

MINUTE ITEM

This Calendar Item No. C60 was approved as Minute Item No. 60 by the California State Lands Commission by a vote of 3 to 0 at its 12/16/98 meeting.

CALENDAR ITEM

C60

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12/16/98
PRC 8048 W 25478
J. Lam

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

City of Petaluma
11 English Street
Petaluma, California 94952

AREA, LAND TYPE, AND LOCATION:

0.01 acre, more or less, of sovereign lands in Petaluma River, city of Petaluma, Sonoma County.

AUTHORIZED USE:

Construction and maintenance of a 48-inch diameter metal storm water outfall and placement of rock riprap at the outfall mouth area.

LEASE TERM:

25 years, beginning October 1, 1998.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

OTHER PERTINENT INFORMATION:

1. Applicant has a right to use the uplands adjoining the lease premises.
2. A Mitigated Negative Declaration was prepared and adopted for this project by the City of Petaluma. The California State Lands Commission's staff has reviewed such document.
3. 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.

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CALENDAR ITEM NO. C60 (CONT'D)

APPROVALS OBTAINED:

Sonoma County Water Agency, California Department of Fish and Game, United States Army Corps of Engineers, Regional Water Quality Control Board.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. City Resolution No. 92-287

PERMIT STREAMLINING ACT DEADLINE:

March 30, 1999

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT A MITIGATED NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF PETALUMA AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

SIGNIFICANT LANDS INVENTORY FINDING:

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

AUTHORIZATION:

AUTHORIZE ISSUANCE TO CITY OF PETALUMA OF A GENERAL LEASE - PUBLIC AGENCY USE, BEGINNING OCTOBER 1, 1998, FOR A TERM OF 25 YEARS, FOR CONSTRUCTION AND MAINTENANCE OF A 48-INCH DIAMETER STORM WATER OUTFALL AND PLACEMENT OF ROCK RIPRAP AT THE OUTFALL MOUTH AREA ON THE LAND DESCRIBED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION BEING THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST.

MOGEL ENGINEERING, INC.
REGISTERED CIVIL ENGINEERS

179 H Street
Petalsuma, California 94952
(707) 763-9044

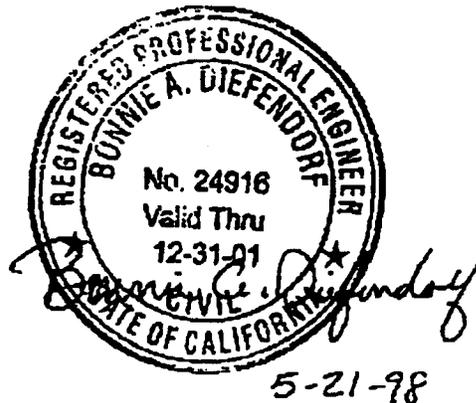
BONNIE A. MOGEL
R.C.E. 24916

Exhibit "A"

An easement for storm drainage outfall located in Section 34, Township 5 North, Range 7 West, Mount Diablo Base and Meridian; more particularly described as follows:

