li>• Work shall be conducted during the lowest tidal periods of the day to minimize disturbance to aquatic habitat and preclude need for using a coffer dam.</li> <li>• Prior to beginning work below the high tide line, a qualified biologist shall place exclusion nets to prevent fish from temporarily occupying waters that may be accidentally impacted by landslides or similar failures. The exclusion nets shall be of sufficient height to span the water column and small enough in</li> </ul>				

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<p>size (1/8 inch or less) to exclude juvenile fish from areas that may be subject to disturbance during excavation.</p> <ul style="list-style-type: none"> <li>To prevent the spread of turbidity that might be caused by liberation of sediment, a turbidity curtain shall be installed within the exclusion zone created by block nets whenever equipment makes contact with substrate below the high tide line and when rip-rap is installed.</li> <li>Native vegetation removed shall be limited to the minimum necessary in order to complete outfall culvert installation and shall be replanted within the work area where appropriate. (For mitigation of loss of wetland habitat, see MM BIO-4).</li> </ul>				
<p><b>BIO-2:</b> Tree and building removal shall be performed from September 1 through March 1, outside of the general bat maternity season. If tree or building removal during this period is not feasible, a bat roost survey shall be performed by a qualified biologist no more than 60 days prior to demo/removal to determine if bats are present in the trees or structures. During this survey, the qualified bat biologist shall determine if an active roost is present and if colonization by bats is likely. If bats are present, a bat exclusion plan shall be developed and implemented. If bats are absent, but potential for colonization is determined to be likely, the biologist shall make recommendations to prevent colonization. Within 14 days of commencement of construction, the biologist shall resurvey the structures and trees to determine if any bats are present. If no roosting bats are detected, then no further action is warranted. If bat maternity roosts are detected, then roost trees and structures shall be avoided until the end of the maternity roosting season. Irrespective of time of year, all felled trees and demolished buildings shall remain on the ground for at least 24 hours prior to chipping, off-site removal, or other processing to allow any bats present to escape. If more than 7 days lapse between</p>	<ul style="list-style-type: none"> <li>Conduct surveys in accordance with this measure.</li> <li>Conduct construction in conformance with measures herein.</li> <li>Notify Planning Division and CDFW in the event of discovery.</li> </ul>	<ul style="list-style-type: none"> <li>Qualified biologist</li> <li>Applicant</li> <li>Planning Division</li> <li>CDFW</li> </ul>		

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the end of the survey and start of construction, the survey shall be repeated.				
<b>BIO-3:</b> Vegetation removal (including trees) and initial ground disturbance shall occur from September 1 to January 31 which is outside of the general bird nesting season. If tree/vegetation removal during this time is not feasible, a pre-construction nesting bird survey shall be performed by a qualified biologist no more than 7 days prior to the initiation of tree removal or ground disturbance, paying special attention to areas of more dense vegetation cover. The survey shall include the Project Area and surrounding areas within 500 feet. Survey results shall be provided to the City of Petaluma Planning Director or director's designee. If active bird nests are found during the survey, an appropriate no-disturbance buffer specific to the bird species shall be established by the qualified biologist. Once it is determined that the young have fledged (left the nest) or the nest otherwise becomes inactive (e.g., due to predation), the buffer restriction shall be removed and work may be initiated within the buffer. If more than 7 days lapse between the end of the survey and start of construction, the survey shall be repeated.	<ul style="list-style-type: none"> <li>• Conduct surveys in accordance with this measure.</li> <li>• Conduct construction in conformance with measures herein.</li> <li>• Notify Planning Division and CDFW in the event of discovery.</li> </ul>	<ul style="list-style-type: none"> <li>• Qualified biologist</li> <li>• Applicant</li> <li>• Planning Division</li> <li>• CDFW</li> </ul>		
<b>BIO-4:</b> Prior to issuance of grading permit the applicant shall provide proof of authorization to the City of Petaluma that temporary or permanent impacts to coastal salt marsh fringe wetland related to outfall replacement upgrade have been authorized by the appropriate regulatory agencies. Permits which may be necessary include a Section 10 Rivers and Harbors Act and/or a Section 404 CWA permit from the Corps, a Section 401 Water Quality Certification from RWQCB, and a 1602 Lake and Streambed Alteration Agreement (LSAA) from CDFW. As part of the CORPS/RWQCB permit application packages, the applicant shall demonstrate that impacts to approximately 0.004 acres (171 square feet) of tidal wetlands will be replaced at a minimum 1:1 ratio on a functions and values basis, <u>or as otherwise determined by</u>	<ul style="list-style-type: none"> <li>• Conduct surveys in accordance with this measure.</li> <li>• Conduct construction in conformance with measures herein.</li> <li>• Notify Planning Division and CDFW in the event of discovery.</li> </ul>	<ul style="list-style-type: none"> <li>• Qualified biologist</li> <li>• Applicant</li> <li>• Planning Division</li> <li>• CDFW</li> <li>• RWQCB</li> <li>• CORPS</li> </ul>		

