

**CALENDAR ITEM  
C01**

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08/09/16

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PRC 5607.1  
M.J. Columbus

**TERMINATION OF A GENERAL PERMIT – PUBLIC AGENCY USE, ISSUANCE OF  
GENERAL LEASE – PUBLIC AGENCY USE, AND ENDORSEMENT OF A  
SUBLEASE**

**APPLICANT/LESSEE/SUBLESSOR:**

City of Petaluma

**SUBLESSEE:**

Petaluma Small Craft Center, a California Public Benefit Corporation

**PROPOSED LEASE:**

*AREA, LAND TYPE, AND LOCATION:*

Sovereign land located in the Petaluma River, at the Petaluma River Turning Basin, adjacent to Assessor's Parcel Numbers 007-142-018, 007-142-026, 008-054-005, and 008-067-005, city of Petaluma, Sonoma County.

*AUTHORIZED USE:*

**LEASE:** Continued use, maintenance, and operation of two existing uncovered floating boat docks and three gangways previously authorized by the Commission; an existing platform, ramp, gangway, and utility conduits to accommodate electric and water lines not previously authorized by the Commission; and extension of one existing uncovered floating boat dock, installation of eight pilings, and construction of a floathouse.

**SUBLEASE:** Operation, use, and maintenance of a proposed dock extension and floathouse for small non-motorized watercraft rentals.

*LEASE TERM:*

**LEASE:** 20 years, beginning August 9, 2016.

**SUBLEASE:** 19 years, beginning May 15, 2017.

CALENDAR ITEM NO. **C01** (CONT'D)

**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 interests. Effective May 15, 2017, consideration for the boat dock extension and floathouse will be \$4,500 per year, with an annual Consumer Price Index adjustment; and the State reserving the right to fix a different rent on the 10<sup>th</sup> anniversary of the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

**LEASE:** The proposed lease will include Best Management Practices for Marina Owners/Operators and Best Management Practices for Guest Dock Users and Boaters.

**SUBLEASE:** Commercial liability insurance in an amount no less than \$2,000,000 per occurrence.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

On December 20, 1978, the Commission authorized a General Permit – Public Agency Use to the City of Petaluma, for two uncovered floating boat docks and two gangways in the Petaluma River Turning Basin. That lease expires on July 31, 2027. On December 22, 1983, the Commission authorized an amendment for the proposed expansion of the two existing uncovered floating boat docks and proposed construction of a gangway. The Applicant is now applying for the termination of the General Permit – Public Agency Use and issuance of a General Lease – Public Agency Use for the two existing uncovered floating boat docks and three gangways previously authorized by the Commission; one existing platform, ramp, gangway, and utility conduits to accommodate electric and water lines not previously authorized by the Commission; and the proposed extension of one existing uncovered floating boat dock, installation of eight pilings, and construction of a floathouse. The floathouse will be used as small craft rental center rental office. The facility will rent small non-motorized watercraft such as kayaks, canoes, stand-up paddle boards, rowboats, pedal boats, and small sailboats. The Applicant is also requesting

CALENDAR ITEM NO. **C01** (CONT'D)

approval of a sublease for an operator of the extended portion of the dock and the Floathouse Small Craft Rental Center.

The Applicant owns the upland adjoining the lease premises, identified as Assessor's Parcel Numbers 007-142-018 and 008-067-005. The littoral parcel, Assessor's Parcel Number 007-142-026, adjacent to the proposed dock extension, floathouse, and existing gangway is owned by Golden Eagle Delaware, LLC, a California Limited Liability Company. The City of Petaluma owns and maintains the docks and gangways and has the right to use the upland adjoining the dock by boundary agreement (easement) with the owners.

The Applicant is proposing to extend the existing uncovered floating boat dock on the north side (left bank) of the Petaluma River Turning Basin an additional 166 feet bringing it to a total length of 661 feet. A 20-foot by 22-foot floathouse for small non-motorized watercraft rentals will be built on the northwest corner of the proposed dock facility extending southwest from the existing dock facility.