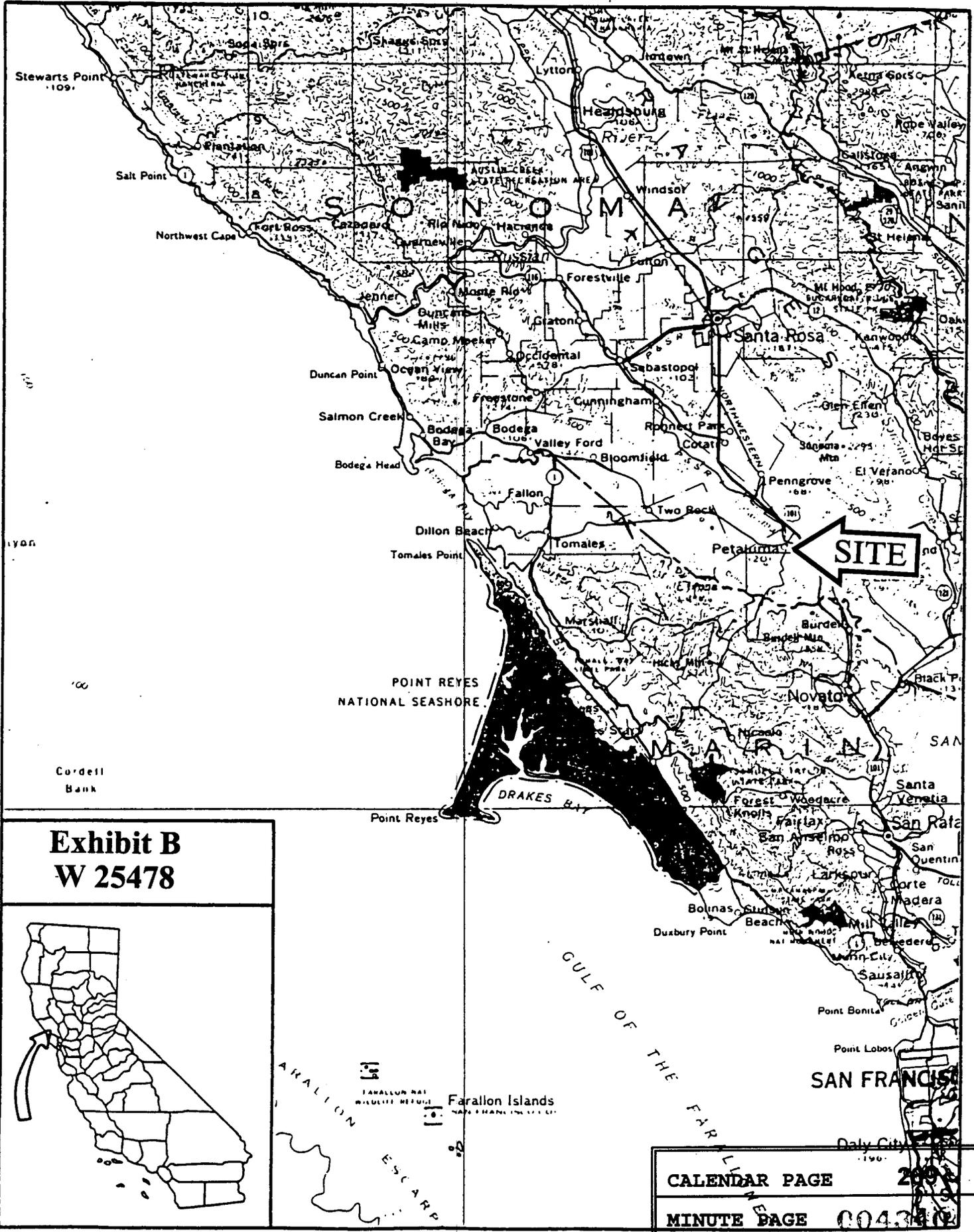
Beginning at the northeast corner of the lands as shown on the Record of Survey recorded in Book 387 of Maps at Page 16, Sonoma County Records; thence along the line established by the boundary line agreement recorded in Document Number 86-061411, Sonoma County Records, North 63° 11' 44" West, 11.82 feet; thence leaving said line North 14° 18' 30" East, 21.22 feet; thence South 75° 41' 30" East, 15.00 feet; thence South 14° 18' 30" West, 16.07 feet; thence South 38° 27' 13" West, 8.45 feet to the Point of Beginning.

Containing: 328.5 square feet more or less.



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

Exhibit A 268
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SITE

**Exhibit B
W 25478**



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Resolution No. 92-287 N.C.S.
of the City of Petaluma, California

RECEIVED
DEC 15 1992
COMMUNITY DEVELOPMENT

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
FOR A REZONING OF APN'S 008-472-04,07,10 TO PUD, PROPOSED PUD DESIGN
GUIDELINES AND A TENTATIVE SUBDIVISION MAP TO ALLOW THE
DEVELOPMENT OF NOT MORE THAN 43 SINGLE FAMILY HOMES ON A
PORTION OF A 49.2 ACRE SITE KNOWN AS COUNTRY CLUB ESTATES UNITS
2a AND 3a

WHEREAS, an Environmental Impact Report was prepared and certified as adequate by
the City Council in May of 1981 for the Country Club Estates and Fairway Glen
Developments which included the Country Club 2 project area (Resolution No. 9162); and

WHEREAS, a Draft Environmental Impact Report was prepared for the Country Club 3
project but never certified due to withdrawal of the application; and

