



City of Rohnert Park Planning Commission Report

DATE: December 22, 2016

ITEM NO: 8.1

SUBJECT: (A) Consider recommending approval of the Mitigated Negative Declaration for Residences at Five Creek/City Public Safety/Public Works Facilities to the City Council; and (B) Conduct a Public Hearing and consider recommending approval to the City Council of the Residences at Five Creek Project: (a) General Plan Amendment; (b) Stadium Area Master Plan Amendments; Final Development Plan and Conditional Use Permit; (c) Development Agreement between the City and Stadium RP Development Partners LLC; and (d) Tentative Map (File No. PROJ2016-0001)

LOCATION: Area bounded by Dowdell Avenue on the east, Hinebaugh Creek and the Martin Avenue Extension on the south, Labath Avenue on the west and Carlson Avenue on the north (APN 143-040-124)

APPLICANT: Matthew J. Waken for MJW Investments LLC

Background: The proposed Residences at Five Creek (Five Creek) project is located on a 15.25 acre site within the 32.8 acres covered by the Stadium Area Master Plan (SAMP). The Five Creek project will develop 12.32 acres with:

- a 132 room hotel
- a 34,300 square foot retail center
- a 135 unit apartment complex
- a 0.65 acre public park.

The project's proposed tentative map also creates a 2.97 acre parcel that will be developed by the City as a fire station and a corporation yard. The Planning Commission approved a Preliminary Development Plan for this project in May 12, 2016 and conducted a joint study session with the Parks and Recreation Commission on June 8, 2016 to identify the preferred location, configuration and improvements for the proposed park.

The SAMP was adopted by the City of Rohnert Park in February 2008 and amended in 2013 and is the guiding document for this development. A portion of the SAMP has been developed with the Fiori Estates and The Reserve at Dowdell apartment complexes. The remaining undeveloped 15.25 acres within the SAMP are owned by the city.

A Purchase and Sale Agreement (PSA) has been entered into between the city and MJW Investments LLC which describes the conditions under which the city will sell 12.32 acres to the applicant. The agreement, among other things, requires that the site be developed with a hotel, a separate retail-commercial center, a residential or office component and a public park. Completing the property transfer and development envisioned by the PSA is an important economic development initiative for the City.

The 15.25 acre site is zoned Planned Development (P-D). The P-D zoning district is intended to accommodate a wide range of residential, commercial, industrial and public land uses, which are mutually-supportive and compatible with existing and proposed development on surrounding properties. The district is typically used for projects that provide for a mix of land uses to serve identified community needs. All standards, requirements, densities, land use designations and other contents of an approved final development plan for the P-D zoning district must be consistent with the city's General Plan. The land use designations underlying the P-D zoning are Regional Commercial and Public/Institutional. In order to accommodate this project, both the General Plan and SAMP must be amended to introduce High Density Residential and Park and Recreational land uses to accommodate the proposed apartment complex and public park.

Requested Entitlements: A **Mitigated Negative Declaration** has been prepared to comply with the required environmental review for the Five Creek development, in addition to the City's neighboring Public Safety/Public Works Facilities. The proposed Five Creek development will require a **General Plan Amendment** and a **Stadium Area Master Plan Amendment** to allow the development of the high density residential and the public park components of the project. Staff and the applicant have worked to incorporate the required **Final Development Plan** for the project within the Stadium Area Master Plan Amendment. A **Conditional Use Permit** is required by the Planned Development zoning and to implement the Final Development Plan. The city and applicant have negotiated a **Development Agreement** in order to recognize and achieve mutual benefits from the project with the terms set forth in the PSA. A **Tentative Map** will also be required for the subdivision of the property into separate parcels for development of each project component.

Requested Planning Commission Action: Under Zoning Ordinance Article VII – Planned Development Zoning District, the Planning Commission's role is to make a recommendation to the City Council on each of the requested entitlements. The Park and Recreation Commission has already reviewed and recommended the proposed park configuration and improvements at its meeting on October 20, 2016 (see Attachment A – Park and Recreation Commission Resolution).

Subsequent Approvals: Prior to the development of each phase of the project (hotel, apartments or shopping center) a Site Plan and Architectural Review (SPAR) will be required. The Planning Commission is the decision-making body for a SPAR.

Proposed Five Creek Project: As indicated above, the Five Creek project proposes to change the current Regional Commercial land use designation of the Five Creek project site to a combination of Parks/Recreation, High Density Residential and Regional Commercial. The Public/Institutional portion of the site would remain. Table 1 indicates the development that will occur within each land use designation:

Table 1: Residences at Five Creek Final Development Plan

| <i>Development Type</i> | <i>General Plan</i> | <i>Amount</i> |
|---------------------------|--------------------------|--------------------------|
| Retail/Service Commercial | Regional Commercial | 3.30 acres and 34,300 sf |
| Multi-family Residential | High Density Residential | 6.09 acres and 135 units |
| Hotel | Regional Commercial | 2.28 acres and 132 rooms |
| Park | Parks / Recreation | 0.65 acres |

- *Public Park*- The proposed park is located in the northeast corner of the property, with minor frontage on Dowdell Avenue and major frontage along Carlson Avenue. Amenities in the Park will include a bocce ball court, a 400 square foot picnic area, a skate feature, a tot lot, a passive lawn area and an entry plaza. As noted above, the Park and Recreation Commission has recommended approval of the park.
- *High Density Residential Complex*- The proposed multi-family residential complex would be located on the north portion of the site and would contain 135 units with a mix of one, two and three bedroom units. As currently envisioned, the complex would consist of seven (7) individual buildings. Access would be primarily from Carlson Avenue and Labath Avenue. All of the buildings would be three (3) stories with garage, carport and open parking provided. The development would include a clubhouse and pool complex. The SAMP limits the number of multi-family units in the plan area to 338, which have been largely developed with the Fiori Estates and Reserve at Dowdell projects. The proposed amendments to the SAMP will increase the number of permitted multi-family units to 473, which will accommodate the Five Creeks proposal. The final design of the apartment complex will be determine through the Site Plan and Architectural Review (SPAR) process.
- *Hotel* - The proposed hotel would consist of 132 rooms at the northeast corner of Labath Avenue and Martin Avenue extension on the west side of the site. As currently envisioned, the hotel building would be four (4) stories tall. The entrance would be from the Martin Avenue extension with a porte-cochere off of Martin Avenue. There will be vehicular access between the hotel site and adjacent retail commercial property. There will also be parallel parking on Martin Avenue extension but it will not be counted as required parking for the hotel or commercial development. The final design of the hotel will be determined by the SPAR process.
- *Retail Commercial Center* - The proposed commercial portion of the project would be located at the northwest corner of Dowdell Avenue and the Martin Avenue extension. As currently envisioned, the project would consist of three (3) buildings with a total area of 34,300 square feet. The main building consisting of the retail anchor located at the Martin Avenue and Dowdell Avenue intersection and the remaining buildings on the north end of the site. A retail plaza would connect the commercial portion of the project with the multi-family development resulting in an attractive connection for residents to gain access to the commercial area. The retail commercial area would also be easily accessible by hotel guests. There would also be joint parking between the hotel site and

the retail commercial site. The final design of the commercial project will be determined by the SPAR process.

The following is a complete list of requested entitlements for the Five Creek project (including environmental review for the City Public Safety/Public Work Facilities project):

- Mitigation Negative Declaration (MND). An environmental impact report (EIR) was prepared for the original Stadium Area Master Plan. The proposed changes to the General Plan and SAMP have triggered additional environmental review. An Initial Study and subsequent Mitigated Negative Declaration have been prepared to address the impacts of both the Five Creek project and the City facility project. New impacts and mitigation measures are largely limited to air quality and greenhouse gas emissions, where the regulatory environment has evolved considerably since 2008. The public review period for the Initial Study and MND close on December 8, 2016.
- General Plan Amendments (GPA). This property currently carries Regional Commercial and Public/Institutional general plan designations, which would permit the hotel, commercial development and municipal facilities (e.g. fire station and corporation yard) but not the apartment complex or the park, in the proposed location. The GPA would allow for high density residential and public parks in their proposed locations.
- Amendments to Stadium Area Master Plan (SAMP) and adoption of Final Development Plan (FDP). The SAMP will have to be amended to include high density residential and a public park. FDP for the parcels within the proposed Five Creek project will be included as an appendix to the SAMP document. The SAMP amendments would increase the number of allowed residential units, which is currently capped at 338 units. The Fiori Estates and Reserve at Dowdell include 244 units and 84 units, respectively (total 328) so an increase is necessary to accommodate the proposed 135 unit apartment complex.
- Conditional Use Permit (CUP). Prior to development of any phase in a Planned Development district, a CUP is required. Staff has worked with the applicant to develop a master CUP, which will cover all phases of the Project and streamline implementation.
- Development Agreement (DA). A development agreement has been negotiated that includes provisions that are mutually beneficial to the city and the developer and which include the terms required by the PSA. Key provisions are related to the timing of hotel construction, payment of additional fees due to the impact of the apartments on public services, purchase of carbon offset credits (a required mitigation measure), and dedication of the park.
- Tentative Map (TM). The applicant has proposed splitting the property into five (5) parcels for each project components. The project's design proposes to extend Martin Avenue as a private street with public access easements in favor of the hotel, the shopping center and the city parcel. The Martin Avenue extension will not be dedicated as a public street.

Staff Analysis:

Mitigated Negative Declaration: As previously noted, an Environmental Impact Report (EIR) was approved for the SAMP in 2008. Mitigation measures included in the adopted EIR are required to be implemented as projects develop. Because of the proposed changes to the

approved land uses, an Initial Study was prepared to determine whether the proposed project, including the City's proposed facilities, would have a significant adverse effect on the environment. Components of the EIR and applicable mitigation measures are discussed within the Initial Study. New mitigation measures that apply specifically to the proposed project were included for air quality, biological resources, greenhouse gas emissions, noise, and traffic. The most significant new mitigation measure is the requirement to purchase greenhouse gas emissions credits in order to offset the impacts of the project. Based on the analysis included in the Initial Study, a Mitigated Negative Declaration (MND) was prepared. The MND was circulated for public review between November 8, 2016 and December 8, 2016.

General Plan Amendments: The current General Plan map designation for the Five Creek project area is Regional Commercial. The project proposes to amend the General Plan designation for the site to include a High Density Residential and Parks/Recreation designations. The overall configuration of the site is proposed to change as well (see Exhibit A to Resolution 31, General Plan Figure 2.2-1). On the south side of the new Martin Avenue extension, land will remain designated as Public/Institutional for a new Public Safety Station as well as a possible future corporation yard. The park will be located on the southwest corner of Carlson Avenue and Dowdell Avenue. The High Density Residential area shall be located generally on the northern half of the site south of Carlson Avenue, while the remaining southern half of the site north of the new Martin Avenue extension shall remain designated as Regional Commercial.

In addition, the project proposes amendments to the General Plan text. Exhibit B to Resolution 2016-31, provides the full text of the proposed amendments. Deletions are shown in strike-through text and insertions are underlined. The proposed General Plan text amendments include changes and additions to Chapter 2 – Land Use and Growth Management, Chapter 3 – Community Design, and Chapter 7 – Health and Safety. In summary, the proposed General Plan text and graphics amendments include:

- Changes to Figure 2.2-1 to reflect the high density residential and park components of the project.
- The addition of language and provisions on pages 2-31 and 2-41 to incorporate the Stadium Lands Planned Development into the discussion of Specific Plans and Planned Developments.
- New land use policies on page 2-41 to address appropriate use and functionality of land uses in the Stadium Lands Planned Development.
- The addition of Table 2.4-6 on page 2-41 to reflect the gross acreage, housing minimum and maximums, and minimum and maximum building areas for the associated land uses in the Stadium Lands Planned Development Area.
- Language including the Stadium Area as a focus area on page 3-19.
- The inclusion of the Stadium Lands Planned Development on page 3-34 under the section for Neighborhood and Focus Areas, to include language promoting quality site design and conformity.
- The modification of language on page 7-24 to locate a new public safety station in the Stadium Lands Planned Development rather than the Northwest Specific Plan Area.

Stadium Area Master Plan “PD” Zoning District Amendments: Amendments are proposed to the Stadium Area Master Plan (SAMP) to reflect the proposal. The SAMP “PD” zoning designation was first approved on February 6, 2008 and was subsequently amended on November 26, 2013

per Ordinance Nos. 872 and 874. No amendments to the underlying “PD” map designations are proposed as part of this Project. Amendments to the Final Development Plan and the Stadium Area Master Plan are proposed to allow for the Residences at Five Creek project (See Exhibit A and Exhibit B to Resolution 2016- 32). Deletions are shown in strike-through text and insertions are underlined in Exhibit B. Specific changes to the Stadium Area Master Plan graphics and text include:

- The addition of text on page 4 in Section 2C to Require Site Plan and Architectural Review prior to construction in the SAMP.
- The modification of Section 3 Proposed Land Use and Zoning to reflect updates acreages for the High Density Residential, Regional Commercial, Public/Institutional, and Parks/Recreation land use areas.
- Update Figure 1 Stadium Area Master Plan General Plan Designations.
- Update Figure 2 to indicate the location of the Stadium Area Master Plan.
- Add language in Section 4 to reflect that demand exists for hotel and commercial space in the SAMP.
- Update Table 2 to reflect the proposed land use gross acreages, housing units, and commercial square footages.
- The addition of a section 5d to describe subareas in the SAMP.
- The addition of a Figure 3 that reflects the distinct subareas of the SAMP.
- The modification of Section 6b to indicate the extension of Martin Avenue as a local connector between Labath and Dowdell Avenues.
- The modification of Figure 4 showing the Martin Avenue Extension between Labath and Dowdell Avenues.
- The addition of the Martin Avenue extension in Section 6c as a Proposed Street and Improvement that could be accomplished as either public right-of-way or a private street with a public easement.
- The addition of a provision in Section 6e to require improvements for pedestrian access and through traffic along Martin Avenue.
- The modification of language in Section 7a to reflect the dedication of land for a public safety facility and for the extension of Martin Avenue to provide access to Dowdell and Labath Avenues.

Conditional Use Permit: In order to develop within a Planned Development the issuance of a Conditional Use Permit (CUP) is required for each phase. A CUP may cover individual phases or all phases of proposed development and may be processed concurrently with the Final Development Plan. The Conditional Use Permit for Residences at Five Creek is intended to serve as a “master” use permit and apply to all phases of the Planned Development. The recommended Conditions of Approval for the Five Creek project are included in Attachment 3 to Resolution 2016-32.

Development Agreement: A copy of the Draft Development Agreement (DA) is included as Exhibit 1 to Resolution 2016-33 for the Commission’s review and recommendation to the City Council. The DA is consistent with Goals of the current General Plan as well as the more specific policies and goals as set out in the proposed General Plan Amendments for this Project. Section 1.4 of the General Plan lays out several objectives that are supported by the proposed Project, including the following:

- Increase housing affordability and diversity.
- Encourage local jobs and maintain the jobs/housing balance.
- Build and maintain infrastructure in anticipation of growth.
- Increase pedestrian and bike access.