The impacts of sea-level rise, including increased wave activity, storm events, and flooding, are not limited to the open coast. Tidally-influenced rivers, such as the Petaluma River, are also expected to experience these phenomena. Therefore, projects in tidally-influenced river sites must prepare and adapt for the impacts of sea-level rise, as well as additional climate change impacts, such as increased runoff and debris brought on by changing storm activity. The Turning Basin of the Petaluma River, the site of the proposed extension of an existing dock and construction of a floathouse project by the Applicant, is considered the upper-limit of navigability for commercial and recreational boat traffic, and it is susceptible to sea-level rise impacts. The project area is located in downtown Petaluma, near a shopping plaza and existing permanent docks. While the existing permanent docks allow for public access and activities, including pedestrian traffic, overflow boat docking, and kayak launching, the permanent docks provide limited space and require better regular maintenance. Portions of the Turning Basin shoreline are already protected by riprap and wooden pile walls. By 2030, the region could see up to 1 foot of sea-level rise (from year 2000 levels), 2 feet by 2050, and possibly over 5 feet by 2100 (NRC, 2012). As sea levels continue to rise over time, the need for such protective structures is likely to increase to

CALENDAR ITEM NO. **C01** (CONT'D)

preserve commercial property and infrastructure of downtown Petaluma from changes in erosion rates along the river.

The Applicant has incorporated sea-level rise considerations into the design of the proposed project. The proposed project relies entirely on floating docks, allowing structures to rise and fall with changing tides and sea levels. The Applicant has stated that they will coordinate with project engineers and pile-driving contractors to ensure that all anchor piling heights account for projected sea-level rise, further increasing the resiliency of the project to sea-level rise impacts. The project is expected to provide some shoreline protection from the wave wash of boat traffic, via its 180 feet of dock that will absorb some wave force. By extension, this protective benefit could conceivably attenuate wave force and reduce bank erosion associated with sea-level rise.

Proposed construction of the dock extension will be performed on site. The dock will be attached to eight PVC-sleeved treated wood pilings. A pile-driving crane on a barge will be used to drive the pilings. To float the rental office, 46 feet of the dock will be built off site with minimal large equipment use. Construction will take place after all required approvals have been obtained. The pile driving will be conducted between July 1 and September 30, outside the fish migration period as specified in the Mitigation Monitoring Program.

The platform, ramp, and gangway facilities on the northwest side of the uncovered floating boat dock have existed for several years but were never authorized. The Applicant is in the process of obtaining after-the-fact permits from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and Regional Water Quality Control Board.

The proposed General Lease – Public Agency Use would authorize existing docks, appurtenant facilities, and four gangways that are open to the public for the docking and mooring of boats. Recreational boating is a water-dependent use that is generally consistent with the common law Public Trust Doctrine. The California Legislature has identified private recreational boating facilities as an authorized use of Public Trust lands (Pub. Resources Code, § 6503.5). The proposed boat dock extension and floathouse are consistent with the common law Public Trust Doctrine because they will be used for the docking and mooring of boats and

CALENDAR ITEM NO. **C01** (CONT'D)

promote water-related recreation. The proposed floating dock will act as a staging platform for the Sublessee's small watercraft rental center. The Petaluma Small Craft Center is a nonprofit public benefit corporation and will enter into a lease agreement (sublease) with the City of Petaluma to construct and maintain the proposed dock extension and floathouse, and operate the Floathouse Small Craft Rental Center for the rental of non-motorized watercraft. The commercial rental operation will accommodate, promote, and foster the public's need for essential maritime services and the public's enjoyment of the State's adjacent waterways.

In the alternative, Commission staff believes that the use does not substantially interfere with the Public Trust needs and values in this area because the existing structures and the adjacent upland parcels on the northeast and south sides of the Petaluma River Turning Basin are publicly owned and maintained, free for use by the public, and provide for public access and use of the waterways.

The proposed lease does not alienate the State's fee simple interest or permanently impair public rights. The lease is limited to a 20-year term, does not grant the Lessee exclusive rights to the lease premises, and reserves an easement to the public for Public Trust consistent uses. Upon termination of the lease, the Lessee may be required to remove all improvements from State land.

The proposed lease requires the Sublessee to insure the lease premises and indemnify the State for any liability incurred as a result of the Sublessee's activities thereon. For the commercial operation on the docking facility, the lease also requires the payment of annual rent to compensate the people of the State for the use of public land. The sublessee does not plan to start the commercial operation until approximately May 15, 2017, payment of rent will begin on this date. For all the reasons above, Commission staff believes the termination of the existing lease and issuance of this lease is consistent with the common law Public Trust Doctrine, will not substantially interfere with the Public Trust needs at this location, at this time, and for the foreseeable term of the proposed lease, and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the

CALENDAR ITEM NO. **C01** (CONT'D)

protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction and Strategy 1.3 to promote, expand, and enhance appropriate public use and access to and along the State's inland and coastal waterways.

