MINUTE ITEM
This Calendar Item No. C51 was approved as Minute Item No. 51 by the California State Lands Commission by a vote of 2 to 0 at its 5/9/96 meeting.

CALENDAR ITEM
C51

A 6
S 3

PRC7893

05/09/96
W 25169
N. Smith

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:
City of Petaluma
P.O. Box 68
Petaluma, California 94953

AREA, TYPE LAND AND LOCATION:
Tide and submerged land in the bed of the Petaluma River, City of Petaluma.

LAND USE:
Widening and channelization of the river within the Payran Reach between the Lynch Creek confluence downstream to just below the Lakeville Street.

PROPOSED LEASE TERMS:
Lease period:
Thirty years beginning April 1, 1996.

CONSIDERATION:
The public health and safety; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Code Regs. 2003.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

08/24/96

OTHER PERTINENT INFORMATION:

1. The City of Petaluma is frequently flooded by the Petaluma River. Recent significant flooding events occurred in 1986 and 1982. The proposed project involves the reconfiguration/widening of the Payran Reach of the Petaluma River in order to relieve frequent flooding of existing streets, homes, and businesses in the area.

2. An EIR and Mitigation Monitoring Plan were prepared and certified for this project by the City of Petaluma. The Commission staff has reviewed and considered the information contained therein.

3. Findings made in conformance with Section 15096(h) of the State CEQA Guidelines, are contained in Exhibit "E", attached hereto and incorporated by this reference.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U.S. Army Corp of Engineers, San Francisco Bay Regional Water Quality Control Board, Department of Fish and Game, and City of Petaluma.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

A. Location Map
B. Land Description
C. Notice of Determination
D. Resolution 95-241, "Certifying, Approving and Adopting the Final Environmental Impact Report for the Petaluma River Payran Reach Flood Control Improvement Project"
E. Resolution 95-242, "Approving the Locally Preferred Plan for the Petaluma River, Payran Reach Flood Control Improvement Project and Adopting Specific Findings, Mitigation Measure, Monitoring Program, and Statement of Overriding Considerations."

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT AN EIR AND MITIGATION MONITORING PLAN WERE PREPARED AND CERTIFIED FOR THIS PROJECT BY THE CITY OF PETALUMA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

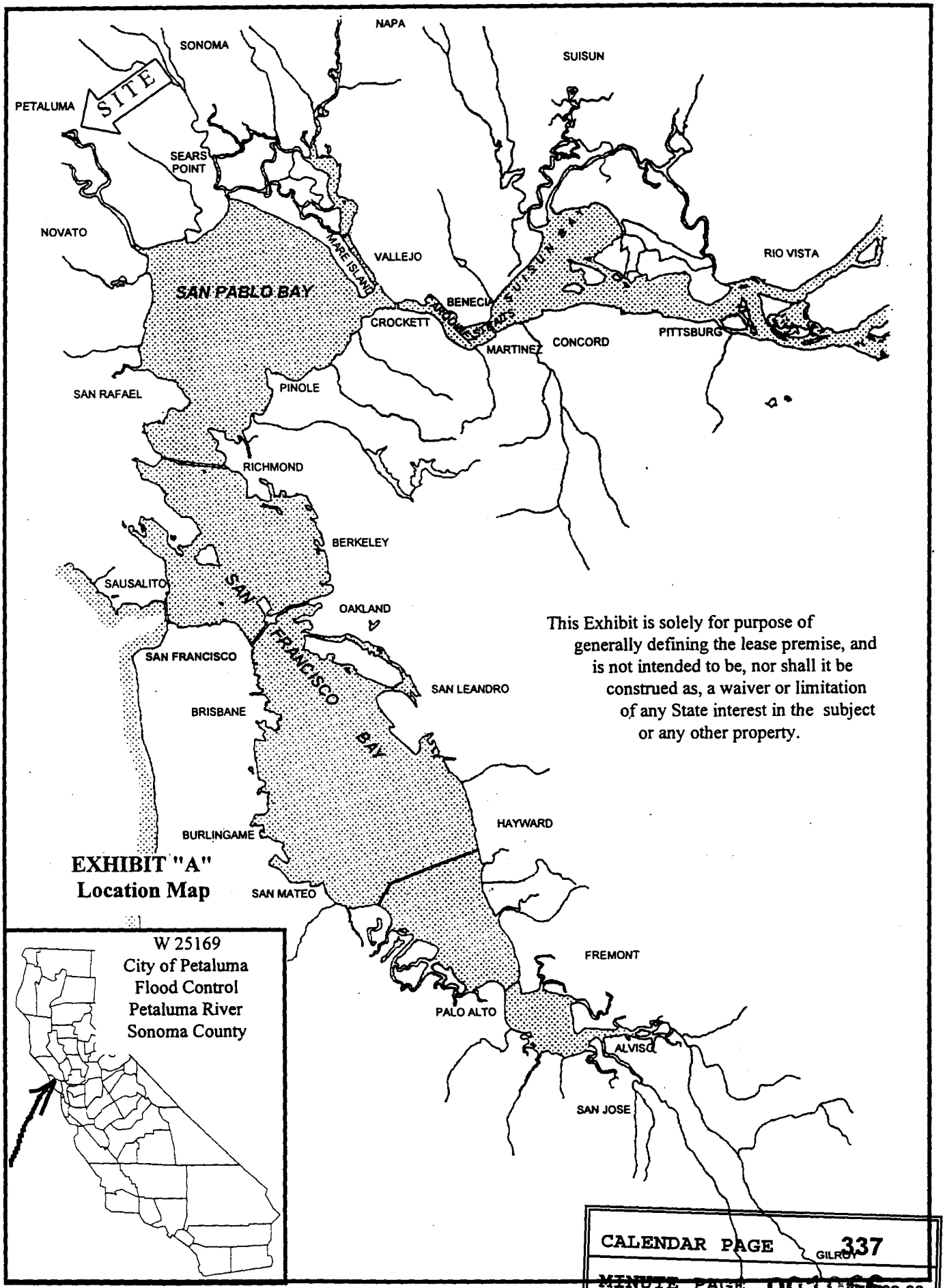
2. ADOPT THE FINDINGS, AS CONTAINED IN EXHIBIT "E", ATTACHED HERETO, MADE IN CONFORMANCE WITH SECTION 15096(h) AND THE STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO SECTION 15093 OF THE STATE CEQA GUIDELINES.

