

RESOLUTION NO. 2015-001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, DENYING THE APPEALS TO THE PLANNING COMMISSION'S AUGUST 14, 2014 DECISIONS, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT AND THE PARTIALLY RECIRCULATED FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING STATEMENT OF OVERRIDING CONSIDERATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A WALMART EXPANSION LOCATED AT 4625 REDWOOD DRIVE, ROHNERT PARK, CA

WHEREAS, the applicant, PACLAND on behalf of Wal-Mart, Inc., filed Planning Application No. PL2009-02SR/EIR Site Plan and Architectural Review/Environmental Impact Report and Planning Application No. PL2010-08SR Sign Program (collectively, the "Entitlements") proposing an expansion to the Walmart store located at 4625 Redwood Drive (APN 045-055-014) ("Project"), in accordance with the City of Rohnert Park Municipal Code ("RPMC"); and

WHEREAS, the City retained Michael Brandman Associates, an environmental consulting firm, to prepare an environmental impact report ("EIR") pursuant to the California Environmental Quality Act ("CEQA") for the proposed Project; and

WHEREAS, the City of Rohnert Park, acting as the Lead Agency under CEQA, published a Notice of Preparation ("NOP") of a Draft EIR for the proposed Project on May 4, 2009. The NOP was distributed for a 30-day comment period that ended on June 2, 2009. The City then initiated work on a Draft EIR for the Project; and

WHEREAS, the City completed the Draft EIR on August 25, 2009 and circulated it to affected public agencies and interested members of the public beyond the required 45 day public comment period, from August 25, 2009 to October 23, 2009; and

WHEREAS, the City's Planning Commission duly noticed and conducted a public hearing on September 24, 2009 in order to receive comments on the Draft EIR; and

WHEREAS, on January 15, 2010, the City published the Final EIR for the Project incorporating: 1) the Draft EIR; 2) comments received about the Draft EIR and responses to those comments; 3) changes, clarifications and corrections to the Draft EIR; and 4) appendices; and

WHEREAS, on April 22, 2010, the Planning Commission held a duly noticed public hearing on the Project's Final EIR and voted 4-0 to deny certification of the Final EIR; and

WHEREAS, on May 4, 2010, Sheppard Mullin Richter & Hampton, (on behalf of Walmart) filed an appeal of the Planning Commission's April 22, 2010 decision; and

WHEREAS, on July 29, 2010, the City Council of the City of Rohnert Park considered the appeal of the Planning Commission's April 22, 2010 decision and voted 4-1 to grant the appeal, certify the Final EIR, and approve the Entitlements; and

WHEREAS, the Sierra Club and Sonoma County Conservation Action filed a petition for a writ of mandate in Sonoma County Superior Court challenging the City Council's July 29, 2010 actions; and

WHEREAS, on February 16, 2012, the Court filed its Judgment, which determined that the Court would issue a peremptory writ of mandate ordering the City to set aside its July 29, 2010 certification of the Final EIR, adoption of the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations, and approval of the Entitlements; and

WHEREAS, on June 12, 2012, in compliance with the Court's direction to rescind the City Council's July 29, 2010 actions, the City Council adopted a resolution to set aside and rescind without prejudice the certification of the Final EIR, adoption of the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations, and approval of the Entitlements for the Walmart Expansion project; and

WHEREAS, the City prepared a Revised Final EIR to address deficiencies in the EIR identified in the Court's June 9, 2011 Statement of Decision, as modified by the Court's Order on November 29, 2011; and

WHEREAS, the Revised EIR was considered and certified by Planning Commission on January 24, 2013; and

WHEREAS, two parties subsequently filed appeals of the Planning Commission's decision to certify the Revised Final EIR and re-approve the project, citing various objections, including a claim that the City should have revised and recirculated the Draft EIR; and

WHEREAS, acting in response to a request from the applicant, the City Council rescinded the Revised EIR and directed City staff to prepare a Partially Recirculated Draft EIR; and

WHEREAS, the City completed the Partially Recirculated Draft EIR on January 10, 2014 and circulated it to affected public agencies and interested members of the public for the required 45 day public comment period, from January 10, 2014 and February 24, 2014; and

WHEREAS, Title 14 of the California Code of Regulations ("CEQA Guidelines") section 15088.5(c) establishes that if revisions to the Draft EIR are limited to only a few chapters of the document, the lead agency need only recirculate the portions it revises. Pursuant to CEQA Guidelines section 15088(f)(2), the City requested that public comments on the Partially Recirculated Draft EIR be limited to the revised portions of the Draft EIR contained in the Partially Recirculated Draft EIR, and explained that comments on those portions of the Draft EIR that were not revised by the Partially Recirculated Draft EIR were already addressed in the Final EIR and would not be responded to through the Partially Recirculated Final EIR; and

WHEREAS, on August 1, 2014, the City made available the Partially Recirculated Final EIR for the Project incorporating: 1) the Partially Recirculated Draft EIR; 2) comments received about the Partially Recirculated Draft EIR and responses to those comments; 3) changes, clarifications and corrections to the Partially Recirculated Draft EIR; and 4) appendices; and

WHEREAS, pursuant to California State Law and the RPMC, public hearing notices were mailed to all property owners within an area exceeding a three hundred foot radius of the subject property and a public hearing was published for a minimum of 10 days prior to the first public hearing in the Community Voice; and

WHEREAS, on August 14, 2014, the Planning Commission held a public meeting at which time interested persons had an opportunity to testify regarding the Final EIR, the Partially Recirculated Final EIR and the Entitlements; and

WHEREAS, at the August 14, 2014 public meeting the Planning Commission of the City of Rohnert Park reviewed and considered the information contained in the Final EIR and the Partially Recirculated Final EIR, voted 4-1 to certify the Final EIR and the Partially Recirculated Final EIR, and voted 5-0 to approve the Entitlements; and

WHEREAS, on August 22, 2014, M.R. Wolfe & Associates (on behalf of Sierra Club and Sonoma County Conservation Action) filed an appeal of the Planning Commission's August 14, 2014 decisions; and

WHEREAS, on August 25, 2014, Nancy Atwell (on behalf of herself, Elizabeth Craven, Jessica Jones, and Matt Weinstein) filed an appeal of the Planning Commission's August 14, 2014 decisions; and

WHEREAS, on November 10, 2014, the City Council of the City of Rohnert Park held a duly noticed public hearing to consider the appeals of the Planning Commission's August 14, 2014 decisions and consider the Final EIR and the Partially Recirculated Final EIR; and

WHEREAS, at the November 10, 2014 public hearing, interested persons had an opportunity to testify regarding the appeals, the Final EIR, and the Partially Recirculated Final EIR; and

WHEREAS, after taking public comment and without considering the merits of the appeals or the EIRs, the City Council of the City of Rohnert Park continued the hearing on the appeals of the Planning Commission's August 14, 2014 decisions to January 13, 2015; and

WHEREAS, at the duly noticed continued hearing on January 13, 2015, the City Council of the City of Rohnert Park considered the appeals of the Planning Commission's August 14, 2014 decisions and considered the Final EIR and the Partially Recirculated Final EIR; and

WHEREAS, at the continued hearing January 13, 2015, interested persons had an opportunity to testify regarding the appeals, the Final EIR, and the Partially Recirculated Final EIR; and

WHEREAS, the City Council reviewed and considered the information contained in the Final EIR and the Partially Recirculated Final EIR for the Project as well as the appeals and information presented by staff and the public; and

WHEREAS, Section 21000 et. seq. of the Public Resources Code and section 15000 et. seq. of the CEQA Guidelines, which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the Final EIR and Partially Recirculated Final EIR.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park denies the appeals of M.R. Wolfe & Associates (on behalf of Sierra Club and Sonoma County Conservation Action) and Nancy Atwell (on behalf of herself, Elizabeth Craven, Jessica Jones, and Matt Weinstein) of the Planning Commission's August 14, 2014 decisions.

BE IT FURTHER RESOLVED that the City Council of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the Final EIR and the Partially Recirculated Final EIR for the proposed Project:

Section 1. That the above recitations are true and correct, and material to this Resolution.

Section 2. The City Council has independently reviewed, analyzed and considered the Final EIR and the Partially Recirculated Final EIR and all written documentation and public comments prior to making recommendations on the proposed Project; and

Section 3. The Final EIR and the Partially Recirculated Final EIR were prepared and completed in compliance with the provisions of CEQA, the CEQA Guidelines, and the City's local CEQA procedures; and

Section 4. The information and analysis contained in the Final EIR and the Partially Recirculated Final EIR reflects the City's independent judgment as to the environmental consequences of the proposed Project; and

Section 5. The documents and other materials, including without limitation staff reports, memoranda, maps, letters and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the City Council's decision is based are located at the City of Rohnert Park, City Clerk, 130 Avram Ave., Rohnert Park, CA 94928. The custodian of records is the City Clerk.

Section 6. After considering the Draft EIR, the Final EIR, the Partially Recirculated Draft EIR, the Partially Recirculated Final EIR, and all information in the administrative record, and in conjunction with making these findings, the City Council hereby finds that, pursuant to Section 15092 of the CEQA Guidelines, approval of the Project will result in significant effects on the environment; however, the City eliminated or substantially lessened these significant effects where feasible, and has determined that the remaining significant effects are found to be unavoidable under Section 15091 and acceptable under Section 15093; and

Section 7. On the basis of the evidence contained in the administrative record of the Final EIR and the Partially Recirculated Final EIR, including, but not limited to, the information submitted and additional analysis undertaken following the conclusion of the public comment periods, the City Council finds that there is no significant new information concerning the Project's environmental effects, feasible mitigation measures, or feasible project alternatives;

therefore there is no need or requirement to recirculate the Draft EIR or the Partially Recirculated Draft EIR for additional public comment; and

Section 8. Exhibit A (Findings of Fact and Statement of Overriding Considerations) and **Exhibit B** (Mitigation Monitoring and Reporting Program) of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the Project; and

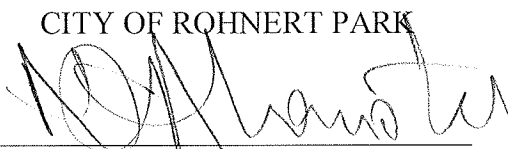
BE IT FURTHER RESOLVED that the City Council of the City of Rohnert Park hereby certifies the Final EIR and the Partially Recirculated Final EIR and directs the filing of a Notice of Determination with the County Clerk; and

BE IT FURTHER RESOLVED that the City Council finds that **Exhibit A** of this Resolution provides the findings required under Section 15093 of the CEQA Guidelines relating to accepting adverse impacts of the Project due to overriding considerations. The City has balanced the economic, legal, social, technological, and other benefits of the Project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. The City Council hereby adopts the Statement of Overriding Considerations attached hereto as **Exhibit A**; and


BE IT FURTHER RESOLVED that pursuant to Public Resources Code Section 21081.6, the City Council hereby approves the Mitigation Monitoring and Reporting Program attached as **Exhibit B** to this Resolution and requires the Project to comply with the mitigation measures contained therein. The City Council finds that these mitigation measures are fully enforceable on the Project and shall be binding upon the City and affected parties; and

DULY AND REGULARLY ADOPTED on this 13th day of January, 2015.



CITY OF ROHNERT PARK

Amy O. Ahanotu, Mayor

ATTEST:


JoAnne Buergler, City Clerk

Attachment: Exhibit A – Findings and Facts and Statement of Overriding Considerations
Exhibit B – Mitigation Monitoring and Reporting Program

CALLINAN: NE MACKENZIE: NO STAFFORD: NE BELFORTE: NE AHANOTU: NE
AVES: (4) NOES: (1) ABSENT: (0) ABSTAIN: (0)

Exhibit A

FINDINGS OF FACT & STATEMENT OF OVERRIDING CONSIDERATIONS

I. STATEMENT OF FINDINGS

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by this City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft EIR, Final EIR, Partially Recirculated Draft EIR, and Partially Recirculated Final EIR in support of various conclusions reached below, the Council has no quarrel with, and thus incorporates by reference and adopts as its own, the reasoning set forth in all four environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Council's approval of all mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

A. Introduction

The EIR prepared for the Project addresses the environmental impacts associated with the expansion of the existing 131,532 square foot Walmart store within the City of Rohnert Park (City), California by a maximum of 40,260 square feet. These findings, as well as the accompanying statement of overriding considerations in Section II, have been prepared to comply with the requirements of CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

B. Project Description

1. Project Objectives

The following are the objectives for the Project:

- Positively contribute to the local economy.
- Create new job opportunities for local residents.
- Expand the existing Walmart store to provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Rohnert Park as well as the surrounding communities.

- Provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment.
- Provide a grocery store use that meets the current unmet demand of consumers residing within the market area.
- Provide regional commercial retail activities that would complement existing local retail activities and enhance commercial retail opportunities available in the City of Rohnert Park and surrounding communities.
- Promote economic growth and development that is consistent with the policies of the City of Rohnert Park General Plan.
- Develop a project consistent with the City of Rohnert Park General Plan and Zoning Ordinance.
- Generate tax revenues to accrue to the various agencies within the Project area.
- Provide payments or physical improvements to mitigate for Project-related impacts on public services and infrastructure.
- Minimize travel lengths and utilize existing infrastructure to the maximum extent possible by expanding an existing Walmart store.
- Capitalize on the Project site's proximity to the planned Rohnert Park SMART station by providing transit, bicycle, and pedestrian amenities to facilitate convenient and safe access.
- Ensure that commercial development has sufficient onsite parking to minimize impacts to the surrounding area and ensure that adequate parking is provided for customers and employees.
- Implement a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the existing store.

(Draft EIR, pp. 2-22 to 2-23.)

2. Project Description

The approximately 12.96-acre Project site is located at 4625 Redwood Drive within the incorporated City of Rohnert Park, on Sonoma County Assessor's Parcel Number 045-055-014. Walmart proposes to expand the existing 131,532 square foot Walmart store by

35,256 square feet. For purposes of providing a conservative evaluation of Project impacts, the EIR analyzed the additional square footage at 40,260 square feet. The primary building expansion would mainly consist of the enlargement of the existing store to the south. This would include the addition of a new grocery sales area and stockroom space, as well as exterior features including a grocery loading dock and a trash compactor. The east side (front) of the store would also be expanded slightly to add new restrooms. The additional floor area would include an expansion of the building to the north to provide additional general merchandise sales area. The existing store has 769 vehicular parking spaces (not including 14 spaces that are occupied by cart corrals). The store expansion would reconfigure the parking area to provide stalls south of the expansion area and would increase the total number of vehicular spaces to 785 (not including 28 spaces that would be occupied by cart corrals). (Draft EIR, pp. 2-1 to 2-24; Supplemental Errata Sheets.

C. Record of the Proceedings

The record of proceedings for the City Council's decision on the Project includes, but is not limited to, the following documents:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- The Draft EIR for the Project (August 25, 2009) and technical appendices;
- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, the Supplemental Errata, and the Draft EIR and technical appendices;
- The Partially Recirculated Draft EIR for the Project (January 10, 2014) and technical appendices;
- The Partially Recirculated Final EIR for the Project, including comments received on the Partially Recirculated Draft EIR, responses to those comments, the Errata, and the Partially Recirculated Draft EIR and technical appendices;
- The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR or Final EIR;
- The City of Rohnert Park General Plan, Municipal Code, and any other relevant City planning documents, including but not limited to any and all documents related to Fiori Estates, The Reserve and the Northwest Specific Plan (SCH No. 2013062005);
- All documents submitted to the City (including to the Planning Commission and/or City Council) by other public agencies or members of the public in connection with the Project, up through the close of the public hearing on July 29, 2010;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The official custodian of the record is the City of Rohnert Park City Clerk, 130 Avram Avenue, Rohnert Park, California 94928.

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the City Council was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the Council's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. Planning Commission of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

D. Findings Required Under CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and

the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant

level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. Planning Commission* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the Project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

These findings constitute the City Council members’ best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Council adopts a resolution approving the Project.

E. Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP), which is Exhibit B to Resolution 2015-001, was prepared for the Project and was approved by the City Council by the same resolution that has adopted these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

F. Effects Found Not to Be Significant

Based on the discussion in Section 7 of the Draft EIR, and other supporting information in the record, the City Council finds that the Project would have no impact associated with the specific issues identified below.

1. Aesthetics, Light, and Glare

The Project would not significantly impact views of a scenic vista.

The Project would not adversely affect views from a state scenic highway.

(Draft EIR, p. 7-1.)

2. Agricultural Resources

The Project would not result in the loss of Important Farmland or the conversion of Important Farmland to non-agricultural uses.

The Project would not conflict with existing zoning for agricultural use nor does the Project site have an existing Williamson Act contract.

The Project would not include other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses.

(Draft EIR, p. 7-2.)

3. Biological Resources

The Project would not cause adverse impacts to sensitive natural communities or riparian habitat.

The Project would not cause adverse impacts to wetlands or jurisdictional features.

The Project would not cause adverse impacts to wildlife or fish movement or nursery sites.

The Project would not conflict with a habitat conservation plan or natural community conservation plan.

(Draft EIR, pp. 7-2 to 7-3.)

4. Cultural Resources

The Project would not adversely affect historic resources.

The Project would not adversely affect archaeological resources.

The Project would not adversely affect paleontological resources.

The Project would not adversely affect human remains or burial sites.

(Draft EIR, pp. 7-3 to 7-4.)

5. Geology, Soils, and Seismicity

No septic or alternative wastewater disposal systems would be installed as part of the Project. (Draft EIR, p. 7-4.)

6. Hazards and Hazardous Materials

The Project would not expose schools within a 0.25-mile radius of the Project site to hazardous materials.

The Project would not expose persons residing or working in the Project vicinity to aviation hazards.

The Project would not expose persons residing or working in the Project area to aviation hazards associated with private airstrips.

The Project would not expose persons or structures to wildland fire hazards.

(Draft EIR, p. 7-5.)

7. Hydrology and Water Quality

The Project would not be exposed to 100-year flood hazards and would not locate structures within such a flood hazard area.

The Project site would not be inundated by floodwaters as a result of levee or dam failure.

The Project site would not be inundated by seiches, tsunamis, or mudflow.

(Draft EIR, p. 7-5 to 7-6.)

8. Land Use

The Project would not divide an established community.

The Project would not conflict with the provisions of a habitat conservation plan or natural community conservation plan.

(Draft EIR, p. 7-6.)

9. Mineral Resources

The Project would not result in the loss of a mineral resource of statewide or local significance. (Draft EIR, p. 7-6.)

10. Noise

The Project would not expose persons residing or working in the Project vicinity to excessive aviation noise. (Draft EIR, p. 7-6.)

11. Population and Housing

The Project would not induce substantial population growth.

The Project would not result in the displacement of persons or housing.

(Draft EIR, p. 7-6 to 7-8.)

12. Public Services and Utilities

The Project would not cause school enrollment growth to occur.

The Project would not create a need for new or expanded park facilities.

The Project would not create a need for new or expanded libraries or other public facilities. (Draft EIR, p. 7-9.)

13. Recreation

The Project would not result in the need for new or expanded recreational facilities.

The Project would not cause physical deterioration of existing recreational facilities from increased usage. (Draft EIR, pp. 7-9 to 7-10.)

14. Transportation

The Project would not alter air traffic patterns. (Draft EIR, p. 7-10.)

G. Less Than Significant Impacts Without Mitigation

Based on the Final EIR and the record, the City Council finds that the Project would have no impact or less than significant environmental impacts associated with the specific issues identified below, as addressed in the EIR.

1. Aesthetics, Light, and Glare

a. Impact

Impact AES-2: Light and Glare: The Project would not result in the addition of new sources of substantial light and glare that would adversely affect daytime or nighttime views. The Project would largely maintain the locations of the existing light fixtures on the Project site, albeit with the elimination of parking lot lighting in the expansion footprint and the addition of new building-mounted lighting on the store expansion. Therefore, the Project would not introduce new sources of nighttime lighting to the Project site. The proposed project would involve the replacement of the existing site lighting with new 400-watt energy-efficient light fixtures that would be fitted with cut-off shields along the site perimeter to avoid direct illumination spilling beyond the site boundaries in accordance with Municipal Code Chapter 17.12. These modifications would minimize the intensity of night lighting visible in the sky and from the nearby residential properties, while still providing adequate night lighting for safety and security purposes. The Project would introduce new illuminated wall signage. Wall signage is not intended to illuminate areas for visibility; rather, it is simply intended to be visible at night. As such, the intensity of illumination is much lower than light fixtures, which greatly reduces its potential to spillover onto nearby land uses. Therefore, the Project's illuminated wall signage would not be considered a significant light and glare impact. Based on this information, the impact is less than significant. (Draft EIR, p. 3.1-14.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in a less than significant impact to aesthetics related to light and glare.

2. Air Quality

a. Impacts

Impact AIR-1: Air Quality Management Plan: The Project would not conflict with the Bay Area Air Quality Management District's (BAAQMD) air quality management plan. The applicable air quality management plan is the Bay Area 2005 Ozone Strategy. Since the Project would be consistent with the City General Plan, and since the City General Plan is consistent with the Bay Area 2005 Ozone Strategy, the Project would be consistent with the applicable air quality management plan. Therefore, the impact is less than significant. (Draft EIR, pp. 3.2-33 to 3.2-34; see also Draft EIR, Appendix B.)