WHEREAS, an Initial Study was prepared to address a revised proposal that combined
the Unit 2 and 3 proposals to cluster the development into a smaller portion of the Unit 2
site (the revised proposals being referred to hereinafter as Units 2a and 3a); and

WHEREAS, the Planning Commission held three public hearings on the Initial Study on
August 25th, September 9th, and September 22nd, 1992; and

WHEREAS, the Planning Commission has reviewed and considered the Initial Study and
all public testimony received on the project and recommended the adoption of a Mitigated
Negative Declaration for the Country Club Estates Unit 2a and 3a project pursuant to the
California Environmental Quality Act (CEQA) in conjunction with the following actions:

1. Rezoning of APN #008-472-07 and a portion of 008-472-10 from the approved
Country Club Unit 2 PUD to the revised Country Club 2a and 3a PUD, and
Rezoning of 008-472-04 and the remainder of 008-472-10 from R-1-6,500 to PUD.

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2. Conditional approval of the PUD Development Plan and Design Guidelines for the Country Club 2a and 3a Subdivision.

3.
3. Conditional approval of the Tentative Subdivision Map for the County Club Estates subdivision.

NOW, THEREFORE, BE IT RESOLVED that the Petaluma City Council, in reference to the impact and mitigations identified in the Mitigated Negative Declaration, hereby makes the following findings:

1. a. The proposed grading on the site will result in impacts on the site topography.

Implementation of the mitigation measures listed below would ensure that impacts relating to proposed grading would be reduced to less than significant levels:

- (1) Final project improvement and grading plans shall be prepared by a registered civil engineer with assistance from a qualified geotechnical professional. The plans shall be prepared in compliance with the City of Petaluma's Subdivision Ordinance and Grading and Erosion Control Ordinance. The plans shall include a detailed schedule for field inspection of work in progress to ensure that mitigation measures are being properly implemented throughout construction of the project. These plans would be subject to the review and approval of the City of Petaluma.
- (2) Construction of cuts and fills shall be completed with strict adherence to specific geotechnical recommendations, including proper engineering design, and on-site inspection (see above).
- (3) Cut-and-fill slopes shall not exceed a gradient of 2:1, horizontal to vertical. Fill slopes to be placed on slopes steeper than 5:1 shall be keyed and benched into firm soil or rock (as recommended by Herzog and Associates). No cuts or fills should exceed 5 feet total at any point.
- (4) Increasing cut-and-fill slope ratios shall not be done without approval of a qualified geotechnical professional and the Petaluma City Engineer. Where steeper cut and fills are required, retaining walls or other approved slope reinforcing systems shall be utilized. The retaining wall design specifications shall be prepared with special consideration for those areas where retaining wall backfill is subjected to vehicular traffic.

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(5) Project grading shall be carried out in such a manner that earthen materials (soil and rock fragments) should not be side-cast or pushed into side slopes. Grading shall be carried out in such a manner that the downslope roll of rock fragments is prevented.

(6) The recommendations provided in the previous geotechnical reports are based on the assumption that geotechnical conditions will not deviate from anticipated conditions during project construction. During construction, a qualified geotechnical professional shall be present to observe the site grading and foundation excavations. Should unanticipated conditions be encountered, supplemental engineering recommendations shall be provided. Grading observation and testing should be conducted by properly qualified field technician(s) during the period of earthwork construction. Presence of a soils engineer and/or engineering geologist may be periodically required, depending on the nature of the materials encountered, or the complexity of the earthworks under construction.

(7) The boundaries of environmentally sensitive areas, within and in proximity to the project, shall be staked, flagged, or otherwise conspicuously delineated in the field by the applicant prior to construction. These areas shall also be shown on the improvement and grading plan drawings. These areas shall not be disturbed by construction activities either directly (intrusion by equipment or material) or indirectly (by side-casting or soil/rock or other waste materials). The grading contractor and his representatives/employees shall be made aware of the location and protection measures required for these areas. A note to this affect shall be included on the improvement and grading plans.

b. The proposal will involve impacts related to sensitive site geology and soils.

(1) Soils. The following measures would be necessary to reduce project impacts due to expansive soils to insignificant levels:

• Expansive soils shall be either removed or penetrated with a drilled pier foundation design.

• Expansive soils present at the site may not be suitable for use in fills. Fill material shall be composed of soil having a liquid limit less than 40 and a plasticity index less than 15.