2. **Termination of Lease and Approval of Sublease:** Termination of the lease and approval of a sublease are not projects as defined by the California Environmental Quality Act (CEQA) because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

3. **Issuance of Lease for Existing Facilities:** Staff recommends that the Commission find that issuance of the lease is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

4. **Construction of Dock Extension and Floathouse:** A Mitigated Negative Declaration, State Clearinghouse No. 2015042070, was prepared by the City of Petaluma and approved on September 14, 2015, for this Project. Staff has reviewed such document.

A Mitigation Monitoring Program was adopted by the City of Petaluma.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. **C01** (CONT'D)

**APPROVALS REQUIRED:**

City of Petaluma  
U.S. Army Corps of Engineers  
California Department of Fish and Wildlife  
Regional Water Quality Control Board  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map
- C. Mitigation Monitoring Program

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Issuance of Lease for Existing Facilities:** Find that issuance of the lease is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, title 2, section 2905, subdivision (a)(2).

**Construction of Dock Extension and Floathouse:** Find that a Mitigated Negative Declaration, State Clearinghouse No. 2015042070, and a Mitigation Monitoring Program was prepared by the City of Petaluma and approved on September 14, 2015, for this Project and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location at this time and for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

CALENDAR ITEM NO. **C01** (CONT'D)

**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 section 6370 et seq.

**AUTHORIZATION:**

1. Authorize termination, effective August 8, 2016, of Lease No. PRC 5607.9, a General Permit – Public Agency Use, issued to the City of Petaluma.
2. Authorize issuance of a General Lease – Public Agency Use to the City of Petaluma beginning August 9, 2016, for a term of 20 years, for continued use and maintenance of two existing uncovered floating boat docks and three gangways previously authorized by the Commission; an existing platform, ramp, gangway, and utility conduits to accommodate electric and water lines not previously authorized by the Commission; and extension of one existing uncovered floating boat dock, installation of eight pilings, and construction of a floathouse as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration is 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 interests; consideration for the operation, use, and maintenance of a proposed dock extension and Floathouse Small Craft Rental Center for small non-motorized watercraft rentals: \$4,500 per year effective May 15, 2017, with an annual Consumer Price Index adjustment and the State reserving the right to fix a different rent on the tenth anniversary of the lease term, as provided in the lease; and commercial liability insurance in an amount no less than \$2,000,000 per occurrence.
3. Authorize, by endorsement, a sublease between the City of Petaluma and the Petaluma Small Craft Center, a California Public Benefit Corporation, of Lease No. PRC 5607.1, which shall be subject to the terms of Lease No. PRC 5607.1, for a term of 19 years, beginning May 15, 2017.

**EXHIBIT A**

**PRC 5607.1**

**LAND DESCRIPTION**

Two parcels of tide and submerged land situated in the bed of the Petaluma River located in County of Sonoma, State of California, and more particularly described as follows:

**PARCEL 1**

BEGINNING at a point designated "E" as shown on the Record of Survey map recorded in Book 141 of Maps, at Pages 38 and 39 Sonoma County Records, said survey being also Boundary Line Agreement No. 116 recorded in Book 2447 at Page 967 Official Records of said County; thence along said agreed boundary line shown on said map, South 72° 19' 13" West 164.45 feet; thence South 14° 39' 24" West 134.37 feet; thence South 17° 30' 59" East 236.20 feet; thence leaving said line the following eight (8) courses:

1. North 72° 29' 01" East 95.00 feet;
2. North 17° 30' 59" West 177.65 feet;
3. North 01° 44' 07" East 61.65 feet;
4. North 70° 42' 00" East 145.31 feet;
5. South 47° 55' 25" East 41.77 feet;
6. South 39° 13' 34" East 46.65 feet;
7. South 38° 28' 08" East 126.52 feet;
8. North 50° 27' 28" East 49.69 feet to a point on the line as described in Exhibit

A of Boundary Line Agreement No. 133 recorded in Book 2775 at Page 118 Official Records of said County; thence along said agreed line the following six (6) courses:

1. North 33° 26' 18" West 43.53 feet;
2. North 29° 05' 20" West 79.55 feet;
3. North 39° 48' 40" West 58.80 feet;
4. North 51° 52' 55" West 94.11 feet;
5. North 65° 17' 35" West 34.45 feet;
6. North 78° 53' 10" West 28.98 feet to the POINT OF BEGINNING.