3. ADOPT THE MITIGATION MONITORING PLAN, AS CONTAINED IN EXHIBIT "E", ATTACHED HERETO.

4. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

5. AUTHORIZE ISSUANCE TO THE CITY OF PETALUMA OF A 30-YEAR GENERAL LEASE - PUBLIC AGENCY USE BEGINNING APRIL 1, 1996; IN CONSIDERATION OF THE PUBLIC HEALTH AND SAFETY, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST;

FOR WIDENING AND CHANNELIZATION OF THE PETALUMA RIVER, PAYRAN REACH, BETWEEN THE LYNCH CREEK CONFLUENCE DOWNSTREAM TO JUST BELOW LAKEVILLE STREET IN THE LAND DESCRIBED IN EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF.


NAPA
SONOMA
SUISUN
SITE
PETALUMA
SEARS POINT
NOVATO
MARE ISLAND
VALLEJO
SAN PABLO BAY
BENECIA
CROCKETT
CARQUINEZ STRAITS
SUISUN BAY
RIO VISTA
MARTINEZ
CONCORD
PITTSBURG
SAN RAFAEL
PINOLE
RICHMOND
BERKELEY
SAUSALITO
SAN FRANCISCO BAY
OAKLAND
SAN FRANCISCO
SAN LEANDRO
BRISBANE
HAYWARD
BURLINGAME
SAN MATEO
FREMONT
PALO ALTO
ALVISO
SAN JOSE
GILROY
This Exhibit is solely for purpose of generally defining the lease premise, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.
EXHIBIT "A"
Location Map
W 25169
City of Petaluma
Flood Control
Petaluma River
Sonoma County

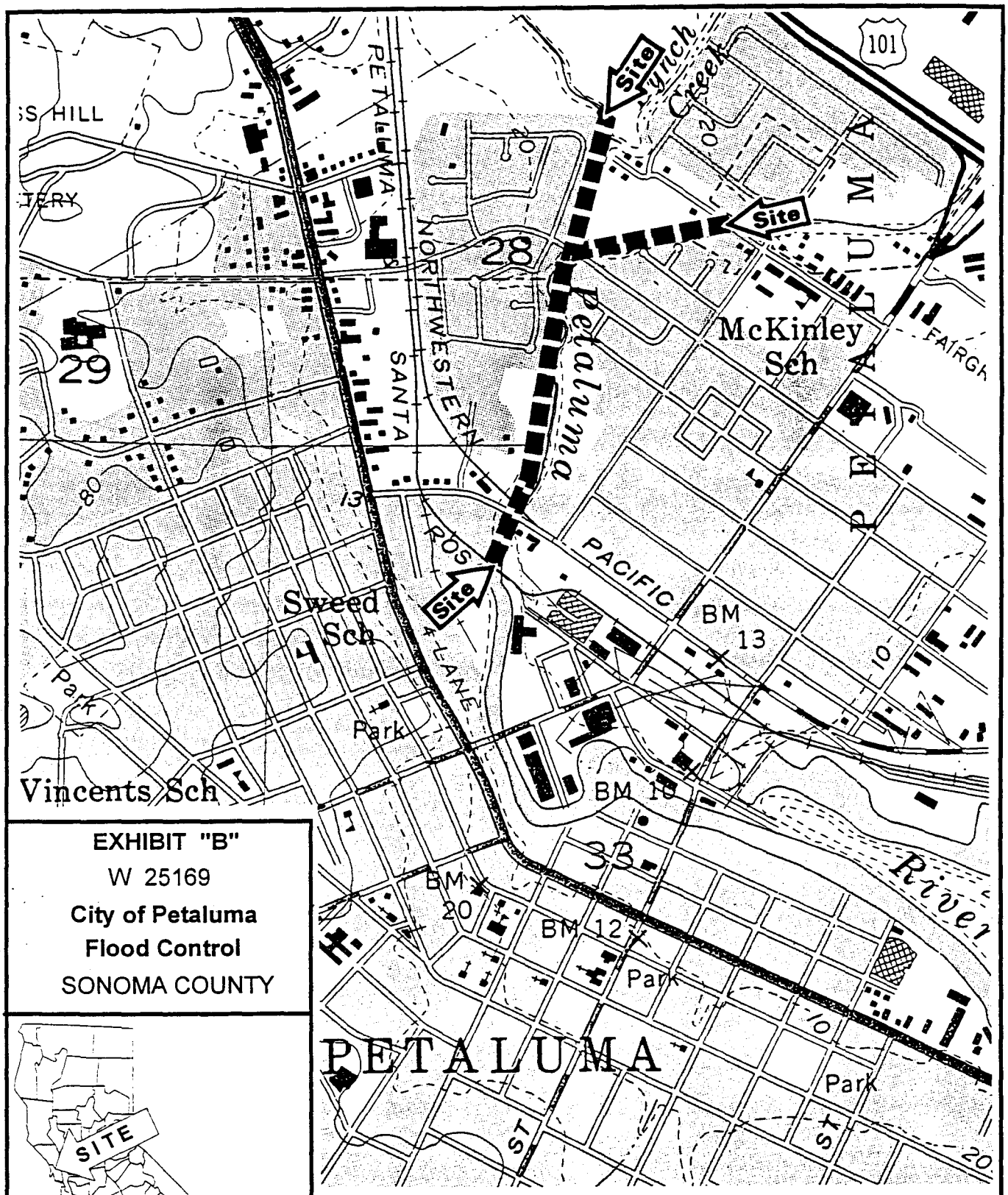


EXHIBIT "B"

W 25169

City of Petaluma

Flood Control

SONOMA COUNTY

This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

CALENDAR PAGE 338

MINUTE PAGE 001057

SEP 6 1995

This notice was posted on _____
and will remain posted for a period of thirty days
until 10/6/95.

EXHIBIT "C"

EEVE T. LEWIS, Co. Clerk
BY C. FARIAS
DEPUTY CLERK

RETURN TO:

City of Petaluma
Planning Department
P.O. Box 61
Petaluma, CA 94953

NOTICE OF DETERMINATION

TO:

[X] Sonoma County Clerk
2300 County Center Drive
La Plaza - Building B, Suite 177
Santa Rosa, CA 95406

[ ] State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

---

Project Title/State Clearinghouse Number: Petaluma River Section 205 Flood Control Improvements / SCH#8909082
Contact Person: Warren Salmons, Assistant City Manager
Telephone Number: 707/778-4345
Project Location: City of Petaluma
Project Description: Widening and channelization of the Petaluma River, Payran Reach between the Lynch Creek confluence downstream to just below Lakeville Street.