(2) Landslides/Slope Stability. The following measures would be necessary to reduce project slope instability impacts to insignificant levels:

• On-site slopes subject to previous landsliding and/or displaying surficial soil creep shall be excavated and stabilized. If suitable, the excavated material should be replaced as a properly compacted fill buttress, well keyed and benched into competent soil or bedrock below the zone of instability. Subdrain installation to prevent future instability in the colluvial deposits is also recommended in all of the reports. These methods of stabilization have proven effective where

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applied to similar conditions elsewhere in the region. The exact locations and the depths of the buttress fills and subdrains should be evaluated by a geotechnical professional during the grading operations.

Fill material for the project shall be inspected and approved by a qualified geotechnical professional. Fills should be compacted to at least 90 percent of maximum dry density, utilizing the latest versions of the ASTM D-1557 test procedure.

Residence foundations shall be designed to consider the unstable slope conditions on the site. Foundation support for structures below the depth of effective slope instability shall be obtained. Foundation support for specific lots shall be designed individually to take into account the specific slope subsurface conditions of each lot.

c. Groundwater on the site may create a potential impact on slope stability.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

Subdrains shall be installed in keyways as outlined in the geotechnical report for the project and wherever seepage is observed or suspected to occur. These measures would be necessary to reduce the potential adverse impacts of groundwater on slope stability to a less than significant level.

d. A potential for impacts from erosion exists on the site.

Implementation of the following mitigation measures will be necessary to reduce project erosion impacts to less than significant levels:

- (1) An erosion and sedimentation control plan as required by the City's Grading and Erosion Control Ordinance shall be prepared by the applicant and submitted to the City in conjunction with the preparation of the improvement drawings. The plan shall include temporary erosion control measures to be used during construction of cut-and-fill slopes, excavation for foundations, and other grading operations at the site. The measures shall be adequate to prevent erosion On-site and the resulting transport of sediment from disturbed areas into natural or man-made drainage facilities beyond the project limits. Such measures should include use of silt fences, diversion beams, hay mulch, and check dams to prevent drainage channel siltation. This plan shall place special importance on preventing erosion onto adjacent downslope properties (e.g., within the Nizibian subdivisions).
- (2) Upon completion of grading, slopes shall be planted with fast-growing groundcover or stabilized using geosynthetics to prevent erosion subject to approval and inspection by City Engineering Staff. Replanting of trees shall occur immediately after completion of grading.

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(3) The applicant shall prepare a detailed drainage plan for approval by the Petaluma City Engineer in conjunction with the preparation of the improvement drawings. The plan shall show supporting calculations for culvert sizes using acceptable engineering methods. The plan shall also show specific locations for erosion protection; e.g., on cut-and-fill slope faces and at all drainage outfalls. The plan shall adequately distribute storm runoff and channel it to existing, natural drainage courses only to the extent that it will not increase water head to the point of unnatural channel abrasion, or carry excessive siltation which might adversely impact water quality. Energy dissipaters and erosion protection shall be specified in the plan at all collector outfalls onto unconsolidated materials and highly weathered rock. Outfalls should not be positioned where they will discharge or concentrate runoff onto sloping areas mantled by erodible soils. The Homeowner's Association for Country Club 2a shall be required to enter into an agreement with the Country Club 1b Association that ensures that Country Club 2a pays a fair share cost of the maintenance of the lower drainage system prior to recordation of the Final Map. Approval of said agreement by Unit 1b Homeowner's Association shall not be unreasonably withheld. In the event that an agreement is not reached within a reasonable timeframe, the City shall determine "reasonable fair share".

(4) All construction and grading activities, including short-term needs (equipment staging areas, storage areas, and field office locations) shall expose as little new ground as possible. Whenever possible, existing disturbed areas shall be used for such purposes, rather than disturbing additional new ground.