Impact AIR-2: Air Quality Violations: Carbon Monoxide Hotspots: The Project would not significantly contribute to a carbon monoxide hotspot that would exceed federal or state air quality standards. The Project's local carbon monoxide concentrations were estimated for peak hour traffic at roadway segments most affected by the Project. The estimated 1-hour and 8-hour average carbon monoxide concentrations at build out in combination with background concentrations are below the state and national ambient air quality standards. No carbon monoxide hotspots are anticipated as a result of traffic-generated emissions by the Project in combination with other anticipated development in the area. Therefore, the impact is less than significant. (Draft EIR, pp. 3.2-34 to 3.2-36; see also Draft EIR, Appendix B.)

Impact AIR-3: Criteria Pollutant Air Quality Impacts: The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). Emissions from Project construction activities and operations would not exceed the annual or daily significant thresholds established by the BAAQMD. Therefore, the impact is less than significant. (Draft EIR, pp. 3.2-37 to 3.2-44; see also Draft EIR, Appendix B.)

Impact AIR-4: Toxic Air Contaminants: The Project would not expose sensitive receptors to substantial toxic air pollutant concentrations. The Health Risk Assessment prepared for the Project concluded that the Project (specifically, the diesel trucks associated with the Project) would not expose sensitive receptors to diesel emissions or toxic air contaminant concentrations that exceed the BAAQMD's thresholds of 10 cancers per million or 1.0 on the Hazard Index. Also, the Project would not conflict with the guidance established in the California Air Resources Board's (CARB) "Air Quality and Land Use Handbook: A Community Health Perspective" because the Project does not involve the siting of sensitive receptors nor does the Project include a source of toxic air contaminants identified in the handbook. Furthermore, the health effects to the nearby sensitive receptors from the Project's emissions of benzene and diesel particulate matter would be less than significant because of the distance between the Project and the sensitive receptors, the quantities of the emissions would be minimal, and the emissions of diesel particulate matter during construction would be short-term in duration. Therefore, the impact is less than significant. (Draft EIR, pp. 3.2-44 to 3.2-47; see also Draft EIR, Appendix B.)

Impact AIR-5: Odors: The Project would not create objectionable odors affecting a substantial number of people. The Project would not contain any uses that would create objectionable odors. Diesel exhaust and volatile organic compounds, which are objectionable to some, would be emitted during Project construction, however, emissions would disperse rapidly and, therefore, should not be at a level to induce a negative response. There are no land uses associated with odor near the Project site. Therefore, the impact is less than significant. (Draft EIR, pp. 3.2-47 to 3.2-49; see also Draft EIR, Appendix B.)

Impact AIR-6: Naturally Occurring Asbestos: The Project would not significantly impact receptors by disturbing naturally occurring asbestos. Based upon a review of a map showing areas more likely to have rock formations containing naturally occurring asbestos in California, the Project site is not in an area that is likely to contain naturally occurring asbestos. Furthermore, as part of the development of the Walmart store in the 1990s, native soils were either removed or treated to allow for the construction of the Walmart store and site improvements. As such, this condition would preclude the potential for any naturally occurring asbestos to be present onsite. Therefore, the impact is less than significant. (Draft EIR, p. 3.2-50; see also Draft EIR, Appendix B.)

Impact AIR-8: Climate Change Effects: The Project would not be subject to significant adverse effects as a result of global climate change. Public health effects that higher temperatures may cause would not significantly impact the Project since the Project would include high-efficiency HVAC units that would maintain a comfortable interior temperature for customers and employees. The Project would also not be susceptible to flooding from sea level

rise given its distance from the sea and its elevation, or to wildfires given its location in a built urban environment. Finally, potential changes in water supply would not adversely impact the Project because the City supplies the existing store with potable water and this connection would be maintained by the Project. The City obtains its water from the Sonoma County Water Agency, local groundwater, and recycled water. The Project would result in a net reduction in water usage relative to existing levels. The City has adequate supplies to serve the Project. Therefore, the impact is less than significant. (Draft EIR, pp. 3.2-71 to 3.2-75; see also Draft EIR, Appendix B.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to air quality related to conflicts with the applicable air quality management plan, carbon monoxide hotspots, criteria pollutants, toxic air contaminants, odors, naturally occurring asbestos, and climate change effects.

3. Hazards and Hazardous Materials

a. Impact

Impact HAZ-2: Risk of Upset/Routine Transport, Use, or Disposal of Hazardous Materials: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset or accident conditions. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, Mitigation Measure HYD-1 requires the applicant to implement a Stormwater Pollution Prevention Plan (SWPPP) during construction activities to prevent contaminated runoff from leaving the Project site. Therefore, no significant impacts would occur during construction activities. Small quantities of hazardous materials would be used onsite and the transport of these materials would be performed by commercial vendors that would be required to comply with various federal and state laws regarding hazardous materials transportation. Therefore, the impact is less than significant. (Draft EIR, pp. 3.5-10 to 3.5-11.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in a less than significant impact to hazards and hazardous materials related to the risk of upset/routine transport, use, or disposal of hazardous materials.

4. Hydrology and Water Quality

a. Impact

Impact HYD-3: Groundwater: The Project does not have any characteristics that would contribute to groundwater overdraft or contamination. The Project would not contribute to groundwater overdraft because the City potable water system would serve the Project and the

Public Works Department has indicated that it can serve the Project from existing supplies. Also, the Project would not affect groundwater recharge. The Project site currently contains mostly impervious surfaces, with the exception of landscaped areas and an approximately 0.8-acre lawn area located south of the store. The Project proposes to remove the lawn area to construct the expansion, additional parking, and associated landscaping area. The existing lawn is relatively small and would not be expected to impact groundwater recharge. Therefore, the impact is less than significant. (Draft EIR, pp. 3.6-11 to 3.6-12.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in a less than significant impact to hydrology and water quality related to groundwater.

5. Land Use

a. Impact

Impact LU-1: General Plan Consistency: The Project would be consistent with all applicable General Plan goals and policies, including the Regional Commercial land use development guidelines. The Rohnert Park General Plan designates the Project site as Regional Commercial, which designation is intended for shopping centers that typically include department stores and big-box retailers that attract customers from outside the City. The Project would serve as a general retail and grocery store and would serve the surrounding population both within and outside the City. The expanded store would total 171,792 square feet, which would be within the General Plan's maximum floor area ratio of 0.40. Therefore, the impact is less than significant. (Draft EIR, pp. 3.7-7 to 3.7-35; Final EIR, p. 2-5 to 2-9, 3-171 to 3-176, 3-179 to 3-181, and 3-206.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in a less than significant impact to land use related to General Plan consistency.

6. Noise

a. Impacts

Impact NOI-2: Construction and Operational Vibration: Nearby sensitive receptors would not be exposed to substantial vibration. The primary sources of vibration during Project construction would be from bulldozers and excavators. Project construction activities would cause vibration levels below the 0.2-inch-per-second significance threshold at the nearest sensitive receptors. Project operations (primarily from delivery operations) would also result in vibration levels below the 0.2-inch-per-second significance threshold at the nearest sensitive receptors. Therefore, the impact is less than significant. (Draft EIR, p. 3.8-39; see also Draft EIR, Appendix E.)

Impact NOI-3: Roadway Noise: The Project's vehicular trips would not cause a substantial permanent increase in ambient noise levels. The Project would generate additional vehicular trips on roadways in the Project vicinity. Noise from motor vehicles would be generated by engine vibrations, the interaction between tires and the road, and the exhaust system. The noise analysis concluded that the noise associated with traffic from the Project would not exceed the thresholds of significance; therefore, no significant, long-term offsite noise impacts from Project-related vehicle noise would occur along the study area roadways segments under both Baseline and Future conditions. Therefore, the impact is less than significant. (Partially Recirculated Draft EIR pp. 3.8.A-9 to 3.8.A-23.)

Impact NOI-5: Combined Near-Term Stationary and Transportation Noise: The Project would not generate combined near-term stationary and transportation noise levels that cause significant impacts at nearby receptors. The Project's combined transportation and stationary noise impacts would not increase noise at the nearby sensitive receptors such that it would exceed the threshold of significance. Therefore, the impact is less than significant. (Draft EIR, pp. 3.8-50 to 3.8-51; Final EIR, p. 5-1 and 5-2 see also Draft EIR, Appendix E.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to noise related to construction and operational vibration, roadway noise, and combined near-term stationary and transportation noise.

7. Transportation

a. Impacts

Impact TRANS-5: Parking: The Project would provide adequate off-street parking. The Project would involve the demolition and reconfiguration of some parking spaces, plus the addition of a new parking area on the south side of the building. The Municipal Code requires that retail uses provide off-street parking at a ratio of 1 space per 300 square feet for retail sales and 1 space per 1,000 square feet for the outdoor garden center. The Project would provide parking spaces in excess of the number required by the Municipal Code. Therefore, the impact is less than significant. (Draft EIR, pp. 3.10-69 to 3.10-70; Supplemental Errata Sheets; see also Draft EIR, Appendix G.)

Impact TRANS-6: Roadway Safety: The Project would not contribute to any unsafe roadway conditions, either onsite or offsite. Both onsite and offsite truck circulation are expected to function acceptably upon expansion of the Walmart store and the addition of new traffic. The Project would contribute to planned or in-progress improvements at the six intersections in the Project vicinity that currently have higher than average collision rates. This is expected to improve safety of nearby intersections. Finally, the Project would not have the potential to exacerbate grade crossing safety concerns. Therefore, the impact is less than significant. (Draft EIR, pp. 3.10-70 to 3.10-73; see also Draft EIR, Appendix G.)

Impact TRANS-7: Emergency Access: The Project would provide adequate emergency access. The Project would maintain all of the existing vehicular access points serving the Project site. All of these points provide sufficient roadway width to allow for access by large

emergency vehicles (e.g., fire engines). Furthermore, the Rohnert Park fire and police agencies were consulted about the Project's safety requirements and neither agency indicated that emergency access was an issue of concern. Therefore, the impact is less than significant. (Draft EIR, p. 3.10-73; see also Draft EIR, Appendix G.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to transportation related to parking, roadway safety, and emergency access.

8. Urban Decay

a. Impacts

Impact UD-1: Project-Level Urban Decay Effects: The Project would not contribute to urban decay conditions. The Project may result in the closure of one store in the short-term, however, population growth would result in sales recovering by 2016. Therefore, long-term demand would permit re-tenanting as a supermarket by another operator, or re-tenanting by other uses, within a reasonable period of time such that urban decay would not necessarily result. Outside the Primary Trade Area, there would be no substantial potential for closure of any particular supermarket. Since the Project consists almost entirely of supermarket-equivalent space, there is no likelihood of urban decay in other retail sectors resulting from the Project by itself. Therefore, the impact is less than significant. (Draft EIR, pp. 3.11-50 to 3.11-59; Final EIR, pp. 2-2, 2-9 to 2-11, 3-186 to 3-189, 3-91 to 3-94, and 3-99 to 3-101; see also Draft EIR, Appendix H.)

Impact UD-2: Cumulative Urban Decay Impacts: The Project, in conjunction with other projects, would not contribute to urban decay conditions. The cumulative urban decay analysis concludes that with the cumulative square footage of supermarkets, more than one store might be at risk of short-term closure and one store might be at risk of long-term closure in the Primary Trade Area. No closures are expected to occur in the Secondary Trade Area or beyond the Secondary Trade Area. Currently, vacant properties in Rohnert Park appear to be properly maintained and not deteriorating, indicating that vacancies may not necessarily result in urban decay. Therefore, cumulative urban decay impacts are less than significant. (Draft EIR, pp. 3.11-60 to 3.11-63; Final EIR, pp. 2-2, 2-9 to 2-11, 3-186 to 3-189, 3-91 to 3-94, and 3-99 to 3-101; see also Draft EIR, Appendix H.)

b. Finding

The City Council finds, based on the Final EIR and the whole record, that the Project will result in less than significant impacts to urban decay related to project-level and cumulative impacts.

H. Less Than Significant Impacts With Mitigation Incorporated

The Final EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The Final EIR identified feasible mitigation

measures to avoid or substantially reduce some or all of the environmental impacts in these areas. Based on the information and analyses set forth in the Final EIR, the Project impacts will be less than significant with identified feasible mitigation measures and design standards incorporated into the Project.

1. Aesthetics, Light, and Glare

Impact AES-1: Visual Character

Implementation of the Project may substantially degrade the visual character of the Project site or its surroundings. Mitigation Measure AES-1 addresses this potential impact and is as follows:

MM AES-1: Prior to issuance of building permits, the project applicant shall prepare and submit a landscaping plan to the City of Rohnert Park for review and approval. The plan shall identify all proposed parking lot landscaping and comply with Municipal Code Chapter 17.16. The approved plan shall be incorporated into the proposed project. This mitigation measure shall be coordinated with Mitigation Measure BIO-2.

(Draft EIR, pp. 3.1-10 to 3.1-13.)

Impact AES-1: Visual Character: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AES-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

Impact AES-1: Visual Character: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would upgrade the store's elevations. The elevations would incorporate design features to reflect the Mission design theme of the surrounding commercial center. Building height would fall below the height limit set forth in the City Municipal Code and building coverage would fall below the maximum floor area ratio in the General Plan and Municipal Code. The applicant is requesting approval of a Sign Program in conformance with the Municipal Code to allow signage in excess of 200 square feet, therefore, signage would comply with the Municipal Code requirements. New landscaping is proposed in the new parking area adjacent to the proposed expansion and the Project would remove the existing lawn area adjacent to the Project frontage and replace it with drought-resistant ornamental grasses. The Project would remove and replace five trees. Finally, the Project would eliminate the onsite storage of shipping containers, which would be an aesthetic benefit. Mitigation Measure AES-1 requires the Project to submit a landscaping plan to the City that depicts parking lot landscaping that meets the City's Municipal Code requirements, which would ensure that the Project parking

lot landscaping complies with all applicable code requirements. These facts support the City's finding. (Draft EIR, pp. 3.1-10 to 3.1-13)

2. Air Quality

Impact AIR-7: Greenhouse Gas Emissions

The Project would not significantly hinder or delay California's ability to meet the reduction targets contained in AB 32. Mitigation Measure AIR-7 addresses this potential impact and is as follows:

MM AIR-7a: The proposed project shall use "cool paving" materials in rear store areas. Examples of cool paving materials include asphalt or concrete with high solar reflectivity (i.e., through the use of light-colored aggregate), porous or permeable asphalt or concrete in areas where heavy-duty paving materials are not necessary, roller-compacted concrete, and asphalt chip seals that employ light-colored aggregate.

MM AIR-7b: Prior to issuance of the final certificate of occupancy, the project applicant shall post signs in the Walmart loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.

MM AIR-7c: To reduce fugitive emissions from refrigerants, the applicant shall do the following:

- The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Rohnert Park.
- During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant contains CFCs, is not the same type as is proposed in the new system, or more leakage would occur if the refrigerants are reused.
- A secondary closed-loop system shall be evaluated and implemented, if found to be technically and economically feasible.

MM AIR-7d: Prior to issuance of the final certificate of occupancy, the project applicant shall implement and maintain throughout project operations the following Transportation Demand Management measures:

- Public transit information in the employee breakroom. Store management shall post information such as Sonoma County Transit schedules, maps, and fares. This information shall be updated on a regular basis to ensure that current information is posted.

- Ridesharing information in the employee breakroom. Store management shall facilitate ridesharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities.
- Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. This information shall be updated on a regular basis to ensure that current information is posted.

MM AIR-7e: Prior to issuance of the final certificate of occupancy, the project applicant shall install the following greenhouse gas reduction measures:

- New Heating, Ventilation, and Air Conditioning (HVAC) units that achieve a minimum overall Energy Efficiency Ratio of 12.7
- A refrigeration waste heat capture system to heat water for the kitchen prep areas of the store
- A white thermoplastic polyolefin-type roof over the expansion area
- Skylights and electronic dimming in the expansion area to reduce daytime electrical use
- Light Emitting Diode (LED) signage illumination in all internally illuminated building signage
- Sensor-activated, high efficiency faucets and high-efficiency urinals and toilets in the new restrooms
- At least 50 percent recycled steel in the store expansion construction

(Draft EIR, pp. 3.2-70 to 3.2-71; see also Draft EIR, Appendix B)

a. Impact AIR-7: Greenhouse Gas Emissions: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-7, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

b. Impact AIR-7: Greenhouse Gas Emissions: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

At the time of the Draft EIR, no relevant agency, including CARB, the California Environmental Protection Agency, the US Environmental Protection Agency, and BAAQMD, had adopted guidelines for what constitutes a significant increase in greenhouse gas emissions from projects. Therefore, the EIR analyzed the Project's construction and operational greenhouse gas emissions and compared them to the CARB Scoping Plan and the Sonoma County Community Climate Action Plan (CCAP) since these are the only applicable adopted plans that aim to reduce emissions in California and Sonoma County, respectively.

The Project would emit greenhouse gases during construction of the Project from combustion of fuels in worker vehicles accessing the site, combustion of fuels from construction equipment, and from the installation and disposal of refrigerants. The installation and disposal of refrigerants would account for 88% of the total construction emissions. The global warming potential for the refrigerants is greater than for carbon dioxide. The Project would also emit greenhouse gases during store operations. The EIR calculated net new emissions from Project operations and concluded that the main source of new emissions would be from refrigerant leakage from the refrigeration system. The Project would, however, include a number of design features that would reduce greenhouse gas emissions. (See Draft EIR Table 3.2-17 for a discussion of Project features that would reduce greenhouse gas emissions.)

The EIR analyzed the Project's consistency with the CARB Scoping Plan's greenhouse gas reduction measures in Table 3.2-18. The table shows that the Project would be consistent with all applicable reduction measures set forth in the Scoping Plan. Furthermore, the Project would be consistent with the one applicable CARB Early Action Measure, which is a voluntary program with guidelines to foster the establishment or transition to cool communities. The Office of the Attorney General also maintains a list of CEQA Mitigation for Global Warming Impacts. The Office of the Attorney General states that the list includes examples only and suggests that the lead agency use its own informed judgment in deciding which measures it should analyze and require for a given project. The Project would implement all feasible greenhouse gas emissions strategies identified by the Attorney General's office since it would: (1) incorporate design features and mitigation measures that would conserve energy and water, promote recycling and waste reduction, and make the store accessible to public transit, bicycles, and pedestrians; (2) possibly reduce vehicle miles traveled for nearby residents who would now be close to a store that sells groceries; and (3) obtain energy from PG&E, which is increasing its share of energy generated by renewable sources. The Project would also implement all feasible strategies set forth in the CAPCOA "white paper." Finally, as illustrated in Draft EIR Table 3.2-20, the Project would be consistent with all applicable solutions for reducing greenhouse gas emissions in Sonoma County as set forth in the Sonoma County CCAP.

The Project would expand an existing Walmart store located within a developed regional commercial center. The existing store is adjacent to existing retail and is within a relatively short distance of established residential areas. The existing store is served by public transit and accessible to bicycles and pedestrians. Thus, the Project is planned growth within the urban footprint of Rohnert Park and is well positioned to reduce travel lengths. In addition, the

Project would include a number of features that would reduce emissions of greenhouse gases. AB 32's goals of reducing greenhouse gas emissions are, however, such that projects, jurisdictions, and residents of the State of California should reduce their greenhouse gas emissions by all methods feasible. For this reason, Mitigation Measure AIR-7 proposes specific additional measures to reduce greenhouse gas emissions. Mitigation Measure AIR-7 would ensure that the Project reduces greenhouse gas emissions to the maximum extent practicable. These features and mitigation measures are consistent with all project-level strategies identified by the 2006 CAT Report, CARB's Early Action Measures, CARB's Scoping Plan, and the Attorney General's Office. These facts support the City's finding. (Draft EIR, pp. 3.2-51 to 3.2-71; Final EIR pp. 3-195 to 3-203; see also Draft EIR, Appendix B.)

3. Biological Resources

a. Impact BIO-1: Special-Status Species

The Project may adversely impact special-status species. Mitigation Measure BIO-1 addresses this potential impact and is as follows:

MM BIO-1: If vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a buffer (250 feet for raptors, 100 feet for songbirds) shall be maintained around the nests; no construction-related activities shall be permitted within the buffer. A qualified biologist shall monitor the nests, and construction activities may commence within the buffer area at the discretion and in the presence of the biological monitor. The surveys shall be submitted to the City of Rohnert Park prior to issuance of grading or building permits, whichever comes first. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14). (Draft EIR, pp. 3.3-10 to 3.3-11; see also Draft EIR, Appendix C.)

b. Impact BIO-1: Special-Status Species: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact BIO-1: Special-Status Species: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project site does not contain suitable habitat for any special-status plant or wildlife species. However, landscaping trees and shrubs may provide nesting habitat for

migratory songbirds protected under the Migratory Bird Treaty Act and California Fish and Game Code, and the row of coast redwood trees to the east may be suitable for nesting raptors. Mitigation Measure BIO-1 requires that a pre-construction survey for nesting birds be conducted prior to construction activities during the nesting season and requires additional precautions if nests are found. These facts support the City's finding. (Draft EIR, pp. 3.3-10 to 3.3-11; see also Draft EIR, Appendix C.)

d. Impact BIO-2: Local Biological Ordinances and Policies

The Project may conflict with the Rohnert Park Municipal Code tree protection requirements. Mitigation Measure BIO-2 addresses this potential impact and is as follows:

MM BIO-2: Prior to issuance of building permits, the project applicant shall prepare and submit a landscaping plan to the City of Rohnert Park that identifies locations of replacement trees for review and approval. Replacement trees shall be planted onsite and be native to the region, or be species similar to those trees removed. The number of trees required for replacement shall be based on the tree replacement formula established in Municipal Code Chapter 17.04.030. The approved landscaping plan shall be incorporated into the proposed project. This mitigation measure shall be coordinated with Mitigation Measure AES-1. (Draft EIR, pp. 3.3-11 to 3.3-12; see also Draft EIR, Appendix C.)

e. Impact BIO-2: Local Biological Ordinances and Policies: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure BIO-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact BIO-2: Local Biological Ordinances and Policies: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would remove five trees. Because the tree removal activities would be part of a "larger project," as set forth in Municipal Code Chapter 17.15, the Project would not be required to obtain tree removal permits. However, consistent with the intent of Chapter 17.15, Mitigation Measure BIO-2 will ensure that the Project replace all removed trees onsite in accordance with the replacement formula contained in the Municipal Code. These facts support the City's finding. (Draft EIR, pp. 3.3-11 to 3.3-12; see also Draft EIR, Appendix C.)