## PARCEL 2

BEGINNING at a point designated "STA 23" as shown on the map "STATE OWNED TIDE AND SUBMERGED LANDS IN THE CITY OF PETALUMA" CB 1400 map (sheet 2 of 2) prepared on August 1968 by State Lands Commission and on the file with said State Lands Commission; thence along line shown on said map, South  $66^{\circ} 52' 45''$  East 96.77 feet to "Sta 24"; thence North  $71^{\circ} 50' 50''$  East 64.20 feet; thence North  $84^{\circ} 22' 57''$  East 122.59 feet; thence North  $88^{\circ} 32' 59''$  East 79.03 feet; thence North  $86^{\circ} 46' 50''$  East 160.25 feet; thence North  $19^{\circ} 19' 23''$  East 81.60 feet; thence leaving said line the following eight (8) courses:

1. North  $58^{\circ} 12' 15''$  East 106.98 feet;
2. North  $32^{\circ} 16' 59''$  West 42.20 feet;
3. South  $57^{\circ} 43' 01''$  West 135.13 feet;
4. South  $70^{\circ} 32' 43''$  West 162.02 feet;
5. South  $82^{\circ} 58' 34''$  West 178.45 feet;
6. North  $88^{\circ} 08' 56''$  West 58.11 feet;
7. North  $69^{\circ} 55' 20''$  West 86.51 feet;
8. South  $21^{\circ} 41' 25''$  West 62.06 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Petaluma River.