(5) All grading activity shall be completed prior to the onset of the rainy season. All new drainage facilities shall be in place and in operation at that time. Grading and excavation activities shall not be permitted during the rainy season. Extensions for short-term grading may be allowed; shall be determined in consultation with the Petaluma City Engineer, based on the sensitivity of the specific project area to erosion, sedimentation, and the effectiveness of temporary (rainy season) erosion measures to be implemented by the applicant.

e. The development of the PUD could result in excessive grading of the hillside if the PUD Standards do not include restrictions on the amount of grading which is too occur.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

The amount of grading shall be minimized by limiting the maximum number of units permitted on the site as required by the City's Hillside Ordinance and by requiring home construction to be sensitive to the topography, and utilizing common driveways. The Design Guidelines shall be carefully evaluated through the PUD and design review processes to mandate structures which are visually compatible with the site and sensitive to the topography. The revised design guidelines shall show section elevation drawings of typical lots which illustrate how units will be stepped down the hillside. The design guidelines will be subject to City Engineer approval.

Planning Commission prior to their consideration by the City's Site Plan and Architectural Review Committee.

2. A potential exists for an impact on the storm drain system in the area.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

- a. The project will be subject to the City's standard storm drain impact fees.
- b. If the storm drain improvements on Petaluma Boulevard South, outletting into the Petaluma River are not installed, this unit shall install these improvements based upon Sonoma County Water Agency Master Drainage Plan. All storm drainage improvements shall conform to the requirements of the Sonoma County Water Agency.
- c. The adequacy of the drainage plan must be evaluated by the City's Engineering Department and the Sonoma County Water Agency prior to approval of the Final Map.
- d. The erosion control measures listed above shall be incorporated as conditions of project approval. Note: Please refer to mitigations provided in Section 1.C.a., 1.C.b.(2) and 1.C.d.

3. A potential exists for the project to have negative impacts on the plant and animal life which has been observed on the site.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

- a. The proposed open space easement area shall be modified to include the oak woodland identified in Attachment #6 to the Initial Study to minimize impacts on the vegetation and wildlife.
- b. The location of the emergency access road shall be placed to avoid the most significant trees based on the required tree study with consideration for possible widening of the road to provide access to future development; subject to review and approval by City staff prior to approval of the improvement plans for the site.
- c. Prior to the establishment of the open space easement boundaries the applicant shall pay for a City contracted tree study which identifies and evaluates all trees on the 49.2 acre site (including the large eucalyptus windrow). The study shall include a map of the tree trunk locations and tree canopies. The study shall make recommendations as to which trees shall be removed, pruned, cabled, etc. Trees categorized as being weak, decayed, crowded, or dead should not be removed as a matter of policy, but only to mitigate potential proliferation of tree disease, or potential fire and individual safety hazards. All trees which are found to be posing an immediate fire threat, safety hazard or threat to other healthy trees shall be removed or pruned immediately, prior to final map approval for Unit 2a. The study shall include a biological maintenance plan to assure the long term survival and regeneration of the oak woodland and riparian plant communities on the site. The maintenance plan shall include provisions for

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protecting immature oaks to insure the long term survival of the grove. The boundaries of the open space easement shall be based on this study. These boundaries must be established prior to recordation of the Final Map.

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- d. The cutting of trees on individual lots, except as recommended by the trees study, shall be specifically prohibited in the Design Guidelines and the CC&R's. Exceptions shall be allowed in cases where the trees create a safety hazard as determined by a certified arborist, subject to approval by City Staff. The Design Guidelines for Units 2a (and 3a when a proposal is submitted) shall identify those lots, which would contain trees which would be encumbered by this restriction. Lot configuration shall be altered to provide building pads which would not interfere with existing trees. Any mature trees to be removed on private lots shall be replaced with three new oak trees of the same or similar species (15 gallon size).
 - e. Disturbance or removal of healthy mature oaks within the open space easement area shall be avoided to all extent possible. However, where necessary, removal to accommodate project improvements (e.g., roads, utilities, etc.) may be permitted by the Planning Director with a replacement of three-for-one with semi-mature oak trees (10 to 16 feet tall) of the same or similar species within the open space area.
 - f. The open space corridor along the ephemeral creek shall be enlarged to provide a minimum buffer of 100 feet from the top of bank as determined by City staff to preserve the wildlife habitat and travel corridor on the Country Club 3a side and 75 feet on the Country Club Unit 2a side. The corridor shall average a width of 200 feet along its entire length. The creek and grassland open space areas shall not be fenced in order to allow continued migration of wildlife across the site.
 - g. A project developer shall be required to contract a qualified landscape maintenance professional to maintain all common proposed introduced vegetation until the project is completed. Long term responsibility for similar maintenance shall be funded by the Homeowners Association established for the project.
 - h. Maintenance standards shall be submitted for the open space area and related improvements as part of the Planned Unit Development Plan and CC&R's, subject to approval by City Staff. The Planned Unit Development standards and the CC&R's shall grant the City the ability to enforce these maintenance standards.
 - i. The applicant shall enter into a streambed alteration agreement with the California Department of Fish and Game prior to Final Map approval.