The following components are a summary of pertinent provisions included in the DA:

Development Timing – The Development Agreement stipulates several time-frames including:

- The Applicant shall obtain the Hotel Building Permit concurrently or prior to issuance of Building Permit for the Residential Component.
- The Applicant shall commence construction of the hotel no later than August 11, 2018.
- The Applicant shall complete construction of the hotel and obtain a certificate of occupancy for the hotel within 18 months of commencement of construction.

Purchase of Greenhouse Gas Emission Offset Credits – The Development Agreement includes a provision that the project Applicant will make a one-time purchase of Greenhouse Gas (GHG) carbon offset credits to offset 600 metric tons of CO₂ emissions per year for 30 years, which is the life of the Project assumed in the MND. The purchase price of such credits is currently estimated as approximately thirty thousand dollars (\$30,000.00). The Applicant would provide the City with proof of purchase and registration of the credits prior to or at the time of the first Building or grading permit for the project.

Hotel Development – The Applicant shall develop a hotel that is considered “Upscale” or higher, as defined by the 2016 STR Hotel Chain Scale. The Applicant shall provide the City with a copy of the Hotel Franchise Agreement prior to issuance of a Building Permit for the hotel.

Public Improvements – The Development Agreement contemplates that the Applicant construct a variety of public improvements in accordance with City standards and specifications. Those improvements include:

- Carlson Avenue improvements including curb, gutter, sidewalk and 16-foot wide travel way.
- Sidewalk along Dowdell Avenue frontage.
- A storm drain outfall into Hinebaugh Creek.
- A twelve-inch water main in Redwood Drive from the Hinebaugh Creek Pressure Reducing Valve to Martin Avenue.
- Site irrigation connected to the existing recycled water system.

Public Park – The Development Agreement requires the Applicant to develop and dedicate a public park at the southwest corner of Dowdell Avenue and Carlson Avenue. Construction of the park is required to be completed prior to the issuance of any certificate of occupancy for the Residential Component of the Project.

Public Service Payment – The Development Agreement requires that the developer pay an annual payment of Eight Hundred Dollars (\$800.00) per residential unit of the Project to offset the projected deficit to the City’s General Fund created by the Residential Component and to comply with General Plan policies and goals. The payment amount shall be adjusted annually based on the San Francisco Bay Area Consumer Price Index.

Funding for Affordable Housing – The Development Agreement requires that the Applicant provide a total of Fifty Thousand Dollars (\$50,000.00) to assist in the creation of affordable housing. The one-time payment shall be made to the City prior to issuance of the first building permit for the Project.

Storm Water Maintenance Agreement – The Development Agreement requires the Applicant to enter into a Storm Water Maintenance Agreement prior to the recordation of the Final Map to address long-term maintenance of on-site storm drainage and water quality features.

Tentative Map: The proposed Tentative Map will subdivide the property into five parcels. The fire station site and the public park would remain under the ownership of the city. The Tentative Map is in conformance with proposed amendments to the General Plan and the SAMP. The map with the recommended conditions will result in all necessary public improvements to support the proposed development of the property.

Comments Received: Three letters were received and have been included as attachments to this Staff Report. Staff responses are included as follows:

1. Costco letter (December 5, 2016, Peter Kahn, AVP Real Estate Development, Costco Wholesale Corporation) included at Attachment G.

Staff Response: The Costco letter raises the issue of compatibility of land uses and specifically potential noise conflicts between the Costco and the proposed High Density Residential land use. Additional comments ask for project details on traffic and circulation, parking and park security.

- Noise impact well below maximum thresholds. The environmental document included a noise analysis considering the location of existing land uses in relationship to the proposed land uses, including high density residential. The noise measurements included the noise associated with the Costco truck bays, including an idling truck. The noise analysis determined that the primary noise source is current and proposed traffic noise. Existing traffic noise modeling based on the traffic data available in the noise element shows DNL/CNEL values in vicinity of the multifamily residential location to be approximately 47 dBA. Applying expected traffic increases due to the project would increase the noise levels on existing nearby residences by less than 1 dBA, which is well below the City's acceptable noise levels.
- SAMP land uses promote multi-modal travel. The Residences at Five Creek applicants seek to redistribute the permitted uses within the SAMP. The land uses proposed are consistent with the uses approved in the SAMP in 2008. The objectives from the SAMP (shown below) include increasing housing opportunities within the plan boundaries and the creation additional jobs within the City of Rohnert Park.
 - Increase housing opportunities within the City of Rohnert Park.
 - Promote implementation of General Plan goals, objectives and policies for jobs/housing balance, community growth, infrastructure improvements, and preservation of resources and environment.

- Promote implementation of Area Plan goals, objectives, and policies for infrastructure and public services.
 - Provide direction for new development within the SAMP.
 - Redevelopment of formerly developed industrial and institutional land.
- Traffic impact reduced. A traffic study was completed for this project that included the Residences at Five Creek and the expected traffic from the future City facilities south of the Residences at Five Creek. Both the City projects and the Residences at Five Creek project are expected to generate an average of 3,809 trips per day, including 220 trips during the a.m. peak hour and 297 during the p.m. peak hour. It should be noted that in comparison to the traffic analysis for the 2008 SAMP, the traffic analysis for the current project resulted in an overall *reduction in trip generation of over 4,000 daily trips.*
 - Traffic mitigation included. There are three proposed traffic-related mitigation measures that include requirements for bicycle parking spaces, installation of either a roundabout or all-way stop-controls at the intersection of Martin Avenue/Dowdell Avenue and the restriping of Martin Avenue to include dual westbound lanes between the Costco driveway and Dowdell Avenue, with the outer through lane becoming a right-turn lane at the Dowdell Avenue intersection.
 - Potential driveway conflicts will be addressed during SPAR. There is one proposed driveway on Dowdell Avenue, and it is offset from the Costco access driveway by approximately 150 feet. Keep in mind that the design of the project's retail component is conceptual in nature. Prior to any construction, a Site Plan and Architectural Review (SPAR) approval will be required from the Planning Commission and any driveway locations and potential conflicts can be studied and addressed at that time.
 - Both residential and commercial projects are fully parked. Both the residential and commercial components of the project have sufficient parking and comply with the City's parking requirements. The Final Development Plan, utilizes a 25% reduction available to the site due to the mix of uses. However, based on the current site configuration, the 25% reduction is unnecessary. The number of parking spaces depicted in the Final Development Plan exceed the minimum parking requirements in the zoning ordinance prior to the reduction.
 - New city park. The new park has been located in the northeast corner of the site so that it is proximate to the Fiori Estate, The Reserve and the Residences at Five Creek projects. On street parking will be available along Carlson Court. The exposure to the Costco loading area and Dowdell Road is limited since the park primarily faces Carlson Court. Security concerns at the park will be addressed by providing visibility between the neighboring apartment complex and the park. With the three new apartment projects in the area, significant pedestrian traffic is expected which should reduce any potential security issues (more "eyes on the street").

2. CalTrans (letter 1, December 7, 2016, Patricia Maurice, District 4 Branch Chief). The CalTrans letter was submitted in response to public circulation of the draft Mitigated Negative Declaration and is included as Attachment H.

Staff Response: and includes comments and suggestions on the traffic study/travel demand analysis, multimodal planning, vehicle trip reductions and fees and permits.

- Traffic Study/Travel Demand Analysis. The traffic study prepared for this project was prepared consistent with the standards in the City's General Plan. Caltrans recommends that future traffic studies use a travel demand analysis consistent with recent state legislation. The City will be evaluating potential changes to transportation studies to comply with the legislation.
- Multimodal Planning and Vehicle Trip Reductions. As stated in the CalTrans letter, the mixed use nature of the proposed project will improve transportation efficiency in the area. The City is working to implement the Bicycle Master Plan and the project will utilize the existing bicycle facilities, including Class II bike lanes on Dowell Avenue and the Hinebaugh Creek trail, as well as the proposed Class II lane on Labath Avenue. Sidewalks will be provided on all street frontages and connection between the residential and commercial project components will increase walkability. Crosswalks will be installed at Carlson/Labath and Carlson/Dowdell.

Vehicle trip reduction measures incorporated into the proposed project include:

- Providing residents and employees information regarding transit availability
- Providing carpool and/or car sharing parking spaces
- Shared parking between the hotel and retail project components
- Providing electric vehicle parking
- Compliance with the City bicycle master plan and provide adequate bicycle parking

Fees and Permits The project applicants will pay applicable fees and obtain necessary permits. Caltrans was specifically concerned with supporting measures to increase sustainable mode shares to reduce VMT. The Five Creek project does achieve some additional VMT reductions by making the project and the surrounding area more bikeable and walkable and providing a mix of different land uses.

3. CalTrans (letter 2 December 13, 2016, Patricia Maurice, District 4 Branch Chief). A second letter (Attachment I) was written to encourage the city to provide a traffic analysis to assess the full impact on Highway 101.

Staff Response: The majority of intersections list by Caltrans are outside the scope of the proposed project. Most of these locations were adequately studied under the General Plan

and/or the Stadium Area Master Plan EIR and addition analysis is not necessary. This project demonstrates a **reduction** of over 4,000 average daily trips from what was originally expected at full General Plan build-out. This translates to a reduced impact on Highway 101 from what was originally expected.

Findings: The recommended findings to approve the Mitigated Negative Declaration, General Plan Amendment, Stadium Lands Master Plan Amendment and Final Development Plan, Conditional Use Permit, Development Agreement and Tentative Map are included in the attached resolutions.

Public Notification: A 30 day notice was posted as required and advertised for the Mitigated Negative Declaration in the Community Voice. A 10 day public hearing notice was posted at prescribed locations in Rohnert Park. Property owners within 300 feet of the project were mailed notices of the proposed application.

Staff Recommendation: Staff recommends that the Planning Commission adopt the following Resolutions which, collectively, recommend that the City Council approved the entitlements requested to implement the Five Creek project:

1. Resolution No. 2016-30 (MND) recommending approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to the City Council for the Residences at Five Creek Project and City Public Safety / Public Works Facilities (APN 143-040-124).
2. Resolution No. 2016-31 (GPA) recommending approval to the City Council of General Plan Text and Map Amendments to Allow for the Residences at Five Creek Project (APN 143-040-124)
3. Resolution No. 2016-32 (SAMP, FDP and CUP) recommending approval to the City Council Amendment to the Stadium Area Master Plan, adoption of a Final Development Plan and approval of a Conditional Use Permit for the Residences at Five Creek Project (APN 143-040-124).
4. Resolution No. 2016-33 (DA) recommending to the City Council approval of a Development Agreement between the City of Rohnert Park and Stadium RP Development Partners, LLC for the Development of the Residences at Five Creek Project (APN: 143-040-124).
5. Resolution No. 2016-34 (TM) recommending approval to the City Council of a Tentative Map to Allow the Subdivision of Property Located at 5900 Labath Avenue (APN: 143-040-124) into Five Parcels.

Attachments:

- A. Park and Recreation Commission Resolution 2016-002
- B. Resolution No. 2016-30 (MND):
 - Exhibit 1 – Recommended Mitigated Negative Declaration
 - Exhibit 2 – Recommended Mitigation Monitoring & Reporting Program (MMRP)
- C. Resolution No. 2016-31 (GPA):
 - Exhibit 1 – Recommended General Plan Map Amendments
 - Exhibit 2 – Recommended General Plan Text Amendments
- D. Resolution No. 2016-32 (SAMP, FDP and CUP):

- Exhibit 1 – Recommended Amendments to the Stadium Area Master Plan (SAMP)
 - Exhibit 2 – Recommended Residences at Five Creek, Final Development Plan (FDP)
 - Exhibit 3 – Recommended Conditions of Approval
- E. Resolution No. 2016-33 (DA):
- Exhibit 1 – Recommended Development Agreement
- F. Resolution No. 2016-34 (TM):
- Exhibit 1 – Proposed Tentative Map
 - Exhibit 2 – Recommended Conditions of Approval, Residences at Five Creek Map
- G. Letter from Costco, December 5, 2016
- H. First letter from CalTrans, December 7, 2016
- I. Second letter from Cal Trans, December 13, 2016

APPROVALS:

Norman Weisbrod, Technical Advisor

Date

Zachary Tusinger, Planner 1

Date

Jeffrey Beiswenger, Planning Manager

Date

PLANNING COMMISSION RESOLUTION NO. 2016-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROHNERT PARK CALIFORNIA RECOMMENDING APPROVAL TO THE CITY COUNCIL OF THE MITIGATED NEGATIVE DECLARATION FOR THE RESIDENCES AT FIVE CREEK PROJECT AND CITY PUBLIC SAFETY AND PUBLIC WORKS FACILITIES (APN 143-040-124)

WHEREAS, MJW Investments, LLC, filed Planning Application No. PLDV2016-0001 proposing a General Plan Amendment, an amendment to the Stadium Area Master Plan (a Planned Development), adoption of a Final Development Plan (including a related Conditional Use Permit), a Development Agreement and Planning Application No. PLEN 2016-0003 for the related certification of a Mitigated Negative Declaration (“MND”) and Planning Application No. PLSD2016-0001 proposing a Tentative Map for a proposed project, which includes the site of the proposed City Public Safety/Public Works Facilities, on a 15.25 acre parcel located at 5900 Labath Avenue (APN 143-040-124) (the “Project”), in accordance with the City of Rohnert Park Municipal Code (“RPMC”); and

WHEREAS, the City of Rohnert Park proposes future construction of a Public Safety and Public works facilities on 2.97 acres of the 15.25 acre parcel located at 5900 Labath Avenue (APN 143-040-124); and

WHEREAS, Planning Application No. PLEN16-0003 was processed in the time and manner prescribed by State and local law; and

WHEREAS, an Initial Study was prepared and on the basis of that study, it was determined that the Project, including the proposed City Public Safety/Public Works Facilities, would not have a significant adverse effect on the environment with implementation of mitigation measures, and a Mitigated Negative Declaration (MND) was prepared and circulated for public review for a 30 day period from November 8, 2016 to December 8, 2016; and

WHEREAS, pursuant to California State Laws and the City of Rohnert Park Municipal Code (RPMC), a public hearing notice for the Project was mailed to all property owners within a 300 foot radius of the subject property and to all agencies and interested parties as required by California State Planning Law, and a public hearing notice was published in the Community Voice for a minimum of 10 days prior to the first public hearing; and

WHEREAS, on December 8, 2016 the Planning Commission reviewed Planning Application No. PLEN16-0003 during a scheduled public meeting at which time interested persons had an opportunity to testify regarding the proposed MND, closed the public hearing on the MND, and continued Planning Commission deliberation on the MND to December 22, 2016 ; and

WHEREAS, at the December 22, 2016 public meeting the Planning Commission of the City of Rohnert Park reviewed and considered the information contained in the Initial Study and

Mitigated Negative Declaration for the Project, which is attached to this resolution as **Exhibit 1**; and

WHEREAS, Section 21000, *et. Seq.*, of the Public Resources Code and Section 15000, *et. Seq.*, of Title 14 of the California Code of Regulations (the “CEQA Guidelines”), which govern the preparation, content and processing of Negative Declarations, have been fully implemented in the preparation of the Mitigated Negative Declaration.