This is to advise that the City of Petaluma has made the following determinations regarding the above project:

1. The project has been [X] approved by the lead agency
   date approved: 9/5/95
   [ ] disapproved by the lead agency
2. The project [X] will have a significant effect on the environment
   [ ] will not have a significant effect on the environment
3. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   [ ] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

   The EIR or Negative Declaration and record of project approval may be examined at:
   City of Petaluma
   Planning Department
   11 English Street
   Petaluma, CA 94952
4. Mitigation measures [X] were, [ ] were not, made a condition of the approval of the project.
5. Findings [X] were, [ ] were not, made pursuant to Section 15091.
6. A statement of Overriding Considerations [X] was, [ ] was not, adopted for this project.

Pamela Tuft, Director
Planning Department

9-6-95
Date

CALENDAR PAGE 339
MINUTE PAGE 001068

nodpayrn / plan62

Resolution No. 95-241 N.C.S.
of the City of Petaluma, California

CERTIFYING, APPROVING AND ADOPTING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PETALUMA RIVER PAYRAN REACH FLOOD CONTROL IMPROVEMENT PROJECT

WHEREAS, the City of Petaluma's General Plan has historically identified the need for flood control improvements to increase protection for the existing and projected population, and accommodate 100 year storm runoff so as to meet the community health and safety, economic development, housing and land use goals and objectives stated in the General Plan; and

WHEREAS, the City of Petaluma's 1987 General Plan call for implementation of the "most reasonable, sensitive, and effective proposal(s) of the Sonoma County Water Agency Master Drainage Plan in order to mitigate the 100 year flood"; and

WHEREAS, a Section 205 Initial Appraisal Report and Section 205 Reconnaissance Report, Flood Control Improvement, Petaluma River, City of Petaluma, Sonoma County, California were prepared by the U.S. Army Corps of Engineers in 1986 and 1988 respectively. Said reports evaluated the extent of flooding problems, justifiable Federal interests and structural and non-structural alternatives for further study; and

WHEREAS, non-structural alternatives of flood proofing, floodplain evacuation and flood insurance/flood warning and emergency evacuation were evaluated; and

WHEREAS, structural alternatives, as identified in the Sonoma County Water Agency Master Drainage Plan, including flood control dams/bypass and alternative channel modifications were evaluated; and

WHEREAS, through the efforts of the City and the Corps of Engineers, it has been determined that increasing channel capacity is the most reasonable, sensitive and effective method of providing for the 100 year flood capacity in the Payran Reach to meet goals, objectives and policies of the General Plan; and

CALENDAR PAGE 340
MINUTE PAGE 001069

WHEREAS, an initial environmental evaluation was completed by the Corps of Engineers staff with the Reconnaissance Report in 1988 and a Notice of Intent to Prepare a Feasibility Study and an Environmental Impact Statement/Environmental Impact Report was published and distributed to all responsible Federal and trustee agencies involved in the project and to the State Clearinghouse in 1989; and

WHEREAS, the City and Corps of Engineers staff hosted a public scoping and information meeting in 1989 plus subsequent informational meetings at the City Council; and

WHEREAS, the City and the Corps of Engineers staff participated in numerous interagency consultation meetings with representatives from State and Federal regulatory agencies to solicit input for the environmental review and project design; and

WHEREAS, alternative projects were described thoroughly in the Detailed Project Report including its Appendices A-F and project plans prepared by the U.S. Army Corps of Engineers published in November, 1994.

WHEREAS, a Draft EIR/EIS was prepared by the Corps of Engineers for the project and completed in November, 1994 which evaluated the project alternatives; "10 year protection", "25 year protection", "40 year protection", plus the no project alternative. The Draft EIR/EIS was distributed to all responsible, trustee and Federal agencies involved in the project and to the State and regional clearing houses. A Notice of Availability of the Draft EIR was published in a local newspaper and mailed to residents and property owners in the areas potentially affected and to all interested parties who requested such notice; and

WHEREAS, a public hearing was held before the Planning Commission in July, 1994 for consideration of public comments on the Draft EIR/EIS, at which time, all individuals, groups, and agencies who desired to comment, were given the opportunity to speak and/or submit written comments as required by the City of Petaluma's Environmental Review Guidelines; and

WHEREAS. after said public hearing by the Planning Commission, the Commission recommended that the City Council approve and certify the final Environmental Impact Report subject to provision of responses to comments and any additional information as may be requested by the City Council; and

WHEREAS, in August, 1994, the City Council held a public hearing to solicit input on the Draft Environmental Impact Report/Environmental Impact Statement, at which time, all individuals, groups, and agencies who desired to comment, were given the opportunity to speak and/or submit written comments as required; and

WHEREAS, a Response to Comments/Final EIR/EIS document was prepared by the Corps of Engineers which responded to the comments raised during the Planning Commission and City Council public hearings and was circulated to interested parties and to responsible, trustee and Federal agencies shortly after it was published in March, 1995; and

WHEREAS, comments from Federal agencies were received on the Final EIR/EIS regarding potential for cumulative and growth inducing impacts; and

WHEREAS, the City attended an interagency meeting to respond to those comments and a written summary was prepared that addressed the concerns; and

WHEREAS, a Notice of Availability of the Response to Comments/Final EIR/EIS document, including a Notice of the Public Hearing scheduled before the City Council was published in a local newspaper and mailed in July, 1995 to residents and property owners in the areas potentially affected and to all interested parties and commenting agencies; and

WHEREAS, the City Council, as the decision making body, held a public hearing on the project and provided opportunity for comment on the Response to Comments and Final EIR/EIS on August 21, 1995 and September 5, 1995;

NOW, THEREFORE, BE IT RESOLVED that the City Council reviewed and considered the Final EIR/EIS and hereby certifies, approves, and adopts the Final Environmental Impact Report document and makes the following findings:

1. Based on the foregoing facts, the Final Environmental Impact Report has been completed in compliance with the intent and requirements of the California Environmental Quality Act (CEQA), the State CEQA guidelines, and the City of Petaluma Environmental Review Guidelines.