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<p><u>the regulatory agencies. Preference shall be given to on-site mitigation, but Mitigation may include purchase of created wetlands credits from an approved mitigation bank or proponent created wetlands at an on- or off-site location, as deemed most appropriate by the regulatory agencies.</u> The appropriate permits shall be obtained from regulatory agencies prior to initial grading/construction which shall include approval of a wetlands mitigation plan.</p>				
<p><b>BIO-5:</b> Prior to any tree removal or alteration, the applicant shall obtain approval from the City of Petaluma to implement a plan for tree preservation and replacement in accordance with the City's Tree Preservation Ordinance. Replacement of the protected trees onsite shall be replaced at a one-to-one trunk diameter basis. Replacement trees shall <u>be consistent with the preliminary landscape plan, except that additional trees or larger size box trees (e.g. 36-inch) shall be included, if feasible, as recommended in the Arborist Report prepared by WRA Environmental Consultants, dated June 2022. be at the minimum 24-inch box size.</u> Acceptable replacement for the removal of 326.6 dbh of protected trees shall be determined in replacement planting plan provided to the City of Petaluma Planning Director, or director's designee for review and approval. Replacement trees shall be planted onsite in the same generally vicinity as the removed tree. In the event that replacement onsite is infeasible, the applicant shall pay a tree in-lieu fee. The replacement tree costs for the purposes of satisfying in-lieu fees shall be based on the typical northern California wholesale tree cost plus average installation cost for a minimum 24-inch box tree. If payment of an in-lieu fee is proposed, an arborist-prepared in-lieu replacement value for the remaining tree mitigation shall be required.</p>	<ul style="list-style-type: none"> <li>• Applicant to submit a plan for tree preservation to Planning for review and approval.</li> <li>• Applicant to document tree replacement onsite or pay in lieu fee.</li> <li>• City to verify replacement following construction.</li> </ul>	<ul style="list-style-type: none"> <li>• Qualified Arborist</li> <li>• Applicant</li> <li>• Planning Division</li> </ul>		
<b>CULTURAL RESOURCES</b>				

## OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM

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<p><b>CUL-1:</b> To ensure the Project does not result in impacts to buried archaeological resources onsite, if present, the following shall be implemented:</p> <ol style="list-style-type: none"> <li><b>Training.</b> Prior to commencement of ground-disturbing activities, a professional archaeologist shall conduct a preconstruction training for construction personnel. The training shall familiarize individuals with the potential to encounter prehistoric artifacts or historic-era archaeological deposits, the types of archaeological material that could be encountered within the Project Area, and the requirement for a monitor to be present during initial ground-disturbing activities.</li> <li><b>Monitoring.</b> During initial ground disturbing activities, a Secretary of the Interior-qualified archeologist and Federated Indians of Graton Rancheria-approved monitor shall be onsite to monitor activities. The monitor shall have the authority to temporarily halt work to inspect areas as needed for potential cultural materials or deposits. Daily monitoring logs shall be completed by the monitor.</li> <li><b>Post-review Discoveries.</b> In the event that cultural resources are exposed during construction, all earth work occurring within 100 feet of the find shall be immediately stopped until a Secretary of Interior-qualified Archaeologist inspects the material(s), assess historical significance. The monitoring archaeologist shall consult with the Federated Indians of Graton Rancheria-approved monitor, may consult with other stakeholders, and as needed provide recommendations for the treatment of the discovery.</li> <li><b>Archaeological Monitoring Report.</b> Within 60 days following completion of construction work, an archeological monitoring report shall be submitted to the City. The report shall include the results of the monitoring program (even if negative), a summary of</li> </ol>	<ul style="list-style-type: none"> <li>Conduct construction in conformance with measures herein.</li> <li>Notify Professional Archaeologist and Planning Division in the event of potentially significant archaeological resource discovery.</li> <li>Include measure on project construction and improvement plans.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant</li> <li>Qualified archaeologist and/or FIGR representative</li> <li>Planning Division</li> </ul>		



OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
any findings or evaluation/data recovery efforts, and supporting documentation (e.g., daily monitoring logs).				
<b>CUL-2:</b> In the event that human remains are encountered within the Project Area during Project-related, ground-disturbing activities, all work must stop, and the County Coroner immediately notified of the discovery. If the County coroner determined that remains are, or are believed to be Native American, then the Native American Heritage Commission must be contacted by the Coroner so that a “Most Likely Descendant” (MLD) can be designated to provide further recommendations regarding treatment of the remains. A Secretary of Interior-qualified Archaeologist should also evaluate the historical significance of the discovery, the potential for additional human remains to be present, and to provide further recommendations for treatment of the resource in accordance with the MLD recommendations. Federal regulations require that Native American human remains, funerary objects, and object of cultural patrimony are handed consistent with the requirement of the Native American Graves Protection and Repatriation Act.	<ul style="list-style-type: none"> <li>• Incorporate into project design and print on construction documents</li> <li>• On-site observation</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Qualified archaeologist and/or FIGR representative</li> <li>• Planning Division</li> <li>• NAHC</li> <li>• MLD</li> <li>• County Coroner</li> </ul>		
<b>GEOLOGY AND SOILS</b>				
<b>GEO-1:</b> The project Applicants shall submit for City’s approval a preconstruction design-level geotechnical report for the Oyster Cove Project. The report shall include all applicable geologic report standards, reconnaissance and subsurface exploration data, laboratory test results, and conclusions and recommendations, including, but not limited to, those pertaining to: 1) site preparation, excavation, fill placement and compaction, temporary and permanent cut and fill slope inclinations (including whether slopes steeper than 3:1 can be used at the site), slope stability, slope erosion mitigation, and landslide movement mitigation; 2) surface and subsurface drainage systems, including drainage associated with grading for landslide movement mitigation	<ul style="list-style-type: none"> <li>• Upon submittal of plans for building permit, submit a design-level geotechnical report.</li> <li>• Incorporate geotechnical recommendations into project construction and improvement plans.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant/ Contractor/ Geotechnical Engineer</li> <li>• Public Works and Utilities</li> <li>• Building Division</li> </ul>		

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p>and new cut and fill slopes; 3) foundations and floors for planned residential structures; 4) foundations for planned site improvements, including, but not limited to restrooms, barn, pedestrian bridges, and other structures; 5) settlement and swell estimates for planned residential structures and site improvements, including those bearing of engineered fill; 6) foundations, back-drains, and lateral earth pressures for site retaining walls; 7) seismic design parameters for the planned residential structures, site improvements, and site retaining walls; 8) pavement design for driveways, parking lots, pathways and trails, where applicable; 9) utility trench backfill, including check dams and trench drainage, if appropriate; 10) geologic/geotechnical construction monitoring, testing, and certification requirements; and 11) trail construction and long-term maintenance requirements, including criteria for inspecting and maintaining culverts and pathway surfaces, as appropriate.</p> <p>The geotechnical report shall include measures, as necessary, to reduce the potential for static and earthquake-induced slope movements that may adversely impact the Oyster Cove Project. Engineering analyses shall estimate the factors of safety against slope movements in the development area.</p> <p>As determined by the City Engineer and/or Chief Building Official, all recommendations outlined in the preconstruction design-level geotechnical report for the Oyster Cove project are herein incorporated by reference and shall be adhered to in order to ensure that appropriate measures are incorporated into the design and construction of the project. Nothing in this mitigation measure shall preclude the City Engineer and/or Chief Building Official from requiring additional information be provided to determine compliance with applicable standards. The project geotechnical engineer shall review the project plans and specifications and submit a letter certifying to the City that</p>	<ul style="list-style-type: none"> <li>The project geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.</li> </ul>			