4. Geology, Soils, and Seismicity

a. Impact GEO-1: Seismic Hazards

The development of the Project may expose persons or structures to seismic hazards such as fault rupture, ground shaking, liquefaction, or landsliding. Mitigation Measure GEO-1 addresses this impact and is as follows:

MM GEO-1: Prior to issuance of building permits, the project applicant must submit plans to the City of Rohnert Park for review and approval demonstrating that the proposed project's plans incorporate all applicable seismic design criteria of the latest version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project. (Draft EIR, pp. 3.4-9 to 3.4-10; see also Draft EIR, Appendix D.)

b. Impact GEO-1: Seismic Hazards: Finding

"Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact GEO-1: Seismic Hazards: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project site is not located in an Alquist-Priolo Earthquake Fault Zone, and there are no active or inferred faults on the Project site. Therefore, no potential exists for fault rupture to occur. The Geotechnical Investigation indicated that the site is composed mainly of clay soils, which typically do not pose liquefaction hazards; therefore, the probability for seismically induced liquefaction to occur at the site is unlikely. Accordingly, no impacts would occur from liquefaction. The Project vicinity is characterized by flat relief. This condition precludes the possibility of earthquake-induced landslides inundating the Project site. The Project site may be exposed to moderate to strong ground shaking during an earthquake. If unabated, structures may be at risk of failure during a seismic event. The 2007 California Building Standards Code provides criteria for the seismic design of buildings. Seismic design criteria account for peak ground acceleration, soil profile, and other site conditions, and they establish corresponding design standards intended primarily to protect public safety and secondly to minimize property damage. Mitigation Measure GEO-1 requires the Project to submit site plans to the City of Rohnert Park for review and approval demonstrating that the Project's plans incorporate all applicable seismic design criteria of the 2007 California Building Standards Code. These facts support the City's finding. (Draft EIR, pp. 3.4-9 to 3.4-10; see also Draft EIR, Appendix D.)

d. Impact GEO-2: Erosion Hazards

Construction activities associated with the Project have the potential to create erosion and sedimentation. A mitigation measure would address this impact and is as follows:

Refer to Mitigation Measure HYD-2.

(Draft EIR, pp. 3.4-10 to 3.4-11; see also Draft EIR, Appendix D.)

e. Impact GEO-2: Erosion Hazards: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact GEO-2: Erosion Hazards: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Construction activities associated with the Project would involve grading and excavation activities that could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. The Project would, however, be required to comply with the NPDES permitting program, which requires the preparation and implementation of a SWPPP. The SWPPP must identify potential sources of erosion or sedimentation that may be reasonably expected to affect the quality of stormwater discharge as well as identify and implement Best Management Practices (BPM) that ensure the reduction of these pollutants during stormwater discharges. Mitigation Measure HYD-2 requires the applicant to submit a SWPPP to the City that identifies pollution prevention measures to prevent runoff from leaving the Project site. This would limit any erosion and sedimentation caused as part of site development. These facts support the City’s finding. (Draft EIR, pp. 3.4-9 to 3.4-10; see also Draft EIR, Appendix D.)

g. Impact GEO-3: Unstable Geologic Units and Soils

The development of the Project would not expose persons or structures to hazards associated with unstable geologic units or soils. Mitigation Measure GEO-3 addresses this impact and is as follows:

MM GEO-3: Prior to issuance of building permits, the project applicant shall provide documentation to the City of Rohnert Park demonstrating that all applicable recommendations regarding undocumented fill, compressible soils, and compaction difficulties from the Geotechnical Investigation have been implemented into the project’s grading and building plans. (Draft EIR, p. 3.4-11; see also Draft EIR, Appendix D.)

h. Impact GEO-3: Unstable Geologic Units and Soils: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

i. Impact GEO-3: Unstable Geologic Units and Soils: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Geotechnical Investigation found that the geologic unit and soil located at the Project site is generally suitable to support the Project. However, the report concluded that several soil stability concerns are present at the site, including undocumented fill, compressible soils, and compaction difficulties. Accordingly, the report includes recommendations to remediate soil stability concerns present onsite. Mitigation Measure GEO-3 requires that the Project incorporate these recommendations into the Project plans and construction methods. These facts support the City's finding. (Draft EIR, p. 3.4-11; see also Draft EIR, Appendix D.)

j. Impact GEO-4: Expansive Soils

Development of the Project may expose persons or structures to hazards associated with expansive soils. Mitigation measure GEO-4 addresses this impact and is as follows:

MM GEO-4: Prior to issuance of grading permits, the project applicant shall provide documentation to the City of Rohnert Park demonstrating that all applicable recommendations for abating expansive soil conditions and differential settlement from the Geotechnical Investigation or comparable geotechnical study have been implemented into the project's grading and building plans. This includes recommendations associated with soil engineering and foundation design and construction. (Draft EIR, pp. 3.4-11 to 3.4-12; see also Draft EIR, Appendix D.)

k. Impact GEO-4: Expansive Soils: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure GEO-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

l. Impact GEO-4: Expansive Soils: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Laboratory testing indicated that the soils on the Project site have a very high expansion potential. Left unabated, these conditions could result in the structural integrity of foundations and building systems being compromised by shrinking and swelling of soils. Mitigation Measure GEO-4 requires the Project to implement the Geotechnical Investigation's

recommendations for abating expansive soil conditions and differential settlement. These facts support the City's finding. (Draft EIR, pp. 3.4-11 to 3.4-12; see also Draft EIR, Appendix D.)

5. Hazards and Hazardous Materials

a. Impact HAZ-1: Past or Present Uses

Development of the Project would expose human health and the environment to hazardous materials associated with past or present site usage. Mitigation Measure HAZ-1 addresses this impact and is as follows:

MM HAZ-1a: Prior to the commencement of demolition activities, the project applicant shall retain a certified hazardous waste contractor to determine the presence or absence of mercury in any equipment or materials that may contain such substances (e.g., light ballasts, thermostats, and temperature control switches). If such substances are found to be present, the contractor shall properly remove and dispose of these hazardous materials in accordance with federal and state law. All removal and disposal activities shall be completed prior to commencement of demolition activities.

MM HAZ-1b: Prior to the commencement of demolition activities, the project applicant shall retain a certified hazardous waste contractor to determine the presence or absence of CFCs in any equipment or materials that may contain such substances (e.g., refrigeration units, coolers, or air conditioners). If such substances are found to be present, the contractor shall properly remove and dispose of these hazardous materials in accordance with federal and state law. All removal and disposal activities shall be completed prior to commencement of demolition activities.

(Draft EIR, pp. 3.5-8 to 3.5-10.)

b. Impact HAZ-1: Past or Present Uses: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HAZ-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact HAZ-1: Past or Present Uses: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project site is not listed on federal and state hazardous materials databases. Site reconnaissance of the Project site did not find any evidence of contamination onsite. Radon does not pose a significant hazard to the Project. Because of the age of the existing Walmart store, it is unlikely that any asbestos-, lead-, or PCB-containing materials are present. Thermostats and lighting that may contain mercury are located within the existing Walmart and

the existing store contains refrigerators, coolers, and air conditioning equipment that may contain CFCs. Accordingly, Mitigation Measure HAZ-1 requires the examination of potential mercury- or CFC-containing equipment prior to construction and the proper demolition and disposal if found. These facts support the City's finding. (Draft EIR, pp. 3.5-8 to 3.5-10.)

d. Impact HAZ-3: Emergency Evacuation or Response

The Project may not be located in an area served with adequate emergency response times. A mitigation measure addresses this potential impact and is as follows:

Refer to MM PSU-1.

(Draft EIR, pp. 3.5-11 to 3.5-12.)

e. Impact HAZ-3: Emergency Evacuation or Response: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact HAZ-3: Emergency Evacuation or Response: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project does not include any characteristics (e.g., permanent road closures) that would physically impair or otherwise interfere with emergency response or evacuation in the vicinity. The Rohnert Park Department of Public Safety, however, indicated that response times on the west side of US 101 is an issue of concern. The City of Rohnert Park is currently in the process of planning an additional fire station west of US 101 that would better serve the Project site and surrounding areas. As such, Mitigation Measure PSU-1 requires the applicant to contribute funds to the City of Rohnert Park Public Facilities Finance Plan that would, in turn, support construction of the additional fire station. These facts support the City's finding. (Draft EIR, pp. 3.5-11 to 3.5-12.)

6. Hydrology and Water Quality

a. Impact HYD-1: Short-Term Water Quality

Construction activities associated with the Project have the potential to degrade water quality in downstream water bodies. Mitigation Measure HYD-1 addresses this impact and is as follows:

MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the North Coast Regional Water Quality Control Board (RWQCB) that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The City of Rohnert Park shall verify that the RWQCB has approved the SWPPP prior to issuing grading permits. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. Examples of stormwater pollution prevention measures and practices that may be contained include:

- Temporary erosion control measures shall be employed for disturbed areas.
- No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
- The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains.
- BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure.
- In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.

(Draft EIR, pp. 3.6-8 to 3.6-10.)

b. Impact HYD-1: Short-Term Water Quality: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact HYD-1: Short-Term Water Quality: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Development of the Project would require grading and construction activities that would have the potential for surface water to carry sediment from onsite erosion and small quantities of pollutants into the stormwater system and local waterways, thereby potentially degrading water quality. Construction of the Project would also require the use of gasoline- and diesel-powered heavy equipment. Chemicals would likely be utilized during construction. An accidental release of any of these substances could degrade the water quality of the surface water runoff and add additional sources of pollution into the drainage system.

The Project must comply with NPDES stormwater permitting programs, which require the preparation and implementation of SWPPPs for construction activities more than 1 acre in area. The SWPPP must identify potential sources of pollution that may be reasonably expected to affect the quality of stormwater discharges as well as identify and implement BMPs that ensure the reduction of these pollutants during stormwater discharges. Mitigation Measure HYD-1 requires the applicant to prepare and implement an SWPPP. These facts support the City's finding. (Draft EIR, pp. 3.6-8 to 3.6-10.)

d. Impact HYD-2: Long-Term Water Quality

Operational activities associated with the Project have the potential to degrade water quality in downstream water bodies. Mitigation Measure HYD-2 addresses this impact and is as follows:

MM HYD-2: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Rohnert Park for review and approval pursuant to Municipal Code Title 13, Chapter 16. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices that may be contained include but are not limited to:

- Strategically placed bioswales and landscaped areas that promote percolation of runoff
- Pervious pavement
- Trash enclosures with screened walls and roofs
- Sewer drains in areas near trash enclosures
- Stenciling on storm drains indicating water flows directly to creeks
- Curb cuts in parking areas to allow runoff to enter landscaped areas
- Rock-lined areas along landscaped areas in parking lots

- Catch basins
- Oil/water separators
- Regular sweeping of parking areas and cleaning of storm drainage facilities
- Employee training to inform store personnel of stormwater pollution prevention measures
- Use of Low Impact Development (LID) techniques

The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.

(Draft EIR, pp. 3.6-10 to 3.6-11.)

e. Impact HYD-2: Long-Term Water Quality: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact HYD-2: Long-Term Water Quality: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The proposed expansion would only increase drainage by a small amount, less than 2 cubic feet per second for the 10-year storm event. The increase in impervious surface coverage would create the potential for additional discharge of urban pollutants to downstream waterways. Mitigation Measure HYD-2 requires the applicant to prepare and submit a stormwater quality management plan to document various stormwater quality control measures that would be in effect during Project operations to ensure that water quality in downstream water bodies is not degraded. These facts support the City’s finding. (Draft EIR, pp. 3.6-10 to 3.6-11.)

g. Impact HYD-4: Drainage

Development of the Project would result in additional impervious surface coverage that may increase downstream runoff volumes. Mitigation Measure HYD-4 addresses this impact and is as follows:

MM HYD-4: Prior to issuance of building permits, the project applicant shall submit a drainage plan prepared by a qualified engineer to the City of Rohnert Park for review and approval. The drainage plan shall identify drainage facilities necessary to ensure that offsite runoff discharge does not exceed the pre-development rate for the 10-year storm event. The approved plan shall be incorporated into the proposed project. (Draft EIR, pp. 3.6-12.)

h. Impact HYD-4: Drainage: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

i. Impact HYD-4: Drainage: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The proposed expansion would increase drainage by a small amount—less than 2 cubic feet per second for the 10-year storm event. The existing drainage system has adequate capacity to accommodate this increase. Runoff within the expansion area would be directed to new catch basins located within the new parking area and would be conveyed via underground storm drains to the existing storm drain system. The new catch basins would impound runoff and ensure that it is released at a rate no greater than that of the pre-development conditions of the Project site. In addition, roof drainage would be conveyed via downspouts directly to the storm drain system. Mitigation Measure HYD-4 requires the applicant to submit a drainage report that identifies drainage facilities necessary to ensure that offsite runoff discharge does not exceed the pre-development rate for the 10-year storm event. These facts support the City’s finding. (Draft EIR, pp. 3.6-12.)

7. Land Use

a. Impact LU-2: Municipal Code Consistency

The Project may conflict with certain provisions of the Rohnert Park Municipal Code. A mitigation measure addresses this impact and is as follows:

Refer MM AES-2.

(Draft EIR, pp. 3.7-36 to 3.7-37.)

b. Impact LU-2: Municipal Code Consistency: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AES-2, which has been

required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact LU-2: Municipal Code Consistency: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would be consistent with the Regional Commercial (C-R) zoning district. The Municipal Code permits “Retail Warehouse Stores” and “Big Box Retail” stores as of right in the Regional Commercial zoning district. Therefore, a Walmart store that includes components such as general merchandise sales, grocery sales, alcohol sales, garden center, vision center, photo lab, pharmacy, and food tenants is permitted as of right and the Project would comply with all applicable provisions of the Regional Commercial (C-R) zoning district. The Project would comply with the Municipal Code parking and sign requirements. Mitigation Measure LU-2 requires the Project applicant to submit a landscape plan that demonstrates compliance with the Municipal Code parking lot landscaping requirements. These facts support the City’s finding. (Draft EIR, pp. 3.7-36 to 3.7-37; see also Final EIR, pp. 6-2).

8. Noise

a. Impact NOI-1: Construction Noise

Construction activities associated with the Project may expose nearby land uses to excessive noise levels. Mitigation Measure NOI-1 addresses this impact and is as follows:

MM NOI-1a: Prior to the commencement of any demolition or construction activities, the project applicant shall raise the existing 6-foot wall on the west side to 7 feet and extend the wall approximately 30 feet to the north and 30 feet to the south to the edge of the project driveways. Alternately, the applicant shall have the option of replacing the existing wall with a new wall of the aforementioned dimensions. The design of the raised and extended wall or new wall shall be of similar or better aesthetic appearance relative to the existing wall.

MM NOI-1b: The project applicant shall require construction contractors to adhere to the following noise attenuation requirements:

- Construction activities shall be limited to the hours between 7 a.m. to 7 p.m. daily. The City of Rohnert Park shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception (e.g., weather conditions necessary to pour concrete).
- All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction features were installed by the manufacturer, then the contractor shall require that at least a muffler be installed on the equipment.

- Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 200 feet from the nearest residence, unless safety or technical factors take precedence (e.g., a heavy equipment breakdown).
- Stationary combustion equipment such as pumps or generators operating within 100 feet of the nearest residence shall be shielded with a noise protection barrier.
- If wall demolition activities occur (refer to Mitigation Measure NOI-1a), a temporary noise barrier with a minimum Sound Transmission Class of 12 and minimum height of 8 feet shall be placed on the west side of the wall demolition area and kept in place for the duration of demolition activities.

(Draft EIR, pp. 3.8-35 to 3.8-38; Final EIR, p. 6-2 to 6-3; see also Draft EIR, Appendix E.)

b. Impact NOI-1: Construction Noise: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure NOI-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact NOI-1: Construction Noise: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Short-term noise impacts could occur during construction activities, either from the noise impacts created by the transport of workers and movement of construction materials to and from the Project site or from the noise generated onsite during ground clearing/excavation, grading, and building construction activities. Construction activities would increase the noise levels by up to 9.7 dBA L_{eq} at the nearby sensitive receptors during construction activities, with construction noise levels as high as 63.1 dBA L_{eq} . Construction activities would exceed the City’s daytime stationary noise standard of 60 dBA at three of the nearby sensitive receptors. With the implementation of Mitigation Measure NOI-1, construction noise levels at nearby sensitive receptors would be reduced to below the City’s daytime stationary noise standard. Moreover, construction noise is temporary and would cease at the conclusion of construction. In addition, construction noise would not occur during the nighttime hours when loud noise would be most disruptive and intrusive. These facts support the City’s finding. (Draft EIR, pp. 3.8-35 to 3.8-38; see also Draft EIR, Appendix E.)

d. Impact NOI-4: Long-Term Stationary Noise

The Project would generate long-term stationary noise levels that cause significant impacts at nearby receptors. A mitigation measure addresses this impact and is as follows:

Refer to MM NOI-1a.

(Draft EIR, pp. 3.8-48 to 3.8-50; see also Draft EIR, Appendix E.)

e. Impact NOI-4: Long-Term Stationary Noise: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure NOI-1a, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact NOI-4: Long-Term Stationary Noise: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would generate stationary noise from rooftop HVAC units, trash compactors, truck loading areas, parking lot areas, and the expanded garden center. Stationary-only noise levels are anticipated to exceed the City’s stationary residential noise standard during the nighttime (10 p.m. to 7 a.m.) at two receivers. None of the receivers are anticipated to exceed the County’s stationary residential noise standards. With the implementation of Mitigation Measure NOI-1a, stationary noise levels at nearby sensitive receptors would be less than both the City’s and County’s stationary residential noise standards. These facts support the City’s finding. (Draft EIR, pp. 3.8-49 to 3.8-50; see also Draft EIR, Appendix E.)

9. Public Services and Utilities

a. Impact PSU-1: Fire Protection and Emergency Medical Services

The Project may adversely impact fire protection and emergency medical services. Mitigation Measure PSU-1 addresses this impact and is as follows:

MM PSU-1: Prior to issuance of building permits, the project applicant shall contribute its fair-share cost to the City of Rohnert Park Public Facilities Finance Plan for the planning and construction of the fire station on the west side of US 101. (Draft EIR, pp. 3.9-15 to 3.9-16; see also Draft EIR, Appendix F.)

b. Impact PSU-1: Fire Protection and Emergency Medical Services: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact PSU-1: Fire Protection and Emergency Medical Services:
Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Fire Services Division indicated that current staffing levels are adequate for both the existing store and expanded store, including the addition of 24-hour sales. The Fire Services Division advised, however, that there are no fire stations on the west side of US 101, which limits response times to land uses on the west side of the freeway. Mitigation Measure PSU-1 requires the applicant to contribute funds to the City of Rohnert Park Public Facilities Finance Plan that would, in turn, support construction of an additional fire station west of US 101 that would better serve the Project site and surrounding area. These facts support the City’s finding. (Draft EIR, pp. 3.9-15 to 3.9-16; see also Draft EIR, Appendix F.)

d. Impact PSU-2: Police Protection

The Project may adversely impact police protection. Mitigation Measure PSU-2 addresses this impact and is as follows:

MM PSU-2: Prior to issuance of the final certificate of occupancy, the project applicant shall implement the following crime prevention measures:

- Provide additional roving security personnel within the store and in the parking lot.
- Provide additional training for Walmart security personnel through the Police Services Division.
- Install surveillance cameras in exterior areas with 360-degree vantage points. Cameras shall be recorded and provide at least 30 days of storage capability.
- Provide a patrol vehicle for onsite security personnel or contract with a security firm to patrol the site on an hourly basis.
- Provide proper lighting in the rear store areas. Light fixtures shall be shielded, recessed, or directed downward to sufficiently illuminate the intended areas while also preventing illumination of neighboring properties.

(Draft EIR, pp. 3.9-16 to 3.9-17; see also Draft EIR, Appendix F.)

e. Impact PSU-2: Police Protection: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact PSU-2: Police Protection: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Police Services Division stated that the Project would not necessitate the construction of new or expanded facilities. The Police Services Division estimated that the Project may increase calls for service and indicated that the 24-hour operation of the store would likely result in increased property theft and fraud crimes. The Police Services Division made recommendations for crime prevention, all of which have been incorporated into Mitigation Measure PSU-2.