2. The above referenced document, which constitutes the Final EIR was presented to the City Council and considered along with both written and oral comments received during public review of the project and environmental documents.

3. The Final EIR reflects the independent judgment of the City of Petaluma and represents an adequate documentation of the environmental implications of and possible mitigation measures for the proposed project for use in decision-making.

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) (Adjourned Regular) (Special) meeting on the 5th day of September, 1995, by the following vote:

Approved as to form

City Attorney

AYES: HAMILTON, STOMPE, MAGUIRE, READ, BARLAS, VICE MAYOR SHEA, MAYOR HILLIGOSS

NOES: NONE

ABSENT: NONE

ATTEST: Patricia Lenard
City Clerk

Mayor

CALENDAR PAGE 343
MINUTE PAGE 09-1032

Council File 1203-07
Res. No. 95-241 N.C.S

CA 10-85

Resolution No. 95-242 N.C.S.
of the City of Petaluma, California

APPROVING THE LOCALLY PREFERRED PLAN FOR THE PETALUMA RIVER, PAYRAN REACH FLOOD CONTROL IMPROVEMENT PROJECT AND ADOPTING SPECIFIC FINDINGS, MITIGATION MEASURES, MONITORING PROGRAM, AND STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the Final EIR prepared for the proposed Petaluma River Payran Reach Flood Control Improvement Project identified potentially significant effects on the environmental which may occur as a result of the project or project alternatives and specified mitigation measures to reduce the potential adverse effects on the environment; and

WHEREAS, the Planning Commission held a public hearing in July, 1994 for consideration of the Draft Environmental Impact Report/Environmental Impact Statement and recommended that the Final Environmental Impact Report/Environmental Impact Statement document be certified as adequate subject to provision of Responses to Comments; and

WHEREAS, the City Council held a public hearing in August, 1994 to consider the Draft Environmental Impact Report/Environmental Impact Statement to provide direction and input for preparation of the Responses to Comments and Final Environmental Impact Report/Environmental Impact Statement and Detailed Project Report; and

WHEREAS, Final Environmental Impact documents consisting of the Final Environmental Impact Report including biological mitigation plan and Responses to Comments and Detailed Project Report were prepared and presented to the City Council of the City of Petaluma and a public hearing was held on August 21, 1995, and September 5, 1995 at which time all persons were provided an opportunity to comment on the Final Environmental Impact Report/Environmental Impact Statement and Detailed Project Report; and

WHEREAS, the City Council considered the Final Environmental Impact Report/Environmental Impact Statement, the comments and responses received and incorporated

within the Final Environmental Impact Report/Environmental Impact Statement and certified and adopted the Final Environmental Impact Report/Environmental Impact Statement as adequate for purposes of decision making and in compliance with California Environmental Quality Act, Resolution 95-141 N.C.S. on September 5, 1995; and

WHEREAS, the record of proceedings for the decision on the project and the Final Environmental Impact Report/Environmental Impact Statement and supporting or reference documents are available for review at the City of Petaluma Planning Department, 11 English Street, Petaluma CA 94952;

NOW, THEREFORE, BE IT RESOLVED that, in accordance with Section 21081 of the California Environmental Quality Act, Sections 15091 and 15093 of the CEQA Guidelines, and Section 13.0 of the City of Petaluma Environmental Review Guidelines, and based upon substantial evidence presented in the record, the City Council of the City of Petaluma hereby adopts the following mitigation measures and monitoring program as conditions of approval; hereby makes the following findings and sets forth the rational regarding significant effects, mitigation measures, alternative designs, and project alternatives; and adopts the Statement of Overriding Considerations for approval of the Locally Preferred Plan (LPP) for the Petaluma River Payran Reach Flood Control Improvement Project;

A. FINDINGS REGARDING GENERAL PLAN CONSISTENCY

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby finds the Petaluma River Payran Reach Flood Control Project to be consistent with the General Plan based upon the following facts as presented in the project EIR, staff report and record proceedings:

1. Additional channel capacity is needed in order to relieve frequent flooding of existing streets, homes, and businesses in the Payran Reach area.

2. Additional channel capacity is needed in order to achieve orderly development and growth envisioned by the City's General Plan and meet the land use, economic development, housing and public safety goals, policies, and objectives as stated in the General Plan.

3. The City's General Plan Development Constraints Map indicates the Payran Reach area as having a significant flooding potential and a large number of residential dwelling units within the 100 year floodplain.

4. The City's General Plan states that implementation of the most reasonable, sensitive, effective proposal of the Sonoma County Water Agency Master Drainage Plan is needed and desirable to mitigate the 100 year flood within the City of Petaluma.

5. The hydraulic studies prepared for the project and further substantiated by an independent review prepared by Questa Engineering Corporation dated May 16, 1995 demonstrate that the City's flooding level of service standard, i.e., 100 year flood, could be met in the Payran Reach with full buildout of the General Plan with implementation of the proposed project and in concert with other structural and non-structural measures identified in the City's Zoning Ordinance, General Plan, and Capital Improvements Program.

6. In accordance with policies and objectives of the City's General Plan regarding community health and safety, the project would lessen demands on emergency services and enhance the community's emergency response and preparedness by overcoming the barrier to emergency response vehicles and personnel that is currently posed by the Petaluma River during severe flooding events.

7. The project design features mitigation measures identified herein and further discussed in the Detailed Project Report, the Final Impact Report, the Biological Mitigation Plan and staff report that have already been incorporated into the project

or, by effect of this resolution, will be incorporated into the project as conditions of approval to minimize adverse effects on the environment to the maximum extent feasible.

8. Based upon the data and evaluation presented in the Final Environmental Impact Report and by incorporating the mitigation measures identified herein as conditions of approval, implementation of the proposed Locally Preferred Plan for the Petaluma River Payran Reach will not constitute a nuisance nor be detrimental to the health, safety or general welfare of the people of Petaluma.

9. Based upon the analysis and data presented in the Final Environmental Impact Report, the proposed project would further the community's health and safety, land use, housing, and economic development goals, objectives and policies stated in the General Plan and is consistent with the goals, objectives, policies, and programs contained in the General Plan with incorporation into the project of the following conditions and mitigation measures as follows:

Conditions:

1. Issuance of a use permit by the City of Petaluma Planning Commission for improvements to the river channel.

2. Review and approval by the City of Petaluma Site Plan and Architectural Review Committee of floodwalls and vertical channel walls and the aesthetic treatment thereof with referral of SPARC decisions to the City Council for review.