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
the project plans and specifications have been prepared in accordance with the geotechnical recommendations for the project. The project geotechnical engineer or personnel under their direct supervision shall inspect the construction of geotechnical and/or geologic aspects of the project and shall submit a letter certifying to the City that prior to issuance of a certificate of occupancy, the geotechnical and geologic aspects of the project plans and specifications have been appropriately constructed at the site and are acceptable to the project geotechnical engineer.				
<b>GEO-2:</b> Prior to issuance of a grading permit, an erosion control plan along with grading and drainage plans shall be submitted to the City Engineer for review. All earthwork, grading, trenching, backfilling, and compaction operations shall be conducted in accordance with the City of Petaluma's Grading and Erosion Control Ordinance #1576, Title 17, Chapter 17.31 of the Petaluma Municipal Code. Plans shall detail erosion control measures such as site watering, sediment capture, equipment staging and laydown pad, and other erosion control measures to be implemented during all construction activity.	<ul style="list-style-type: none"> <li>Compliance with approved erosion control plan.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant/ Contractor/ Geotechnical Engineer</li> <li>Public Works and Utilities</li> <li>Building Division</li> </ul>		
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>HAZ-1:</b> Prior to issuance of a grading permit, <del>approval of the Site Remediation Plan by the RWQCB shall be submitted to the City of Petaluma, the applicant shall seek regulatory oversight for the proposed site remediation by the State, either the DTSC or RWQCB, pursuant to the 2005 Memorandum of Agreement between DTSC, the State Water Resources Control Board, Regional Water Quality Control Boards, and the California EPA for the Oversight of Investigation and Cleanup Activities at Brownfield Sites. If regulatory oversight is required, r</del> Remediation activities onsite shall be conducted in accordance with the Final Site Remediation Plan (Draft prepared by ENGEO, dated November 1, 2022), <u>unless otherwise directed by the regulatory oversight.</u> All impacted soils and vegetation shall be removed and	<ul style="list-style-type: none"> <li>Provide copy of Site Remediation Plan to the City with construction documents for review and approval.</li> <li>Retain copy of the approved plan on-site during construction.</li> </ul>	<ul style="list-style-type: none"> <li>Project Applicant/ Contractor</li> <li>Environmental Professional/H ealth and Safety Officer</li> <li>RWQCB.</li> <li>Fire Department</li> </ul>		

## OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
remediated, in compliance with oversight by the DTSC or RWQCB, and disposed of at a facility licensed to accept contaminated materials. Prior to issuance of a certificate of occupancy, the applicant shall provide documentation to the City of Petaluma demonstrating that remediation has effectively reduced pollutant concentrations onsite and all contaminants fall below ESLs for residential uses. Remediation activities shall be conducted in accordance with the Site-Specific Health and Safety Plan.		<ul style="list-style-type: none"> <li>• Building Division</li> <li>• Planning Division</li> </ul>		
<b>HYDROLOGY AND WATER QUALITY</b>				
<b>HYDRO-1:</b> In accordance with the National Pollution Discharge Elimination System (NPDES) regulation, the applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP shall address erosion and sediment controls, proper storage of fuels, identification of BMPs, and use and cleanup of hazardous materials. A Notice of Intent, fees, and other required documentation shall be filed with the Regional Water Quality Control Board. During construction a monitoring report shall be conducted weekly during dry conditions and three times a day during storms that produce more than 1/2" of precipitation.	<ul style="list-style-type: none"> <li>• Incorporate into project design and print on construction documents (building and landscape plans).</li> <li>• On-site observation</li> </ul>	<ul style="list-style-type: none"> <li>• Project Applicant/ Contractor</li> <li>• Public Works and Utilities</li> <li>• Building Division</li> <li>• Planning Division</li> </ul>		
<b>HYDRO-2:</b> Should construction dewatering be required, the applicant shall either reuse the water on-site for dust control, compaction, or irrigation, retain the water on-site in a grassy or porous area to allow infiltration/evaporation, or obtain a permit to discharge construction water to a sanitary sewer or storm drain. Discharges to the sanitary sewer system shall require a one-time discharge permit from the City of Petaluma. Measures may include characterizing the discharge and ensuring filtering methods and monitoring to verify that the discharge is compliant with the City's local wastewater discharge requirements. Discharges to a storm drain shall be conducted in a	<ul style="list-style-type: none"> <li>• Incorporate into project design and print on construction documents (building and landscape plans).</li> <li>• On-site observation</li> </ul>	<ul style="list-style-type: none"> <li>• Project Applicant/ Contractor</li> <li>• Public Works and Utilities</li> <li>• Building Division</li> <li>• Planning Division</li> </ul>		