Section 1. The Planning Commission of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the Mitigated Negative Declaration for the proposed Project, which includes the City Public Safety/Public Works Facilities:

1. The Planning Commission has independently reviewed, analyzed and considered the Mitigated Negative Declaration and all written documentation and public comments prior to approval of the proposed Project; and
2. An Initial Study was prepared for the Project, and on the basis of substantial evidence in the whole record, there is no substantial evidence that the Project will have a significant effect on the environment, therefore a Mitigated Negative Declaration has been prepared which reflects the lead agency’s independent judgment and analysis.
3. The Mitigated Negative Declaration was prepared, publicized, circulated and reviewed in compliance with the provisions of CEQA Guidelines; and
4. The Mitigated Negative Declaration constitutes an adequate, accurate, objective and complete Mitigated Negative Declaration in compliance with all legal standards; and
5. The documents and other materials, including without limitation, staff reports, memoranda, maps, letters and minutes of all relevant meetings, which constitute and administrative record of proceedings upon which the Commission’s resolution 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 2. The Planning Commission of the City of Rohnert Park that approval of the Project would not result in any significant effects on the environment with implementation of mitigation measures identified in the Mitigated Negative Declaration and the Planning Commission does hereby recommend that the City Council approve and adopt the Mitigated Negative Declaration and Initial Study set forth in **Exhibit 1** and direct the filing of a Notice of Determination with the County Clerk; and

Section 3. The Planning Commission of the City of Rohnert Park hereby recommends to the City Council that **Exhibit 2** (Mitigation Monitoring and Reporting Program) of this

resolution provide Mitigation required under Section 15091 of the CEQA Guidelines for significant effects of the Project

DULY AND REGULARLY ADOPTED on this 22nd day of December, 2016
by the City of Rohnert Park Planning Commission by the following vote:

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

ADAMS _____ BLANQUIE _____ BORBA _____ GIUDICE _____ HAYDON _____

John Borba, Chairperson, Rohnert Park Planning Commission

Attest: _____
Susan Azevedo, Recording Secretary

INITIAL STUDY STADIUM AREA MASTER PLAN AMENDMENT

RESIDENCES AT FIVE CREEK AND CITY PUBLIC SAFETY / PUBLIC WORKS FACILITIES



City of Rohnert Park
Development Services
130 Avram Avenue
Rohnert Park, CA 94928-2486

NOVEMBER 2016

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Initial Study

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1 INTRODUCTION

1.1 Project Overview and Location

The proposed amendment to the Stadium Area Master Plan (SAMP) Final Development Plan includes changes associated with two proposed development projects within the Plan area: the Residences at Five Creek and the City Public Safety / Public Works facilities (collectively referred to as the “proposed project”).

The proposed project site is located in Rohnert Park, Sonoma County, California. The proposed project would be located on one 15.30 acres parcel (Assessor Parcel Number (APN) 143-040-124) within the SAMP area, bounded by Dowdell Avenue to the east, Labath Avenue to the west, Carlson Avenue to the north, and Hinebaugh Creek to the south. The northern portion of the site includes plans for the Residences at Five Creek, which proposes to include 135 multifamily residential units, 34,400 square feet (sf) of commercial space, a 132-room hotel, and a 0.65-acre park. The southern portion of the site includes plans for a new City of Rohnert Park Public Safety facility (fire station) and Public Works corporation yard.

1.2 California Environmental Quality Act Compliance

This Initial Study has been prepared per the requirements of the California Environmental Quality Act (CEQA) of 1970 (Public Resources Code [PRC] Section 21000, et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

1.3 Public Review Process

The Initial Study and the proposed Mitigated Negative Declaration will be circulated for public review for a period of 30 days, pursuant to CEQA Guidelines Section 15073(a). The City of Rohnert Park will provide public notice at the beginning of the public review period.

Initial Study

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Initial Study

2 INITIAL STUDY CHECKLIST

Project title:

The Residences at Five Creek and City Public Safety / Public Works Facilities

Lead agency name and address:

City of Rohnert Park
Development Services
130 Avram Avenue
Rohnert Park, CA 94928-2486

Contact person and phone number:

Jeffrey Beiswenger, Planning Manager
(707) 588-2253

Project location:

Labath Avenue/Martin Avenue, Rohnert Park, CA
APN: APN 143-040-124

Project sponsor's name and address:

MW Investments LLC
1278 Glenneyre Street, Suite 439
Laguna Beach, CA 92651

City of Rohnert Park
130 Avram Ave
Rohnert Park, CA 94928-2486

General plan and zoning designations:

| Project Parcel | General Plan Designation | | Zoning | |
|---|--------------------------|---|---------------------|---------------------|
| | Existing | Proposed | Existing | Proposed |
| Residences at Five Creek Site APN 143-040-124 (12.5 acres +/-) | Regional Commercial | Regional Commercial; High Density Residential; and Parks/Recreation | Planned Development | Planned Development |
| City Public Safety/Public Works Facilities Site APN 143-040-124 (3.0 acres +/-) | Public/Institutional | Public/Institutional | Planned Development | Planned Development |

Initial Study

Description of project and environmental setting:

The proposed project would amend the Stadium Area Master Plan (SAMP) Final Development Plan to include changes associated with two proposed development projects within the Plan area: the Residences at Five Creek and the City Public Safety / Public Works facilities (collectively referred to as the “proposed project”). Details related to the proposed project components are provided below.

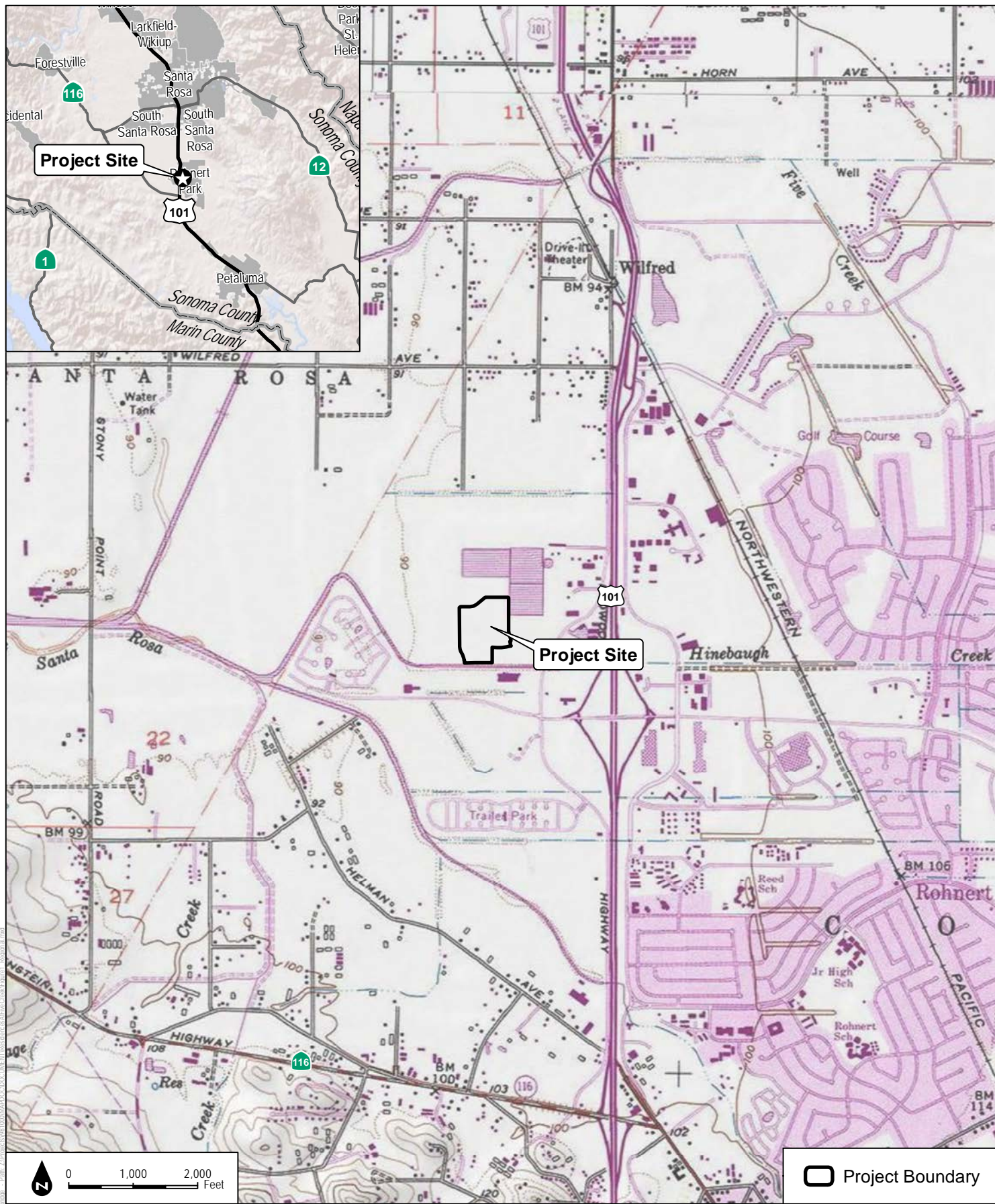
Project Location and Site Characteristics

As shown on **Figure 1 Regional Location Map**, the project site is located within the City of Rohnert Park, Sonoma County, California. The project parcel is approximately 15.30 acres within the 32.80-acre SAMP area. The SAMP Final Development Plan, adopted by the City of Rohnert Park in February 2008 and amended in 2013, provides standards for development within the 32.80-acre SAMP area, which is located in the northwest corner of the City.

The project parcel is composed of two related project sites. The Residences at Five Creek site is approximately 12.60 acres total located west of Highway 101, bounded by Carlson Avenue on the north, Labath Avenue on the west, the extension of Martin Avenue on the south, and Dowdell Avenue on the east. The Residences at Five Creek site is mostly vacant and undeveloped land, except for a small, paved parking lot and planter strip located along a portion of the western site boundary (adjacent to Labath Avenue). The City Public Safety and Public Works site is approximately 3.0 acres in size located immediately south of the Residences at Five Creek site and north of Hinebaugh Creek, is also comprised of vacant, undeveloped land. **Figure 2 Aerial Photo Map** provides aerial imagery of the proposed project site. The entire project site is generally flat, sloping slightly to the southwest. The proposed project includes a subdivision to create a separate parcel for the City Public Safety and Public Works site.

Surrounding Land Uses and Setting:

The project site is located in the northwest portion of the City in an area predominately characterized by existing commercial and industrial/business uses. The site is located west of Highway 101, bounded by Carlson Avenue on the north, Labath Avenue on the west, Hinebaugh Creek on the south, and Dowdell Avenue on the east. The site is located adjacent to Costco, Ashley Furniture and KRCB Public Radio Station.



SOURCE: USGS 7.5-Minute Series Cotati Quadrangle

The Residences at Five Creek & City Public Safety Project

FIGURE 1
Regional Map

City of Rohnert Park



SOURCE: Bing Maps (2016)

DUDEK

The Residences at Five Creek & City Public Safety Project

FIGURE 2
Project Site

City of Rohnert Park

Initial Study

Background Documents and Plans:

Stadium Area Master Plan Final Development Area Plan and EIR

In 2008, the City of Rohnert Park City Council adopted the SAMP Final Development Plan that provided standards for development within the 29.8-acre SAMP area. Land uses within the boundaries of the 2008 SAMP included: High Density Residential (12-24 units/acre), Commercial-Regional, and Parks/Recreation.

An Environmental Impact Report (EIR) was prepared for the SAMP (SCH# 2005042111). The EIR evaluated the programmatic impacts of Plan adoption and was certified by the City Council in June 2008. Several mitigation measures included in the adopted EIR are required to be implemented as projects develop within the Plan area. Components of the EIR and applicable mitigation measures are discussed within this Initial Study.

Amended in 2013 to include an additional 3.0-acre parcel for development of high density residential units, the total development area within the SAMP currently stands at 32.8 acres. The 2013 amendment also included changes to allow for future development of a new City of Rohnert Park Department of Public Safety facility on approximately 3.0-acre parcel within the SAMP. The site designation for the Public Safety facility was amended from Regional Commercial to Public/Institutional. Mitigated Negative Declarations (MNDs) were prepared to evaluate the changes associated with the 2013 amendments and the amendments were approved by the City Council in November 2013.

One housing project, the Fiori Estates 244 apartment complex project has been completed since approval of SAMP amendments in 2013. A second housing project, The Reserve 84 unit apartment complex is currently under construction and nearing completion. Both apartment complexes are located north of Hinebaugh Creek, south of Business Park Drive, west of Costco and east of Labath Avenue.

Project Characteristics

As previously mentioned, the proposed project would include amendments to the SAMP to include changes associated with the Residences at Five Creek development and the City Public Safety / Public Works development. The proposed project would also include a General Plan Amendment to designate additional High Density Residential land in the SAMP area (currently designated Commercial - Regional) to allow for the additional residential development. The Residences at Five Creek development would include multifamily residential units, commercial land uses, a hotel, and a neighborhood park. The Public Safety facility, which would be constructed on the southern site, includes

Initial Study

plans for a future City of Rohnert Park Public Safety facility, as anticipated in the SAMP, and relocation of the City's Public Works offices and corporation yard. Additional details related to these developments are provided in the subsequent paragraphs.

Residences at Five Creek: The Residences at Five Creek project applicant, MW Investments LLC, is proposing a mixed use development consisting of a 132-room hotel, 34,300 square feet (sf) of retail and commercial uses, approximately 135 multi-family residential units, and a 0.65-acre public park on the roughly 12.50-acre parcel. **Figure 3 Residences at Five Creek Conceptual Site Plan** shows the proposed layout for land uses within the project site. As shown on the site plan, the hotel would be located in the southwestern corner of the parcel, adjacent to Labath Avenue and the extension of Martin Avenue extension. The retail and commercial uses would be located adjacent to Dowdell Avenue and Martin Avenue. The multi-family residential apartment complex would be in the northern half of the parcel, adjacent to Carlson Avenue and extending from Labath Avenue to Dowdell Avenue. The park would be located parallel to Carlson Avenue in the northeastern corner of the parcel. The following provides a summary of each of the proposed land uses for the Residences at Five Creek project:

Hotel: A 132-room hotel would be constructed on approximately 2.5 acres of the parcel. The building footprint is approximately 30,000 sf and the total building area would be approximately 75,721 sf. The hotel is proposed to be 4 stories in height. The maximum height limit in the Regional Commercial zone is 65 feet. 139 parking spaces would be provided to satisfy the City's parking requirement of 102 spaces total.

Commercial: The commercial retail area would be developed on approximately 3.4 acres of the parcel. The total proposed building area is a one-story in height and 34,300 sf. 125 parking spaces would be provided to satisfy the City's parking requirement of 106 spaces.

High Density Residential: The 135-unit multi-family development would be located on approximately 6.1 acres of the parcel, for a density of 22.2 dwelling units per acre. 55 of the units would be one-bedroom, 74 would be two-bedrooms, and 6 would be three-bedrooms. Buildings are proposed to be three-stories. The maximum height limit in the Residential – High Density zone is 45 feet. A 4,000 sf community building is proposed to be centrally located within the complex. 252 parking spaces are proposed to satisfy the City's parking requirement of 251.8 spaces total.