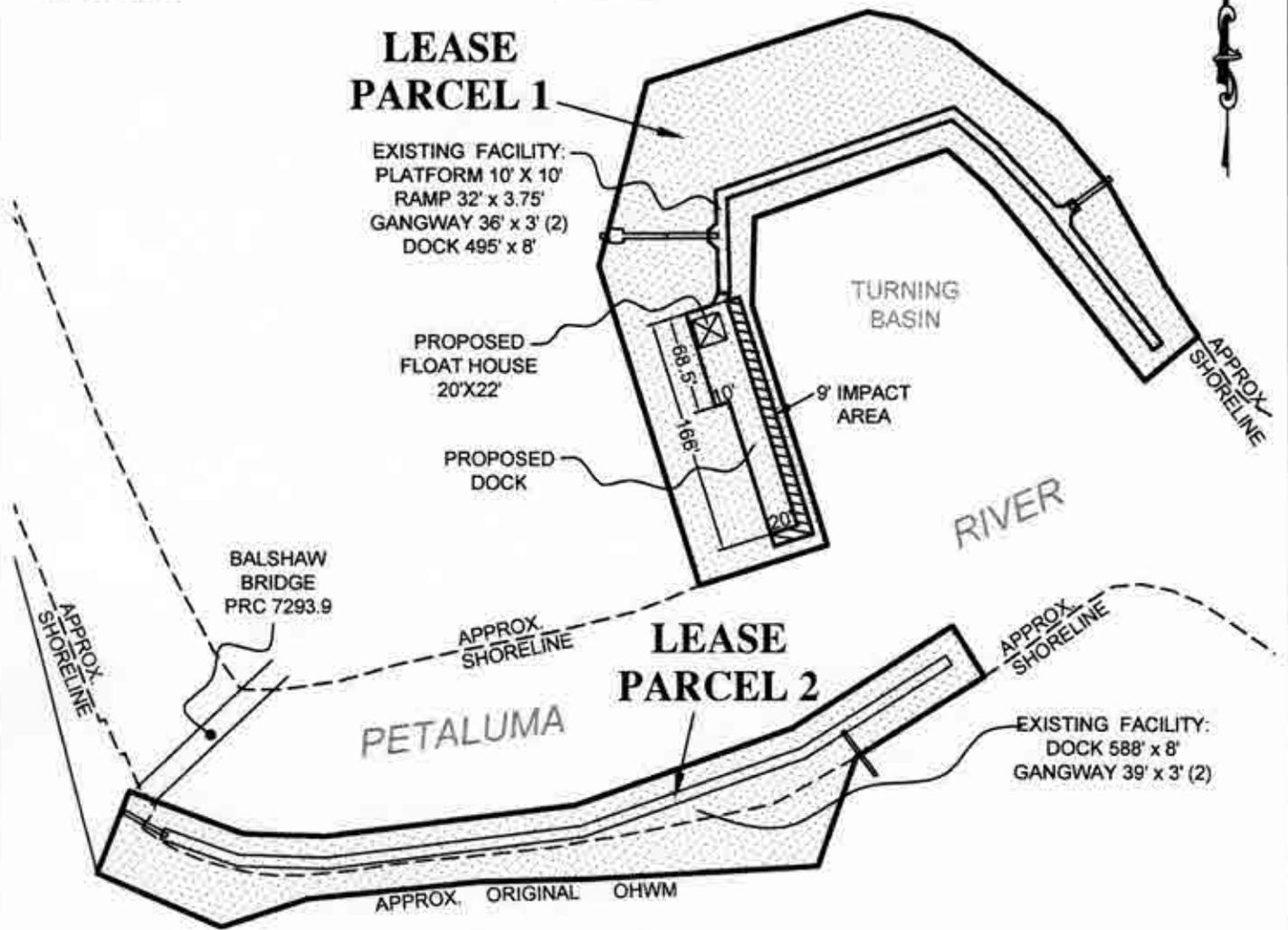
### END OF DESCRIPTION

Prepared 05/19/2016 by the California State Lands Commission Boundary Unit



NO SCALE

# SITE



150 WELLER STREET, PETALUMA

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 5607.1  
 CITY OF PETALUMA  
 APN: MULTIPLE  
 GENERAL LEASE -  
 PUBLIC AGENCY USE  
 SONOMA COUNTY



SITE

TS 05/19/16

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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 C

**CALIFORNIA STATE LANDS COMMISSION  
MITIGATION MONITORING PROGRAM  
FLOATHOUSE SMALL CRAFT RENTAL CENTER AND  
CAVANAGH LANDING PARK RESTROOM  
(PRC 5607, State Clearinghouse No. 2015042070)**

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The California State Lands Commission (Commission) is a responsible agency under the California Environmental Quality Act (CEQA) for the Floathouse Small Craft Rental Center and Cavanagh Landing Park Restroom Project (Project). The CEQA lead agency for the Project is the City of Petaluma.

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on Commission lands. The purpose of a MMP is to discuss feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:<sup>1</sup>

*In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency has adopted an MND, State Clearinghouse No. 2015042070, and adopted a MMP for the whole of the Project (see Exhibit C, Attachment C-1) and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table C-1 below. The full text of each mitigation measure, as set forth in the MMP prepared by the CEQA lead agency and listed in Table C-1, is incorporated by reference in this Exhibit C.

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<sup>1</sup> The State CEQA Guidelines are found at California Code of Regulations, title 14, section 15000 et seq.

**Table C-1. Project Impacts and Applicable Mitigation Measures.**

Potential Impact	Mitigation Measure (MM) <sup>2</sup>
AES 3.1(d)	AES-1
AQ 3.3(b)	AQ-1
BIO 3.4(a)	BIO-1, BIO-2, BIO-3, BIO-4, BIO-5
BIO 3.4(b)	BIO-6
BIO 3.4(c)	BIO-2, BIO-3, BIO-6
BIO 3.4(d)	BIO-1, BIO-5, BIO-6
GEO 3.6 (a)(ii)	GEO-1
HYD/WQ 3.9(a)	HYDRO-1
NOI 3.12(d)	NOI-1

<sup>2</sup> See Attachment C-1 for the full text of each MM taken from the MMP prepared by the CEQA lead agency.

# **ATTACHMENT C-1**

**Mitigation Monitoring Program Adopted by the**

**City of Petaluma**



## City of Petaluma, California

Community Development Department  
Planning Division  
11 English Street, Petaluma, CA 94952

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**Project Name:** Floathouse Small Craft Renal Center and Cavanagh Landing Park Restroom  
**File Number:** PLSR-14-0013  
**Address/Location:** Turning Basin and 150 Weller Street

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### MITIGATION MONITORING AND REPORTING PROGRAM

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

It is the intent of this MMRP to: (1) document implementation of required mitigation; (2) identify monitoring/reporting responsibility, be it the lead agency (City of Petaluma), other agency (responsible or trustee agency), or a private entity (applicant, contractor, or project manager); (3) establish the frequency and duration of monitoring/reporting; (4) provide a record of the monitoring/reporting; and (5) ensure compliance. The City of Petaluma's Planning Commission has adopted those mitigation measures within its responsibility to implement as binding conditions of approval.

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

#### Implementation

The responsibilities of implementation include review and approval by City staff including the engineering, planning, and building divisions. Responsibilities include the following:

1. The applicant shall obtain all required surveys and studies and provide a copy to the City prior to issuance of grading permits or approvals of improvements plans.
2. The applicant shall incorporate all applicable code provisions and required mitigation measures and conditions into the design and improvements plans and specifications for the project.
3. The applicant shall notify all employees, contractors, subcontractor, and agents involved in the project implementation of mitigation measures and conditions applicable to the project and shall ensure compliance with such measures and conditions.