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
manner that complies with the Regional Water Quality Control Board Waste Discharge Requirements for Low Threat Discharges to Surface Waters in the North Coast Region. In the event that groundwater is discharged to the storm drain system, the Applicant shall submit permit registration documents and develop a Best Management Practices/Pollution Prevention Plan to characterize the discharge and to identify specific BMPs, such as sediment and flow controls sufficient to prevent erosion and flooding downstream.				
<b>HYDRO-3:</b> The project shall implement appropriate post-construction stormwater treatment measures to reduce water quality and hydromodification impacts to downstream reaches, as required by the current post construction controls regulations of the Small MS4 General Permit. Upon completion of the final project design, the Applicant shall provide a final stormwater control plan (SWCP) to the City of Petaluma and shall include stormwater management measures that comply with the Small MS4 General Permit. The report shall delineate individual drainage management areas (DMAs) within the project site and provide analysis to show compliance with the volumetric or flow-based treatment criteria as described in the Small MS4 General Permit and outlined in the BASMAA (2019) Post-Construction Manual. The report shall also include design calculations that show post-project runoff for the 24-hour, 2, 5, 10, 25, and 100 year storm event does not exceed pre-project flow for each DMA, and that each DMA has appropriate stormwater quality treatment based on flow- or volumetric-based calculation, as outlined in the Small MS4 General Permit and in compliance with the BASMAA Manual. The final SWCP documentation shall be submitted to the City and Sonoma Water for review and an approval letter from Sonoma Water prior to the issuance of a grading permit shall be required.	<ul style="list-style-type: none"> <li>• Incorporate into project design and print on construction documents (building and landscape plans).</li> <li>• On-site observation</li> <li>• Upon submittal of grading plan provide approval letter from Sonoma Water</li> </ul>	<ul style="list-style-type: none"> <li>• Project Applicant/ Contractor</li> <li>• Public Works and Utilities</li> <li>• Building Division</li> <li>• Planning Division</li> <li>• Sonoma Water</li> </ul>		

## OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p><b>HYDRO-4:</b> Following construction of the residential buildings within the FP-C (Flood Plain – Combining District), and prior to occupancy, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator. The Floodplain Administrator shall require standards in accordance with the City’s FP-C, such as the following:</p> <ol style="list-style-type: none"> <li>1. All new improvements shall be anchored to prevent flotation, collapse, or lateral movement.</li> <li>2. All new improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices to minimize flood damage.</li> <li>3. All electrical, heating, air conditioning, ventilation, and plumbing shall be designed and located to prevent water from entering or accumulating within components during flooding.</li> <li>4. All new construction and improvements shall insure that fully enclosed areas below the lowest floor that are subject to flooding be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. A minimum of two opening not less than one square inch for every square foot of enclosed area shall be provided.</li> </ol>	<ul style="list-style-type: none"> <li>• Incorporate into project design and construction documents.</li> <li>• Conduct construction in conformance with measures herein.</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Building Division</li> <li>• Planning Division</li> <li>• Public Works and Utilities</li> </ul>		
<b>NOISE</b>				
<p><b>NOI-1:</b> The following Best Construction Management Practices shall be implemented to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:</p> <ol style="list-style-type: none"> <li>1. Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 7:00 p.m. on</li> </ol>	<ul style="list-style-type: none"> <li>• Conduct construction in conformance with measures herein.</li> <li>• Incorporate into project design and</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Building Division</li> <li>• Planning Division</li> </ul>		

OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p>Saturday. Construction activities shall be prohibited on Sunday and State, Federal and Local Holidays.</p> <ol style="list-style-type: none"> <li>2. Delivery of materials and equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.</li> <li>3. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>4. Unnecessary idling of internal combustion engines shall be strictly prohibited.</li> <li>5. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.</li> <li>6. Acoustically shield stationary equipment located near residential receivers with temporary noise barriers.</li> <li>7. Utilize "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>8. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction activities.</li> </ol>	<p>construction documents.</p> <ul style="list-style-type: none"> <li>• Maintain delivery, hauling and construction in accordance with measure.</li> <li>• Provide notice to surrounding properties in accordance with measure.</li> <li>• Applicant shall provide for periodic inspection during construction to ensure that measures are in place.</li> </ul>			

## OYSTER COVE MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p>9. Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.</p> <p>10. Control noise from construction workers' radios to a point where they are not audible at the existing Parks bordering the project site.</p> <p>11. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with the owner/occupant of nearby residential land uses so that construction activities can be scheduled to minimize noise disturbance.</p> <p>12. Notify all residences by assessor parcel number (within 1,000 feet of the project site) of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses as well as contact information, including phone number of the disturbance coordinator.</p> <p>13. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</p>				
<b>TRIBAL CULTURAL RESOURCES</b>				
Implement Measure CUL-1 and CUL-2.	See CUL-1, CUL-2	See CUL-1, CUL-2		