Z:\Projects\981000\MAPDOC\DOCUMENT\ResidencesAtFiveCreek\Figure3_SitePlan.ai



SOURCE: ktgy Architecture + Planning (2016)

DUDEK

The Residences at Five Creek & City Public Safety Project

FIGURE 3
Residences at Five Creek Site Plan

City of Rohnert Park

Initial Study

Park: The 0.65-acre park would be located in the northeast corner of the project site, adjacent to Carlson Avenue and a portion of the proposed multifamily residential units. Amenities proposed for the park include two bocce ball courts and a pavilion barbeque area.

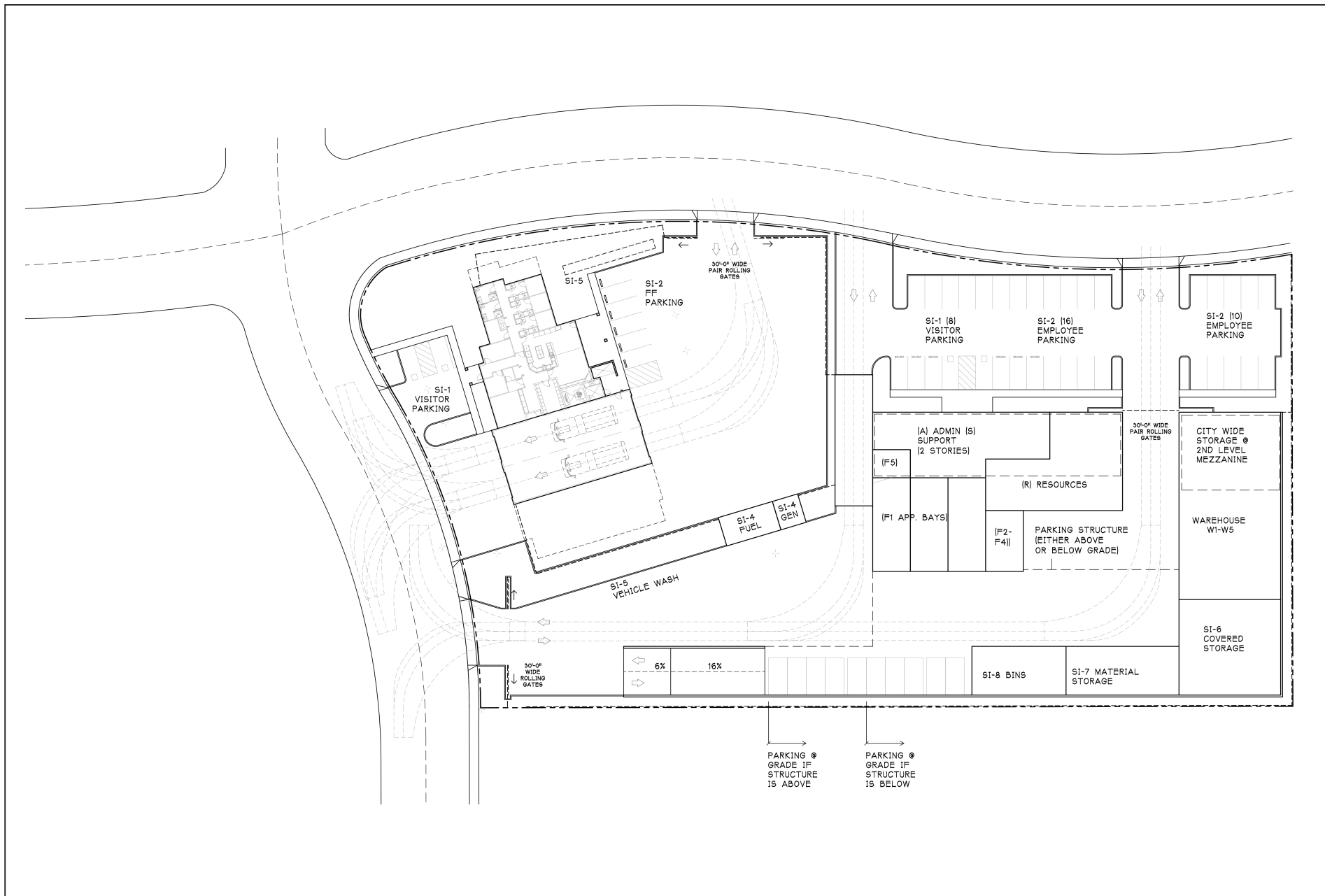
Access to the project site would be provided from Dowdell Avenue, Carlson Avenue, Labath Avenue and a proposed extension of Martin Avenue that would span from Dowdell Avenue to Labath Avenue. The project includes the completion of frontage improvements on Carlson Avenue. The Project would not reconfigure any existing roadways. Parallel parking would be provided on both sides of the Martin Avenue extension. On-street parking would also be available on Labath Avenue and Carlson Avenue.

The Residences at Five Creek site would be constructed in two phases, with the hotel, residential apartments, and park developing first, followed by the commercial portion. Construction for the first phase of the project would be expected to take 12 months, and the second phase of construction would be completed approximately 6 months thereafter, although construction phasing could be extended. Heavy construction equipment would be required to form the drive aisles, parking lots, and building pads proposed throughout the site. The project would require the over excavation and recompaction of the first two feet of soil over the site, requiring approximately 40,800 cubic yards of earthwork. Earthwork would be balanced on-site. Staging for construction equipment will occur on the project site.

City Public Safety/ Public Works Facilities: The City is proposing to construct a new Public Safety facility (fire station) and Public Works offices and corporation yard on the approximately 3.0-acre site located immediately south of Martin Avenue and the site of the proposed Residences at Five Creek development. The undeveloped site is zoned for public facilities in the SAMP. **Figure 4 City Public Safety / Public Works Facilities Conceptual Site Plan** shows the preliminary proposed site layout.

Public Safety Facility: This facility would include an approximately 7,500 sf building comprised of approximately 3,000 sf for fire truck bays and approximately 3,500 for a “residential” living area for staff. The facility would also include approximately 3,000 sf of training area. The training area would consist of stairs and other props for firefighter training drills.

The station would include three full fire truck bays designed to hold at least one aerial apparatus and two pumper trucks along with other vehicles. A gasoline and diesel fueling station for fire trucks and other vehicles would be shared with the



Initial Study

Public Works corporation yard. The fire station would have up to four full-time firefighters occupying it at all times. The “residential” part of the fire station would function like a house on the inside and is where the staff would be stationed. There would be up to four bathrooms, four bedrooms, a full kitchen, a gym, a patio area, and a living room area.

The entire facility would have a backup generator onsite for power outages, as well as a data center with the city’s backup servers.

Public Works Facilities: The proposed Public Works facilities would accommodate 60 employees and include the following uses (note: all building sizes/areas are approximate):

- Administration building (approximately 6,400 sf): The administrative building would contain the Public Works administrative offices.
- Warehouse (approximately 8,060 sf): The warehouse would store parts for public work’s various repairs/ maintenance work. The warehouse would have roll up doors for commercial grade trucks to make deliveries on a regular basis. There would also be some vehicle storage in the warehouse while vehicles wait to be serviced by the maintenance shop.
- Maintenance shop/ wood shop/ metal shop (approximately 9,000 sf): The maintenance shop services all of the City vehicles, and would have a service pit for changing oil. Attached to it would be a wood and metal shop, where welding and woodcutting would take place.
- Hazardous materials storage area (approximately 2,500 sf): There would also a storage area designated to covered hazardous material storage, such as paint, pesticide, and cleaner
- Equipment shed/ storage (approximately 2,500 sf): A storage shed for lawn mowing equipment, tractors, etc. would also potentially be located onsite.
- There corporation yard would also include covered and open parking for up to 100 vehicles.

Water: The project would tie into the City water system to serve domestic and fire protection demands. Existing water mains are located in the streets adjacent to the project site. Labath Avenue contains an existing 8-inch water main, which currently has three 8-inch lines stubbed into the project. A 12-inch water main was installed in Dowdell Avenue with the construction of the Fiori Estates project to the north. The water main in Dowdell Avenue connects to an existing 12-inch main in Martin Avenue. The main in Martin Avenue ends just outside the project limits, at the existing edge of pavement at the

Initial Study

westerly end of Martin Avenue. A 12-inch water main was installed in Carlson Avenue with the construction of The Reserve at Dowdell project to the northeast. The water main in Carlson Avenue ties into the water main within Dowdell Avenue. As part of the project, the 12-inch water main in Carlson Avenue would be extended to the existing 8-inch water main in Labath Avenue, providing a looped water system around the project.

Recycled Water: The project would tie into the City recycled water system to serve irrigation demands. There are existing recycled water mains in the public streets adjacent to the project. Labath Avenue contains an existing 8-inch recycled water main, with a 4-inch lateral stubbed into the project. Also, a 2-inch service line currently serves irrigation needs for the existing parking lot in the northwest corner of the project. An 8-inch recycled water main was installed within Dowdell Avenue with the construction of the Fiori Estates project to the north.

New services would be required to serve irrigation demands for the hotel, retail, residential dwelling units, and the public park.

Wastewater: To serve wastewater demands, the project would tie into the existing City sanitary sewer system in the public streets adjacent to the site. Labath Avenue contains an existing 6-inch sanitary sewer directing effluent in a northerly direction. Carlson Avenue has an existing 6-inch sanitary sewer that connects into the system in Labath Avenue. An 8-inch sanitary sewer system was installed within Dowdell Avenue with the construction of the Fiori Estates project to the north. This system ties into an existing 8-inch system within Martin Avenue, which flows easterly to a trunk sewer within Redwood Drive.

Two, 6-inch sanitary sewer laterals were stubbed into the project property from the Dowdell system as part of the Fiori Estates project, which considered future flows from this project site as tributary to this system. There are also 6-inch sanitary sewer laterals stubbed into the project from Labath Avenue.

Stormwater: The project would require the construction of a new system to drain on-site runoff. This system would require a new 36" storm water outfall to Hinebaugh Creek, just west of the existing Labath Avenue Bridge. The line would run south of the project site then west across Labath Avenue just north of the Hinebaugh creek trail. New manholes would be constructed in Labath Avenue and another constructed in the Hinebaugh Creek trail approximately 20 feet west of Labath Avenue. The 36" storm water line would then extend underground from the creek trail manhole to a concrete collar. From the collar, the storm water line would slope underground at approximately a 0.5% grade to the outfall location, where it daylight into the creek. The invert of the outfall is approximately 12" above the creek bottom.

Initial Study

Construction of the storm water outfall area would consist of keying in riprap underneath and in front of the outfall location to dissipate high flows prior to entering the channel. Directly above the riprap and below the outfall pipe, a gravel sand substrate would be installed for low flow infiltration into the channel. Native backfill would be placed over the pipe once the outfall is constructed to return the channel to its original configuration. The small area of the creek slope that would be affected by the outfall and pipe construction would have an erosion mat placed on the topsoil. Seed for grasses would be established on top of the erosion mat, bringing the area disturbed during construction back to its original state.

The new storm drain system would be designed to accept runoff from 15.25 acres of the Residence at Five Creek site, the City Public Safety and Public Works site, and one additional adjacent parcel, for a total tributary area of 17.08 acres. The storm drain system would be designed to accommodate the 10-year storm event.

In addition to flood control, the City of Rohnert Park has adopted the City of Santa Rosa and County of Sonoma Storm Water Low Impact Design Technical Design Manual to address stormwater runoff quality and quantity from new development and redevelopment projects. To meet the design goal, the project would include gravel storage zones under vegetated areas within the site. CalGreen requirements would require a certain percentage of the Residence at Five Creek high density residential apartment complex to be paved with permeable materials, potentially allowing for additional runoff storage under the parking lot. The total volume of storage required for the project would be reduced based on the use of pollution prevention measures such as interceptor trees, impervious area disconnection, and vegetated buffers.

Sustainability Features: The project would include the following energy, water conservation, and solid waste diversion features to minimize greenhouse gas emissions and to promote more sustainable practices:

- The project would comply with current Title 24, Part 6, of the California Code of Regulations energy efficiency standards for electrical appliances and other devices at the time of building construction. The project would use high-efficiency LED lighting for outdoor areas.
- The project would comply with current Title 24, Part 6, of the California Code of Regulations energy efficiency standards for natural gas appliances and other devices at the time of building construction.
- The project would comply with CALGreen Tier 1 and result in reduced indoor and outdoor water use by 20%.

Initial Study

- The project would be required to be constructed in compliance with state or local green building standards in effect at the time of building construction.
- During both construction and operation of the project, the project would comply with all state regulations related to solid waste generation, storage, and disposal, including the California Integrated Waste Management Act, as amended. During construction, all wastes would be recycled to the maximum extent possible.

Entitlements and required approvals:

The project would require the following approvals:

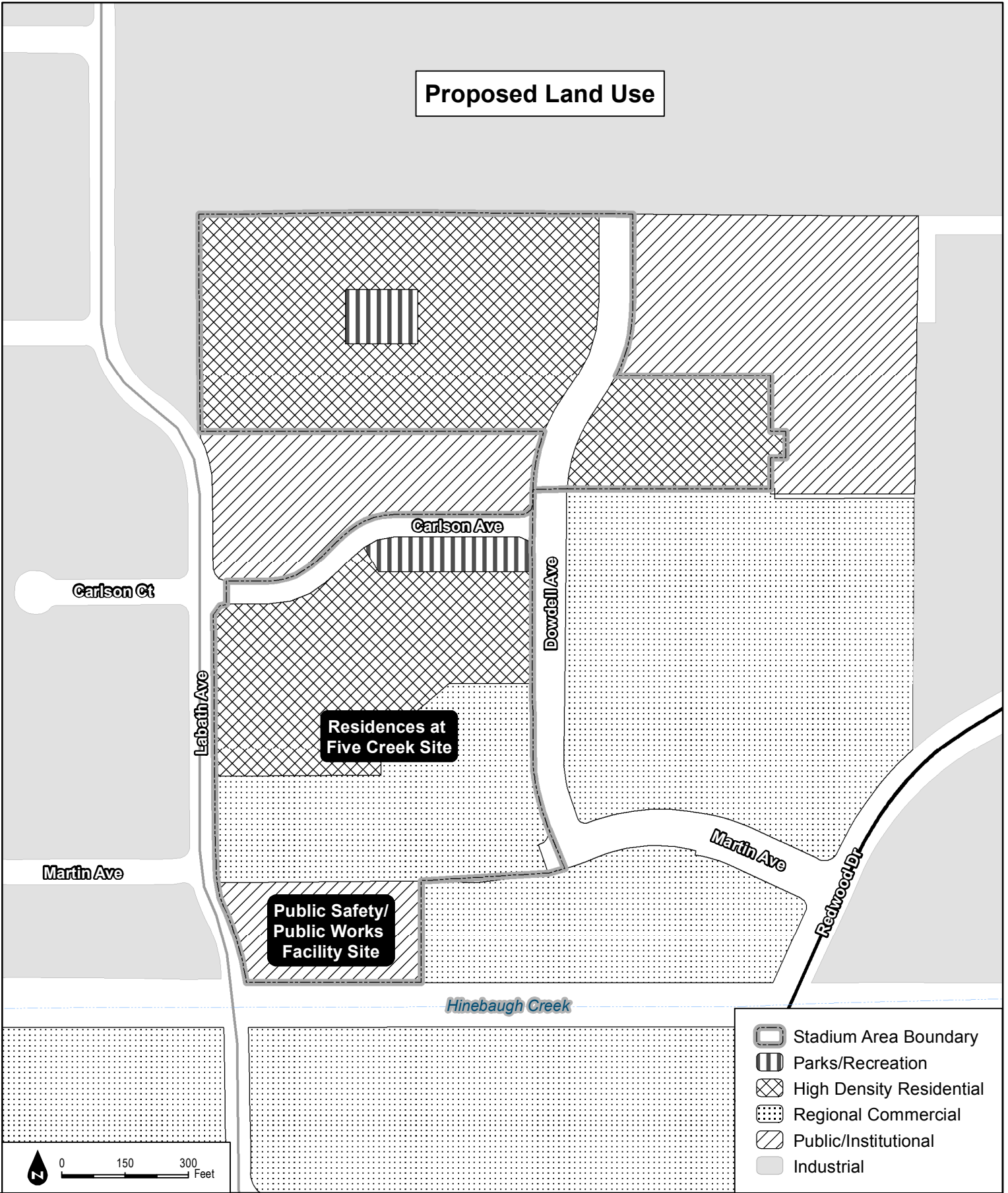
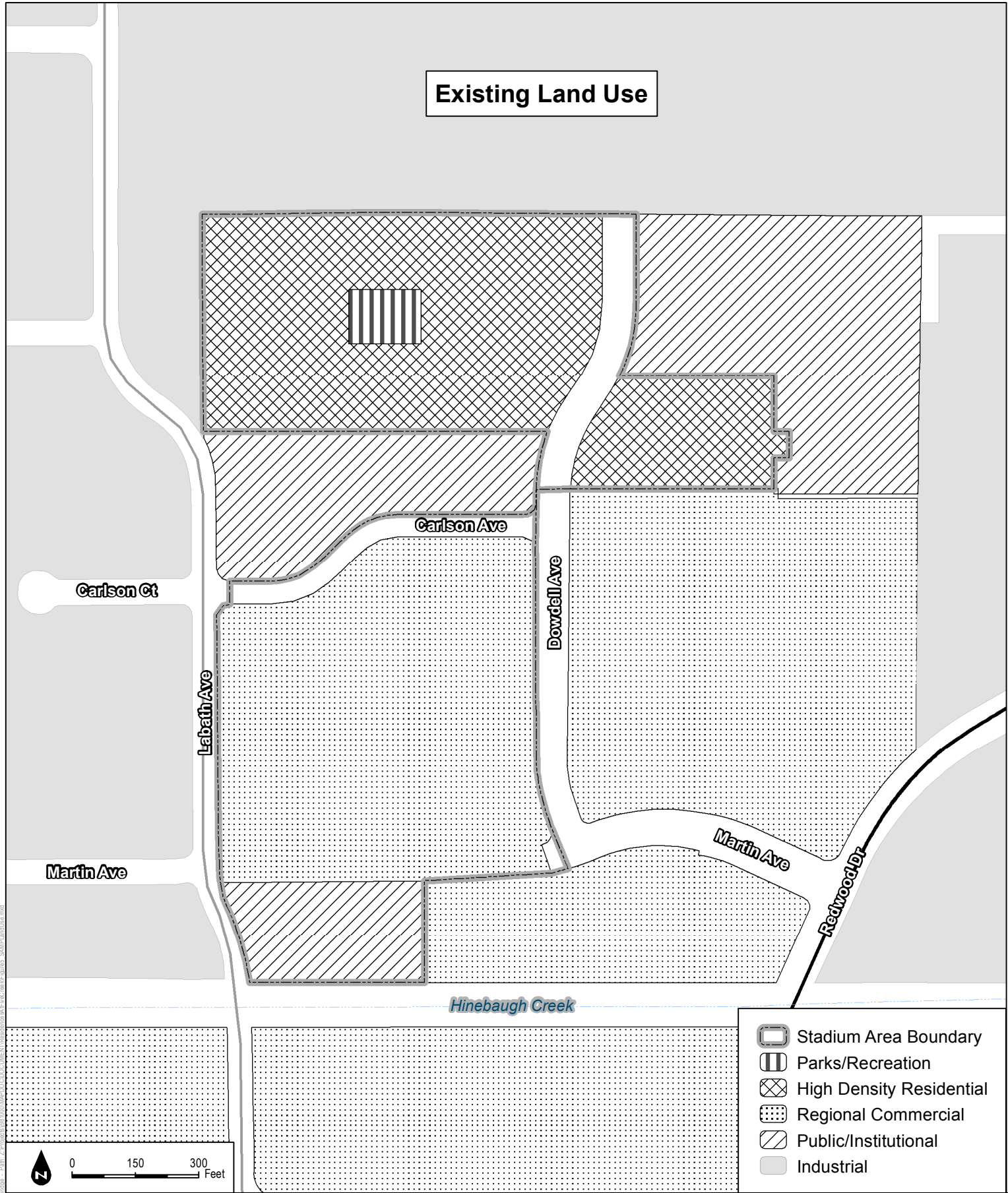
- General Plan Amendment;
- Amendment to Stadium Area Master Plan (Planned Development);
- Final Development Plan for the Residences at Five Creek;
- Development Agreement for the Residences at Five Creek;
- Tentative Map;
- Site Plan and Architectural Review;
- Conditional Use Permits;
- Section 404 Permit (U.S. Army Corps of Engineers) and Section 401 Water Quality Certification (Regional Water Quality Control Board; and
- Section 1602 Streambed Alteration Agreement (California Department of Fish and Wildlife)

General Plan Amendment

The project proposes to amend the City of Rohnert Park General Plan Diagram (General Plan Figure 2.2-1) to change the land use designation of the Residences at Five Creek parcel from Regional Commercial to Regional Commercial, High Density Residential, and Parks/Recreation.

SAMP Final Development Plan Amendment

Currently, the SAMP land use designation for the 12.70-acre Residences at Five Creek site is Regional Commercial. While this designation would allow for the hotel and commercial development, it would not allow for the proposed multifamily residential units or the park. To allow for the project as proposed, the SAMP would be amended to include High Density Residential and Parks/Recreation designations within the Residences at Five Creek site. As shown in **Figure 5 SAMP Land Use Map**, the project proposes to retain the Regional Commercial designation on 5.9 acres in the southern portion of the site. The project would add the High Density Residential land use designation to approximately 6.03 acres in the northern portion of the site and add the



Initial Study

Parks/Recreation designation to the approximately 0.65 acres located in the northeastern corner of the site.

In addition to the proposed SAMP land use map amendments, the project would also require an amendment to the text of the SAMP to allow for an increased number of residential units within the Plan area. Currently, the SAMP permits a maximum of 338 housing units. Combined, the existing Fiori Estates and Reserve apartment complexes (both also within the SAMP) account for 328 of those 338 allowable units. The addition of the proposed 135 multifamily units would result in 125 units over what is currently allowed in the SAMP. Accordingly, the SAMP would be amended to allow for up to a total of 463 residential units.

Additional minor text amendments to the SAMP document would also be required for internal consistency and to update outdated information.

Residences at Five Creek Final Development Plan

In accordance with the City of Rohnert Park Zoning Code 17.06. Article VII, the purpose of a “PD” Planned Development Zoning District is to set forth the standards for the development of a Final Development Plan. The Residences at Five Creek Final Development Plan would provide the specific development standards for the 12.70 acre site. The proposed Development Plan is included as Appendix A.

Residences at Five Creek Development Agreement

The City and project proponent have prepared a Development Agreement, which memorializes the manner in which the Project will be developed, constructed, completed and used, as more fully set forth in this Initial Study as well as other project approvals. The Development Agreement includes, among other things, requirements to ensure that the developer begins constructing the hotel concurrently with residential development and that the hotel receives a certificate of occupancy prior to the issuance of a certificate of occupancy for any residential development. The Development Agreement also requires the developer to implement a public services payment of \$800 per residential unit, adjusted by the Consumer Price Index, for the purpose of mitigating the costs of the residential development on the City and pay a one-time affordable housing payment of \$50,000. The DA obligates the developer to deliver an improved 0.65 acre park to the City. In addition, the agreement includes the requirement for the developer to purchase Greenhouse Gas Emission Offset Credits to mitigate the impacts of the project on greenhouse gases.

Tentative Map

Initial Study

The project includes a tentative map that would subdivide the proposed project parcel into five parcels. Parcel 1 (park) would be 0.65 acres, Parcel 2 (residential) would be 6.0 acres (+/-), Parcel 3 (hotel) would be 2.5(+/-) acres, Parcel 4 (retail) would be 3.4 acres (+/-), and Parcel 5 (City facilities) would be 3.0 acres (+/-).

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact,” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology and Soils |
| <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input checked="" type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation and Traffic | <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Initial Study

- ☐ I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

ENVIRONMENTAL BASELINE:

The 15.3 acres that comprise the Residences at Five Creek and City Public Safety/Public Works Facilities site is vacant and undeveloped land, with the exception of a small, paved parking lot and planter strip located along a portion of the western site boundary (adjacent to Labath Avenue). The site is disturbed as previously it was location of a stadium and associated facilities. All of the previous stadium features have been removed from the project site. The focus of this environmental review is the evaluation between the current conditions of the project area which are undeveloped and unused, and the increased density arising from the project as proposed as described in the Project Characteristics above.

EVALUATION OF ENVIRONMENTAL IMPACTS:

A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

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All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.

“Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

- a. Earlier Analysis Used. Identify and state where they are available for review.
- b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.

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The explanation of each issue should identify:

- d. The significance criteria or threshold, if any, used to evaluate each question; and
- e. The mitigation measure identified, if any, to reduce the impact to less than significance.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| I. AESTHETICS – Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

2.1 Aesthetics

a) *Would the project have a substantial adverse effect on a scenic vista?*

For purposes of this analysis, a scenic vista is defined as an expansive view of highly valued landscape feature (e.g. a mountain range, lake or coastline) observable from a publicly accessible vantage point. In the project vicinity, publically accessible vantage points are limited to public roads. The project site is located in an urban area that contains a mixture of existing regional commercial, public/institutional, and industrial uses. The project site is comprised of vacant, graded land which is void of scenic resources and unique natural features. The site is not designated, nor is it adjacent to, a designated scenic vista or a state scenic highway (City of Rohnert Park, 2015). As noted in the SAMP EIR, the Sonoma County General Plan identifies U.S. 101 and Petaluma Hill Road as designated scenic corridors (City of Rohnert Park, 2007). However, the SAMP area, which includes the project site, is not visible from either of those corridors. Accordingly, development of the project would result in **no impacts** to scenic vistas nor result in damage to scenic resources.

b) *Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

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Refer to answer provided in ‘a’ above.

c) ***Would the project substantially degrade the existing visual character or quality of the site and its surroundings?***

For the purposes of this analysis, a substantial degradation of the existing visual character or quality would occur if the project would introduce a new visible element that would be inconsistent with the overall quality, scale, and character of the surrounding development. As stated above, the site is located within the SAMP, a developed, urban area that contains a mixture of existing regional commercial, residential, public/institutional, and industrial park uses. The proposed development site is comprised of vacant, graded land. On the Residences at Five Creek parcel, the project would amend the land use from Regional Commercial to a combination of Regional Commercial, High Density Residential, and Parks/Recreation land uses. The SAMP currently allows for development of each of those types of land uses within the 32.8-acre Plan area. The proposed location for the City Public Safety and Public Works development is currently designated Public/Institutional in the SAMP. Thus, the proposed use of the site would be consistent with the planned use for the site in the SAMP.

The project site is presently undeveloped with sparse vegetation. Surrounding parcels within the SAMP support residential, industrial, commercial, and public facility land uses. The visual and urban design character of the project site will be influenced by both the developed uses in the area that include business park, office and commercial uses in addition to adjacent multi-family residential complexes. The existing conditions of the site do not provide substantial scenic value because the site is an undeveloped, generally flat parcel with little vegetation, trees or greenery surrounded by regional commercial, public/institutional, and light industrial buildings and development. The project would replace the undeveloped site with new buildings, enhanced landscaping and amenities that would complement the existing development in the direct vicinity of the project site. The proposed site plan would provide increased unity with its surroundings by adding buildings that comply with City standards and reflect a similar architectural design. Therefore, while development of the project site with high density residential, commercial, a park, and public facilities would change the visual character of the site, such changes will not result in significant impacts to visual character.

The project site is also located adjacent to the Hinebaugh Creek corridor, which supports riparian vegetation and trees. The project would not include alterations within the adjacent creek area, but it would construct a new offsite storm drain outfall at Hinebaugh Creek, west of the existing Labath Avenue Bridge. As discussed in the Project Description and in Section 2.4 Biological Resources, upon completion of construction of

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the storm water outfall area, native backfill would be placed over the pipe to return the channel to its original configuration. The small area of the creek slope that would be affected by the outfall and pipe construction would have an erosion mat placed on the topsoil. Seed for grasses would be established on top of the erosion mat, bringing the area disturbed during construction back to its original state. Construction of the new storm drain outfall would not be expected to result in significant changes to the visual character within the creek corridor.

In addition, because the project site is within the SAMP area, mitigation measures included in the SAMP EIR designed to reduce impacts to visual character, would be required to be implemented. Specifically, *Mitigation Measures AES-1* and *AES-2* (included as Mitigation Measures 4-1a and 4-1b in the SAMP EIR), which require design review pursuant to the City's guidelines, would ensure that the project's impacts to the visual character of the area remain **less than significant**.

d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Exterior lighting will be added to the proposed buildings on a parcel of land upon which there is currently no lighting. The project would increase nighttime lighting from vehicles, the interior streets, parking and buildings. However, due to the urbanized nature of the surrounding area, a significant amount of ambient nighttime lighting currently exists, which affects nighttime views in the area. Despite that the project would introduce new sources of light in the area, all future development on the project site must comply with the City of Rohnert Park's lighting and glare standards (Municipal Code Section 17.12.050). The development agreement requires compliance with this section of the Municipal Code. Accordingly, impacts associated with lighting and glare would be **less than significant**.

Mitigation Measures

Mitigation Measure AES-1 (SAMP EIR Mitigation Measure 4-1a from the SAMP EIR) requires that the project design conform to standards included in the City's General Plan Urban Design Element, the Community Design Program, and the City's Subdivision Design Guidelines. Mitigation Measure AES-2 (SAMP EIR Mitigation Measure 4-1b) would ensure that during site plan and architectural review, attention would be given to the interface between different land use types within the SAMP and building transitions are complimentary to adjacent uses. Implementation of these measures will ensure that the project's design would not change or be inconsistent with the visual character within the SAMP area.