3. Consultation with all parties involved in ownership and operation of the railroad line, seeking to establish main line route as coterminous with the existing spurline route.

4. Effort will be made for removal of Payran Street Bridge abutments and construction of floodwalls upstream of the Payran Street Bridge at the earliest possible time considering regulatory issues and construction practicalities.

B. THE FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL EFFECTS AND IDENTIFIED MITIGATION MEASURES.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby makes the following findings regarding potentially significant effects and adopts the following mitigation measures and monitoring program as conditions of approval and hereby sets forth the rationale based upon substantial evidence presented in the Final Environmental Impact Report including the Biological Mitigation Plan and Responses to Comments, the Detailed Project Report, and the mitigation monitoring requirements as herein defined, and the staff report.

1.0 HYDROLOGY AND HYDRAULICS

1.1 Impact:

The project FEIR identifies the potential for the proposed floodwalls to intercept interior runoff from streets and urban land uses and which normally would flow directly to the river.

Finding:

The following mitigation measures will be incorporated as conditions of approval to avoid or substantially reduce the potential for impact to a level of insignificance as identified in the project FEIR:

Mitigations:

A. Modify existing storm drainage pipes where necessary and install new drainage pipes and construct one (1) 10CSF pump station on a city owned property just upstream from the Payran Street Bridge.

B. Project design plans shall anticipate and include provisions for construction of above and/or underground systems to gravity flow to the river channel, Washington Creek or to the adjacent street as the situation requires runoff from individual properties where the floodwalls disrupt existing drainage patterns.

Monitoring:

Implementation of these measures shall be the responsibility of the U.S. Army Corps of Engineers, the City Engineering Department and the Sonoma County Water Agency. The project Plans and Specifications shall be reviewed and approved by the City Engineering Department for compliance prior to adoption or advertising for bids.

1.2 Impact:

The project FEIR identifies the downstream hydrologic effect of the project to be an increase of less than less than one tenth (.1) foot between the Washington Street Bridge and the Turning Basing and less than two tenths (.2) foot increase between East Washington Street Bridge and the downstream end of the proposed project.

Finding:

The Final Environmental Impact Report finds that these effects are insignificant and would have no impact on any structures.

1.3 Impact:

Project channel excavation would result in lower water surface elevation and higher flow velocity upstream of the project. This, in turn, would result in an increased threat to streambed erosion upstream of the project.

Finding:

The following mitigation measure to be incorporated into the project will reduce the after project water velocity and thus the threat to bank erosion upstream of the project to a level of insignificance as identified in the Final EIR.

Mitigation:

The project plans call for construction of an instream constrictor at the upper end of the project to reduce the water velocities to a level below that which is anticipated to cause potential upstream bank erosion.

Monitoring:

Implementation of this measure shall be the responsibility of the Corps of Engineers, the City Engineering Department and the Sonoma County Water Agency. The plans and specifications shall be reviewed and approved by the City Engineering Department for conformance prior to adoption and advertisement for bids.

1.4 Impact:

Levy/floodwall overtopping is possible considering the uncertainty with regard to storm volumes which may be directed into the channel.

Finding:

The following mitigation measure to be incorporated into the project will substantially reduce the potential impact of levy/floodwall overtopping as identified in the project EIR.

Mitigation:

The project design includes addition of three (3) feet of "freeboard" above the expected 100 year design water surface profile. This mitigation produces a 91% probability that the floodwall will not be overtopped during the FEMA 100 year flood discharge at General Plan buildout and a 60% probability that the floodwall will contain a 500 year flood discharge at General Plan buildout.

2.0 SEDIMENTATION AND EROSION

2.1 Impact:

The project FEIR determined the potential for sediment transportation and deposition. The FEIR estimates that the annual sediment deposit within the project will be 3,000 cubic yards which will engender the need for periodic maintenance dredging.

Finding:

The FEIR found that sediment deposition would not be a significant impact.

2.2 Impact

The project FEIR evaluated the potential for erosion and estimated that materials scoured from the project reach and deposited in the turning basin would amount to a potential of 7,000 cubic yards on an annual basis as the result of a 40 year flood event.

Finding:

The FEIR found that erosion would not be a significant impact. However, the City and Sonoma County Water Agency will be responsible for the ongoing project reach maintenance, while the City and the Federal government will be responsible for ongoing dredging of the turning basin and downstream area.

3.0 WATER QUALITY

3.1 Impact:

During the proposed construction, the area would be kept dry by coffer dams.

Finding:

The following mitigation measure to be incorporated into the project will substantially reduce the impact of loss of freshwater flow during the construction period and to a level of insignificance, as identified in the project FEIR.

Mitigation:

Freshwater flow would be bypassed from the upper end of the work area to below the work area and be reintroduced to retain downstream water quality.

Monitoring:

Implementation of this measure would the be responsibility of the project contractor under supervision of the Corps of Engineers and the City Engineering Department. The project plans and specifications will be reviewed and approved by the Engineering Department for conformance prior to adoption or advertising for bids.

4.0 HTRW (HAZARDOUS, TOXIC, RADIOACTIVE WASTE) INVESTIGATION

4.1 Impact:

Three areas of soil contamination were identified consisting of 750, 2,250 and 1,000 cubic yards respectively. Contamination levels were sufficiently low to allow utilization of these soils as backfill material as long as they remain at least five (5) feet from any groundwater source.

Finding:

The following mitigation measures to be incorporated as conditions of approval will avoid or substantially reduce the potential for impact from soil contamination to a level of insignificance as identified in the project FEIR.

Mitigation:

a. Utilization of this material as backfill must remain at least five (5) feet from any groundwater source.
b. Management of these soils during construction must meet all Regional Water Quality Control Board conditions in the 401 permit at the time the permit is issued,

potentially including additional sampling and characterization of sediments prior to disposal.

c. Containment analysis for hydrocarbon contamination in the runoff water from the sediments may be required. One alternative for disposal of water contaminated with low levels of hydrocarbons is at the Petaluma Water Treatment Plan.

d. Because of the potential health risk associated with the excavation of "BTXE" impacted materials, ambient air in "area 5" may require monitoring during excavation.