In addition, Walmart would assign a manager to the role of Asset Protection Coordinator, who would select, test, maintain, and operate the security devices at the store as well as monitor the efficiency of the security program, consult with local law enforcement for response coordination, serve as the point of contact for external security support, and conduct investigations of potential disruptive and illegal activities. The Project also would include the following types of security measures:

- Project design and construction features that would reduce criminal opportunity such as low-growing shrubs and high-canopy trees to ensure adequate visibility and carefully selected placement of landscaping, parking lot layout/stripping, and lighting to control access to the store and to provide clear site lines.
- Safety and security awareness training for associates and managers, which aids in the recognition and response to safety or security related incidents.
- Lighting in parking areas, entrances, and vehicular and pedestrian areas to promote a safe and secure environment as well as a psychological deterrent to crime.
- Signs that indicate the presence of closed circuit surveillance.
- Multiple interior and exterior cameras that are equipped with digital signal processing and backlight compensation circuitry.
- Closed circuit video.

- Regular parking lot patrols by associates.
- A fire alarm system and facility-wide intercom system used to provide direction to personnel during emergency situations.

These facts support the City's finding. (Draft EIR, pp. 3.9-16 to 3.9-17; see also Supplemental Errata Sheets; see also Staff Report p.5- Security Measures and Condition of Approval #73- Administrative Permit- Alcohol; see also Draft EIR, Appendix F.)

g. Impact PSU-3: Water

The Project may not be served with adequate long-term water supplies or infrastructure. Mitigation Measure PSU-3 addresses this impact and is as follows:

MM PSU-3: Prior to issuance of the final certificate of occupancy, the project applicant shall implement the following water conservation measures:

- Install high efficiency urinals and toilets.
- Install sensor activated faucets in restrooms.
- Remove the existing lawn along Redwood Drive and replace with drought-resistant native landscaping.
- Remove existing spray irrigation and replace with drip irrigation in landscaped areas that are modified by the project.
- Install "purple pipe" for future recycled water use in landscaped areas modified by project.

(Draft EIR, pp. 3.9-17 to 3.9-18; see also Draft EIR, Appendix F.)

h. Impact PSU-3: Water: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

i. Impact PSU-3: Water: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project improvements are expected to reduce annual potable water consumption by 1.9 million gallons. The 2005 Urban Water Management Plan indicates that

sufficient potable water supplies are available to serve demands within the City through 2030 under normal year, single dry year, and multiple dry year periods. Mitigation Measure PSU-3 requires implementation of water conservation measures that would ensure that the Project achieves the anticipated net reduction in water demand. These facts support the City's finding. (Draft EIR, pp. 3.9-17 to 3.9-18; see also Draft EIR, Appendix F.)

j. Impact PSU-4: Wastewater

The Project may result in the need for additional wastewater treatment controls. Mitigation Measure PSU-4 addresses this impact and is as follows:

MM PSU-4: Prior to the issuance of the final certificate of occupancy, the project applicant shall install a new grease interceptor in the food tenant (McDonald's) portion of the expanded Walmart store. The interceptor shall be sized in accordance with criteria set forth in the Uniform Plumbing Code. (Draft EIR, pp. 3.9-19 to 3.9-20; see also Draft EIR, Appendix F.)

k. Impact PSU-4: Wastewater: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

l. Impact PSU-4: Wastewater: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would result in a net decrease of approximately 500 gallons per day of wastewater relative to existing levels; therefore, it would not have an adverse impact on the wastewater treatment plant's treatment capacity. Furthermore, no additional wastewater treatment or offsite conveyance facilities would be needed as a result of project implementation. Mitigation Measure PSU-4 requires the McDonald's food tenant in the existing Walmart store to upgrade its grease interceptor to prevent grease from entering the sewer system. These facts support the City's finding. (Draft EIR, pp. 3.9-19 to 3.9-20; see also Draft EIR, Appendix F.)

m. Impact PSU-5: Storm Drainage

The Project may not provide adequate onsite storm drainage facilities. A mitigation measure addresses this impact and is as follows:

Refer to MM HYD-4.

(Draft EIR, p 3.9-20; see also Draft EIR, Appendix F.)

n. Impact PSU-5: Storm Drainage: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure HYD-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

o. Impact PSU-5: Storm Drainage: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The proposed expansion would increase drainage by less than 2 cubic feet per second for the 10-year storm event. The existing drainage system has adequate capacity to accommodate this increase. Runoff within the expansion area would be directed to new catch basins located within the new parking area and would be conveyed via underground storm drains to the existing storm drain system. The new catch basins would impound runoff and ensure that it is released at a rate no greater than that of the pre-development conditions of the project site. In addition, roof drainage would be conveyed via downspouts directly to the storm drain system. Mitigation Measure HYD-4 requires the applicant to submit a drainage plan to the City of Rohnert Park that identifies drainage facilities necessary to ensure that offsite runoff discharge does not exceed the pre-development rate for the 10-year storm event. These facts support the City’s finding. (Draft EIR, p 3.9-20; see also Draft EIR, Appendix F.)

p. Impact PSU-6: Solid Waste

The Project may generate substantial amounts of solid waste during both construction and operations. Mitigation Measure PSU-6 addresses this impact and is as follows:

MM PSU-6a: Prior to issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The project applicant shall provide documentation to the satisfaction of the City of Rohnert Park demonstrating that construction and demolition debris was recycled.

MM PSU-6b: Prior to issuance of the final certificate of occupancy, the project applicant shall prepare and submit a Recycling and Waste Reduction Plan to the City of Rohnert Park for review and approval. The plan shall identify onsite facilities and operational practices to ensure that recyclable materials and green waste are diverted from the solid waste stream. Recyclable material collection facilities shall be provided in both public areas and rear store areas. Accepted materials shall include aluminum, plastic, glass, cardboard, vegetable oil, single-use cameras, electronic waste, and silver (from photo processing). The approved facilities and practices shall be in place at the time of expanded store opening.

(Draft EIR, pp. 3.9-20 to 3.9-22; see also Draft EIR, Appendix F.)

q. Impact PSU-6: Solid Waste: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final

EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure PSU-6, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

r. Impact PSU-6: Solid Waste: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would generate an estimated 78.3 tons of construction waste, which is an extremely small amount relative to the existing capacity at the four landfills that serve Sonoma County. Nonetheless, Mitigation Measure PSU-6 requires the applicant to retain a contractor to recycle construction and demolition debris. The Project is estimated to generate 412.3 tons of solid waste annually from operations, which would represent a net increase of 96.6 tons over the existing store’s estimated solid waste generation. Mitigation Measure PSU-6 requires the applicant to submit a Recycling and Waste Reduction Plan that identifies practices and onsite facilities necessary to ensure that recoverable materials and green waste are diverted from the waste stream to the maximum extent feasible. In addition, Walmart’s company-wide goals are to eliminate landfill waste from operations by 2025 and to reduce the weight of Walmart’s plastic shopping bag waste by an average of 33% per store by 2013. To achieve these goals, 32 items are recycled at Walmart stores, including aluminum cans, plastic hangers, plastic water and soda bottles, loose plastic wrap, cardboard, office paper and paperback books. These facts support the City’s finding. (Draft EIR, pp. 3.9-20 to 3.9-22; see also Staff Report- p. 4 Recycling and Waste Reduction; see also Draft EIR, Appendix F.)

s. Impact PSU-7: Energy

The Project may result in the inefficient, unnecessary, or wasteful consumption of energy. A mitigation measure addresses this impact and is as follows:

See MM AIR-7e.

(Draft EIR, pp. 3.9-22 to 3.9-24; see also Draft EIR, Appendix F.)

t. Impact PSU-7: Energy: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure AIR-7e, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

u. Impact PSU-7: Energy: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project is anticipated to increase electricity usage by 0.85 million kilowatt hours annually and increase natural gas usage by 2.35 million cubic feet annually. The Project's structures would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., HVAC and water heating systems), indoor and outdoor lighting, and illuminated signs. The incorporation of the 2005 Title 24 standards into the Project would ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. In addition to the 2005 Title 24 standards, the Project proposes to contain the following energy conservation features: daylighting, night dimming, energy efficient HVAC units, central energy management, heat reclamation, white roofs, and LED signage illumination. Mitigation Measure AIR-7e requires that the Project incorporate these and other measures. These facts support the City's finding. (Draft EIR, pp. 3.9-22 to 3.9-24; see also Draft EIR, Appendix F.)

In addition to the facts above that support the City's finding, Section 6.3 of the Draft EIR includes a detailed statement setting forth "[m]itigation measures proposed to minimize the significant effects on the environment, including, but not limited to, measures to reduce wasteful, inefficient and unnecessary consumption of energy" and the potentially significant energy implications of a project as required by CEQA. (Pub. Resources Code section 21100(b)(3); CEQA Guidelines Appendix F.)

The Draft EIR anticipates that construction activities associated with the Project would consume 146,188 gallons of diesel, which would not be any more inefficient, wasteful, or unnecessary than at other construction sites for similar size projects in the region. Vehicle trips associated with Project operations would result in consumption of 2,760.7 gallons of gasoline and diesel per day. Given that the Project proposes to provide a 24-hour shopping opportunity and to add grocery sales, it is well positioned to reduce trip lengths by providing one-stop shopping. As such, it would be expected that vehicular fuel consumption associated with the Project would not be any more inefficient, wasteful, or unnecessary than for similar land uses in the region. (Draft EIR, pp. 6-2 to 6-12; see also Draft EIR, Appendix F.)

10. Transportation

a. Impact TRANS-8: Public Transit, Bicycles, and Pedestrians

The Project may not provide adequate access for public transit, bicycles, and pedestrians. Mitigation Measure TRANS-8 addresses this impact and is as follows:

MM TRANS-8a: Prior to issuance of the final certificate of occupancy, the project applicant shall install an enhanced bus stop along the north driveway or at another location acceptable to Sonoma County Transit. The enhanced bus stop shall provide a shelter with seating for five persons, a transit information display, a trash receptacle, and a pedestrian connection to the Walmart store (sidewalk or pavement treatments). The design shall be reviewed and approved by Sonoma County Transit. The pedestrian connection required by this mitigation measure shall be coordinated with Mitigation Measure TRANS-8c.

MM TRANS-8b: Prior to issuance of the final certificate of occupancy, the project applicant shall install bicycle storage facilities near the Walmart store main entrance.

Storage facilities shall consist of racks and be located in a covered and visible location. Bicycle storage shall be provided at a rate equivalent to 1 bicycle space per 15 required off-street vehicular spaces in accordance with Municipal Code Chapter 17.16.140.

MM TRANS-8c: Prior to issuance of the final certificate of occupancy, the project applicant shall install pedestrian circulation improvements within the project site. Improvements shall consist of enhancing existing pedestrian facilities linking surrounding commercial uses (e.g., Home Depot, former Linens 'n Things) and street frontages (such as Redwood Drive) with crosswalk markings, sidewalks, pavement treatments, or other appropriate measures to create a safe and convenient path of travel. This mitigation measure shall be coordinated with Mitigation Measure TRANS-8a to ensure that the enhanced bus stop is served by a safe and convenient path of travel.

(Draft EIR, pp. 3.10-73 to 3.10-76; see also Draft EIR, Appendix G.)

b. Impact TRANS-8: Public Transit, Bicycles, and Pedestrians: Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-8, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

c. Impact TRANS-8: Public Transit, Bicycles, and Pedestrians: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Sonoma County Transit staff indicated that bus routes serving the Project vicinity have adequate existing capacity to serve any ridership increases associated with the Project. Sonoma County Transit staff recommended, however, that the existing bus stop located along the north driveway be improved. Accordingly, Mitigation Measure TRANS-8a requires that the bus stop be enhanced with a larger enclosure, more seating, a trash receptacle, and a designated pedestrian connection to the Walmart store. These improvements would enhance the safety and convenience of bus ridership.

The proposed Rohnert Park SMART station is located approximately 1.5 miles from the Project site. The station would be within a reasonable biking distance of the store for customers and employees. Alternately, some may choose to ride public transit to and from the station. Mitigation Measures TRANS-8a, TRANS-8b, and TRANS-8c require onsite improvements that would improve accessibility to public transit, bicycles, and pedestrians. These mitigation measures would be expected to enhance accessibility to the proposed Rohnert Park SMART station.

To ensure that the proposed bicycle parking facilities are convenient and secure, Mitigation Measure TRANS-8b requires that bicycle parking be provided in a covered location

near the store main entrance and at a rate equivalent to 1 bicycle space per 15 required off-street vehicular spaces in accordance with the Municipal Code.

To enhance the convenience and safety of pedestrian circulation, Mitigation Measure TRANS-8c requires enhancement of existing sidewalks along the frontage of the building and primary access driveway to Redwood Drive, including the installation of sidewalks, crosswalks, or pavement treatments to link the Walmart entrance with surrounding uses (e.g., Home Depot and the former Linens 'n Things) and the Redwood Drive sidewalk. These facts support the City's finding. (Draft EIR, pp. 3.10-73 to 3.10-76; see also Draft EIR, Appendix G.)

d. Impact TRANS-9: Construction Traffic and Parking

Construction activities associated with the Project may temporarily affect local circulation and parking. Mitigation Measure TRANS-9 addresses this impact and is as follows:

MM TRANS-9: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Rohnert Park for review and approval. The plan shall identify the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network and to encourage the use of US 101. Anticipated temporary road closures should be identified along with safety measures and detours. If necessary, construction equipment and material deliveries shall be limited to off-peak hours to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking. (Draft EIR, p. 3.10-76; see also Draft EIR, Appendix G.)

e. Impact TRANS-9: Construction Traffic and Parking: Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure TRANS-9, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less-than-significant level.

f. Impact TRANS-9: Construction Traffic and Parking: Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Most of the construction traffic would be expected to travel via US 101 and exit at Golf Course Drive (northbound) or Wilfred Avenue (southbound) and then travel via Commerce Boulevard or Redwood Drive to the Project site. This routing would avoid residential areas. Project construction activities may result in temporary lane closures along Redwood Drive and Dowdell Avenue, and within the internal driveways of the Project site and neighboring properties. Accordingly, Mitigation Measure TRANS-9 requires the applicant to implement a Construction Traffic Control Plan during construction activities to minimize impacts on

surrounding roadways and nearby parking areas. These facts support the City's finding. (Draft EIR, p. 3.10-76; see also Draft EIR, Appendix G.)

I. Significant Environmental Impacts That Cannot be Mitigated to a Less-than-Significant Level

The following significant impacts would not be mitigated to a less-than-significant level, even with the implementation of the identified mitigation measures set forth below. No mitigation is feasible that would mitigate these impacts to a less-than-significant level. The City has determined that the impacts identified below are acceptable because of overriding economic, social or other considerations, as described in the Statement of Overriding Considerations. As required by CEQA, a Statement of Overriding Considerations is presented in Section II below in addition to these findings.

1. Transportation

a. Impact TRANS-1: Baseline Plus Project Intersection Operations

The Project would contribute trips to intersections operating at unacceptable levels under baseline conditions. Mitigation Measure TRANS-1 addresses this impact and is as follows:

MM TRANS-1a: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the installation of a traffic signal and associated improvements at the intersection of Stony Point Road/Millbrae Avenue, if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 6.3 percent of the cost of the signal. The County of Sonoma shall be responsible for the installation of the signal.

MM TRANS-1b: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the installation of a traffic signal and associated improvements at the intersection of Stony Point Road/Wilfred Avenue, if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 1.0 percent of the cost of the signal. The County of Sonoma shall be responsible for the installation of the signal.

(Draft EIR, pp. 3.10-33 to 3.10-45; see also Draft EIR, Appendix G.)

b. Impact TRANS-1: Baseline Plus Project Intersection Operations:
Finding

Mitigation Measure TRANS-1, which has been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, but will not reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

c. Impact TRANS-1: Baseline Plus Project Intersection Operations:
Facts in Support of Finding

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The unsignalized intersections of Stony Point Road/Millbrae Avenue and Stony Point Road/Wilfred Avenue would operate at unacceptable levels of service under the "Baseline Without Project" and "Baseline Plus Project" scenarios. Peak-hour signal warrants would be met at both intersections. Unacceptable operations at both intersections would largely be attributable to other projects (such as Graton Rancheria Casino and Resort, Wilfred/Dowdell Specific Plan, and Stadium Area Master Plan); the Project alone would not trigger unacceptable operations at either intersection.

The installation of traffic signals at the intersections of Stony Point Road/Millbrae Avenue and Stony Point Road/Wilfred Avenue would result in acceptable LOS operation and, therefore, would fully mitigate this impact. Because this impact would also occur under the "Baseline Without Project" scenario, the applicant would only be required to contribute fair-share payments for the installation of the signals. It would not be lawful for the City to require the Project to fund the full cost of the traffic signals, which are necessitated by other projects as well as the Project. (CEQA Guidelines § 15126.4(a)(4) (requiring mitigation measures to be consistent with applicable constitutional principles and mandates that the mitigation measure must be "roughly proportional" to the project's impact).) In this case, installation of the two traffic signals for the Project's traffic impacts at intersections already operating at unacceptable levels cannot be considered roughly proportional and cannot be legally imposed. Accordingly, Mitigation Measure TRANS-1a and b require the Project to pay its fair share.

Because these intersections are located in the County of Sonoma and because the City of Rohnert Park does not have an existing agreement with the County for the collection of fees from projects that necessitate improvements to County intersections, there is uncertainty that the fees required by Mitigation Measure TRANS-1a and b will be actually applied to the necessary improvement. Furthermore, the applicant is only responsible for a fair share percentage of the cost of the improvement; therefore, uncertainty exists about collection of the outstanding balance. Both the CEQA Guidelines and case law have held that an "actual plan for mitigation" must exist in order for proportional fee payments to fully mitigate for a project's impacts. In this case, no such plan exists for these intersections; therefore, the residual significance of this impact is significant and unavoidable. These facts support the City's finding. (Draft EIR, pp. 3.10-33 to 3.10-45; see also Draft EIR, Appendix G.)

d. Impact TRANS-1: Baseline Plus Project Intersection Operations:
Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section II).

As noted above, unacceptable operations at both intersections would largely be attributable to other projects and the Project alone would not trigger unacceptable operations at either intersection. Mitigation Measure TRANS-1 requires the Project to pay its fair share towards signals at these intersections, which would mitigate the impact. However, the intersections are located within the County of Sonoma and the City does not have authority to ensure that the remainder of the funds will be collected or the improvements constructed. The City makes an extensive effort to avoid significant impacts to transportation. Nevertheless, the City recognizes that there are no feasible mitigation measures available to reduce this impact to a less-than-significant level and, therefore, the impact remains significant and unavoidable.

e. Impact TRANS-2: Future Plus Project Intersection Operations

The Project would contribute trips to intersections operating at unacceptable levels under future conditions. Mitigation Measure TRANS-2 addresses this impact and is as follows:

MM TRANS-2a: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the widening of Stony Point Road to two through lanes in each direction at the intersection of Stony Point Road/Millbrae Avenue if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 1.6 percent of the cost of the widening. The County of Sonoma shall be responsible for the installation of the lanes.

MM TRANS-2b: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the widening of Stony Point Road to two through lanes in each direction at the intersection of Stony Point Road/Wilfred Avenue if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 0.3 percent of the cost of the widening. The County of Sonoma shall be responsible for the installation of the lanes.

MM TRANS-2c: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for improvements to the intersection of Wilfred Avenue/Redwood Drive. The improvements shall consist of the installation of a second, westbound left-turn lane, modification of the signal timing to provide for a northbound right-turn overlap phase, and the conversion of the eastbound right-turn pocket to a 450-foot-long, through/right-turn lane. Based on equitable share methodology, the project applicant shall be responsible for 3.4 percent of the cost of the improvements.

MM TRANS-2d: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for improvements to the intersection of Wilfred Avenue/US 101 South Ramps. The improvements shall consist of the installation of an additional 150-foot-long, right-turn pocket on the south approach and the reassignment of southbound lanes to provide a left-turn lane, left-turn/through lane, through/right-turn lane, and the new right-turn lane. Because this intersection is currently under construction at the time of this writing, these improvements can be most effectively implemented through coordination between the City of Rohnert Park and the California Department of Transportation. Based on

equitable share methodology, the project applicant shall be responsible for 3.3 percent of the cost of the improvements.

MM TRANS-2e: Prior to issuance of building permits, the project applicant shall provide fee payments to the City of Rohnert Park in accordance with the latest traffic impact mitigation fee schedule. The fee payments shall cover all applicable traffic impact mitigation fees adopted by the City of Rohnert Park. The intent of this mitigation measure is to allow for the possibility that the City of Rohnert Park may adopt or modify citywide or regional traffic impact fees that would serve to mitigate for project-related impacts. If deemed appropriate by the City of Rohnert Park, this mitigation measure may be substituted for Mitigation Measures TRANS-1a, TRANS-1b, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-2d, TRANS-4a, or TRANS-4b.

(Draft EIR, pp. 3.10-45 to 3.10-56; see also Draft EIR, Appendix G.)

f. Impact TRANS-2: Future Plus Project Intersection Operations:
Finding

Mitigation Measure TRANS-2, which has been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, but will not reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

g. Impact TRANS-2: Future Plus Project Intersection Operations:
Facts in Support of Finding

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Project would contribute trips to the intersections of (1) Stony Point Road/Millbrae Avenue, (2) Stony Point Road/Wilfred Avenue, (3) Wilfred Avenue/Redwood Drive, and (4) Wilfred Avenue/US 101 South ramps, all of which would operate at unacceptable levels under “Future Without Project” conditions.