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Mitigation Measure AES-1 (SAMP EIR Mitigation Measure 4-1a): The planning and design of projects constructed within the Stadium Area Master Plan shall conform to the Community Design Element of the Rohnert Park General Plan. Conformance review would occur prior to construction within the Project area utilizing the General Plan Urban Design Element, the Community Design Program, and the City's Subdivision Design Guidelines.

Mitigation Measure AES-2 (SAMP EIR Mitigation Measure 4-1b): During the site plan and architectural review of proposed projects pursuant to Mitigation Measure AES-1 (SAMP Mitigation Measure 4-1a), attention will be given to the interface between the industrial, institutional, commercial, and residential uses. The building and spaces shall be arranged to provide transition between uses that are complimentary to adjacent uses. The building materials, colors, linkage to sidewalks, parking placement, landscape design, and plant materials will be selected to provide a transition between uses to compliment the new and existing uses.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| II. AGRICULTURE AND FORESTRY RESOURCES – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project: | | | | |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.2 Agriculture and Forestry Resources

- a) *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

The proposed project site is located in an urban area and surrounding parcels within the SAMP support residential, industrial, commercial, and public facility land uses. The project site has previously been disturbed and does not contain land that is designated as prime agricultural soils by the Natural Resources Conservation Service. The site has not been identified as prime farmland, unique farmland or farmland of statewide importance by the California Department of Conservation. The site is not subject to a Williamson Act contract site pursuant to Sections 51200–51207 of the California Government Code (DOC, 2013).

In the SAMP, the Residences at Five Creek parcel is designated Regional Commercial and City Public Safety and Public Works site is designated Public/Institutional. Both parcels are zoned Planned Development (“PD”). The site is not planned for or used for any agricultural or forestry purposes and the proposed project would not result in the conversion of any agricultural or forest land, conflict with any agricultural use, or conflict with a Williamson Act contract.

In addition, the plan area is designated as developed land and not designated as farmland under the Farmland Mapping and Monitoring Program of the California Department of Conservation or the City of Rohnert Park General Plan (General Plan) (City of Rohnert Park, 2015 [originally adopted 2000]). No portion of the plan area could be considered forest land as defined in PRC Section 12220(g). Timberland (as defined by PRC Section 4526) or timberland-zoned timberland production (as defined by Section 51104[g] of the Government Code) is not present on-site, nor are any active or potential commercial timber operations present in the area. Therefore, **no impact** associated with agriculture and forestry resources would result from implementation of the proposed plan.

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- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Refer to answer provided in 'a' above.

- c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

Refer to answer provided in 'a' above.

- d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

Refer to answer provided in 'a' above.

- e) *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Refer to answer provided in 'a' above.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

2.3 Air Quality

Introduction

The Bay Area Air Quality Management District (BAAQMD) adopted updated CEQA Air Quality Guidelines, including new thresholds of significance in June 2010, and revised them in May 2011. The CEQA Air Quality Guidelines advise lead agencies on how to evaluate potential air quality impacts, including establishing quantitative and qualitative thresholds of significance. The BAAQMD resolutions adopting and revising the significance thresholds in 2011 were set aside by a judicial writ of mandate on March 5, 2012. In May of 2012, BAAQMD updated its CEQA Air Quality Guidelines to continue to provide direction on recommended analysis methodologies, but without recommended quantitative significance thresholds (BAAQMD 2012). On August 13, 2013, the First District Court of Appeal ordered the trial court to reverse the judgment and upheld the BAAQMD's CEQA thresholds. BAAQMD has not formally reinstated the thresholds or otherwise responded to this Appellate Court reversal at this time.

The air quality impact analysis below uses the previously-adopted 2011 thresholds of the BAAQMD to determine the potential impacts of the project. While the significance thresholds adopted by BAAQMD in 2011 are not currently recommended by the BAAQMD, these thresholds are based on substantial evidence identified in BAAQMD's 2009 Justification Report and are therefore used within this document. Project emissions have been compared to the BAAQMD 2011 significance criteria, which include the following:

- Result in total construction emissions of reactive organic gases (ROG), nitrogen oxides (NO_x), or fine particulate matter (PM_{2.5}) (exhaust) of 10 tons per year or greater or 54 pounds per day or greater.
- Exceed a construction emission threshold for coarse particulate matter (PM₁₀) (exhaust) of 15 tons per year or greater, or 82 pounds per day or greater.
- For PM₁₀ and PM_{2.5} as part of fugitive dust generated during construction, the BAAQMD Guidelines specify compliance with Best Management Practices as the threshold.
- Result in total operational emissions of ROG, NO_x, or PM_{2.5} of 10 tons per year or greater, or 54 pounds per day or greater.
- Exceed an operational emission threshold for PM₁₀ of 15 tons per year or greater, or 82 pounds per day or greater.

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- Result in carbon monoxide (CO) concentrations of 9.0 parts per million (ppm) (8-hour average) and 20.0 ppm (1-hour average) as estimated by roadway vehicle volumes exceeding 44,000 vehicles per hour at any intersection.
- For risks and hazards during construction and operations, the BAAQMD Guidelines specify an increase in cancer risk exposure by 10 in one million, contribute hazard indices by a ratio of 1.0, or increase local concentrations of PM_{2.5} by 0.3 micrograms per cubic meter (µg/m³).

A project's contribution to regional cumulative impacts for criteria pollutants are considered significant if the project's impact individually would be significant (i.e., if it exceeds the BAAQMD's quantitative thresholds).

With regard to localized cumulative impacts from PM_{2.5}, a significant cumulative air quality impact would occur if localized annual average concentrations of PM_{2.5} would exceed 0.8 µg/m³ at any receptor from project operations in addition to cumulative emissions sources within a 1,000-foot radius of the property line of the source or receptor. Sensitive receptors are groups of individuals, including children, the elderly, the acutely ill, and the chronically ill, that may be more susceptible to health risks due to chemical exposure. Sensitive-receptor population groups are likely to be located at hospitals, medical clinics, schools, playgrounds, childcare centers, residences, and retirement homes.

With regard to cumulative impacts from toxic air contaminants (TACs), a significant cumulative air quality impact would be considered to occur if the probability of contracting cancer for the maximally exposed individual (MEI) would exceed 100 in one million as a result of project operations plus cumulative emissions sources within a 1,000-foot radius of the project site. A significant cumulative TAC impact would also be considered to occur if a non-cancer chronic Hazard Index (HI) of 10.0 would be exceeded at any receptor as a result of project operations plus cumulative emissions sources within a 1,000-foot radius of the project site. Notably, a project's construction or operational impacts would be considered to result in a considerable contribution to an identified cumulative health risk impact if the project's construction or operation activities would exceed the project-level health risk significance thresholds identified above.

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

An area is designated as "in attainment" when it is in compliance with the federal and/or state standards. These standards are set by the U.S. Environmental Protection Agency (EPA) or California Air Resources Board (CARB) for the maximum level of a given air

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pollutant that can exist in the outdoor air without unacceptable effects on human health or public welfare with a margin of safety. The project site is located within the San Francisco Bay Area Air Basin, which is designated non-attainment for the federal 8-hour ozone (O₃) and 24-hour PM_{2.5} standards. The area is in attainment or unclassified for all other federal standards. The area is designated non-attainment for state standards for 1-hour and 8-hour O₃, 24-hour PM₁₀, annual PM₁₀, and annual PM_{2.5} (CARB 2016; EPA 2016).

The BAAQMD adopted the Bay Area 2010 Clean Air Plan (BAAQMD 2010), in cooperation with the Metropolitan Commission and the Association of Bay Area Governments, which sets forth a plan to reach compliance with the state's 1-hour air quality O₃ standard. The 2010 Clean Air Plan is an update to the BAAQMD 2005 Ozone Strategy to comply with State air quality planning requirements. The 2010 Clean Air Plan is a comprehensive strategy to reduce air pollution from stationary and mobile sources. The plan outlines strategies to reduce O₃ precursors as well as particulate matter (PM), TACs, and greenhouse gas (GHG) emissions to meet their goal of reducing air pollution to attain air quality standards and protect public health. Currently, the BAAQMD, the Metropolitan Commission, and Association of Bay Area Governments are working on the 2016 Clean Air Plan/Regional Climate Protection Strategy, which is an update to the current 2010 Clean Air Plan.

The BAAQMD Guidelines identify a three-step methodology for determining a project's consistency with the current Clean Air Plan. If the responses to these three questions can be concluded in the affirmative and those conclusions are supported by substantial evidence, then the BAAQMD considers the project to be consistent with air quality plans prepared for the Bay Area.

The first question to be assessed in this methodology is “does the project support the goals of the Air Quality Plan” (currently the 2010 Clean Air Plan)? The BAAQMD-recommended measure for determining project support for these goals is consistency with BAAQMD thresholds of significance. If a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation measures, the project would be consistent with the goals of the 2010 Clean Air Plan. Under BAAQMD methodology, for consistency with the 2010 Clean Air Plan, a project must demonstrate that the population or VMT assumptions contained in the Clean Air Plan would not be exceeding and that the project implements transportation control measures (TCMs) as applicable. As indicated in the following discussion with regard to air quality impact criterion “b”, the project would result in less than significant construction emissions with implementation of *Mitigation Measure AIR-1*, and would not result in long-term adverse air quality impacts. Therefore, the project would be considered to

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support the primary goals of the 2010 Clean Air Plan and, therefore, consistent with the current Clean Air Plan.

The second question to be assessed in this consistency methodology is “does the project include applicable control measures from the Clean Air Plan?” The 2010 Clean Air Plan contains 55 control measures aimed at reducing air pollution in the Bay Area. Projects that incorporate all feasible air quality plan control measures are considered consistent with the Clean Air Plan. The project includes amendments to the General Plan and SAMP. The SAMP area includes 328 multifamily residential units in addition to the proposed plans for an additional 135 multifamily residential units, 34,400 sf of commercial space, a 132-room hotel, a 0.65-acre park, and a future City of Rohnert Park Public Safety and Public Works facilities. The control strategies of the 2010 Clean Air Plan include measures in the traditional categories of stationary source measures, mobile source measures, and transportation control measures. The 2010 Clean Air Plan identifies two new subcategories of control measures, including land use and local impact measures and energy and climate measures. Stationary source measures are not specifically applicable to the proposed project and therefore are not evaluated as part of this analysis.

- a) **Transportation and Mobile Source Control Measures:** The transportation control measures are designed to reduce emissions from motor vehicles by reducing vehicle trips and vehicle miles traveled in addition to vehicle idling and traffic congestion. Measures proposed to be included in the project include providing residents and employees transit availability information, including carpool and/or car sharing parking space, electric vehicle parking and provision of bicycle parking. The proposed project would not conflict with the identified transportation and mobile source control measures of the 2010 Clean Air Plan.
- b) **Land Use and Local Impact Measures:** The 2010 Clean Air Plan includes Land Use and Local Impacts Measures (LUMs) to achieve the following: promote mixed-use, compact development to reduce motor vehicle travel and emissions; and ensure that planned growth is focused in a way that protects people from exposure to air pollution from stationary and mobile sources of emissions. The LUMs identified by the BAAQMD are not specifically applicable to the proposed project as they relate to actions the BAAQMD will take to reduce impacts from goods movement and health risks in affected communities. Therefore, the project would not conflict with any of the LUMs of the 2010 Clean Air Plan.

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- c) **Energy Measures:** The 2010 Clean Air Plan also includes Energy and Climate Control Measures (ECM), which are designed to reduce ambient concentrations of criteria pollutants and reduce emissions of CO₂. Implementation of these measures is intended to promote energy conservation and efficiency in buildings throughout the community, promote renewable forms of energy production, reduce the “urban heat island” effect by increasing reflectivity of roofs and parking lots, and promote the planting of (low-VOC-emitting) trees to reduce biogenic emissions, lower air temperatures, provide shade, and absorb air pollutants. The proposed project would incorporate energy efficiency and green building measures (CAL Green Tier 1 standards) in compliance with state and/or local standards and would not conflict with any of the ECM measures.

The third question to be assessed in this consistency methodology is “does the project disrupt or hinder implementation of any control measures from the Clean Air Plan?” Examples of how a project may cause the disruption or delay of control measures include a project that precludes an extension of a transit line or bike path, or proposes excessive parking beyond parking requirements. The proposed project would not create any barriers or impediments to planned or future improvements to transit or bicycle facilities in the area and therefore, would not hinder implementation of Clean Air Plan control measures.

In summary, the responses to all three of the questions with regard to Clean Air Plan indicate project consistency and the proposed project, in accordance with the conclusions of the SAMP EIR, would not conflict with or obstruct implementation of the 2010 Clean Air Plan. This is a **less than significant** impact.

- b) ***Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?***

The California Emissions Estimator Model (CalEEMod) Version 2013.2.2 was used to estimate emissions from construction of the project, as well as operational emissions of the project plus the residential development included in the SAMP currently under construction to the north of the proposed project. CalEEMod is a statewide computer model developed in cooperation with air districts throughout the state to quantify criteria air pollutant and GHG emissions associated with the construction and operational activities from a variety of land use projects, such as residential, commercial, and industrial facilities. CalEEMod input parameters were based on information provided by the project applicant and/or default model assumptions.

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Construction. Construction emissions were estimated for the Residences at Five Creek mixed-use project (i.e., 135 multifamily residential units, 34,400 sf of commercial space, a 132-room hotel, a 0.65-acre park) and the City Public Safety and Public Works facilities. Standard construction methods would be employed for building construction. Sources of emissions would include: off-road construction equipment exhaust, on-road vehicles exhaust and entrained road dust (i.e., haul trucks, material delivery trucks, and worker vehicles), fugitive dust associated with site preparation and grading activities, and paving and architectural coating activities. Construction of the mixed-use portion of the project is anticipated to occur over approximately 29 months, from April 2017 through September 2019. Construction of the City of Rohnert Park Public Safety and Public Works development would overlap from April 2018 through April 2019. Construction would involve demolition of an existing parking lot, clearing and grubbing, and total grading of approximately 15-acres of the mixed-use and City sites. The proposed earthwork would balance on site and would not require import or export of soil. Detailed assumptions associated with project construction are included in Appendix B.

Average daily emissions were computed by dividing the total construction emissions by the number of active construction days, which were then compared to the BAAQMD construction thresholds of significance. Table 2.3-1 shows average daily construction emissions of O₃ precursors (ROG and NO_x), PM₁₀ exhaust, and PM_{2.5} exhaust during project construction associated with construction of the mixed-use and City facility developments.

Table 2.3-1
Average Daily Construction Emissions

| Year | ROG | NO _x | PM ₁₀ Exhaust | PM _{2.5} Exhaust |
|--------------------------------|-----------------------|-----------------|--------------------------|---------------------------|
| | <i>pounds per day</i> | | | |
| 2017-2019 Construction | 12.7 | 42.7 | 2.3 | 2.2 |
| BAAQMD Construction Thresholds | 54 | 54 | 82 | 54 |
| Exceed Threshold? | No | No | No | No |

Source: Appendix B

Note: Total overall construction emissions were estimated with CalEEMod for the mixed-use site and City site, summed together, and divided by 631 active work days to estimate the average daily emissions included in this table.