4. The applicant shall provide for the cost of monitoring of any condition or mitigation measure that involves on-going operations on the site or long-range improvements.
5. The applicant shall designate a project manager with authority to implement all mitigation measures and conditions of approval and provide name, address, and phone numbers to the City prior to issuance of any grading permits and signed by the contractor responsible for construction.
6. Mitigation measures required during construction shall be listed as conditions on the building or grading permits and signed by the contractor responsible for construction.
7. All mitigation measures shall be incorporated as conditions of project approval.
8. If deemed appropriate by the City, the applicant shall arrange a pre-construction conference with the construction contractor, City staff and responsible agencies to review the mitigation measures and conditions of approval prior to the issuance of grading and building permits.

### **Monitoring and Reporting**

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

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

### **MMRP Checklist**

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

<b>FLOATHOUSE MITIGATION MONITORING AND REPORTING PROGRAM</b>				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<b>AESTHETICS</b>				
AES-1 In order to avoid light intrusion onto adjacent properties and onto the river, all exterior lighting shall be directed onto the project site and access ways, and shall be shielded to prevent glare and intrusion onto adjacent properties. Only low-intensity light standards and/or wall mounted lights shall be used (no flood lights), and lights attached to buildings shall provide a “soft wash” of light against the wall and shall generate no direct glare. A lighting plan shall be prepared and submitted to the Planning Division for review and approval.	<ul style="list-style-type: none"> <li>Incorporate into project design, landscaping and construction documents.</li> <li>Prior to issuance of building permit.</li> </ul>	Petaluma Planning Division and Building Division		
<b>AIR QUALITY</b>				
<p>AQ-1: The applicant shall incorporate Best Management Practices for all construction activities and clearly indicate these provisions in the specifications. BMPs shall include but not be limited to the BAAQMD’s Basic Construction Mitigation Measures as modified below:</p> <ol style="list-style-type: none"> <li>All exposed surfaces (e.g., parking areas, staging areas, and graded areas) shall be watered three times per day;</li> <li>All haul trucks transporting soil, sand, or other loose material shall be covered;</li> <li>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;</li> <li>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;</li> <li>All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be</li> </ol>	<ul style="list-style-type: none"> <li>Measures shall be included into project design and construction documents.</li> <li>Applicant shall provide for periodic inspection during construction to ensure that measures are in place.</li> <li>Prior to the issuance of construction permits and building permits.</li> <li>Ongoing through construction activities.</li> </ul>	Petaluma Planning Division and Building Division is responsible for review of the building plans to ensure that measures are included on construction specifications		

<b>FLOATHOUSE MITIGATION MONITORING AND REPORTING PROGRAM</b>				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
<p>checked by a certified mechanic and determined to be running in proper condition prior to operation;</p> <p>6. Construction equipment staging shall occur as far as possible from nearby sensitive receptors; and</p> <p>7. The City’s Public Works Inspector shall perform visual inspections to assure that standard BMP are enforced; and</p> <p>8. Post a publicly visible sign with the telephone number of designated person and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</p>				
<b>BIOLOGICAL RESOURCES</b>				
<p>BIO-1. Pile driving shall be conducted between July 1st and September 30th, outside of the fish migration period in order to avoid impacts to migratory fish species. A good faith effort shall be made to complete pile-driving activities within the shortest timeframe practicable. If the July through September work window is not sufficient to start and complete pile driving, a longer work window may be allowed at the discretion of responsible agency staff, provided noise attenuating technology is employed. Acceptable forms of noise attenuating technology include sound reduction systems that employ vibratory pile driving, oscillating, rotating or pressing in piles. Pile driving methodology and scheduling shall be reviewed by NMFS (during ESA Section 7 consultation) and CDFW under Section 2081 of the Fish and Game Code.</p>	<ul style="list-style-type: none"> <li>• Incorporate into project design and construction documents; on-site observation</li> <li>• Prior to the issuance of construction permit.</li> </ul>	<p>Petaluma Building and Planning Division</p> <p>And</p> <p>Applicant/ Contractor</p>		
<p>BIO-2. Silt-curtains shall be utilized during all pile driving activities to limit the amount of suspended sediment entering the water column. In accordance with the San Francisco Basin Plan Water Quality Objective periodic monitoring shall be conducted to ensure that any increases in turbidity does not exceed 10 percent over ambient conditions.</p>	<ul style="list-style-type: none"> <li>• Measures shall be clearly delineated on final construction plans; on-site observation.</li> </ul>	<p>Petaluma Public Works Dept. and Planning Division</p> <p>Applicant/ Contractor</p>		