- Stony Point Road/Millbrae Avenue

Under Future Plus Project conditions, traffic associated with the Project would contribute to unacceptable LOS F operation at the intersection of Stony Point Road/Millbrae Avenue. The installation of a traffic signal and the widening of Stony Point Road to provide two through lanes in each direction, consistent with the improvements identified in the Sonoma County General Plan 2020, would result in an acceptable LOS B operation during both the AM and PM peak hours. Mitigation Measure TRANS-1a, discussed above, requires the applicant to contribute fair share fee payments for signaling this intersection. Mitigation Measure TRANS-2a requires the applicant to contribute proportional fee payments for widening. However, because the City of Rohnert Park does not have an existing agreement with the County of Sonoma for the collection of fees from projects that necessitate improvements to County

intersections, there is uncertainty that the fees required by Mitigation Measures TRANS-1a and TRANS-2a will be actually applied to the necessary improvements. Furthermore, the applicant is only responsible for 6.3% of the cost of signalization and 1.6% of the cost of widening; therefore, uncertainty exists about collection of the outstanding balance. Both the CEQA Guidelines and case law have held that an “actual plan for mitigation” must exist in order for proportional fee payments to fully mitigate for a project’s impacts. In this case, no such plan exists for these improvements; therefore, the residual significance of this impact is significant and unavoidable.

- Stony Point Road/Wilfred Avenue

Under Future Plus Project conditions, traffic associated with the Project would contribute to unacceptable LOS F operation at the intersection of Stony Point Road/Wilfred Avenue. The installation of a traffic signal and the widening of Stony Point Road to provide two through lanes in each direction, consistent with the improvements identified in the Sonoma County General Plan 2020, would result in acceptable LOS C operation during both the AM and PM peak hours. Mitigation Measure TRANS-1b, previously discussed, requires the applicant to contribute fair share payments for signalization of this intersection. Mitigation Measure TRANS-2b requires the applicant to contribute proportional fee payments for widening. However, because the City of Rohnert Park does not have an existing agreement with the County of Sonoma for the collection of fees from projects that necessitate improvements to County intersections, there is uncertainty that the fees required by Mitigation Measures TRANS-1b and TRANS-2b will actually be applied to the necessary improvements. Furthermore, the applicant is only responsible for 1.0% of the cost of signalization and 0.3% of the cost of widening; therefore, uncertainty exists about collection of the outstanding balance. Both the CEQA Guidelines and case law have held that an “actual plan for mitigation” must exist in order for proportional fee payments to fully mitigate for a project’s impacts. In this case, no such plan exists for these improvements; therefore, the residual significance of this impact is significant and unavoidable.

- Wilfred Avenue/Redwood Drive

Under Future Plus Project conditions, traffic associated with the Project would contribute to unacceptable LOS F operation during the PM peak hour at the signalized intersection of Wilfred Avenue/Redwood Drive. The Project would generate additional traffic through Wilfred Avenue/Redwood Drive, which is already anticipated to be operating at LOS F under Future volumes during the PM peak hour. The installation of a second westbound left-turn lane, modification of the signal timing to include a northbound right-turn overlap phase, and the conversion of the eastbound right-turn pocket to a 450-foot-long, through/right-turn lane would result in acceptable LOS C during the AM peak hour and LOS D during the PM peak hour. Accordingly, Mitigation Measure TRANS-2c requires the applicant to pay its fair share towards these improvements. This intersection is located within the City of Rohnert Park and, if the improvements are not funded in their entirety by new development (e.g., the Graton Rancheria Casino), the City has the option of including them in the Public Facilities Financing Plan, however, the improvements are not currently included in the Public Facilities Financing Plan. In addition, it is not certain that sufficient right-of-way can be acquired from abutting parcels to allow for all necessary improvements. As such, there is uncertainty about whether these

improvements represent an “actual plan for mitigation”; therefore, the residual significance of this impact is significant and unavoidable.

- Wilfred Avenue/US 101 South Ramps

Under Future Plus Project conditions, traffic associated with the Project would contribute to LOS F operation at the intersection of Wilfred Avenue/US 101 South ramps. The installation of a 150-foot-long right-turn pocket on the southbound approach and the reassignment of the southbound lanes to provide a left-turn lane, left-turn/through lane, through/right-turn lane, and the new right-turn lane would result in acceptable LOS C operations during both peak hours. Accordingly, Mitigation Measure TRANS-2d requires the applicant to pay its fair share towards these improvements. This intersection is currently under construction as part of the Wilfred Avenue interchange project, and installing these improvements could be most effectively achieved by coordinating with Caltrans to revise the construction plans to provide for the lane reassignment. As such, Mitigation Measure TRANS-2d includes language reflecting this objective. However, implementing the necessary improvements is at the discretion of Caltrans, and it is uncertain if the agency would consider revising the construction plans at this stage in the process. As such, there is uncertainty about whether these improvements represent an “actual plan for mitigation”; therefore, the residual significance of this impact is significant and unavoidable.

Reflecting the City of Rohnert Park’s desire to mitigate all or as many traffic impacts as possible, Mitigation Measure TRANS-2e is proposed requiring the applicant to provide fee payments to the City of Rohnert Park in accordance with the latest traffic impact mitigation fee schedule. The intent of this mitigation measure is to allow for the possibility that the City of Rohnert Park may adopt or modify citywide or regional traffic impact fees that would serve to mitigate for project-related impacts more effectively than Mitigation Measures TRANS-1a, TRANS-1b, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-2d, TRANS-4a, or TRANS-4b. If this is the case, the City of Rohnert Park would be able to substitute Mitigation Measure TRANS-2e for one or more of the aforementioned mitigation measures.

These facts support the City’s finding. (Draft EIR, pp. 3.10-45 to 3.10-56; see also Draft EIR, Appendix G.)

- h. Impact TRANS-2: Future Plus Project Intersection Operations: Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section II).

Unacceptable operations at all four intersections would largely be attributable to other projects (Graton Rancheria Casino and Resort, Wilfred/Dowdell Specific Plan, and Stadium Area Master Plan); the Project alone would not trigger unacceptable operations at any of the intersections. Mitigation Measure TRANS-2 requires that the applicant provide fair-share fees for improvements to all intersections that would improve operations to acceptable levels. It is only because there is uncertainty about whether all of these improvements can be implemented

that the necessary mitigation measures cannot be deemed to fully mitigate the impact to a level of less than significant. Therefore, the residual significance is significant and unavoidable. The City makes an extensive effort to avoid significant impacts to transportation. Nevertheless, the City recognizes that there are no feasible mitigation measures available to reduce this impact to a less-than-significant level and, therefore, the impact remains significant and unavoidable.

i. Impact TRANS-3: Freeway Operations

The Project would contribute trips to unacceptable operations on US 101. Mitigation measures addresses this impact and are as follows:

Refer to MM TRANS-2e, TRANS-8a, TRANS-8b, and TRANS-8c.

(Draft EIR, pp. 3.10-56 to 3.10-61; see also Draft EIR, Appendix G.)

j. Impact TRANS-3: Freeway Operations: Finding

Mitigation Measures TRANS-2e, TRANS-8a, TRANS-8b, and TRANS-8c, which have been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, but will not reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

k. Impact TRANS-3: Freeway Operations: Facts in Support of Finding

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The segments of US 101 to the north and south of Wilfred Avenue are projected to operate unacceptably under Baseline Without Project conditions and Future Without Project conditions. Because the mainline freeway is projected to operate at deficient LOS levels, the weaving areas and ramps associated with the interchange would also be expected to operate unacceptably. The Project would add traffic to the US 101 corridor, which before the addition of Project traffic is already projected to operate unacceptably.

Mitigation Measure TRANS-2e requires the applicant to provide fee payments in accordance with the latest adopted traffic mitigation fee schedule. Such fees may be used for regional improvements, such as capacity improvements to US 101. Additionally, Mitigation Measures TRANS-8a through TRANS-8c require onsite improvements to increase accessibility for public transit, bicycles, and pedestrians. These latter mitigation measures would be expected to enhance accessibility to the proposed Rohnert Park SMART station. SMART is intended to provide an alternative to commuting on US 101 and reduce traffic congestion along the freeway corridor. Furthermore, these measures are consistent with strategies set forth by the City of Rohnert Park, the County of Sonoma, and the Sonoma County Transportation Authority to alleviate congestion on US 101.

Freeway capacity improvements are inherently regional transportation projects that are beyond the scope of any single development project. Accordingly, it is not feasible to require freeway capacity improvements as mitigation. Therefore, the residual significance of this impact is significant and unavoidable. These facts support the City's finding. (Draft EIR, pp. 3.10-56 to 3.10-61; see also Draft EIR, Appendix G.)

1. Impact TRANS-3: Freeway Operations: Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section II).

As noted above, the study freeway segments would operate at unacceptable levels without the addition of Project traffic. The Project would add traffic to the US 101 corridor. Mitigation Measure TRANS-2e requires the applicant to provide fee payments in accordance with the latest adopted traffic mitigation fee schedule. Such fees may be used for regional improvements, such as capacity improvements to US 101. Additionally, Mitigation Measures TRANS-8a through TRANS-8c require onsite improvements to increase accessibility for public transit, bicycles, and pedestrians. Because freeway capacity improvements are inherently regional in nature and beyond the scope of a single development project, the residual significance of this impact is significant and unavoidable. The City makes an extensive effort to avoid significant impacts to transportation. Nevertheless, the City recognizes that there are no feasible mitigation measures available to reduce this impact to a less-than-significant level and, therefore, the impact remains significant and unavoidable.

m. Impact TRANS-4: Queuing

The Project would contribute to unacceptable queuing at various turn movements. Mitigation Measure TRANS-4 addresses this impact and is as follows:

MM TRANS-4a: If the California Department of Transportation does not accept the geometry proposed by Mitigation Measure TRANS-2d at the US 101 southbound off-ramp at Wilfred Avenue, the project applicant shall provide fair-share payments to the City of Rohnert Park to reassign lanes as follows: a left-turn lane, through/left-turn lane, a through/right-turn lane, and a right-turn lane. Based on equitable share methodology, the project applicant shall be responsible for 6.0 percent of the cost of the lane reassignment.

MM TRANS-4b: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for improvements to the intersection of Commerce Boulevard/US 101 North ramps. The improvements shall consist of lengthening the northbound left-turn pocket to provide 300 feet of storage. Based on equitable share methodology, the project applicant shall be responsible for 4.2 percent of the cost of the improvement.

(Draft EIR, pp. 3.10-61 to 3.10-69; Final EIR, p. 6-3 to 6-4; see also Draft EIR, Appendix G and Partially Recirculated Draft EIR Appendix K.)

n. Impact TRANS-4: Queuing: Finding

Mitigation Measure TRANS-4, which has been required in or incorporated into the Project, will substantially lessen the severity of a significant effect, but will not reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

o. Impact TRANS-4: Queuing: Facts in Support of Finding

The following facts indicate that the identified impact will not be reduced to a less-than-significant level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Baseline Plus Project Conditions: Under Baseline Plus Project conditions, traffic associated with the Project would exacerbate queuing deficiencies on the eastbound approach of Wilfred Avenue/US 101 South ramps. Caltrans' designs for the interchange currently show a left-turn lane, a through/left-turn lane, and a through/right-turn lane on this approach. Mitigation Measure TRANS-2d would modify this intersection by providing a left-turn lane, a left-turn/through lane, a through/right-turn lane, and a right-turn lane, which would fully mitigate queuing impacts at this intersection. However, simply providing a through/left-turn lane, a through/right-turn lane, and a right-turn lane would mitigate queuing impacts under Baseline conditions at this intersection as well. This latter geometry could be accomplished within the existing proposed paved area shown on the construction plans and, therefore, should not require any major changes to construction plans. Accordingly, Mitigation Measure TRANS-4a establishes that the applicant pay its fair share towards this latter geometry if the geometry envisioned by Mitigation Measure TRANS-2d is not accepted by Caltrans. Such a decision is ultimately at the discretion of Caltrans and, therefore, it cannot be assumed to occur. Therefore, the residual significance of the impact would be significant and unavoidable.

Future Plus Project Conditions: Under Future Plus Project conditions, vehicle queues would be expected to extend beyond available storage at several locations near the Wilfred interchange. These include the northbound through lanes and westbound left turn lane at Wilfred Avenue/Redwood Drive; the eastbound through, westbound through, and westbound left-turn and through lanes at Wilfred Avenue/US 101 South ramps; and the northbound left-turn lane at Commerce Boulevard/US 101 North ramps. Each location is discussed separately below.

- Wilfred Avenue/Redwood Drive

Under Future Plus Project conditions, traffic associated with the Project would add to queuing deficiencies at the intersection of Wilfred Avenue/Redwood Drive. The Project would be expected to increase average queues on the northbound and eastbound intersection approaches, increasing the potential for operational and safety impacts at adjacent intersections. Mitigation Measure TRANS-2c would fully mitigate queuing impacts at these turning movements. As discussed previously, however, the improvements are not currently included in the Public Facilities Financing Plan. In addition, it is not certain that sufficient right-of-way can be acquired from abutting parcels to allow for all necessary improvements. As such, there is uncertainty about whether these improvements represent an "actual plan for mitigation"; therefore, the residual significance of this impact is significant and unavoidable.

- Wilfred Avenue/US 101 South Ramps

Under Future Plus Project conditions, traffic associated with the Project would exacerbate queuing deficiencies on the eastbound and westbound approaches to Wilfred Avenue/US 101 South ramps. The Project would be expected to increase average queues on both approaches, increasing the potential for operational and safety impacts at adjacent intersections. Mitigation Measure TRANS-2d would fully mitigate queuing impacts at these turning movements. As discussed previously, implementing the necessary improvements is at the discretion of Caltrans, and it is uncertain if the agency would consider revising the construction plans at this stage in the process. As such, there is uncertainty about whether these improvements represent an "actual plan for mitigation." Alternately, if Mitigation Measure TRANS-2d is not accepted by Caltrans, Mitigation Measure TRANS-4a would partially mitigate this impact. Therefore, the residual significance of this impact is significant and unavoidable.

- Commerce Boulevard/US 101 North Ramps

Under Future Plus Project conditions, traffic associated with the Project would contribute to a queuing deficiency at the intersection of Commerce Boulevard/US 101 North ramps. The Project would be expected to increase average delays at the intersection, causing maximum queues to lengthen on most movements including the northbound left turn, which prior to the addition of Project traffic is already expected to have queues extending beyond the available 230-foot capacity. Lengthening the northbound left-turn pocket to provide 300 feet of storage would fully mitigate queuing impacts at this turn movement. Accordingly, Mitigation Measure TRANS-4b requires the applicant to pay its fair share towards these improvements. The lengthened turn pocket could be accommodated within the City's existing right-of-way. However, this improvement is not currently identified in the Public Facilities Financing Plan and, therefore, would not be considered within the purview of an actual plan for mitigation. As such, the residual significance is significant and unavoidable.

Reflecting the City of Rohnert Park's desire to mitigate all or as many traffic impacts as possible, Mitigation Measure TRANS-2e is proposed requiring that the applicant provide fee payments to the City of Rohnert Park in accordance with the latest traffic impact mitigation fee schedule. The intent of this mitigation measure is to allow for the possibility that the City of Rohnert Park may adopt or modify citywide or regional traffic impact fees that would serve to mitigate for project-related impacts more effectively than Mitigation Measures TRANS-1a, TRANS-1b, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-2d, TRANS-4a, or TRANS-4b. If this is the case, the City of Rohnert Park would be able to substitute Mitigation Measure TRANS-2e for one or more of the aforementioned mitigation measures.

These facts support the City's finding. (Draft EIR, pp. 3.10-61 to 3.10-69; see also Draft EIR, Appendix G.)

p. Impact TRANS-4: Queuing: Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section II).

As noted above, the Project would exacerbate queuing deficiencies under Baseline Without Project and Future Without Project conditions. Mitigation is proposed, however, the residual significance of the impact is significant and unavoidable because some of the improvements are either within the jurisdiction of Caltrans, right of way constraints may make the necessary improvements prohibitive, or the improvement is not within the purview of an actual plan for mitigation. The City makes an extensive effort to avoid significant impacts to transportation. Nevertheless, the City recognizes that there are no feasible mitigation measures available to reduce this impact to a less-than-significant level and, therefore, the impact remains significant and unavoidable.

J. Feasibility of Mitigation Measures Proposed in Comments on the Draft EIR and Partially Recirculated Draft EIR

During the public comment period, the City received comments suggesting additional mitigation measures. As explained in the Final EIR (Responses to Comments and Errata), some of the suggestions were found to be appropriate and feasible and were adopted in the Final EIR and included in the MMRP. Those suggestions are embraced by these Findings. Other suggestions were found in the Final EIR to be inappropriate because they were duplicative, did not address the impact, or were infeasible. The City Council commends its staff for their careful consideration of all of the lengthy public comments received and particularly its careful evaluation of the proposed mitigation measures. The Council agrees with staff’s analysis in all respects, in instances when staff thought proposed mitigation was appropriate and feasible as well as in instances when staff found proposed mitigation to be inappropriate or infeasible.

Throughout this entire process, the Council and staff have remained cognizant of the legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The City recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, changed significantly, or added, in order to more effectively, in the commenter’s eyes, reduce the severity of environmental effects. The City is also cognizant, however, that, with the exception of new language included in the Errata and MMRP, the mitigation measures in the Draft EIR intended to avoid, minimize, rectify, reduce, compensate for, or substantially lessen significant environmental effects of the Project represent the fruit of extensive staff and consultant experience in countless projects. Thus, in considering proposed changes to mitigation measures, the City, in determining whether to accept such language, either in whole or in part, has considered the following factors, among others: (i) whether the proposed language relates to a significant and unavoidable environmental effect of the Project, or instead relates to an effect that can already be mitigated to less-than-significant levels; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language would essentially duplicate language already in place elsewhere within the mitigation measures identified for the Project; (iv) whether the proposed language appears to be feasible from an

economic, technical, legal, or other standpoint; (v) whether the proposed language is consistent with the Project objectives.

As is often evident from the specific responses given to specific suggestions, City staff and consultants spent large amounts of time carefully considering and weighing proposed mitigation measures, and in many instances adopted some or all of what a commenter suggested. In some instances, the City developed alternative language addressing the same issue that was of concern to a commenter. In no instance did the City fail to take seriously a suggestion made by a commenter or fail to appreciate the effort that went into the formulation of suggestions.

For instance, one comment suggested that the Draft EIR should require all feasible Transportation Demand Management (TDM) measures. As explained in the Partially Recirculated Draft EIR, many of the suggested measures are already required as mitigation and may already be in use at the project site. Other measures are either not feasible or are unnecessary. As discussed in the Partially Recirculated Draft EIR, six of the fourteen recommended TDM measures are already utilized at the Rohnert Park Walmart facility, and two are infeasible. The six remaining TDM measures will not avoid or substantially lessen the impacts in Impacts in TRANS-1, TRANS-2, TRANS-3, or TRANS-4, and therefore, CEQA does not require that they be imposed as mitigation for the project (Partially Recirculated Draft EIR, p. 3.10.A-1 to 3.10.A-7).

Another comment stated that the Draft EIR improperly identified photovoltaic solar energy production as infeasible. The CARB Scoping Plan, the CAPCOA white paper, and the Attorney General's Office do not mandate that new projects install photovoltaic systems, but rather allow the lead agencies to determine which strategies are most appropriate on a case-by-case basis. As explained in the Draft EIR, solar technology can only provide a small percentage of the store's electrical needs and is only economically feasible in the short term. As demonstrated in the Final EIR, requiring solar panels would be inconsistent with CEQA's requirement that mitigation measures be roughly proportional to the impacts of the project. Moreover, there are more effective ways to promote non-carbon energy. For instance, PG&E, which is the existing energy provider to the Walmart store, is subject to the terms of AB 32's Renewable Portfolio Standards and, therefore, must obtain 33% of its energy from renewable resources. By staying on the grid and implementing energy efficiency measures, the Project may achieve as much, if not more, greenhouse gas reductions than through installation of solar panels. (Final EIR, p. 3-208 to 3-211.)

K. Growth-Inducing Effects

A project may be growth-inducing if it directly or indirectly fosters economic or population growth or additional housing, removes obstacles to growth, taxes community service facilities, or encourages or facilitates other activities that cause significant environmental effects. (CEQA Guidelines Section 15126(g).)

Under CEQA, induced growth is not considered necessarily detrimental or beneficial. Induced growth is considered a significant impact only if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth could significantly affect the environment in some other way.

The City Council finds that the Project would not significantly induce further growth. The Project site contains an existing Walmart store and associated parking areas. The Project does not contain any residential uses and, therefore, would not directly induce population growth through the provision of new dwelling units. The existing Walmart store employs 350 workers. The expanded store would be expected to increase store employment to 435 positions, a net increase of 85 jobs. Most of the new employment opportunities created by the Project would be entry-level, both full-time and part-time. The California Employment Development Department indicates that, as of July 2009, there were 2,600 unemployed persons in Rohnert Park and 27,000 unemployed persons in Sonoma County. Given the nature of the job opportunities and the availability of labor, it would be expected that the new employment opportunities could be readily filled from the local labor force. For these reasons, the Project would not induce substantial population growth. No impacts would occur. (Draft EIR, p. 6-2.)