ROG = reactive organic gases; NO_x = oxides of nitrogen; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter

As shown in Table 2.3-1, construction of the proposed project would not exceed BAAQMD significance thresholds. Criteria air pollutant emissions during construction would be less than significant. In addition, by including the proposed project site in the SAMP, development of the project site and adjacent parcel would be required to implement *Mitigation Measure AIR-1* (SAMP EIR Mitigation Measure 5-2a). This would

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ensure that the proposed project would meet the BAAQMD requirements for implementation of Basic Construction Emission Control Measures and construction emissions would be reduced to a **less than significant** level.

Operations. Operation of the project would generate criteria pollutant (including ROG, NO_x, PM₁₀, and PM_{2.5}) emissions from mobile sources (vehicular traffic), area sources (consumer products, architectural coatings, landscaping equipment), and energy sources (natural gas appliances, space and water heating). To evaluate the amendments to the SAMP, the proposed Residences at Five Creek and the Public Safety/Public Works Facilities project along with the existing multifamily residential development currently under construction to the north were included in the operational emission estimation. The following land use development was assumed in the operational emissions modeling: 463 multi-family residential units (135 units associated with the Residences at Five Creek site), 132-room hotel, 0.65 acres of park, 34,300 sf of commercial space, fire station, corporation yard, 507 parking lot spaces totaling 4.56 acres and 1.7 acres of additional parking and paved surface areas.¹

CalEEMod was used to estimate daily emissions from the operational sources. The CalEEMod default trip rates for the land uses to be developed were adjusted to match the Traffic Impact Study for the project (W-Trans 2016). Table 2.3-2 summarizes the daily mobile, energy, and area emissions of criteria pollutants that would be generated by development of the land uses and compares the emissions to BAAQMD operational thresholds.

Table 2.3-2
Daily Operational Emissions

| Source | ROG | NO _x | PM ₁₀ | PM _{2.5} |
|--------------------------------------|-----------------------|-----------------|------------------|-------------------|
| | <i>pounds per day</i> | | | |
| Area | 23.8 | 0.4 | 0.7 | 0.7 |
| Energy | 0.2 | 1.9 | 0.2 | 0.2 |
| Mobile | 21.9 | 42.2 | 29.9 | 8.3 |
| Total | 45.9 | 44.6 | 30.7 | 9.2 |
| <i>BAAQMD Operational Thresholds</i> | <i>54</i> | <i>54</i> | <i>82</i> | <i>54</i> |
| Exceed Threshold? | No | No | No | No |

Source: Appendix B

Note: The values shown are the maximum summer or winter daily emissions results from CalEEMod.

¹ CalEEMod does not include land use categories that are specific to each of the proposed land uses, including public facilities and fire stations. As such, surrogate land uses were identified in CalEEMod to represent each of the land uses for the purposes of emissions modeling. Appendix B provides a breakdown of the land use assumptions.

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ROG = reactive organic gases; NO_x = oxides of nitrogen; PM₁₀ = coarse particulate matter; PM_{2.5} = fine particulate matter

As indicated in Table 2.3-2, operational emissions of ROG, NO_x, PM₁₀, and PM_{2.5} from the project plus the residential uses to the north would not exceed the BAAQMD significance thresholds during operations, and thus, the would have a **less than significant** impact in relation to regional operational emissions.

In regards to localized CO concentrations, according to the BAAQMD 2011 thresholds, a project would result in a less than significant impact if the following screening criteria are met:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The amendment to the SAMP necessary for the proposed project would generate minimal new traffic trips and would comply with the BAAQMD screening criteria. Accordingly, project-related traffic would not exceed CO standards and therefore, no further analysis was conducted for CO impacts. This CO emissions impact would be considered **less than significant** on a project-level and cumulative basis.

- c) *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

Past, present, and future development projects may contribute to the region's adverse air quality impacts on a cumulative basis. Per BAAQMD's CEQA Guidelines, by its nature air pollution is largely a cumulative impact; no single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds

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the identified significance thresholds, its emissions would be considered cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, if the proposed project's emissions are below the BAAQMD thresholds or screening criteria, then the proposed project's cumulative impact can be considered to be less than significant.

As described in criterion "b" above, criteria pollutant emissions generated by short-term construction and long-term operations of the project would not exceed the BAAQMD significance thresholds. Thus, the project would have a less than significant cumulative impact in relation to regional emissions. In addition, project-related traffic would not exceed the BAAQMD CO screening criteria and would result in a **less than significant** cumulative impact in relation to localized CO.

d) Would the project expose sensitive receptors to substantial pollutant concentrations?

The BAAQMD has adopted project and cumulative thresholds for three risk-related air quality indicators for sensitive receptors: cancer risks, noncancer health effects, and increases in ambient air concentrations of PM_{2.5}. These impacts are addressed on a localized rather than regional basis and are specific to the sensitive receptors identified for the project. As explained in the introduction, sensitive receptors are groups of individuals, including children, the elderly, the acutely ill, and the chronically ill, that may be more susceptible to health risks due to chemical exposure and sensitive-receptor population groups are likely to be located at hospitals, medical clinics, schools, playgrounds, childcare centers, residences, and retirement homes.

Construction Impact. Project construction activities would produce diesel particulate matter (DPM) and PM_{2.5} emissions due to equipment such as loaders, backhoes, and haul truck trips. These emissions could result in elevated concentrations of DPM and PM_{2.5} at nearby receptors, which could lead to an increase in the risk of cancer or other health impacts. Consequently, a health risk assessment was performed to determine the extent of increased cancer risks and hazard indices at the maximally exposed receptors. The dispersion of DPM was modeled using the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) dispersion model and the resultant health risk modeled using the CARB Hot Spots Analysis and Reporting Program Version 2 (HARP2), along with meteorological data provided by the BAAQMD for the project area. The risk to nearby sensitive receptors assumes exposure would occur 8 hours per day, five days per week, to account for the active construction duration. HARP2 performs the health impact calculations based on the Office of Environmental Health Hazards Assessment's (OEHHA's) 2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2015),

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which include updated age sensitivity factors and daily breathing rates recommended by OEHHA. The approach recommended in the 2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments provides updated calculation procedures that factor in the increased susceptibility of infants and children to carcinogens as compared to adults.

The maximally exposed receptor would be the nearest residence currently under construction approximately 180-feet to the northeast of the project, located across Dowdell Avenue. Potential health risk at the MEI resulting from construction activities are shown in Table 2.3-3 below.

**Table 2.3-3
Construction-Related Health Risk**

| Residential MEI | Cancer Risk (persons per million) | Chronic Impact | PM _{2.5} Concentration (µg/m ³) |
|---|-----------------------------------|----------------|--|
| Unmitigated Project Construction | 25.6 | 0.01 | 0.07 |
| <i>BAAQMD Significance Criteria</i> | 10 | 1 | 0.3 |
| Exceed Threshold? | Yes | No | No |
| Mitigated Project Construction ^a | 5.6 | 0.003 | 0.02 |
| <i>BAAQMD Significance Criteria</i> | 10 | 1 | 0.3 |
| Exceed Threshold? | No | No | No |

Source: Appendix B

Note: DPM exposure at receptors modeled with AERMOD, which were then input into HARP2 to generate health risk estimates.

MEI = Maximally Exposed Individual

^a Mitigation includes incorporation of Level 3 Verified Diesel Emissions Control (VDEC) in equipment with engines greater than 50 horsepower.

As shown in Table 2.3-3, the incremental cancer risk at the MEI of 26 in one million (assuming exposure starts in 3rd trimester) from project construction would exceed the BAAQMD threshold of 10 in a million without mitigation. With incorporation of mitigation, the project would result in incremental cancer risk of 6 in one million. The unmitigated and mitigated chronic HI would be 0.01 and 0.003 at the MEI, respectively, which would be below the BAAQMD threshold of 1. Finally, the maximum annual PM_{2.5} unmitigated and mitigated concentrations would be 0.07 µg/m³ and 0.02 µg/m³ for the MEI, respectively, which is below the BAAQMD threshold of 0.3 µg/m³. Project health risk impacts would thus be less than significant after mitigation.

Implementation of *Mitigation Measures AIR-1* and *AIR-2* would ensure that project-generated fugitive dust and exhaust (criteria pollutant and TACs) during construction would be reduced to a **less than significant** level.

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Operational Impact. In regards to long-term operational sources of TACs, there would be a diesel and gasoline fueling station for City vehicles at the Public Safety and Public Works site. Although the fuel station would be a source of TACs, a permit would be required from the BAAQMD in order to ensure potential health risk impacts at sensitive receptors in the vicinity would be less than significant. The City of Rohnert Park Public Safety and Public Works facility will also need an emergency generator permitted by the BAAQMD to ensure that air pollutant emissions are minimized and that any potential health risk would be **less than significant**.

Cumulative Health Risk. Cumulative health risk assessment is included in order to evaluate land use compatibility for the future sensitive residential receptors located at the project. TACs produced at distant locations do not readily combine to create concentrations at any single location that would cause health risks. The BAAQMD method for determining health risk requires the review of health risk from permitted sources, railroads, and major streets in the vicinity of a project site (i.e., within 1,000 feet of the proposed new sensitive receptors on the project site), then adding the project operational impacts to determine whether the cumulative health risk thresholds are exceeded. The primary sources of existing TACs in the project vicinity are several gas stations. BAAQMD has developed a geo-referenced database of permitted emissions sources throughout San Francisco Bay Area for estimating health risks to new sensitive receptors from existing permitted sources. Unlike for a project level assessment, for the cumulative assessment the risks from all sources within 1,000 feet of project sensitive receptors are summed and compared to a cumulative significance threshold.

Notably, no onsite stationary sources of TACs are assumed and project-generated diesel traffic would be negligible. A summary of the cumulative health impacts is found in Table 2.3-4. The cumulative MEI is assumed to be at the project site and exposed to maximum risk from all sources, which would be a conservative assessment.

**Table 2.3-4
Cumulative Health Impacts**

| Facility | Distance from Project (feet) | Cancer Risk (persons per million) | Chronic Impact | PM _{2.5} Concentration (µg/m ³) |
|---|------------------------------|-----------------------------------|--------------------|--|
| CA Highway Patrol – Gas Station (6100 Labath Avenue) | 435 | 1.0 ^a | 0.005 ^a | -- |
| Costco Gasoline | 530 | 26.4 ^a | 0.09 ^a | -- |
| Kacees World of Water – Gas Station (320 Rohnert Park Expressway) | 780 | 1.0 ^a | 0.005 ^a | -- |
| Total | | 28.4 | 0.1 | 0.0 |
| <i>BAAQMD Cumulative Significance Criteria</i> | | 100 | 10 | 0.8 |

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| Exceed Threshold? | No | No | No |
|-------------------|----|----|----|
|-------------------|----|----|----|

Source: Appendix B

^a Cancer Risk and Chronic Hazard values for the source generator was adjusted using the BAAQMD Gas Station Distance Multiplier.

As shown in Table 2.3-4, the cumulative cancer risk from all sources within 1,000 feet of proposed sensitive receptors would be approximately 28 in one million, which would be below the BAAQMD cumulative threshold of 100 in one million and would be less than significant. The cumulative hazard index from all such sources would be approximately 0.1, which would be below the significance threshold of 10 and would be less than significant. The cumulative PM_{2.5} concentration would be approximately 0.0 µg/m³, which would be below the significance threshold of 0.8 µg/m³ and hence is considered **less than significant**.

e) Would the project create objectionable odors affecting a substantial number of people?

BAAQMD has identified typical sources of odor in the CEQA Air Quality Guidelines, a few examples of which include manufacturing plants, rendering plants, coffee roasters, wastewater treatment plants, sanitary landfills, and solid waste transfer stations. While sources that generate objectionable odors must comply with air quality regulations, the public's sensitivity to locally produced odors often exceeds regulatory thresholds. The project would not include uses that have been identified by BAAQMD as potential sources of objectionable odors.

Notably, the City wastewater pump station is located on a parcel northeast of the project site. As discussed in the SAMP EIR, pump stations such as this one are not generally large sources of odors (City of Rohnert Park 2007). Since preparation of the SAMP EIR, there has been no increase in odors, nor any anticipated increases, from current or future wastewater treatment or light industrial uses. Recent discussions with City pump station staff indicate that a slight odor can occasionally be detected, depending on wind conditions, within the pump station property and immediate vicinity. The staff also indicated that the odor can occasionally be detected outside the pump station fenced area and to the east, rarely to the west (City of Rohnert Park 2013). In the event odor complaints are received by the BAAQMD from sources including the existing pump station or possible future permitted industrial uses, the agency will investigate and require odor abatement, if necessary under the provisions of BAAQMD Regulation 7, Odorous Substances. Overall, potential odor impacts would be **less than significant**.

Mitigation Measures

Mitigation Measure AIR-1 (SAMP EIR Mitigation Measure 5-2a): Each project sponsor is responsible for ensuring that the contractor reduces particulate, reactive organic

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gas (ROG), oxides of nitrogen (NO_x), and carbon monoxide (CO) emissions by complying with the air pollution control strategies developed by the BAAQMD. Each project sponsor and contractor shall develop emission control strategies that implement the following control measures based on BAAQMD guidelines:

Dust Control Measures:

For all construction sites:

- Cover all trucks hauling construction and demolition debris from the site.
- Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving, and other site preparation activities.
- Use watering to control dust generation during demolition of structures or break-up of pavement.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas.
- Sweep daily (with water sweepers) all paved areas and staging areas.
- Provide daily clean-up of mud and dirt carried onto paved streets from the site.
- Renovation, demolition activities, removal or disturbance of any materials that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.
- Properly maintain all construction equipment.

For construction sites near sensitive receptors (or if residential development occurs prior to commencement of commercial development):

- Install wheel washers for all existing trucks, or wash off the tires or tracks of trucks and equipment leaving the site.
- Suspend dust-producing activities during periods when instantaneous gusts exceed 25 miles per hour when dust control measures are unable to avoid visible dust plumes.

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- Limit the area subject to excavation, grading and other construction or demolition activity at any one time.

For sites greater than four acres:

- Apply soil stabilizers to previously graded portions of the site inactive for more than ten days or cover or seed these areas.
- Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Replant vegetation in disturbed areas as soon as possible.

Construction Exhaust Mitigation Measures

The potential air quality impacts from toxic air contaminant emissions from construction equipment and operations will be reduced with compliance with BAAQMD air pollution control strategies. Construction firms shall be required to post signs of possible health risk during construction. The developer is responsible for compliance with the BAAQMD rule regarding cutback and emulsified asphalt paving materials. In addition, the construction contractors will implement a plan to use newer construction equipment that meets the NO_x emissions standard of 6.9 grams per brake-horsepower hour for work constructed within 200 feet of residences.

Mitigation Measure AIR-2: The project applicant shall ensure that construction contract specifications include a requirement that all off-road diesel-powered construction equipment used for project development with engines greater than 50 horsepower be equipped with a Level 3 Verified Diesel Emissions Control (VDEC).