<b>FLOATHOUSE MITIGATION MONITORING AND REPORTING PROGRAM</b>				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
			ACTIVITY	DATE COMPLETED
BIO-3. Drilling or sawing of wood treated with preservatives shall be conducted on land and new piles shall be wrapped with suitable materials that prevent the leaching of wood preservatives into the water. Copper treatments shall be prohibited.	<ul style="list-style-type: none"> <li>Measures shall be clearly delineated on final construction plans.</li> <li>The contractor shall verify that new piles are properly treated and wrapped.</li> </ul>	Petaluma Public Works Dept., Building and Planning Division  Applicant/ Contractor		
BIO-4. During operation, the washing down of boats and equipment shall be conducted using a high quality carbon filter fitted to PVC piping that connects with any hose. The use of soaps or other detergents shall be prohibited.	<ul style="list-style-type: none"> <li>Measures shall be clearly delineated on final construction plans; on-site observation.</li> <li>The applicant shall provide wash down protocol and the City shall verify use of filter and absence of detergents and soaps.</li> </ul>	Petaluma Public Works Dept. and Planning Division  Applicant/ Contractor		
BIO-5. To avoid potential impacts to protected bird species covered by state and federal law (California Department of Fish and Game Code and the MBTA), should construction activities (pile driving or other construction-related activities) commence between July 1 <sup>st</sup> and August 31 <sup>st</sup> (within the bird nesting season), a pre-construction nesting survey shall be performed. The survey shall be conducted by a qualified biologist and shall cover suitable habitat within one-quarter mile of construction activities to determine if nests are present. In the event that an active nest for a protected species of bird is discovered, an appropriate buffer area shall be established by the biologist. The biologist shall monitor activities to ensure that the buffer is sufficient. Work may continue in areas outside of the buffer zone and resume within the buffer zone once it has been determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts, whichever is later.	<ul style="list-style-type: none"> <li>Measures shall be clearly delineated on final construction plans.</li> <li>As required, conduct pre-construction survey in accordance with actions specified in Measure.</li> <li>On-site observation by disturbance coordinator</li> </ul>	Petaluma Building and Planning Division  And  Applicant/ Contractor		

<b>FLOATHOUSE MITIGATION MONITORING AND REPORTING PROGRAM</b>					
MITIGATION MEASURE		IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
				ACTIVITY	DATE COMPLETED
BIO-6. Educational materials shall be made available to boaters during all operating hours and be readily visible. The educational materials shall include information related to buffer distances for nesting or roosting birds and the location of any active buffer areas. The educational materials shall also include information related to the value of sensitive brackish march habitat and discourage landings on vulnerable areas.		<ul style="list-style-type: none"> <li>Prior to issuance of occupancy permit, the City shall review and verify availability of materials.</li> </ul>	Applicant and  Petaluma Planning and Building Division		
<b>CULTURAL RESOURCES</b>					
CUL-1. If during the course of ground disturbing activities, including, but not limited to excavation, grading and construction, a potentially significant prehistoric, historic, or paleontological resource is encountered, all work within a 100 foot radius of the find shall be suspended for a time deemed sufficient for a qualified and city-approved cultural resource specialist to adequately evaluate and determine significance of the discovered resource and provide treatment recommendations. Should a significant archeological or paleontological resource be identified a qualified archaeologist or paleontologist shall prepare a resource mitigation plan and monitoring program to be carried out during all construction activities.		<ul style="list-style-type: none"> <li>Measure shall be included in the Construction plans.</li> <li>On Site observance to be performed by disturbance coordinator.</li> <li>During all earthwork activities.</li> </ul>	Petaluma Planning and Building Division  And  Applicant/ Contractor		
CUL-2. In the event that paleontological resources, including individual fossils or assemblages of fossils, are encountered during construction activities all ground disturbing activities shall halt and a qualified paleontologist shall be procured to evaluate the discovery and make treatment recommendations.		<ul style="list-style-type: none"> <li>Measure shall be included in the Construction Plans.</li> <li>Onsite observance to be performed by disturbance coordinator.</li> <li>During all earthwork activities.</li> </ul>	Petaluma Planning and Building Division  And  Applicant/ Contractor		