L. Cumulative Impacts

Although a project may cause an individually limited incremental impact that, by itself is not significant, the increment may be cumulatively considerable, and thus significant, when viewed in connection with the environmental effects of other projects. (CEQA Guidelines, §§ 15064(h)(1), 15065(a)(3) and 15355(b).)

For the reasons stated below, the City Council finds that the Project would not result in cumulatively considerable impacts to aesthetics, light and glare; air quality; biological resources; geology, soils and seismicity; hazards and hazardous materials, hydrology and water quality; land use; noise; public services and utilities; transportation; and urban decay.

1. Aesthetics, Light, and Glare

There are three proposed development projects in the project vicinity, all of which have the potential to alter the visual character of the area. These projects would be subject to design and landscaping requirements to ensure that they do not degrade the visual character. The Walmart store's elevations would be upgraded as part of the store expansion. The elevations would incorporate design features to reflect the "Mission" design theme of the surrounding shopping center. The height of the expanded store would fall within the Municipal Code limit of 65 feet above grade in the Regional Commercial (C-R) zoning district. Furthermore, the building height would be similar to other surrounding building heights (e.g., Home Depot). The expanded Walmart store would have a Floor Area Ratio of 0.30, which would be consistent with both the General Plan's and the Zoning Ordinance's maximum allowable floor area ratio of 0.40 under both the Regional Commercial General Plan designation and the Regional Commercial (C-R) zoning district. Furthermore, mitigation is proposed requiring parking lot landscaping to be provided in accordance with Municipal Code requirements. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable aesthetic impacts. The proposed development projects in the Project vicinity have the potential to introduce new sources of light and glare from vehicle headlights, exterior lighting, and signage. It is reasonable to assume that other projects would be required to reduce spillover light pursuant to City standards through mitigation measures that require lighting to be shielded or directed downward. The Project would largely maintain the existing exterior light fixtures on the Project site and,

therefore, would not have the potential to have a cumulatively considerable impact to light and glare. (Draft EIR, p. 4.3.)

2. Air Quality

The Project would be consistent with the land use and vehicle miles traveled assumptions contained in the BAAQMD 2005 Ozone Strategy; therefore, it would not contribute to inconsistency with the 2005 Ozone Strategy.

The Project's construction emissions would not exceed BAAQMD daily emissions thresholds. Construction activities associated with other development projects would make a minimal contribution to cumulative emissions because the timing of those activities would overlap minimally, if at all, with the Project. Therefore, it is reasonable to conclude that construction emissions from the Project would not combine with emissions from other development projects to cause cumulatively considerable air quality impacts.

The Project's operational emissions would not exceed the BAAQMD's significance thresholds for criteria pollutants, would not create any carbon monoxide hotspots on surrounding roadways, and would not expose sensitive receptors to unhealthy levels of toxic air contaminants. Operational activities associated with other projects would emit air pollutants, which, depending on the nature of the project, may or may not exceed BAAQMD thresholds. However, because the Project's operational emissions would not exceed BAAQMD thresholds, its air emissions would be within the regional air emissions budget and, therefore, can be assumed not to be cumulatively considerable.

The Project would not expose sensitive receptors to harmful concentrations of toxic air contaminants. Diesel particulate matter (DPM) exposure is highly localized because of wind dispersion patterns and it is unlikely that the Project's DPM emissions would combine with DPM emissions from other projects. Furthermore, adverse health effects from diesel particulate matter exposure requires sustained exposure for decades by nearby sensitive receptors. As discussed in Draft EIR Section 3.2, Air Quality, no sensitive receptors would be adversely affected by DPM. Therefore, the Project, in conjunction with other projects that receive diesel truck deliveries, would not create cumulatively considerable health risks.

The Project would result in a net increase of greenhouse gas emissions. Mitigation is proposed that would require implementation of greenhouse gas reduction measures. Other projects would emit greenhouse gases, and it is reasonable to assume that such projects would implement greenhouse gas emissions reduction measures. Therefore, the Project and other projects would not emit cumulatively considerable amounts of greenhouse gas emissions. (Draft EIR, p. 4.4 to 4.5.)

3. Biological Resources

Development projects in the Project vicinity would be required to mitigate for potential impacts to special-status species. The Project would have the potential to adversely affect special-status species (nesting birds). Mitigation is proposed to reduce potential impacts on species to a level of less than significant. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable special-status species impacts. Development

projects in the Project vicinity would be required to comply with the City's tree removal ordinance. The Project would result in tree removal, and mitigation is proposed to ensure the replacement or proper landscaping of the Project as specified by the tree preservation ordinance. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable conflicts with local biological ordinances and policies. (Draft EIR, p. 4-5.)

4. Geology, Soils, and Seismicity

Development projects in the Project vicinity may have the potential to be exposed to seismic hazards. These projects would be required to mitigate for impacts through compliance with applicable laws and geotechnical study recommendations. The Project site may be exposed to strong ground shaking during an earthquake. Mitigation is proposed requiring the Project to comply with the California Building Standards Code seismic design criteria. Project construction activities would implement standard stormwater pollution prevention mitigation measures to ensure that earthwork activities do not result in substantial erosion offsite and, therefore, would not contribute to areawide erosion problems. It is reasonable to assume that other development projects would implement mitigation measures for erosion that would reduce project-level impacts to a less than significant level. Therefore, the Project, in conjunction with other projects, would not have cumulatively considerable geologic, seismic, or soil impacts. (Draft EIR, p. 4-5.)

5. Hazards and Hazardous Materials

There are no recognized environmental constraints within the Project site or surrounding sites. Construction activities associated with other development projects would make a minimal contribution to cumulative hazards from past and present uses, because such effects are highly localized and, therefore, would have no possibility to overlap with the Project. Therefore, it is reasonable to conclude that any potential contamination present on other sites would not have the potential to cause cumulatively considerable impacts. The Project would not result in the use of substantial quantities of hazardous materials or impair emergency response or evacuation; therefore, the Project would not have considerable effects on these issue areas. It is reasonable to assume that other projects would implement mitigation that would require proper abatement of potential hazards; therefore, cumulative impacts are anticipated to be less than significant, and the Project, in conjunction with other projects, would not have considerable hazards and hazardous materials impacts, including from other projects. (Draft EIR, p. 4-6.)

6. Hydrology and Water Quality

Development projects in the Project vicinity may have the potential to create sources of short-term and long-term water pollution. These projects would be required to mitigate for impacts by providing stormwater pollution prevention measures. The Project would involve short-term construction and long-term operational activities that would have the potential to degrade water quality in downstream water bodies. Mitigation is proposed that would require implementation of various construction and operational water quality control measures that would prevent the release of pollutants into downstream waterways. Development projects in the Project vicinity may have the potential to increase impervious surface coverage and, therefore, result in increased runoff volumes in downstream waterways. These projects would be required

to provide drainage facilities that collect and detain runoff such that offsite releases are controlled and do not create flooding. The Project would largely maintain the existing impervious surface coverage of the site and, therefore, would not create the potential for additional discharge of urban pollutants into downstream waterways. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on hydrology and water quality. (Draft EIR, p. 4-6.)

7. Land Use

Future development projects would be required to demonstrate consistency with all applicable General Plan and Municipal Code requirements. The Project would be consistent with applicable provisions of both the General Plan and Rohnert Park Municipal Code. The Project, in conjunction with other projects, would not have a cumulatively considerable impact on land use. (Draft EIR, pp. 4.6 to 4.7.)

8. Noise

Construction activities associated with the Project would not result in substantial sources of noise at nearby receptors. Other projects would be required to evaluate construction noise impacts and implement mitigation, if necessary. Construction activities associated with other development projects would make a minimal contribution to cumulative ambient noise levels, because the timing of those activities would overlap minimally, if at all, with the Project. Furthermore, noise is a highly localized phenomenon; therefore, if construction activities did overlap, it may not constitute a significant cumulative effect because distance would diminish the significance of such effects. It is reasonable to conclude that construction noise from the Project would not combine with noise from other development projects to cause cumulatively considerable noise impacts.

The Project's construction and operational vibration levels would not exceed annoyance thresholds and would not constitute a significant impact to ambient vibration levels. Because vibration is a highly localized phenomenon, there would be no possibility for cumulative vibration impacts from other projects because of their distances from the Project site.

With respect to roadway noise levels, the cumulative noise scenario was reanalyzed in a supplemental noise report prepared by Michael Brandman Associates and included in the Partially Recirculated Draft EIR as Appendix J. The supplemental analysis considered whether existing nearby land uses would experience a substantial permanent increase in ambient noise levels due to the project's vehicular trips. The supplemental analysis found that no existing land uses that currently experience noise levels that are below the applicable noise standards would be exposed to noise levels that exceed the applicable standards, and that no existing land uses that experience currently noise levels that exceed the applicable standard would be exposed to a noticeable increase in ambient noise levels. Because the Project's contribution to vehicular noise levels either would not result in noise levels that exceed any thresholds of significance or would not result in noticeable increases in noise levels, the Project would not have a cumulatively considerable contribution to ambient roadway noise.

Combined stationary and transportation noise levels under near-term with Project conditions would not result in significant noise increases at nearby sensitive receptors. Other projects would be required to mitigate for stationary- and transportation-related noise impacts at nearby sensitive receptors. Moreover, stationary noise and transportation noise are localized phenomena, and there is very limited potential for cumulative noise impacts to occur. As such, the Project, in conjunction with other projects, would not have a cumulatively considerable, permanent increase in ambient noise levels in the Project vicinity. (Draft EIR, p. 4-7 to 4-8, Final EIR, p. 5-1 to 5-20.)

9. Public Services and Utilities

Fire Protection and Emergency Medical Services: Development projects in Rohnert Park would be reviewed for impacts on fire protection and emergency medical services and would be required to address any potential impacts with mitigation. It would be unlikely that there would be substantial overlap in demand that would result in a cumulatively considerable impact. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on fire protection and emergency medical services.

Police Protection: Development projects in Rohnert Park would be reviewed for impacts on police protection and would be required to address any potential impacts with mitigation. It would be unlikely that there would be substantial overlap in demand that would result in a cumulatively considerable impact. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on police protection.

Potable Water: Development projects within Rohnert Park would be required to demonstrate that potable water supply sources are available and these projects may be required to implement water conservation measures. The Project is anticipated to result in a net decrease in water consumption relative to existing levels because of alterations to landscaping. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on potable water supply.

Wastewater: Development projects would be required to demonstrate that sewer service is available to ensure that adequate sanitation can be provided. Because the Project is expected to reduce potable water consumption relative to existing levels, it is anticipated that wastewater generation would also be reduced. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on wastewater.

Storm Drainage: Development projects in the Project vicinity would be required to provide drainage facilities that collect and detain runoff such that offsite releases are controlled and do not create flooding. The Project would not increase the volume of runoff entering downstream waterways; therefore, no impacts would occur. The Project would implement standard pollution prevention measures during construction to ensure that downstream water quality impacts are minimized to the greatest extent possible. In addition, the Project would provide water quality measures to prevent pollution during store operations. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on storm drainage.

Solid Waste: Development projects would generate construction and operational solid waste and, depending on the volumes and end uses, would be required to implement recycling and waste reduction measures. Mitigation is included that would divert substantial quantities of materials from the solid waste stream and contribute to conserving landfill capacity, thereby extending the operational life of such facilities. Accordingly, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on solid waste.

Energy: Development projects in the PG&E service area would be required to comply with Title 24 energy efficiency standards. The incorporation of the Title 24 standards into the Project would ensure that the Project would not result in the inefficient, unnecessary, or wasteful consumption of energy. Other projects would be required to comply with Title 24 energy efficiency standards, as well as any local green building ordinances, and, therefore, would also not result in the inefficient, unnecessary, or wasteful consumption of energy. As such, the Project, in conjunction with other projects, would not have a cumulatively considerable impact on electricity.

(Draft EIR, p. 4-8 to 4-10.)

10. Transportation

The Project would comply with the applicable parking requirements, thereby providing adequate off-street parking. Other projects would be required to provide adequate off-street parking facilities. Therefore, the Project, in conjunction with other projects, would not have a cumulatively considerable effect on parking. The Project would provide adequate emergency access and would not create any roadway hazards. The Project would maintain the existing vehicular access points to the Project site, which would provide sufficient access for delivery trucks and emergency response vehicles such as fire trucks. The Project would also provide an enhanced Sonoma County Transit bus stop and new onsite bicycle storage facilities, thereby maintaining and improving accessibility to alternative transportation. It is reasonable to assume that other projects would also be required to demonstrate that adequate emergency access is available; roadway safety hazards are not created; and public transit, bicycle, and pedestrian access are provided. Therefore, the Project, in conjunction with other projects, would not have any cumulatively considerable impacts on these transportation-related areas. (The Project would have cumulative traffic impacts related to intersection operations, freeway operations, and queuing. See discussion regarding these impacts in Section I.I of these findings.) (Draft EIR, pp. 4-10 to 4-11.)

11. Urban Decay

Other projects would introduce new food sales and general merchandise sales to the market area. The expanded Walmart is expected to generate a \$23.0 million increase in sales, primarily in the food sales category. The Project, in conjunction with other projects, may divert enough sales from at least one supermarket to cause store closure. However, urban decay is not a foreseeable consequence of store closure because consumer demand is expected to create opportunities for re-tenanting by other businesses. Furthermore, urban decay is not currently evident in the Primary Trade Area, indicating active maintenance and upkeep by property owners

and enforcement of anti-blight ordinances by local government. Accordingly, the Project would not have any cumulatively considerable impacts on urban decay. (Draft EIR, p. 4-11.)

M. Findings Concerning Project Alternatives

Public Resources Code section 21002, a key provision of CEQA, provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

The Draft EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

- No Project Alternative: The existing Walmart store would remain in its existing condition and no expansion would occur.
- 50-Percent Reduction Alternative: The Walmart store would be expanded by 20,130 square feet, which represents a 50% reduction in expansion square footage relative to the Project. The store would retail groceries and operate 24 hours a day under this alternative.
- Inline Retail/Restaurant: The existing Walmart store would remain unchanged and 30,000 square feet of inline retail and restaurant uses would be developed on the south side of the existing Walmart store.

(Draft EIR, p. 5-2.)

The City Council finds that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The City Council also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision on the Project. (See, e.g., Draft EIR, pp. 5-1 to 5-18.)

1. Significant and Unavoidable Impacts of the Proposed Project

Draft EIR Section 5.1.1 summarized the significant and unavoidable impacts of the Project. Four significant effects related to transportation that cannot be avoided would occur. Each significant unavoidable impact is discussed below.

- **Baseline Plus Project Intersection Operations:** The Project would contribute trips to intersections that would operate at unacceptable levels during Baseline Without Project and Baseline Plus Project Conditions. Mitigation is proposed that would fully mitigate operations at these intersections to acceptable levels; however, there is uncertainty about whether the necessary improvements can actually be implemented. Therefore, the residual significance is significant and unavoidable. This would also be a significant cumulative impact.
- **Future Plus Project Intersection Operations:** The Project would contribute trips to intersections that would operate at unacceptable levels during Future Without Project and Future Plus Project Conditions. Mitigation is proposed that would fully mitigate operations at all intersections to acceptable levels; however, there is uncertainty about whether the necessary improvements can actually be implemented. Therefore, the residual significance is significant and unavoidable. This would also be a significant cumulative impact.
- **Freeway Operations:** The Project would contribute trips to segments of US 101 that would operate at unacceptable levels during Baseline Without Project, Baseline Plus Project, Future Without Project, and Future Plus Project Conditions. Mitigation is proposed that would partially mitigate freeway operations; however, no further mitigation is available. Therefore, the residual significance is significant and unavoidable. This would also be a significant cumulative impact.
- **Queuing:** The Project would contribute trips to various turning movements that would have queues exceed available storage capacity. Mitigation is proposed that would fully mitigate queue lengths at every affected turn movement; however, there is uncertainty about whether the necessary improvements can actually be implemented. Therefore, the residual significance is significant and unavoidable. This would also be a significant cumulative impact.

(Draft EIR, pp. 5-1 to 5-2.)

2. Project Objectives

The following are the objectives for the Project:

- Positively contribute to the local economy.
- Create new job opportunities for local residents.
- Expand the existing Walmart store to provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Rohnert Park as well as the surrounding communities.
- Provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment.
- Provide a grocery store use that meets the current unmet demand of consumers residing within the market area.
- Provide regional commercial retail activities that would complement existing local retail activities and enhance commercial retail opportunities available in the City of Rohnert Park and surrounding communities.
- Promote economic growth and development that is consistent with the policies of the City of Rohnert Park General Plan.
- Develop a project consistent with the City of Rohnert Park General Plan and Zoning Ordinance.
- Generate tax revenues to accrue to the various agencies within the Project area.
- Provide payments or physical improvements to mitigate for Project-related impacts on public services and infrastructure.
- Minimize travel lengths and utilize existing infrastructure to the maximum extent possible by expanding an existing Walmart store.
- Capitalize on the Project site's proximity to the planned Rohnert Park SMART station by providing transit, bicycle, and pedestrian amenities to facilitate convenient and safe access.
- Ensure that commercial development has sufficient onsite parking to minimize impacts to the surrounding area and ensure that adequate parking is provided for customers and employees.

- Implement a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the existing store.

(Draft EIR, pp. 5-2 to 5-3.)

3. Analysis of Alternatives

a. The No Project Alternative: Description of Alternative

The No Project Alternative was analyzed in Section 5.3 of the Draft EIR. Under the No Project Alternative, the existing Walmart store would remain unchanged and no expansion would occur. The existing store would maintain its current configuration and hours of operation (7 a.m. to 11 p.m., every day), and it would not retail groceries. (Draft EIR, p. 5-3.)

b. The No Project Alternative: Comparison to Project

The No Project Alternative would eliminate all of the significant and unavoidable impacts of the Project. (Draft EIR, pp. 5-3.)

c. The No Project Alternative: Finding

While the No Project Alternative would result in fewer environmental impacts than the Project, the City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following “[s]pecific economic, legal, social, technological, or other considerations” which include project benefits such as the “provision of employment opportunities for highly trained workers” or other benefits of the Project that “make infeasible the ... project alternatives identified in the Final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).)

First, as explained below, the No Project Alternative would not meet the Project objectives to the same degree as the Project.

Fiscal objectives. Importantly, the No Project Alternative would not meet the fiscal goals of the Project to the same degree as the Project.

- It would not positively contribute to the local economy to the same degree as the Project.
- It would not create new job opportunities for local residents.
- It would not promote economic growth and development that is consistent with the policies of the City of Rohnert Park General Plan.
- It would not generate increased tax revenues to accrue to the various agencies within the Project area.

- It would not provide payments or physical improvements for public services and infrastructure.

As explained in the economic analysis performed for the Project, the Project is estimated to generate new store sales (in 2008/2009 dollars) of \$23.1 million. These net new sales would allow the Walmart store to capture some of the sales leakages in the general merchandise and food store categories. (Draft EIR, p. 3.11-53.) This alternative would result in no increase in sales tax revenues for the City.

In addition, the No Project Alternative would result in no new job opportunities. The Project would be expected to increase store employment by 85 new jobs. The California Employment Development Department indicates that, as of July 2009, there were 2,600 unemployed persons in Rohnert Park and 27,000 unemployed persons in Sonoma County. Given the nature of the job opportunities and the availability of labor, it would be expected that the new employment opportunities could be readily filled from the local labor force. (Draft EIR, p. 6-2.)

Finally, this alternative would not provide the payments and physical improvements for public services and infrastructure that the Project would provide.

Land use objectives. The No Project Alternative would fail to meet many of the land use goals of the Project.

- It would not develop a project consistent with the City of Rohnert Park General Plan and Zoning Ordinance.
- It would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible by expanding an existing Walmart store.
- It would not capitalize on the Project site's proximity to the planned Rohnert Park SMART station by providing transit, bicycle, and pedestrian amenities to facilitate convenient and safe access.
- It would not implement a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the existing store.

As explained in the Draft EIR, the City of Rohnert Park General Plan designates the site Regional Commercial and the Municipal Code designates the site Regional Commercial. (Draft EIR, p. 3.7-2.) The Project is not only consistent with those general designations, it is also consistent with the goals and policies applicable to the site. (See Draft EIR, pp. 3.7-7 to 3.7-37.) Further, by adding a grocery component to the existing store and by extending the hours of operation, the Project may minimize travel lengths for customers that seek these services. Finally, the Project proposes to upgrade the existing store's elevations. The No Project Alternative fails to further these objectives.

Retail need objectives. The No Project Alternative would fail to meet some of the retail needs of the residents and would fail to achieve the Project objectives of meeting those needs.

- It would not provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Rohnert Park as well as the surrounding communities to the same degree as the Project since it would not expand the store to include grocery sales.
- It would not provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment to the same degree as the Project since it would not include a grocery component or 24-hour sales.
- It would not provide a grocery store use that meets the current unmet demand of consumers residing within the market area.
- It would not provide regional commercial retail activities that would complement existing local retail activities and enhance commercial retail opportunities available in the City of Rohnert Park and surrounding communities to the same degree as the Project.