Monitoring:

Implementation of these measures shall be the responsibility of the project contractor under supervision of the City Engineering Department and the Regional Water Quality Control Board. Project plans and specifications shall be reviewed and approved by the Engineering Department and the Regional Water Quality Control Board for conformance prior to adoption or advertising for bids.

4.2 Impact:

The project FEIR identifies potential exceedance of the Regional Water Quality Control Board's groundwater limit for detectable TPHd in the three identified areas.

Finding:

The following mitigation measures to be incorporated into the project will substantially reduce the potential health and environmental hazards to a level of insignificance as identified in the project FEIR.

Mitigations:

a. Groundwater and runoff water from the three contaminated areas will not be allowed to be discharge directly into the river.

b. Site water in these areas will require containment, analysis, and proper disposal.

c. One potential disposal option for contaminated water with low level TPHd contamination is at the Petaluma Wastewater Treatment Plant.

Monitoring:

Implementation of these measures shall be the responsibility of the project contractor under supervision of the City Engineering Department and Regional Water Quality Control Board. The project plans and specifications shall be reviewed and approved by the Engineering Department and the Regional Water Quality Control Board for conformance prior to adoption or advertising for bids.

5.0 AIR QUALITY

5.1 Impact:

The project FEIR identifies a potential for temporary, minor construction air quality impacts from vehicle and equipment emissions and dust generated by construction.

Finding:

The following mitigation measures to be incorporated into the project will substantially reduce the potential air quality impacts to a level of insignificance as identified in the FEIR.

Mitigations:

a. Contractor will be required to comply with all applicable air quality regulations and obtain all necessary permits.

b. Dust will be controlled with application of water as necessary.

Monitoring:

Implementation of these measures shall be the responsibility of the project contractor. The project plans shall be reviewed and approved by the City Engineering Department for conformance prior to adoption or advertising for bids.

5.2 The project FEIR identifies in the Air Quality Conformity Determination Analysis that construction of the recommended plan will not exceed any air quality threshold levels and will be in compliance with the Clean Air Act, thus no conformity determination is required and no mitigations are necessary.

6.0 NOISE

6.1 Impact:

The project EIR identifies the potential for increased noise due to construction activity during the construction process.

Findings:

The following mitigation measures incorporated into the project will reduce noise to a level of insignificance.

Mitigation:

a. Construction activities within 1,600 feet of residences shall be limited to between the hours of 7:00 am and 7:00 PM on weekdays and 9:00 am to 6:00 PM weekends. Work may occur outside of the designated hours only by special permit from the City stating the compelling reasons.

b. Construction equipment shall be properly maintained with mufflers and noise reduction devices to minimize noise.

c. Appropriate construction staging, parking and loading areas shall be identified on the project plans to be located away from residential and environmentally sensitive areas as identified in the FEIR.

d. Contractor shall designate a responsible person of authority to implement the above mitigation measures and provide the City with name, address and phone number of said person.

7.0 VIBRATION:

7.1 Impact:

Project FEIR identifies the potential for minor ground vibration during placement of sheet piles. The sheet piles are in a non-residential area and, thus, there is little potential for significant impact.

Finding:

The following mitigation measure incorporated into the project will reduce vibration to a level of insignificance.

Mitigation:

a. Construction activities within 1,600 feet of residences shall be limited to between the hours of 7:00 am and 7:00 PM on weekdays and 9:00 am to 6:00 PM weekends. Work may occur outside of the designated hours only by special permit from the City stating the compelling reasons.

b. Construction equipment shall be properly maintained with mufflers and noise reduction devices to minimize noise.

8.0 AQUATIC HABITAT

8.1 Impact:

The project FEIR identifies the temporary loss of .17 acres of shaded aquatic habitat with an average annual habitat unit (AAHU) value of .12 as a potentially significant impact.

Finding:

The loss of habitat shall be compensated for and the impacts will be reduced to a level of insignificance by incorporation of the following mitigation measure into the project.

Mitigation:

Creation of .21 acres of shaded aquatic habitat on a 10 foot wide channel bench.

Monitoring:

A detailed 6 year monitoring program, followed by monitoring each five years for 15 years, is included in the Biological Mitigation Plan within the FEIR and adopted as a condition of approval. The Mitigation Monitoring Program establishes requirements for a preconstruction site evaluation, ongoing maintenance program, manual inspection, reporting requirements and interim final success criteria in accordance with the guidelines of the Federal resources agencies. The best management practices shall be incorporated into project plans with specifications for the project subject to review and approval by the Corps of Engineers for conformance with the mitigation measures prior to advertising for bids.

8.2 Impact:

The project FEIR identifies the temporary loss of .18 acres of emergent marsh habitat with an AAHU value of .03 as a potentially significant impact.

Finding:

The loss of the habitat shall be compensated for and the impact reduced to a level of insignificance by incorporation of the following mitigation measure into the project.

Mitigation:

Creation of .11 acres of brackish emergent marsh habitat on a 5 foot wide inchannel bench.

Monitoring:

See monitoring under Section 8.1.

8.3 Impact:

The project FEIR identifies the loss of 2.13 acres of intertidal mudflat habitat including pools, ripples, low flow channels, etc., which will be replaced by open water habitat.

Finding:

The loss of habitat has been determined to be permanent and unavoidable. Mitigation of this impact to a level of insignificance is infeasible. An effort, however, will be made to reestablish some areas of intertidal mudflat along the toe of the low flow channel riprap.

8.4 Impact:

The project FEIR identifies a beneficial increase in open water habitat of 4.04 acres after the temporary construction period loss. No mitigation is necessary.

9.0 UPLAND HABITAT

9.1 Impact:

The project FEIR identifies the temporary loss of 1.42 acres of riparian scrub/shrub with an AAHU value of .48 as a potentially significant impact.

Findings:

The loss of habitat will be compensated and the impacts reduced to a level of insignificance by incorporation of the following mitigation measure into the project.

Mitigations:

a. Creation of .80 acres on 8 small pockets within the project area.
b. Creation of .46 acres at Twin Creeks mitigation site.
c. Creation of .47 acres on an inchannel 10 foot wide bench.
d. Creation of 1.5 acres in the project area abutting the Holmberg property and within the Holmberg mitigation site.

Monitoring:

See Monitoring Section 8.1.