<b>FLOATHOUSE MITIGATION MONITORING AND REPORTING PROGRAM</b>				
MITIGATION MEASURE	IMPLEMENTATION	RESPONSIBLE PARTY	COMPLETION OF IMPLEMENTATION	
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<p>CUL-3. If human remains are discovered during construction, potentially damaging activities shall be halted and no further excavation of the remains or nearby area shall occur until the Sonoma County Coroner has made necessary findings as to origin, in accordance with the Health and Safety Code 7050.5. The City shall immediately notify the Sonoma County Coroner and a professional archaeologist to determine the nature of the remains. If the Coroner determines that the remains are of Native American origin, the City shall notify the Native American Heritage Commission within 24 hours. The disposition of and control over any cultural items excavated or removed shall be determined as provided for in the Native American Graves Protection and Repatriation Act.</p>	<ul style="list-style-type: none"> <li>• Measure shall be included in the Construction plans.</li> <li>• Onsite observance to be performed by disturbance coordinator.</li> <li>• During all earthwork activities.</li> </ul>	<p>Petaluma Planning and Building Division</p> <p>And</p> <p>Applicant/ Contractor</p>		
<b>GEOLOGY AND SOILS</b>				
<p>GEO-1. In order to ensure that appropriate construction techniques are incorporated into the design of the project including that the foundation and structural design for the restroom facility and Floathouse shall meet the California Building Code regulations for seismic safety (i.e., reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). The geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.</p>	<ul style="list-style-type: none"> <li>• The project geotechnical engineer shall inspect the construction work and shall certify to the City, prior to issuance of a certificate of occupancy that the improvements have been constructed in accordance with the geotechnical specifications.</li> </ul>	<p>Petaluma Building Division and Department of Public Works</p> <p>And</p> <p>Applicant/ Contractor/ Geotechnical Engineer</p>		

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<b>HYDROLOGY AND WATER QUALITY</b>						
<p>HYDRO-1. In order to protect water quality the contractor shall implement the following measures during construction:</p> <ol style="list-style-type: none"> <li>1. No construction materials or debris shall be discharged directly to the Petaluma River.</li> <li>2. Construction equipment shall be maintained and fuelled in staging areas only.</li> <li>3. Spill containment and cleanup materials shall be maintained onsite during the construction work period.</li> </ol>		<ul style="list-style-type: none"> <li>• Measures shall be included in the Construction plans.</li> <li>• Applicant shall provide for periodic inspection during construction and at operation to ensure that measures are in place.</li> </ul>	<p>Petaluma Building Division and Public Works Dept.</p> <p>And</p> <p>Applicant/ Contractor</p>			
<b>NOISE</b>						
<p>NOI-1. All construction activities shall be required to comply with the following and be noted accordingly on construction contracts:</p> <ol style="list-style-type: none"> <li>1. Construction Hours/Scheduling: Unless otherwise agreed upon by the City and restaurant operators proximate to the Turning Basin:                             <ol style="list-style-type: none"> <li>a. Pile driving for construction shall only be permitted between the hours of 7:45 am to 11:45 am and 2:00 pm to 5:00 pm Monday through Friday in order to avoid the lunch and dinner periods. Pile driving shall be prohibited on weekends and Holidays observed by the City.</li> </ol> </li> <li>2. Construction Equipment Mufflers and Maintenance: All construction equipment powered by internal combustion engines shall be properly muffled and maintained.</li> <li>3. Idling Prohibitions: All equipment and vehicles shall be turned off when not in use. Unnecessary idling of internal combustion engines is prohibited.</li> </ol>		<ul style="list-style-type: none"> <li>• Measures shall be included in the Construction plans.</li> <li>• Applicant shall provide for periodic inspection during construction to ensure that measures are in place.</li> </ul>	<p>Petaluma Planning Division and Building Division</p> <p>And</p> <p>Applicant/ Contractor</p>			

<b>FLOATHOUSE MITIGATION MONITORING AND REPORTING PROGRAM</b>				
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<p>4. Equipment Location and Shielding: All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from existing buildings.</p> <p>5. Quiet Equipment Selection: Select quiet equipment, particularly air compressors, whenever possible. Motorized equipment shall be outfitted with proper mufflers in good working order.</p> <p>6. Staging and Equipment Storage: The equipment storage location shall be sited as far as possible from nearby sensitive receptors.</p> <p>7. Noise Disturbance Coordinator: Developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. This individual would most likely be the contractor or a contractor's representative. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. The telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.</p>				