The Project would offer 24-hour shopping opportunities for a variety of goods within the City. Not only would this meet an unmet demand, add to the convenience of the City's shoppers, and potentially reduce travel lengths for those shoppers, this would result in substantial additional sales taxes for the City. The No Project Alternative would fail to achieve these goals.

Second, the No Project Alternative would require the City to forego Project benefits. (See generally Section II.D below for a discussion of Project benefits.) Under the No Project Alternative, the City would not receive the substantial additional tax revenue from the Project and the public improvements associated with the Project would not be constructed.

The City Council therefore rejects this alternative as infeasible within the meaning of CEQA.

d. The 50-Percent Reduction Alternative: Description of Alternative

Under the 50-Percent Reduction Alternative, the Walmart store would be expanded by 20,130 square feet, which represents a 50% reduction in expansion square footage relative to the Project. The expanded store would total 151,662 square feet, leaving the garden center unchanged and dedicating all of the new square footage of interior uses to development of the south side of the store. The expanded store would retail groceries and general merchandise and operate 24 hours a day, 7 days a week. This alternative would reconfigure the parking lot to provide 683 off-street parking spaces, for a ratio of 4.5 spaces per 1,000 square feet. This represents a reduction of 130 spaces relative to the Project and a reduction of 100 spaces relative to existing conditions. The removed parking spaces would be replaced with additional

landscaping and pedestrian facilities. Similar to the Project, new landscaping would be provided throughout the site and along Redwood Drive. This alternative would maintain all the Project's vehicular access points and utility connections. (Draft EIR, p. 5-4.)

e. The 50-Percent Reduction Alternative: Comparison to Project

The 50-Percent Reduction Alternative was analyzed in Section 5.4 of the Draft EIR. (Draft EIR, pp. 5-4 to 5-9.) The 50-Percent Reduction Alternative would have the potential to generate fewer overall impacts on aesthetics, air quality, noise, public services and utilities, transportation, and urban decay relative to the Project; all other impacts would be similar to the Project. (Draft EIR, pp. 5-4 to 5-9.) However, the significant and unavoidable impacts of the Project on transportation would persist, and this alternative would not significantly reduce them. The following is a comparison of the Project and alternative, focusing on the significant and unavoidable impacts of the Project.

This alternative would generate 975 fewer daily trips relative to the Project, including 31 fewer weekday AM peak-hour trips and 84 fewer weekday PM peak-hour trips. While peak-hour trips would be reduced under this alternative, it would still contribute trips to intersection operations, freeway operations, and queues that would operate at unacceptable levels under Without Project conditions. Similar to the Project, this alternative would be required to mitigate for its impact by providing fees for necessary improvements. Because there is uncertainty about implementation of the necessary improvements, this alternative would result in similar significant unavoidable transportation impacts as the Project. This would create a significant and unavoidable impact. (Draft EIR, pp. 5-4 to 5-9.)

In sum, the 50-Percent Reduction Alternative would have some fewer impacts than the Project, and would reduce the Project's significant and unavoidable impacts, but it would not eliminate the Project's significant and unavoidable impacts.

f. The 50-Percent Reduction Alternative: Finding

While the 50-Percent Reduction Alternative would result in fewer environmental impacts than the Project, the City finds this alternative infeasible and less desirable than the proposed Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include Project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the project that "make infeasible the ... project alternatives identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

First, as explained below, the 50-Percent Reduction Alternative would not meet the Project objectives as well as the Project.

Fiscal objectives. The 50-Percent Reduction Alternative would not meet the fiscal objectives as well as the Project.

- It would not positively contribute to the local economy to the same degree as the Project given its smaller size.

- It would not create as many new job opportunities for local residents given its smaller size.
- It would not promote economic growth and development that is consistent with the policies of the City of Rohnert Park General Plan to the same degree as the Project given its smaller size.
- It would not generate as much tax revenues to accrue to the various agencies within the Project area given its smaller size.
- It would not provide as much in payments or physical improvements to mitigate for Project-related impacts on public services and infrastructure given its smaller size.

This alternative would not meet the fiscal Project objectives as well as the Project. The economic analysis prepared for the Project indicates that this alternative would have \$11.5 million fewer sales relative to the Project. (Draft EIR, p. 5-8.) Thus, this alternative would provide a much smaller sales tax base than the Project. This alternative, therefore, would provide less money to the City's general fund, which is used to provide basic services such as police and fire protection.

Land use objectives. The 50-Percent Reduction Alternative would not meet the land use objectives as well as the Project. In particular, it would potentially create new impacts such as underutilization of land and inefficient use of existing infrastructure because the commercial opportunities of the site would be reduced. This would ultimately mean that commercial needs within the City would continue to go unmet to some extent, or that commercial uses that could be accommodated with a more dense development on site would be pushed elsewhere in the City. This could mean that, ultimately, many of the environmental impacts avoided by this alternative in the short term could occur under those development scenarios in the long term.

Retail need objectives. Given its smaller size, the 50-Percent Reduction Alternative would not enhance the retail opportunities in the region to the same degree as the Project.

- It would not provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Rohnert Park as well as the surrounding communities to the same degree as the Project given its smaller size.
- It would not provide a retail establishment that serves local residents and visitors with essential goods and services to the same degree as the Project given its smaller size.
- It would not provide a grocery store use that meets the current unmet demand of consumers residing within the market area to the same degree as the Project given its smaller size.

- It would not provide regional commercial retail activities that would complement existing local retail activities and enhance commercial retail opportunities available in the City of Rohnert Park and surrounding communities to the same degree as the Project given its smaller size.

Given its smaller size, this alternative would not enhance the retail opportunities in the region to the same degree as the Project. This alternative would not provide the market area with as wide a variety of goods as the Project. It would also not add to the convenience of the City's shoppers and reduce travel lengths for those shoppers to the same degree as the Project.

Second, the 50-Percent Reduction Alternative would not provide the Project benefits to the same degree as the Project given its smaller size. (See generally Section II.D below for a discussion of Project benefits.) Under the 50-Percent Reduction Alternative, the City would not receive as much of the substantial tax revenue as from the Project and the public improvements associated with the Project would not be constructed to the same degree because of a loss of some development impact fees needed to fund traffic improvements. Additionally, the smaller alternative would result in fewer employment opportunities than the Project.

Finally, the 50-Percent Reduction Alternative is not supported by an actual application, would translate into denial of the Project, and would likely result in underutilization of the site for a substantial period of time into the future. Under such a scenario, the City would not receive any additional tax revenue from the commercially zoned site for the foreseeable future. The alternative, then, is undesirable and infeasible from a policy standpoint.

For all of these reasons, the City Council rejects this alternative as infeasible within the meaning of CEQA.

g. The Inline Retail/Restaurant Alternative: Description of Alternative

The Inline Retail/Restaurant Alternative consists of the development of 30,000 square feet of inline retail and restaurant uses in one building on the Walmart expansion footprint. Retail (e.g., apparel, electronics, novelties, telecommunications) would occupy half the space and restaurant uses (e.g., quick-serve and sit-down) would occupy the other half. No food retailer tenants (such as grocery) uses would occupy the structure. The building would be attached to the south side of Walmart structure, but the tenants would operate independently of the Walmart. The Walmart store would remain unchanged and maintain its current hours of operation (7 a.m. to 11 p.m.). This alternative would reconfigure the parking lot to provide 767 off-street parking spaces, for a ratio of 4.75 spaces per 1,000 square feet. This represents a reduction of 46 spaces relative to the Project and a reduction of 16 spaces relative to existing conditions. The removed parking spaces would be replaced with additional landscaping and pedestrian facilities. The main parking area would serve both the Walmart and the inline retail/restaurant uses. Two loading docks would be provided in the rear of the structure for the common use of all building tenants.

h. The Inline Retail/Restaurant Alternative: Comparison to Project

The Inline Retail/Restaurant Alternative would have fewer impacts on aesthetics, light, and glare, public services and utilities, and urban decay, but greater impacts on air quality, noise, and transportation. The significant and unavoidable impacts on transportation would persist and the impacts would remain significant and unavoidable. (Draft EIR, pp. 5-9 to 5-15.)

This alternative would generate 1,002 more daily trips relative to the Project, 112 more trips during the weekday AM peak hour, and 151 more trips during the weekday PM peak hour. Overall, there would be a substantial increase in traffic under the Inline Retail/Restaurant Alternative relative to the Project and, therefore, this alternative would have greater contributions to unacceptable intersection operations, freeway operations, and queues. Because more PM peak-hour trips would be generated under this alternative, it would be expected that greater intersection, freeway operation, and queuing impacts would occur. Although this alternative would result in significant unavoidable transportation impacts that are similar to the Project, it would be less beneficial because it would contribute more vehicular trips to facilities that would operate at unacceptable levels. (Draft EIR, pp. 5-13 to 5-14.)

In sum, the Inline Retail/Restaurant Alternative would have some fewer impacts than the proposed Project, but it would have greater impacts in certain areas and would exacerbate the Project's significant and unavoidable impacts, which would remain significant and unavoidable.

i. The Inline Retail/Restaurant Alternative: Finding

The Inline Retail/Restaurant Alternative would not result in fewer environmental impacts than the Project. In addition, the City finds this alternative infeasible and less desirable than the Project and rejects this alternative for the following "[s]pecific economic, legal, social, technological, or other considerations" which include Project benefits such as the "provision of employment opportunities for highly trained workers" or other benefits of the project that "make infeasible the ... project alternatives identified in the Final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

First, the Inline Retail/Restaurant Alternative would not meet the Project objectives to the same extent as the Project.

Fiscal objectives. The Inline Retail/Restaurant Alternative would not meet the fiscal objectives as well as the Project.

- It would not positively contribute to the local economy to the same degree as the Project given its smaller size.
- It would not create as many new job opportunities for local residents given its smaller size.
- It would not promote economic growth and development that is consistent with the policies of the City of Rohnert Park General Plan to the same degree as the Project given its smaller size.

- It would not generate as much tax revenues to accrue to the various agencies within the Project area given its smaller size.

The economic analysis prepared for the Project indicates that this alternative would have \$12.9 million fewer sales relative to the Project. (Draft EIR, p. 5-14) Thus, this alternative would provide a much smaller sales tax base than the Project.

Land use objectives. The Inline Retail/Restaurant Alternative would not meet the land use objectives as well as the Project. In particular, it would not minimize travel lengths and utilize existing infrastructure to the maximum extent possible because it would not include a grocery component and 24-hour operations, which provide a one-stop shopping opportunity. It would also not result in an upgrade of the existing store's elevations, which would provide a high-quality architectural design that complements the existing design characteristics of the surrounding commercial uses and improves the aesthetics of the existing store.

Retail need objectives. Given its smaller size and lack of a grocery component and 24-hour operations, the Inline Retail/Restaurant Alternative would not enhance the retail opportunities in the region to the same degree as the Project.

- It would not provide the market area with an affordable shopping alternative to bring a wide variety of products to the City of Rohnert Park as well as the surrounding communities to the same degree as the Project given its smaller size and lack of a grocery component and 24-hour operations.
- It would not provide a retail establishment that serves local residents and visitors with essential goods and services, in a safe and secure, 24-hour shopping environment to the same degree as the Project given its smaller size and lack of a grocery component and 24-hour operations.
- It would not provide a grocery store use that meets the current unmet demand of consumers residing within the market area given the lack of a grocery component.
- It would not provide regional commercial retail activities that would complement existing local retail activities and enhance commercial retail opportunities available in the City of Rohnert Park and surrounding communities to the same degree as the Project given its smaller size and lack of a grocery component and 24-hour operations.

Given its smaller size and lack of a grocery component and 24-hour operations, this alternative would not enhance the retail opportunities in the region to the same degree as the Project. This alternative would not provide the market area with as wide a variety of goods as the Project. It would also not add to the convenience of the City's shoppers or reduce travel lengths for those shoppers to the same degree as the Project.

Second, the Inline Retail/Restaurant Alternative would not provide the Project benefits to the same degree as the Project given its smaller size. (See generally Section II.D

below for a discussion of Project benefits.) Under the Inline Retail/Restaurant Alternative, the City would not receive as much of the substantial tax revenue as from the Project. Additionally, this alternative would result in fewer employment opportunities than the Project.

Finally, the Inline Retail/Restaurant Alternative is not supported by an actual application, would translate into denial of the Project, and would likely result in underutilization of the site for a substantial period of time into the future. Under such a scenario, the City would not receive any additional tax revenue from the commercially zoned site for the foreseeable future. The alternative, then, is undesirable and infeasible from a policy standpoint.

For all of these reasons, the City Council therefore rejects this alternative as infeasible within the meaning of CEQA.

4. Environmentally Superior Alternative

CEQA requires the identification of the environmentally superior alternative in the EIR. The No Project Alternative would have the fewest environmental impacts. CEQA requires that if the No Project Alternative is the environmentally superior alternative, then the EIR must also identify another environmentally superior alternative among the remaining alternatives. The 50-Percent Reduction Alternative would generate fewer vehicle trips than the Inline Retail/Restaurant Alternative; therefore, it would emit fewer air pollutants and greenhouse gas emissions, and would have fewer impacts on noise and traffic than the Inline Retail/Restaurant Alternative. For these reasons, the City Council finds that the 50-Percent Reduction Alternative is the environmentally superior alternative. (Draft EIR, pp. 5-15 to 5-16.)

As discussed above, there are no feasible alternatives to the Project that would avoid or substantially lessen the significant and unavoidable impacts associated with the proposed Project.

N. Absence of Significant New Information Requiring Recirculation of Draft EIR or Partially Recirculated Draft EIR

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation are adopted that reduce the impact to a level of insignificance.

- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043).

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The City recirculated portions of the Draft EIR through the Partially Recirculated Draft EIR at the request of the applicant, and recirculated the Partially Recirculated Draft EIR for public review between January 10, 2014 and February 24, 2014.

The City Council recognizes that the Final EIR and Partially Recirculated Final EIR incorporate information obtained by the City since the Draft EIR was completed and the Partially Recirculated Draft EIR was recirculated, and contain additions, clarifications, modifications, and other changes. Some comments on the Draft EIR and Partially Recirculated Draft EIR either expressly or impliedly sought changes to proposed mitigation measures identified in the Draft EIR as well as additional mitigation measures. As explained in the Final EIR (Responses to Comments and Errata), some of the suggestions in comments on the Draft EIR were found to be appropriate and feasible and were adopted in the Final EIR and included in the MMRP.

The text of Mitigation Measure TRANS-4a was modified to reflect Caltrans's comments about the inability to modify construction plans for the Wilfred Avenue Interchange Project. The Final EIR also added to Mitigation Measure NOI-1b to further address construction noise. The additional language requires that the applicant place a temporary noise barrier in the event that the applicant demolishes the existing wall. (Final EIR, p. 5-2.) These changes do not change the significance of any conclusions presented in the Draft EIR. Notably, CEQA case law emphasizes that "[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995) 37 Cal.App.4th 154, 168, fn. 11.) "CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process." [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process." (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.) Here, the change made to these mitigation measures are exactly the kind of project improvement that the case law recognizes as legitimate and proper.

There were no comments on the Partially Recirculated Draft EIR that recommended appropriate and feasible mitigation measures, and thus no additional mitigation measures or changes to mitigation measures were adopted in the Partially Recirculated Final EIR. However, the text of the Draft EIR was modified to reflect additional discussion of proposed transportation demand management measures and analysis of cumulative noise impacts in response to the Sonoma County Superior Court's June 9, 2011 Statement of Decision in *Sierra Club et al. v. City of Rohnert Park*, as modified by the Court's Order on November 29, 2011. These changes did not change the significance of any conclusions presented in the Draft EIR or Final EIR, and do not constitute significant new information such that the further recirculation of the Partially Recirculated Draft EIR is required.

Thus, the changes included in the Final EIR and Partially Recirculated Final EIR do not involve "significant new information" triggering recirculation because the changes did not result in any new significant environmental effects, any substantial increase in the severity of any previously identified significant effects, or meet any of the other criteria for "significant new information." Instead, the modifications are either environmentally benign or environmentally neutral, and thus represent the kind of changes that commonly occur as the environmental review process works towards its conclusion.

II. **STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the City Council has balanced the economic, legal, social, technological, and other benefits of the proposed Rohnert Park Walmart Expansion Project against the significant and unavoidable impacts associated with the proposed Project, and has adopted all feasible mitigation measures. The City Council has also examined potentially feasible alternatives to the Project, none of which are feasible. The City Council hereby adopts and makes the following Statement of Overriding Considerations regarding the significant and unavoidable impacts of the Project and the anticipated economic, legal, social, technological, and other benefits of the Project.

A. Significant and Unavoidable Impacts

Based on information contained in the record and in the EIR, the City Council has determined that the Project would result in significant and unavoidable impacts to (1) transportation due to Baseline Plus Project intersection operations; (2) transportation due Future Plus Project intersection operations; (3) transportation due to freeway operations; and (4) transportation due to queuing. (Draft EIR, pp. 3.10-33 to 3.10-69.)

B. Finding

The City Council has considered all potentially feasible mitigation measures to substantially lessen or avoid the Project's significant and unavoidable impacts. Where feasible, mitigation measures have been adopted as part of the Project. The imposition of these measures will reduce the identified impacts, but not to a less-than-significant level. The Council finds that it is not feasible to fully mitigate these Project impacts.

The City Council has also considered all potentially feasible alternatives to the Project. The City Council finds that there are no feasible alternatives that would reduce the above significant and unavoidable impacts to a less-than-significant level.

The Project's impacts discussed above therefore remain significant and unavoidable.

C. Overriding Considerations

After review of the entire administrative record, including, but not limited to, the Final EIR and Partially Recirculated Final EIR, the staff report, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the significant and unavoidable impacts, and therefore justify the approval of this Project notwithstanding the identified significant and unavoidable impacts. (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093.) The benefits are addressed in detail in Section II.D below.

The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures), and finds that the remaining significant unavoidable impacts of the Project, which are described above in Section II.A, are acceptable because the benefits of the Project set forth below in Section II.D outweigh it. The City Council finds that each of the overriding considerations expressed as benefits and set forth below in Section II.D constitutes a separate and independent ground for such a finding. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its determination that each individual reason is sufficient by itself. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section II, and in the documents found in the Record of Proceedings, as defined in Section I.C.

D. Benefits of the Project

The City Council has considered the EIR, the public record of proceedings on the proposed Project and other written materials presented to and prepared by the City, as well as oral and written testimony received, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

1. *The Project Would Generate Sales Taxes For The City.*

The sales generated by the Project would generate greater sales tax revenues for the City than would otherwise be generated by the site. These revenues would go to the City's General Fund, which is the primary funding source for the construction, operation and maintenance of a number of essential City services, programs and facilities including fire and police services, recreation programs, transit operations, library services, public infrastructure such as water and sanitary sewer service, and administrative functions, among other things.

2. *The Project Would Create Diverse Employment Opportunities For City Residents.*

The Project would generate additional employment opportunities, including temporary construction jobs as well approximately 85 new permanent full-time and part-time jobs. The majority of the permanent jobs could be filled by existing local residents. Consequently, it is reasonably expected that the City and its residents would enjoy the economic and social benefits from added employment opportunities offered by the Project.

3. *The Project Would Provide A High-Quality Development Design.*

The Project would provide high-quality architectural features and design elements that will enable the existing building and addition to better blend with the surrounding area and enhance the overall aesthetic quality of the area. The existing store's elevations will be upgraded to better reflect the Mission design theme of the surrounding commercial center.

4. *The Project Would Utilize High-Quality Building Materials.*

The Project would use high-quality materials to provide a building that meets or exceeds architectural design requirements, and which improves the design of the existing building.

5. *The Project Would Feature Numerous Energy Conserving Measures.*

The Project would incorporate numerous energy-conserving features. For instance, the expansion area would include skylights, electronic dimming and night dimming; the new HVAC units would be high efficiency; the new grocery area would capture waste heat from the refrigeration equipment to heat water for the kitchen preparation areas of the store; the entire building would have a white membrane roof; all internally illuminated signage would use LED lighting; and new restrooms would use sensor-activated, high-efficiency faucets and high-efficiency urinals and toilets.

6. *The Project Would Provide Abundant Landscaping.*

The Project's landscape design would provide adequate screening, shade, delineation of space, and accents and focal points.

7. *The Project Would Provide Quality Goods And Services Desired By City Residents.*

The Project would provide quality grocery goods and services to the Project area and surrounding neighborhoods. For example, although Walmart is a national retailer, it specifically tailors the merchandising mix of its individual stores in order to meet the demands and needs of the surrounding area.

8. *The Project Would Increase Retail Activity In The Project Area.*

The Project could draw additional retailers to the area, thereby increasing retail activity in the Project area. The addition of groceries to a Walmart store tends to attract smaller retailers providing their own special services and goods. These smaller retailers see the benefit of locating near a Walmart store with a grocery component due to the increased customer activity in the area. This could benefit the overall shopping center and surrounding area.

9. *The Project Would Be A Good Member of the Community.*

Walmart currently plays an important role in assisting schools, non-profits, and important community efforts in the City. The store donates an average of \$3,500 worth of merchandise and volunteer hours to local charities each week towards hunger relief efforts, park clean-ups and other activities around Rohnert Park. Additionally, community grants are awarded throughout each year to support organizations such as the Rohnert Park Police Department, Volunteer Firefighters, Senior Centers and school foundations. Its level of participation will be able to increase with the increase in store revenues, as well as volunteerism as employees play a large role in the store's community efforts.