4. The project is expected to have a temporary noise impact on the existing neighborhood.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

- a. Construction activities shall be limited to that portion of the day when the number of persons occupying a potential noise impact receptor zone is lowest; i.e., noise-generating construction activities shall be limited

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1 daytime, weekday (Monday through Friday), non-holiday hours (7:00 AM to
2 7:00 PM). These restrictions shall be strictly enforced by the City through
3 the same procedures that other general noise restrictions are enforced.
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- 5 b. Use of mufflers and muffler maintenance on construction vehicles shall be
6 required.
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8 c. Placement of stationary construction equipment such as compressors as far
9 as possible from developed areas and use of acoustic shielding with such
10 equipment shall be required. In addition, quiet construction equipment
11 should be utilized. The use of proper mufflers and the proper selection of
12 equipment should result in maximum construction-related noise levels from a
13 particular piece of equipment not exceeding 85 dBA when measured at a
14 distance of 50 feet from a piece of equipment when it is operating at its
15 noisiest mode.
16
17 d. The developer shall designate a project construction period management
18 person as Disturbance Coordinator who would be responsible for responding
19 to any complaints from the neighborhood about excessive noise during
20 construction. A Disturbance Coordinator telephone number shall be
21 conspicuously posted at the construction site. The Disturbance Coordinator
22 would determine the cause of the noise complaint (e.g., starting too early,
23 bad muffler, etc.) and institute reasonable measures necessary to correct the
24 problem.
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26 5. The introduction of additional street lights may create more distracting light on the
27 hillside.

28 The identified impact will be mitigated to a level of insignificance by the following
29 mitigation measures to be incorporated into the project:
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31 Shorter, low-intensity level street lights shall be used on the private streets. Baffles
32 shall be required on light fixtures to direct light downward.
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34 6. a. The proximity of the project to the golf course may create a conflict between
35 the two uses.
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37 The identified impact will be mitigated to a level of insignificance by the
38 following mitigation measures to be incorporated into the project:
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40 Buyers of residential lots that abut the golf course shall be made aware, by
41 the recordation of a mechanism similar to an agricultural easement, that
42 their property may be impacted by the proximity of the golf course (noise,
43 stray balls, etc.).
44

45 The buyers shall also be made aware of the fact that the golf course is
46 designated suburban residential on the General Plan Land Use Map and that
47 residential development may occur in the future at a density of up to 2
48 dwelling units per acre. The wording of this statement to potential buyers
49 will be subject to review and approval by City staff.
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- b. The small lot sizes may be inconsistent with the existing lots sizes in the neighborhood.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

The average lot size shall be increased to not less than 8,500 square feet.

7. The proposal will reduce the amount of openspace within the City limits.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

- a. Deed restrictions shall be placed on the open space easement to insure that they remain in open space in perpetuity. The City shall be a beneficiary of the open space easement.
- b. The open space easement shall include those woodland areas identified on Attachment #6.
- c. The deed restrictions shall allow some modifications to the edges of the open space easement, with no net loss of open space acreage, through the project review process for any future development on the 8.6 acre site. This flexibility is necessary because it is expected that the exact locations of project specific improvements for Country Club 3a will not be known until formal plans are prepared. Modifications to these boundaries, however, shall only be allowed when the resulting plan will result in a more environmentally sensitive development as determined through subsequent environmental review for the Unit 3a development.
- d. The deed restrictions shall specify the permitted uses within the open space areas. Uses shall be limited to the improvement and maintenance of the emergency access road, improvement of the emergency access road as the primary access road for any future development on lot 49, pedestrian and bicycle trails; the long term maintenance of the oak woodland; and periodic maintenance of the open space area for fire prevention. An expansion of the golf course may also be permitted in the Country Club 2a and 3a open space areas subject to further environmental review.