9.2 Impact:

The project FEIR identifies the temporary loss of 6.8 acres of grassland/ruderial habitat with an AAHU value of .66 as a potentially significant impact.

Finding:

The loss of habitat shall be compensated for and the impact reduced to a level of insignificance by incorporation of the following mitigation measure into the project.

Mitigation:

a. Creation of 5.1 acres of grassland/ruderial habitat along the slopes of the channel.

Monitoring:

See Monitoring Section 8.1.

9.3 Impact:

The project FEIR identifies the temporary loss of 1.47 acres of exotic vegetation as an impact which is potentially significant. The loss of habitat shall be compensated for and the impact reduced to a level of insignificance by the following mitigation measures.

Mitigation:

a. Creation of higher value habitats, e.g., open water and riparian scrub/shrub will, in part, compensate for loss of the exotic habitat.

b. Additional areas of exotic vegetation will be maintained or reestablished on remnants of parcels of land acquired for the project development.

10.0 THREATENED AND ENDANGERED SPECIES

10.1 Impact:

The project FEIR identifies the potential for an impact on the Sacramento splittail. A fish species listed as "proposed threatened" under the Federal Endangered Species Act. However, river areas upstream and downstream of the project area will be available during project construction.

Findings:

Following mitigation measures to be incorporated into the project will substantially reduce the impact to the Sacramento Splittail to a level of insignificance as specified in the FEIR.

Mitigation:

a. Per Federal regulations, the Corps of Engineers will confer with the Federal Fish and Wildlife Service with regard to the proposed project impact on the Splittail.

b. Benches within the channel planted with Willows in the upper bench and emergent marsh in the lower bench will reintroduce the habitat for the Sacramento splittail.

c. Construction will occur in summer months after the spawning period.

Monitoring:

Implementation of these measures shall be the responsibility of the Corps of Engineers and the City Engineering Department. The Plans and Specifications shall be reviewed and approved by the Corps and the City in consultation with the Fish and Wildlife Service prior to adoption and advertisement for bids.

11.0 LAND USE

The project FEIR does not identify any significant impacts with respect to land use, however, it does acknowledge the need to acquire 3 properties in their entirety plus portions of many others. No mitigation is necessary, however, the City must conduct all land acquisition according to procedures outlined in local, state and Federal codes and procedures.

12.0 FLOOD DAMAGE

Impact:

Project FEIR identifies the potential for a substantial reduction in flood damage as a result of the project. No mitigation is necessary.

13.0 PUBLIC HEALTH AND SAFETY

The project FEIR identifies substantial lessening of the threat to public health and safety caused by flooding. No mitigation is necessary.

14.0 RECREATION AND PUBLIC ACCESS

Impact:

The project FEIR identifies a potential for a positive impact with respect to recreation and public access. In the event that through the adoption of the Petaluma River Access Enhancement Plan the City of Petaluma makes the determination that public access is appropriate for the Payran Reach, the planned service roads for the project would provide adequate opportunity for bicycle and pedestrian movement.

15.0 AESTHETICS

15.1 Impact:

The project FEIR identifies the temporary loss of aesthetic value due to loss of vegetation and construction activities.

Findings:

The following mitigation measures to be incorporated into the project will substantially reduce the potential for temporary aesthetic impacts to a level of insignificance as identified in the FEIR mitigation.

a. Revegetation as outlined in the Biological Mitigation Plan.
b. Consultation with neighborhood residents regarding the specific design of the floodwall in proximity to residential land uses.
c. Consultation with SPARC regarding design of floodwalls and vertical channel walls.

Monitoring:

Implementation of these mitigation measures shall be the responsibility of the City Engineering Department and the City Planning Department. Project Plans and Specifications will be reviewed and approved by the City Planning Department prior to approval and advertising for bids.

15.2 Impact

The project FEIR identifies the ±600 foot U shaped channel segment as having a negative impact on the aesthetic quality of the river environment.

Finding:

The FEIR mitigation measure to be incorporated into the project will reduce the aesthetic impact of the U shaped channel but not to a level of insignificance.

Mitigation:

Design of the U shaped vertical channel will be reviewed by the City Site Plan Architectural Review Committee to reduce negative aesthetic impacts.

Monitoring:

Implementation of this mitigation measure shall be the responsibility of the City Planning Department. Project Plans and Specifications will be reviewed by the City Planning Department prior to approval and advertising for bids.

16.0 CULTURAL RESOURCES

The project FEIR concludes that there would be no potential for significant impact with regard to cultural resources as a result of construction of the project. No mitigation is necessary.

17.0 CUMULATIVE ENVIRONMENTAL EFFECTS

17.1 Impact:

The FEIR determines that the cumulative environmental effect of the project is not a potentially significant impact. No mitigation is therefore necessary.

18.0 GROWTH INDUCEMENT

18.1 Impact:

The FEIR determines that the project is not growth inducing in that it does not permit any growth over and above that which is anticipated by the City of Petaluma General Plan and, therefore, presents no potential significant impact. No mitigation is therefore necessary.

C. FINDINGS REGARDING ALTERNATIVES TO THE PROJECTS AND PROJECT ALTERNATIVES

NOW, THEREFORE, BE IT FURTHER RESOLVED, the following alternatives and alternatives to the project were considered and rejected as either not meeting the project objectives or unfeasible for social, economic, environmental or other factors as presented in the project FEIR and its supporting and referenced documents based upon the following findings and rationale:

1.0 FLOODPROOFING.

The FEIR considered raising the first floor elevation of the structures within the 100 year floodplain to one foot above the anticipated 100 year flood elevation. This would involve approximately 600 structures. This alternative was not considered viable and thus was dropped from further consideration based on the following findings and facts:

a. The project would be inconsistent with the desired 100 year flood level of service capacity as identified in the General Plan.

b. The project would not meet public health and safety goals and objectives particularly with regard to emergency service demands and the impediment created by river flooding to movement of public safety vehicles and resources.

c. The alternative would be substantially more costly than other viable alternatives and would not meet cost benefit tests necessary to involve Federal participation.

d. The alternative would involve disruption to the homelife of 600 households and temporarily disrupt the fabric of a large neighborhood area with construction activities.