The Project Would Contribute To And Fund Needed Infrastructure Improvements.

The Project would contribute to needed transportation infrastructure improvements by paying its fair share towards infrastructure improvements as well as by paying development impact fees.

E. Determination and Adoption of Statement of Overriding Considerations

The City Council has weighed the economic, legal, social, technological, and other benefits of the proposed Project, as set forth above in Section II.D, against the significant unavoidable impacts of the Project identified in the EIR (and discussed above in Section II.A).

The City Council hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the City Council adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact Report; (ii) rejected alternatives to the Project, as discussed in the Environmental Impact Report; and (iii) recognized the significant unavoidable impacts of the Project, the City Council hereby finds that each of the separate benefits of the proposed Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its significant unavoidable impacts, and thereby justifies the approval of the Rohnert Park Walmart Expansion Project.

Exhibit B
Mitigation Monitoring and Reporting Program
for the
Rohnert Park Walmart Expansion Project
City of Rohnert Park, Sonoma County, California

State Clearinghouse No. 2009052008

Prepared for:



City of Rohnert Park
Community Development Department
130 Avram Avenue
Rohnert Park, CA 94928
707.588.2236

Contact: Susan Azevedo, Community Development Assistant

Prepared by:

Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 94583
925.830.2733

Contact: Jason Brandman, Project Director



January 7, 2010

Table 1: Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
1. Aesthetics, Light, and Glare					
MM AFS-1: Prior to issuance of building permits, the project applicant shall prepare and submit a landscaping plan to the City of Rohnert Park for review and approval. The plan shall identify all proposed parking lot landscaping and comply with Municipal Code Chapter 17.16. The approved plan shall be incorporated into the proposed project. This mitigation measure shall be coordinated with Mitigation Measure BIO-2.	Approval of plans	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
2. Air Quality					
MM AIR-7a: The proposed project shall use "cool paving" materials in rear store areas. Examples of cool paving materials include asphalt or concrete with high solar reflectivity (i.e., through the use of light-colored aggregate), porous or permeable asphalt or concrete in areas where heavy-duty paving materials are not necessary, roller-compacted concrete, and asphalt chip seals that employ light-colored aggregate.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		
MM AIR-7b: Prior to issuance of the final certificate of occupancy, the project applicant shall post signs in the Walmart loading docks advising truck drivers to turn off engines when not in use and advising truck drivers of state law prohibiting diesel idling of more than 5 minutes.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		
MM AIR-7c: To reduce fugitive emissions from refrigerants, the applicant shall do the following: <ul style="list-style-type: none"> The project shall maintain the refrigeration system at least once per year to ensure that refrigerant leaks remain minimal. The maintenance records shall be kept onsite for review by the City of Rohnert Park. 	Site inspection	Prior to issuance of the final certificate of occupancy; During project operations	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> During installation of the new refrigerators and freezers, effort shall be made to reuse the existing refrigerants in the new system, unless the old refrigerant contains CFCs, is not the same type as is proposed in the new system, or more leakage would occur if the refrigerants are reused. A secondary closed-loop system shall be evaluated and implemented, if found to be technically and economically feasible. 					
<p>MM AIR-7d: Prior to issuance of the final certificate of occupancy, the project applicant shall implement and maintain throughout project operations the following Transportation Demand Management measures:</p> <ul style="list-style-type: none"> Public transit information in the employee breakroom. Store management shall post information such as Sonoma County Transit schedules, maps, and fares. This information shall be updated on a regular basis to ensure that current information is posted. Ridesharing information in the employee breakroom. Store management shall facilitate ridesharing by providing sign-up sheets or other measures to allow interested employees to identify carpooling opportunities. Bicycling information. Store management shall post information such as bicycle route maps and information about taking bikes on public transportation. This information shall be updated on a regular basis to ensure that current information is posted. 	Site inspection	Prior to issuance of the final certificate of occupancy; During project operations	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM AIR-7e: Prior to issuance of the final certificate of occupancy, the project applicant shall install the following greenhouse gas reduction measures:</p> <ul style="list-style-type: none"> • New Heating, Ventilation, and Air Conditioning (HVAC) units that achieve a minimum overall Energy Efficiency Ratio of 12.7 • A refrigeration waste heat capture system to heat water for the kitchen prep areas of the store • A white thermoplastic polyolefin-type roof over the expansion area • Skylights and electronic dimming in the expansion area to reduce daytime electrical use • Light Emitting Diode (LED) signage illumination in all internally illuminated building signage • Sensor-activated, high efficiency faucets and high-efficiency urinals and toilets in the new restrooms • At least 50 percent recycled steel in the store expansion construction 	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		
3. Biological Resources					
<p>MM BIO-1: If vegetation removal associated with development of the property is to occur during the nesting bird season (February 15 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting birds to identify any potential nesting activity. The pre-construction surveys for nesting birds shall be conducted within 14 days prior to any construction-related activities (grading, ground clearing, etc.). If nesting birds are identified on the site, a buffer (250 feet for raptors, 100 feet for songbirds) shall be maintained around the nests; no construction-related activities shall be permitted within the buffer. A qualified biologist shall monitor the nests, and</p>	Site inspection; Submittal of documentation	Within 14 days prior to any construction-related activities that occur between February 15 through August 31	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
construction activities may commence within the buffer area at the discretion and in the presence of the biological monitor. The surveys shall be submitted to the City of Rohnert Park prior to issuance of grading or building permits, whichever comes first. The pre-construction survey for nesting birds shall not be required if construction activities occur outside of the nesting bird season (September 1 through February 14).					
MM BIO-2: Prior to issuance of building permits, the project applicant shall prepare and submit a landscaping plan to the City of Rohnert Park that identifies locations of replacement trees for review and approval. Replacement trees shall be planted onsite and be native to the region, or be species similar to those trees removed. The number of trees required for replacement shall be based on the tree replacement formula established in Municipal Code Chapter 17.04.030. The approved landscaping plan shall be incorporated into the proposed project. This mitigation measure shall be coordinated with Mitigation Measure AES-1.	Approval of plans	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
4. Geology, Soils, and Seismicity					
MM GEO-1: Prior to issuance of building permits, the project applicant must submit plans to the City of Rohnert Park for review and approval demonstrating that the proposed project's plans incorporate all applicable seismic design criteria of the latest version of the California Building Standards Code. The approved plans shall be incorporated into the proposed project.	Approval of plans	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
MM GEO-3: Prior to issuance of building permits, the project applicant shall provide documentation to the City of Rohnert Park demonstrating that all applicable recommendations regarding undocumented fill, compressible soils, and compaction difficulties from the Geotechnical Investigation have been implemented into the project's grading and building plans.	Approval of plans	Prior to issuance of building permits	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM GEO-4: Prior to issuance of grading permits, the project applicant shall provide documentation to the City of Rohnert Park demonstrating that all applicable recommendations for abating expansive soil conditions and differential settlement from the Geotechnical Investigation or comparable geotechnical study have been implemented into the project's grading and building plans. This includes recommendations associated with soil engineering and foundation design and construction.	Approval of plans	Prior to issuance of grading permits	City of Rohnert Park Community Development Department		
5. Hazards and Hazardous Materials					
MM HAZ-1a: Prior to the commencement of demolition activities, the project applicant shall retain a certified hazardous waste contractor to determine the presence or absence of mercury in any equipment or materials that may contain such substances (e.g., light ballasts, thermostats, and temperature control switches). If such substances are found to be present, the contractor shall properly remove and dispose of these hazardous materials in accordance with federal and state law. All removal and disposal activities shall be completed prior to commencement of demolition activities.	Submittal of documentation	Prior to the commencement of demolition activities	City of Rohnert Park Community Development Department		
MM HAZ-1b: Prior to the commencement of demolition activities, the project applicant shall retain a certified hazardous waste contractor to determine the presence or absence of CFCs in any equipment or materials that may contain such substances (e.g., refrigeration units, coolers, or air conditioners). If such substances are found to be present, the contractor shall properly remove and dispose of these hazardous materials in accordance with federal and state law. All removal and disposal activities shall be completed prior to commencement of demolition activities.	Submittal of documentation	Prior to the commencement of demolition activities	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures		Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion Date	Initial
6. Hydrology and Water Quality						
<p>MM HYD-1: Prior to the issuance of grading permits for the proposed project, the applicant shall prepare and submit a Stormwater Pollution Prevention Plan (SWPPP) to the North Coast Regional Water Quality Control Board (RWQCB) that identifies specific actions and Best Management Practices (BMPs) to prevent stormwater pollution during construction activities. The City of Rohnert Park shall verify that the RWQCB has approved the SWPPP prior to issuing grading permits. The SWPPP shall identify a practical sequence for BMP implementation and maintenance, site restoration, contingency measures, responsible parties, and agency contacts. Examples of stormwater pollution prevention measures and practices that may be contained include:</p> <ul style="list-style-type: none"> • Temporary erosion control measures shall be employed for disturbed areas. • No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. • Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. • The construction contractor shall prepare Standard Operating Procedures for the handling of hazardous materials on the construction site to eliminate or reduce discharge of materials to storm drains. • BMP performance and effectiveness shall be determined either by visual means where applicable (e.g., observation of above-normal sediment release), or by actual water sampling in cases where verification of contaminant reduction or elimination (such as inadvertent petroleum release) is required by the RWQCB to determine adequacy of the measure. • In the event of significant construction delays or delays in final landscape installation, native grasses or other appropriate 		Submittal of documentation	Prior to the issuance of grading permits	City of Rohnert Park Community Development Department; North Coast Regional Water Quality Control Board		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion Date	Initial
vegetative cover shall be established on the construction site as soon as possible after disturbance, as an interim erosion control measure throughout the wet season.					
<p>MM HYD-2: Prior to the issuance of building permits for the proposed project, the project applicant shall submit a stormwater management plan to the City of Rohnert Park for review and approval pursuant to Municipal Code Title 13, Chapter 16. The stormwater management plan shall identify pollution prevention measures and practices to prevent polluted runoff from leaving the project site. Examples of stormwater pollution prevention measures and practices to be contained in the plan include but are not limited to:</p> <ul style="list-style-type: none"> • Strategically placed bioswales and landscaped areas that promote percolation of runoff • Pervious pavement • Trash enclosures with screened walls and roofs • Sewer drains in areas near trash enclosures • Stenciling on storm drains indicating water flows directly to creeks • Curb cuts in parking areas to allow runoff to enter landscaped areas • Rock-lined areas along landscaped areas in parking lots • Catch basins • Oil/water separators • Regular sweeping of parking areas and cleaning of storm drainage facilities • Employee training to inform store personnel of stormwater pollution prevention measures • Use of Low Impact Development (LID) techniques 	Approval of plan	Prior to the issuance of building permits	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
The project applicant shall also prepare and submit an Operations and Maintenance Agreement to the City identifying procedures to ensure that stormwater quality control measures work properly during operations.					
MM HYD-4: Prior to issuance of building permits, the project applicant shall submit a drainage plan prepared by a qualified engineer to the City of Rohnert Park for review and approval. The drainage plan shall identify drainage facilities necessary to ensure that offsite runoff discharge does not exceed the pre-development rate for the 10-year storm event. The approved plan shall be incorporated into the proposed project.	Approval of plan	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
8. Noise					
MM NOI-1a: Prior to the commencement of any demolition or construction activities, the project applicant shall raise the existing 6-foot wall on the west side to 7 feet and extend the wall approximately 30 feet to the north and 30 feet to the south to the edge of the project driveways. Alternately, the applicant shall have the option of replacing the existing wall with a new wall of the aforementioned dimensions. The design of the raised and extended wall or new wall shall be of similar or better aesthetic appearance relative to the existing wall.	Site inspection	Prior to the commencement of any demolition or construction activities	City of Rohnert Park Community Development Department		
MM NOI-1b: The project applicant shall require construction contractors to adhere to the following noise attenuation requirements: <ul style="list-style-type: none"> Construction activities shall be limited to the hours between 7 a.m. to 7 p.m. daily. The City of Rohnert Park shall have the discretion to permit construction activities to occur outside of allowable hours if compelling circumstances warrant such an exception (e.g., weather conditions necessary to pour concrete). 	Site inspection	During construction activities	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> All construction equipment shall use noise-reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. If no noise reduction features were installed by the manufacturer, then the contractor shall require that at least a muffler be installed on the equipment. Construction staging and heavy equipment maintenance activities shall be performed a minimum distance of 200 feet from the nearest residence, unless safety or technical factors take precedence (e.g., a heavy equipment breakdown). Stationary combustion equipment such as pumps or generators operating within 100 feet of the nearest residence shall be shielded with a noise protection barrier. If wall demolition activities occur (refer to Mitigation Measure NOI-1a), a temporary noise barrier with a minimum Sound Transmission Class of 12 and minimum height of 8 feet shall be placed on the west side of the wall demolition area and kept in place for the duration of demolition activities. 					
9. Public Services and Utilities					
MM PSU-1: Prior to issuance of building permits, the project applicant shall contribute its fair-share cost to the City of Rohnert Park Public Facilities Finance Plan for the planning and construction of the fire station on the west side of US 101.	Site inspection	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
MM PSU-2: Prior to issuance of the final certificate of occupancy, the project applicant shall implement the following crime prevention measures: <ul style="list-style-type: none"> Provide additional roving security personnel within the store and in the parking lot. Provide additional training for Walmart security personnel through the Police Services Division. 	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> • Install surveillance cameras in exterior areas with 360-degree vantage points. Cameras shall be recorded and provide at least 30 days of storage capability. • Provide a patrol vehicle for onsite security personnel or contract with a security firm to patrol the site on an hourly basis. • Provide proper lighting in the rear store areas. Light fixtures shall be shielded, recessed, or directed downward to sufficiently illuminate the intended areas while also preventing illumination of neighboring properties. 					
MM PSU-3: Prior to issuance of the final certificate of occupancy, the project applicant shall implement the following water conservation measures: <ul style="list-style-type: none"> • Install high efficiency urinals and toilets. • Install sensor activated faucets in restrooms. • Remove the existing lawn along Redwood Drive and replace with drought-resistant native landscaping. • Remove existing spray irrigation and replace with drip irrigation in landscaped areas that are modified by the project. • Install "purple pipe" for future recycled water use in landscaped areas modified by project. 	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		
MM PSU-4: Prior to the issuance of the final certificate of occupancy, the project applicant shall install a new grease interceptor in the food tenant (McDonald's) portion of the expanded Walmart store. The interceptor shall be sized in accordance with criteria set forth in the Uniform Plumbing Code.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM PSU-6a: Prior to issuance of building permits, the project applicant shall retain a qualified contractor to perform construction and demolition debris recycling. The project applicant shall provide documentation to the satisfaction of the City of Rohnert Park demonstrating that construction and demolition debris was recycled.	Retention of contractor; Submittal of documentation	Prior to issuance of building permits; Following construction activities	City of Rohnert Park Community Development Department		
MM PSU-6b: Prior to issuance of the final certificate of occupancy, the project applicant shall prepare and submit a Recycling and Waste Reduction Plan to the City of Rohnert Park for review and approval. The plan shall identify onsite facilities and operational practices to ensure that recyclable materials and green waste are diverted from the solid waste stream. Recyclable material collection facilities shall be provided in both public areas and rear store areas. Accepted materials shall include aluminum, plastic, glass, cardboard, vegetable oil, single-use cameras, electronic waste, and silver (from photo processing). The approved facilities and practices shall be in place at the time of expanded store opening.	Approval of plans	Prior to issuance of the final certificate of occupancy,	City of Rohnert Park Community Development Department		
10. Transportation					
MM TRANS-1a: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the installation of a traffic signal and associated improvements at the intersection of Stony Point Road/Millbrae Avenue, if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 6.3 percent of the cost of the signal. The County of Sonoma shall be responsible for the installation of the signal.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-1b: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the installation of a traffic signal and associated improvements at the intersection of Stony Point Road/Wilfred Avenue, if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 1.0 percent of the cost of the signal. The County of Sonoma shall be responsible for the installation of the signal.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
MM TRANS-2a: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the widening of Stony Point Road to two through lanes in each direction at the intersection of Stony Point Road/Millbrae Avenue if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 1.6 percent of the cost of the lanes. The County of Sonoma shall be responsible for the installation of the lanes.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
MM TRANS-2b: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for the widening of Stony Point Road to two through lanes in each direction at the intersection of Stony Point Road/Wilfred Avenue if the City and the County of Sonoma establish an agreement in accordance with General Plan Policies TR-21A and TR-21B. Based on equitable share methodology, the project applicant shall be responsible for 0.3 percent of the cost of the lanes. The County of Sonoma shall be responsible for the installation of the lanes.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-2c: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for improvements to the intersection of Wilfred Avenue/Redwood Drive. The improvements shall consist of the installation of a second, westbound left-turn lane, modification of the signal timing to provide for a northbound right-turn overlap phase, and the conversion of the eastbound right-turn pocket to a 450-foot-long, through/right-turn lane. Based on equitable share methodology, the project applicant shall be responsible for 3.4 percent of the cost of the improvements.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
MM TRANS-2d: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for improvements to the intersection of Wilfred Avenue/US 101 South Ramps. The improvements shall consist of the installation of an additional 150-foot-long, right-turn pocket on the south approach and the reassignment of southbound lanes to provide a left-turn lane, left-turn/through lane, through/right-turn lane, and the new right-turn lane. Because this intersection is currently under construction at the time of this writing, these improvements can be most effectively be implemented through coordination between the City of Rohnert Park and the California Department of Transportation. Based on equitable share methodology, the project applicant shall be responsible for 3.3 percent of the cost of the improvements.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-2e: Prior to issuance of building permits, the project applicant shall provide fee payments to the City of Rohnert Park in accordance with the latest traffic impact mitigation fee schedule. The fee payments shall cover all applicable traffic impact mitigation fees adopted by the City of Rohnert Park. The intent of this mitigation measure is to allow for the possibility that the City of Rohnert Park may adopt or modify citywide or regional traffic impact fees that would serve to mitigate for project-related impacts. If deemed appropriate by the City of Rohnert Park, this mitigation measure may be substituted for Mitigation Measures TRANS-1a, TRANS-1b, TRANS-2a, TRANS-2b, TRANS-2c, TRANS-2d, TRANS-4a, or TRANS-4b.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
MM TRANS-4a: If the California Department of Transportation does not accept the geometry proposed by Mitigation Measure TRANS-2c at the US 101 southbound off-ramp at Wilfred Avenue, the project applicant shall provide fair-share payments to the City of Rohnert Park to reassign lanes as follows: a left-turn lane, a through/left-turn lane, a through/right-turn lane, and a right-turn lane. Based on equitable share methodology, the project applicant shall be responsible for 6.0 percent of the cost of the lane reassignment.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		
MM TRANS-4b: Prior to issuance of building permits, the project applicant shall provide fair-share payments to the City of Rohnert Park for improvements to the intersection of Commerce Boulevard/US 101 North ramps. The improvements shall consist of lengthening the northbound left-turn pocket to provide 300 feet of storage. Based on equitable share methodology, the project applicant shall be responsible for 4.2 percent of the cost of the improvement.	Receipt of fees	Prior to issuance of building permits	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-8a: Prior to issuance of the final certificate of occupancy, the project applicant shall install an enhanced bus stop along the north driveway or at another location acceptable to Sonoma County Transit. The enhanced bus stop shall provide a shelter with seating for five persons, a transit information display, a trash receptacle, and a pedestrian connection to the Walmart store (sidewalk or pavement treatments). The design shall be reviewed and approved by Sonoma County Transit. The pedestrian connection required by this mitigation measure shall be coordinated with Mitigation Measure TRANS-8c.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		
MM TRANS-8b: Prior to issuance of the final certificate of occupancy, the project applicant shall install bicycle storage facilities near the Walmart store main entrance. Storage facilities shall consist of racks and be located in a covered and visible location. Bicycle storage shall be provided at a rate equivalent to 1 bicycle space per 15 required off-street vehicular spaces in accordance with Municipal Code Chapter 17.16.140.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		
MM TRANS-8c: Prior to issuance of the final certificate of occupancy, the project applicant shall install pedestrian circulation improvements within the project site. Improvements shall consist of enhancing existing pedestrian facilities linking surrounding commercial uses (e.g., Home Depot, former Linens 'n Things) and street frontages (such as Redwood Drive) with crosswalk markings, sidewalks, pavement treatments, or other appropriate measures to create a safe and convenient path of travel. This mitigation measure shall be coordinated with Mitigation Measure TRANS-8a to ensure that the enhanced bus stop is served by a safe and convenient path of travel.	Site inspection	Prior to issuance of the final certificate of occupancy	City of Rohnert Park Community Development Department		

Table 1 (Cont.): Rohnert Park Walmart Expansion Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion Date	Initial
MM TRANS-9: Prior to commencement of construction activities, the project applicant shall submit a Construction Traffic Control Plan to the City of Rohnert Park for review and approval. The plan shall identify the timing and routing of all major construction equipment and trucking to avoid potential traffic congestion and delays on the local street network and to encourage the use of US 101. Anticipated temporary road closures should be identified along with safety measures and detours. If necessary, construction equipment and materials deliveries shall be limited to off-peak hours to avoid conflicts with local traffic circulation. The plan shall also identify suitable locations for construction worker parking.	Approval of plan	Prior to commencement of construction activities	City of Rohnert Park Community Development Department		