8. A potential exists for potential impacts from additional traffic.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

- a. No development which would increase traffic levels beyond 275 peak hour trips on Country Club Drive shall be considered without further analysis of capacity and possible need for a secondary access."
- b. A sidewalk shall be provided along the south side of McNear Avenue east of Mountain View Avenue in the section now lacking a sidewalk or pathway. A continuous sidewalk shall also be provided along at least one side of McNear Avenue between Country Club Drive and Peralta Boulevard.

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- c. McNear Avenue shall be repaved where needed in the vicinity of Country Club Drive.
- d. Sidewalks or pathways shall be provided along at least one side of Country Club Drive through Units 1b and 2a prior to occupancy of any Unit 2a homes. Sidewalks or pathways shall also be provided along one side of all project streets.
- e. Pedestrian access easements and pathways shall be provided from Cohen Court and the proposed Unit 2a private road system and to open space area.
- f. A minimum width of 36 feet curb-to-curb with parking limited to one side (west side) shall be provided along McNear Avenue between Country Club Drive and Petaluma Boulevard.
- g. The project shall contribute to the cost of signalization of Petaluma Boulevard/McNear Avenue intersection. A left-turn lane shall be provided on the westbound Petaluma Boulevard approach to McNear Avenue.
- h. Additional parking bays shall be added to create at least one off street parking space per unit within the Unit 2a subdivision.
- i. A four way stop sign and appropriate warning signs (i.e., "4-Way Stop Ahead") shall be installed at Mc Near Avenue and Country Club Drive at the expense of the project developer prior to occupancy of any Unit 2a homes.

9. A potential impact on the ability of the City to provide the following public services exists.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

- a. Fire protection:
 - (1) The maximum grade of any street, including the required emergency access road shall be no greater than 12%, except with approval of the City Engineer, grade may be increased to a maximum of 15%.
 - (2) A secondary emergency access road shall be designed and constructed with an all weather surface subject to approval by the City Fire Marshal and the City Engineer. The location of the road shall be moved if feasible to the area along the creek through the City-owned property. The ability of the secondary access road to provide emergency access should be evaluated on a yearly basis by the Fire Marshall, and any needed repairs made at the expense of the Homeowners Association.
 - (3) Fire hazard potential shall be mitigated through proper siting, use of fire resistant materials and landscaping, and/or installation of early warning systems", such as fire alarms and sprinklers.
 - (4) Buildings 3,500 square feet and larger shall be protected by an automatic fire extinguishing system as required by Section 10.306.2.69 of the 1988 edition of the Uniform Fire Code. Zero Lot line buildings

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3 are considered one building for Building and Fire Code purposes
4 unless a 4 hour masonry wall is installed on the property line.

- 5 (5) The building plans shall include fire suppression systems at normal
6 sources of ignition. These areas are specifically at clothes dryers,
7 kitchen stoves, furnaces, water heaters, fire places and in attic area at
8 vents and chimneys for these appliances and equipment.
9
10 (6) All roofing material shall have a class "B" rating or better, treated in
11 accordance with the Uniform Building Code Standard 32-7.
12
13 (7) All roof covering materials applied as exterior wall covering shall
14 have a fire rating of class "B" treated in accordance with UBC
15 Standard 32-7 as per ordinance 1744 City of Petaluma.
16
17 (8) The Design Guidelines for Units 2a and 3a shall require fire resistive
18 exterior wall siding material and boxing of eaves.
19
20 (9) Landowners shall be required through the CC&R's to clear vacant
21 lots of excessive vegetation on a yearly basis.
22
23 (10) The Design Guidelines shall require new landscaping to be fire
24 resistant within 50 ft. of buildings.
25
26 (11) The Design Guidelines shall require chimneys to be located a
27 minimum of ten feet from chimney outlets. The CC&R's shall require
28 that tree branches be pruned a minimum of 10 feet from existing
29 chimneys with the recommendation of a certified arborist so as not to
30 harm the health of the tree through excessive pruning.
31
32 (12) All open space areas shall be disked around their perimeter to
33 provide fire breaks. The open space areas shall contain disked trails
34 across the middle to discourage the rapid spread of fire. Such fire
35 abatement practices shall be completed on an annual basis. This
36 service shall be funded through the Homeowner's Associations.
37
38 (13) Weeds and grass on private lots shall be cut to mineral earth to a
39 distance of 30 feet from all fences and buildings, unless otherwise
40 approved by the Fire Marshall.
41
42 (14) An additional one or two fire fighters should be added within the next
43 three to five years, depending on the completion and occupancy of
44 other projects on the West side, to address the cumulative increase in
45 fire protection needs for West Petaluma.