2.0 FLOODPLAIN EVACUATION.

Evacuation of all structures within the 100 year floodplain was evaluated. It was determined not to be a viable alternative and thus was dropped from further consideration based on the following findings and facts:

a. The project would be inconsistent with the desired 100 year flood level of service capacity as identified in the General Plan.

b. The project would not meet public health and safety goals and objectives particularly with regard to emergency service demands and impediment created by river flooding to movement of public safety vehicles and resources.

c. The alternative would be substantially more costly than other viable alternatives and would not meet cost benefit tests necessary to involve Federal participation.

d. The alternative would involve displacement of 600 households and permanently disrupting the fabric of a large neighborhood.

3.0 FLOOD WARNING AND EMERGENCY EVACUATION/FLOOD INSURANCE.

Consideration was given to the effectiveness of these measures in achieving project objectives. In that these measures have already been implemented in the City of Petaluma, they were determined to be part of the "no action or no project" alternative.

4.0 NO ACTION/NO PROJECT

Consideration was given to the "no action/no project" alternative which would assume continuation of existing efforts, e.g., flood insurance, flood warning, emergency evacuation, floodplain zoning, etc. It was determined that the "no action/no project" alternative was not viable based upon the following findings:

a. It is inconsistent with the public health and safety objectives and policies of the General Plan.

b. It is inconsistent with the desired 100 year flood level of service capacity identified in the General Plan.

c. It is inconsistent with economic development, housing and land use goals, objectives and policies as stated in the General Plan.

d. It does not address the immediate needs for flood protection for the 600 properties subject to inundation in the 100 year floodplain in the Payran Reach area.

5.0 CHANNEL IMPROVEMENTS "10 YEAR PROTECTION:"

A channel improvement alternative of approximately 3,200 feet in length creating a trapezoidal shaped channel was considered. This alternative involved the removal of two existing single family homes, development of approximately 280 feet of floodwall up to

two (2) feet in height, approximately 1,000 feet of two-foot earthen berm, plus replacement of two railroad and two street bridges and development of a channel constriction and service road. This alternative was considered in detail and proved to be the recommended National Economic Development Plan, i.e., the plan with the highest cost/benefit ratio. This plan was not selected as the preferred project based on the following findings and facts:

a. It is inconsistent with the public health and safety objectives and policies of the General Plan.

b. It is inconsistent with the desired 100 year flood level of service capacity identified in the General Plan.

c. It is inconsistent with economic development, housing and land use goals, objectives and policies as stated in the General Plan.

d. It does not address the immediate needs for flood protection for the 600 properties subject to inundation in the 100 year floodplain in the Payran Reach area.

6.0 CHANNEL IMPROVEMENTS "25 YEAR PROTECTION"

This alternative is similar to the 10 year protection plan, however, it extends the channel improvements approximately 600 feet further downstream. Bridges are raised to a slightly higher level. Additional floodwall construction is anticipated with floodwall heights ranging up to 4 to 5 feet, floodwall of up to 2 feet is added along the south bank of Washington Creek. The last 600 feet of channel would be of U shape construction with vertical sheet pile walls and a natural channel bottom of about 85 feet in width. Existing storm drainage structures would have to be modified and a 10 CFS pump station constructed to move existing storm runoff into the river channel. This project would

have somewhat greater need for land acquisition. This plan was not recommended based on the following facts:

a. It is inconsistent with the public health and safety objectives and policies of the General Plan.

b. It is inconsistent with the desired 100 year flood level of service capacity identified in the General Plan.

c. It is inconsistent with economic development, housing and land use goals, objectives and policies as stated in the General Plan.

d. It does not address the immediate needs for flood protection for the 600 properties subject to inundation in the 100 year floodplain in the Payran Reach area.

D. FINDINGS REGARDING UNAVOIDABLE IMPACTS

BE IT FURTHER RESOLVED that. pursuant to Section 15093 of the CEQA guidelines, the following findings are made by the City Council with response to the significant adverse impacts as identified in the FEIR:

1. Aesthetic Impacts:

Construction of the Locally Preferred Project will change the visual character of the area and the vertical wall portion of the channel will remain a significant unavoidable and irreversible impact that cannot be fully mitigated. Careful consideration during the construction plan development process and consideration of aesthetic issues by the City of Petaluma Site Plan Architectural Review Committee will, to a degree, provide mitigation for the design of the vertical wall of the channel and the floodwalls.

2. Biological Habitat - Loss of Intertidal Mudflat

Construction of the project will change the character of the existing intertidal mudflat area on a temporary basis during construction and thereafter by the periodic deposition or erosion of material in the intertidal mudflat areas as a result of the water flow and by periodic maintenance dredging. Some opportunity exists, however, for replacement of a portion of the intertidal mudflat habitat at the toe of the narrow riprap buttresses which define the low flow channel.

E. STATEMENT OF OVERRIDING CONSIDERATION

NOW BE IT FURTHER RESOLVED that, in accordance with Section 15093 (b) of the CEQA Guidelines, the adverse impacts identified above are hereby found acceptable based on the following overriding considerations:

The project would provide substantial public health and safety benefits, and achieve the 100 year flood flow Level of Service Standard identified by the Petaluma General Plan. The project is needed to provide an increased level of flood protection for existing and expected population and to meet community economic development, housing land use goals, objectives and policies defined in the General Plan. The proposed project improves the City's emergency preparedness and emergency response capabilities and reduces the need to engage our emergency response resources. The proposed project is consistent with the General Plan and would further the City's General Plan health and safety, economic development and land use goals, objectives and programs.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby approves the Locally Preferred Project, i.e., FEMA 100 year level of protection at General Plan buildout, described in the project FEIR, adopting the above referenced mitigation measures and monitoring program as conditions of approval.

esolut/8/21/95

THE WITHIN INSTRUMENT IS A TRUE COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

SEP - 8 1995

ATTEST PATRICIA E. [illegible]
CITY CLERK, CITY OF PETALUMA

DAILLETTE LYON DEP CLERK

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) ~~(Adjourned Regular)~~ (Special) meeting on the 5th day of September, 19 95, by the following vote:

Approved as to form

City Attorney

AYES: HAMILTON, STOMPE, MAGUIRE, READ, BARLAS, VICE MAYOR SHEA, MAYOR HILLIGOSS

NOES: NONE

ABSENT: NONE

ATTEST: Patricia E. Lenard
City Clerk

Mayor

CALENDAR PAGE 370

ACTUAL PAGE [illegible]

Council File 1203-07

CA 10-85

Res. No. ..... N.C.S.

Reso. 95-242 NCS