46 b. Police protection: The final improvement and development plans shall be
47 reviewed by the police department for their ability to provide emergency
48 services.

49 c. Schools: The project will be subject to school impact fees.

50 d. Open Space/Parks services: The project shall be subject to Park and
51 Recreation Improvement fees. An easement for public access shall be
52 provided through portions of the open space easement area, subject to

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review and approval by City Staff. A General Plan amendment to change the Park designation to Open Space to preserve the wildlife habitat and restrict or minimize public access in the immediate vicinity of the creek is recommended by the Music, Parks and Recreation Commission. Maintenance of the open space easement areas must be assured through provisions in the PUD Development Standards and/or CC&R's.

10. Visual impacts will occur because of the location of the development on a prominent hillside.

The identified impact will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

- a. Two trees per unit to be constructed with this phase (approximately 86 trees) shall be planted in those areas identified on Attachment #10 to the Initial Study. The trees and any necessary irrigation systems along the northeastern slope shall be planted at the time that public improvements are commenced to insure their establishment before construction of homes. All other trees shall be installed prior to issuance of certificates of occupancy.
- b. Visual mitigation trees shall be spaced so as to break up the view of the houses but not so as to block views of the valley from the houses.
- c. The CC&R's and PUD design guidelines shall prohibit the removal of existing trees or trees planted as visual mitigation.
- d. The design guidelines shall establish a maximum building height of 24' measured parallel to the existing natural grade. The guidelines shall require that individual building designs respect the natural grade and the homes be stepped up or down and/or dug into the hill. No reflective materials or colors shall be permitted to be used. The guidelines shall address building and roof orientation, landscaping, decking, building projections, etc. Said guidelines shall be reviewed and accepted by the Planning Commission prior to consideration by SPARC.
- e. The total number of units in Unit 2a shall be reduced by at least 10%.
- f. The average lot size shall be increased to 8,500 sq.ft. as mentioned above.
- g. The number of units on the north side of Country Club Drive shall be reduced and the lot width increased to further mitigate the visual impacts on that side of the hill.
- h. The changes to the Tentative Map and PUD Plan shall concentrate on maximizing view corridors between buildings.
- i. A revision sketch shall be submitted for Council review to determine ability to comply with these visual mitigations prior to Tentative Map approval.
- j. On Lot 49, no buildings taller at any point (including roof projections such as chimneys) than 5 feet above the maximum elevation of the southernmost knoll shall be permitted.

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k. No homes shall be permitted to be constructed in the most visible areas on Lot 49 identified on the site visibility map for the Country Club Unit 3 EIR, Attachment #11).

11. Although no potential areas of archaeological significance have been identified on the site, these sites are often not identified until excavation begins.

A potential archaeological impacts will be mitigated to a level of insignificance by the following mitigation measures to be incorporated into the project:

In the event that archaeological remains are encountered during grading, work shall be halted temporarily and a qualified archaeologist shall be consulted for evaluation of the artifacts and to recommend future action. The local Indian community shall also be notified and consulted in the event any archaeological remains are uncovered.

IN CONCLUSION, BE IT FURTHER RESOLVED that the Petaluma City Council does hereby adopt the Mitigated Negative Declaration on said project, and in connection with this approval makes the following findings pursuant to State and local guidelines:

1. On the basis of the conclusion of the Initial Study prepared for the Country Club 2a and 3a project, there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.
2. An Initial Study has been conducted by this lead agency which has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. For this purpose, wildlife is defined as "all wild animals, birds, plants, fish, amphibians, and related ecological communities, including the habitat upon which the wildlife depends for its continued viability." (Section 711.2, Fish and Game Code).

cc:rwondr,council10

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~~) (~~Special~~) meeting on the 2nd day of November, 1992, by the following vote:

Approved as to form

LA
City Attorney

AYES: Read, Davis, Sobel, Nelson, Vice Mayor Cavanagh, Mayor Hilligoss

NOTES: None

ABSENT: Woolsey

ATTEST: *[Signature]*
City Clerk

[Signature]
Mayor

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