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|--------------------------|
| IV. BIOLOGICAL RESOURCES – Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.4 Biological Resources

- a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

As discussed in the SAMP EIR, biological studies completed in the project area did not locate special status plant species, but the area was classified as having suitable habitat for several special status animal species. The EIR determined that grasslands in the project vicinity would be suitable as foraging habitat by birds, including special status species. Although no special status species were observed to be nesting within the SAMP area, future development within the project site would be required to implement preconstruction *Mitigation Measure BIO-1* (included in the SAMP EIR as Mitigation Measure 6-4a) to ensure potential impacts to nesting birds remain less than significant.

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The project area is also located within the potential range of the Sonoma County California tiger salamander (CTS) and the northwestern pond turtle (City of Rohnert Park, 2007). According to the SAMP EIR, the northwestern pond turtle, a California species of special concern, would be unlikely to occur in the project area due to existing roadways (including gutters and curbs) and surrounding development. The CTS is a federally endangered and California species of special concern. No CTS or special status plant species were found in any of the wetlands surveyed in 2001-2002 and 2005. In addition, the U.S. Department Fish and Wildlife Service (USFWS) issued a letter, included as Appendix B to the SAMP EIR, determining that development in the SAMP area, including the project site, would be unlikely to affect CTS. The SAMP EIR further concluded that neither surveys nor mitigation would be required for the CTS in the SAMP area, including the project site (City of Rohnert Park, 2007). Subsequent correspondence with the USFWS (2015) has confirmed that “the letter for this project was a determination of not likely to result in take of listed species and since ground disturbance has already occurred on the site, no additional effects to listed species are expected from the further development of the site”.

Implementation of *Mitigation Measure BIO-1*, as discussed above, would ensure that future development at the project site would have a **less than significant** impact on species identified as a candidate, sensitive, or special status species.

b) *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

As noted in the SAMP EIR, there are no riparian areas located within the SAMP area (City of Rohnert Park, 2007). The Hinebaugh Creek Flood Channel is located immediately south of the City Public Safety / Public Works site, but the proposed project does not include alterations within the adjacent creek area.

A Wetland Delineation conducted by North Fork Associates for the SAMP area, including the proposed project site, found no occurrence of vernal pools or other natural wetlands (NFA, 2003). Approximately .43-acres of disturbed, low-quality seasonal wetland areas were found to occur within the SAMP along the south and east side of the Residences at Five Creek parcel. However, those wetlands were not found to support any federally listed threatened or endangered plants. To mitigate for the impact associated with development within the SAMP and the loss of .43 acres of wetlands, the City purchased 0.5 acres of wetland mitigation (City of Rohnert Park, 2007). Accordingly, impacts to wetlands on the project site have previously been mitigated.

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For stormwater drainage, the project would include construction of a new offsite storm drain outfall into Hinebaugh Creek. Impacts to the bed, bank, or channel of streams adjacent to the outfall, including associated riparian habitat, would require a Streambed Alteration Agreement (Section 1602) from the California Department of Fish and Wildlife (CDFW). *Mitigation Measure BIO-3* requires the project to obtain a Streambed Alteration Agreement and comply with CDFW's specific measures to minimize or avoid impacts to any riparian areas affected.

A preliminary wetland assessment of the proposed new storm drain outfall at Hinebaugh Creek was conducted by Dudek in October 2016 (refer to Appendix D). Approximately 0.0026 acres of wetland areas were found to occur in the proposed outfall area.

Direct removal, filling, or hydrological interruption of a federally or state-protected wetlands as defined in the Clean Water Act and/or the Porter-Cologne Water Quality Control Act would be considered a significant impact. To ensure impacts to wetlands are reduced to a less than significant level, the proposed project would implement *Mitigation Measure BIO-2*. *Mitigation Measure BIO-2* requires that the project obtain required permits and fulfill compensatory mitigation requirements for wetland impacts.

Implementation of *Mitigation Measures BIO-2* and *BIO-3* would ensure that potential impacts to riparian areas would be reduced to a **less than significant** level.

- c) *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Refer to answer provided in 'b' above.

- d) *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The project site is located adjacent to Hinebaugh Creek but no development activities would occur within the creek corridor. In addition, because the project site and the surrounding areas are composed of urban development the project footprint does not function as an important corridor between larger open space wildlife areas. Therefore, the impact on wildlife corridors would be **less than significant**.

- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

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The project site is located within the area covered by the Santa Rosa Plain Conservation Strategy (USFWS, 2005). The purpose of the Conservation Strategy is to create a long-term conservation program to assist in the recovery of CTS and four listed plant species. The project site is identified in the Conservation Strategy as “Area Within 1.3 Miles of Known CTS Breeding Area.” As identified in the Conservation Strategy, impact to CTS is not likely on some lands within 1.3 miles from breeding sites that are surrounded by significant barriers or are otherwise unsuitable CTS habitat. As discussed in criterion ‘a’ above, no CTS have been identified on the project site and the USFWS has issued a letter stating that development in the SAMP area, including the project site, would be unlikely to affect CTS (City of Rohnert Park, 2007). Therefore, future development at the proposed project site would result in **no impact** to CTS nor result in conflicts with the Conservation Strategy.

The site is not included in any other local, regional, or state habitat conservation plan, and there are no protected trees (i.e., oaks and other native trees of significant size) located on the project site. **No impacts** to other local policies, ordinances or plans would be expected to occur from implementation of the project.

- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Refer to the answer in ‘e’ above.

Mitigation Measures

Mitigation Measure BIO-1 (SAMP Mitigation Measure 6-4a): Pre-construction surveys will be conducted for nesting raptors and bat roosts within 500 feet of construction activities a minimum of 48 and 24 hours before project construction activities. Nest searches will be conducted in December/January (if not earlier) before site construction begins and the vegetation within the construction area will be removed and/or mowed between August 31 and February 1 to minimize the potential for birds to nest within the construction areas. If nests are found with no eggs or young, the nest will be moved by a qualified biologist. If nesting birds with eggs or young are found during the surveys, one or more of the following measures may be implemented:

- An exclusion zone will be established around nests with eggs or young; the need for and size of the exclusion zone is based on factors such as species sensitivity, topography, and proximity to roads and buildings.

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- Construction activities in the area will be postponed until young are fledged
- The Biological Monitor will monitor the birds on the nest and stop construction if it appears that the birds will abandon the nest or young
- In consultation with the California Department of Fish and Wildlife (CDFW), the nests could be relocated to a nearby area or to an approved wildlife rehabilitation center.

To minimize the potential for birds to nest in the construction area, nest searches can be conducted and tree removal and other vegetation removal can be done between October 1 and February 1. This shall be noted on improvement plans, grading plans and building plans.

Mitigation Measure BIO-2: For any impacts to waters of the U.S., a Section 404 permit from the Corps and a Section 401 water quality certification from the Regional Water Quality Control Board shall be obtained and compensatory mitigation shall be provided for all impacts at a minimum 1 to 1 ratio according to the Corps Standard Operating Procedure for Determination of Mitigation Ratios. As part of the wetlands permitting process, the Corps must conduct a Section 7 consultation with the U.S. Fish and Wildlife Service for any potential impacts to listed species. The terms and conditions of USFWS's Biological Opinion (or Programmatic Biological Opinion) shall be implemented as part of the project.

Mitigation Measure BIO-3: For any impacts to the bed, bank, or channel of Hinebaugh Creek, subject to regulation under Section 1602 of the Fish and Game Code, the project applicant must apply for and obtain a Streambed Alteration Agreement from the CDFW. The area regulated by CDFW is the stream zone, which is defined as the area from top-of-bank to top-of-bank or the outside edge of the riparian canopy, whichever is widest. A Streambed Alteration Agreement from CDFW will be required prior to activities that will affect these features. A permit application can be submitted concurrently with the CEQA compliance process. All mitigation measures for impacts to waters of the state and riparian areas must be implemented in accordance with the terms and conditions of the Streambed Alteration Agreement.

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|---|------------------------------------|--------------------------|
| V. CULTURAL RESOURCES – Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2.5 Cultural Resources

a) *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

Historical resource is a term with a defined statutory meaning. (See Public Resources Code § 21084.1 and CEQA Guidelines §§ 15064.5(a), (b)). The term embraces any resource listed or determined to be eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest. In addition, historical resources are evaluated against the CRHR criteria prior to making a finding as to the project's impacts on historical resources.

Generally, resources must be at least 50 years old to be considered for the listing in the California Register. There are no structures or built-features on the project site and as such, there are no historical resources to be impacted. The impact on historic resources would be **less than significant**.

A cultural resources survey for the SAMP area, including the project site, was conducted between October 2004 and February 2005 (City of Rohnert Park, 2007). No archeological materials were encountered as a result of the surface reconnaissance within the SAMP area. The survey indicated that prior disturbance in the project area has greatly altered the terrain, and any archeological resources that may have once existed in the area of the prior activities have most likely been destroyed (City of Rohnert Park, 2007). No further research was recommended for buildings encountered during the survey.

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There are no known historic, archaeological, or paleontological resources or human remains onsite. It is unlikely that previously unknown cultural resources would be encountered during future site grading and construction. However, to ensure that impacts to cultural resources remain less than significant, should any such resources be encountered during project grading and construction, the project would be required to implement *Mitigation Measures CUL-1, CUL-2, and CUL-3*. These mitigation measures were identified as SAMP EIR Mitigation Measures 7.1a, 7.1b, and 7.3a, and were also included in the City of Rohnert Park General Plan EIR. With implementation of the aforementioned mitigation measures, impacts to cultural resources would be **less than significant**.

- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Refer to the answer provided in 'a' above.

- c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Refer to the answer provided in 'a' above.

- d) Would the project disturb any human remains, including those interred outside of formal cemeteries?*

Refer to the answer provided in 'a' above.

Mitigation Measures

Mitigation Measure CUL-1 (SAMP EIR Mitigation Measure 7.1a): If at any time during earth disturbing activities a concentration of artifacts or a cultural deposit is encountered, work shall cease in the immediate area and a qualified archeologist shall be contacted by the construction manager to evaluate the find and make further recommendations. Construction crews should be alerted to cultural resources which could consist of, but not be limited to, artifacts of stone, bone, wood, shell, or other materials; features, including hearths, structural remains, or dumps; areas of discolored soil indicating the location of fire pits, post molds, or living area surfaces.

Mitigation Measure CUL-2 (SAMP EIR Mitigation Measure 7.1b): If human remains are encountered anywhere on the project site, all work shall stop in the immediate vicinity of the discovered remains. Both the County Coroner and a qualified

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archeologist shall be notified by the construction manager immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission shall be contacted by the Coroner so that a “Most Likely Descendant” can be designated and recommendations for treatment solicited pursuant to CEQA Section 15064.5(e).

Mitigation Measure CUL-3 (SAMP EIR Mitigation Measure 7.3a): Per state law, in the event that paleontological resources or unique geologic features are encountered during construction, all earthwork within a 50 meter radius of the find will be stopped, the City of Rohnert Park notified, and a paleontologist retained to examine the find and make appropriate recommendations.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| VI. GEOLOGY AND SOILS – Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.6 Geology and Soils

a) *Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

i) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

The closest known active fault traces are those of the Rodgers Creek fault, approximately 3 miles northeast of the SAMP area and the San Andreas Fault, approximately 15 miles southwest (City of Rohnert Park, 2007).

As stated in the SAMP EIR, because the project area is about 3 miles from known traces of any potentially active fault and from known traces the nearest zoned active fault (the Rodgers Creek fault), fault-line surface rupture would not be a hazard within the project area (City of Rohnert Park, 2007). Impacts related to fault rupture potential would be **less than significant**.

ii) *Strong seismic ground shaking?*

As discussed in the SAMP EIR, the City of Rohnert Park will be subjected to at least one major earthquake during the useful economic life of the structures located in the SAMP area (City of Rohnert Park, 2007). Resulting vibration from a 7.1 magnitude earthquake on the Rodgers fault, which is located approximately 3 miles from the project area, could cause damage to buildings, roads and infrastructure, and could cause ground failures such as liquefaction or settlement in alluvium and poorly compacted soils (City of Rohnert Park, 2007). This would be considered a significant impact. However, as discussed in the SAMP EIR, the project would be required to implement *Mitigation Measure GEO-1* (SAMP EIR Mitigation Measure 8-2a), which requires compliance with state building code seismic requirements. This would ensure impacts related to ground shaking remain **less than significant**.

iii) *Seismic-related ground failure, including liquefaction?*

According to the SAMP EIR, liquefaction risk in the project area is considered to be low (City of Rohnert Park, 2007). Accordingly, impacts associated with liquefaction would be **less than significant**.

iv) *Landslides?*

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No landslide deposits have been mapped within the SAMP area or in the immediate vicinity (City of Rohnert Park, 2007). The California Geological Survey slope stability map of southern Sonoma County categorizes the project area as being of the greatest relative stability because there are no slopes steeper than 1 percent (City of Rohnert Park, 2007). Therefore, impacts associated with landslides would be **less than significant**.

b) *Would the project result in substantial soil erosion or the loss of topsoil?*

The existence of expansive soils within the SAMP area makes it necessary to ensure the soils used for foundation support are sound (City of Rohnert Park, 2007). An acceptable degree of soil stability can be achieved by the required incorporation of soil treatment programs (e.g. grouting, compaction, drainage control, lime treatment) in the excavation and construction plans to address site-specific soil conditions. The site-specific analysis is necessary for foundation support design in areas where unsuitable conditions are suspected. To ensure that the future development at the project site is not adversely affected by unstable soil conditions, the project would be required to implement *Mitigation Measure GEO-2* (SAMP EIR Mitigation Measure 8-3a). Implementation of *Mitigation Measure GEO-2*, which requires preparation of a site-specific soil analysis, would ensure that impacts related to expansive soils would remain **less than significant**.

c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Refer to the answer provided in 'b' above.

d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Refer to the answer provided in 'b' above.

e) *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No septic tanks or alternative wastewater disposal systems are proposed and the project would have **no impact** related to these types of wastewater disposal.

Mitigation Measures

Mitigation Measure GEO-1 (SAMP EIR Mitigation Measure 8-2a): To reduce the primary and secondary risks associated with seismically induced ground shaking at the site, it is necessary to take the location and type of subsurface materials into consideration when designing foundations and structures in the Master Plan area. In the City of Rohnert Park, residential, commercial and institutional buildings, bridges, pedestrian overcrossings, and all associated infrastructure are required to reduce the exposure to potentially damaging seismic vibrations through seismic-resistant design, in conformance with Chapter 16, Structural Design Requirements, Division IV, Earthquake Design, of the California Building Code. Because the Master Plan area is in the “near-source” area (within 3.1 miles of a known active fault) of the Rodgers Creek fault, Section 1629, Criteria Selection, of the Building Code requires special seismic design factors to be applied to the project including:

- The use of California Building Code Seismic Zone 4 Standards as the minimum seismic-resistant design for all proposed facilities;
- Additional seismic-resistant earthwork and construction design criteria, based on future site-specific development projects;
- Recommendations of a California Certified Engineering Geologist in cooperation with the project’s California-registered geotechnical and structural engineers;
- An engineering analysis that demonstrates satisfactory performance of alluvium or fill where either forms part or all of the support, especially where the possible occurrence of liquefiable soils exist; and
- An analysis of soil expansion potential and appropriate remediation (compaction, removal/replacement, etc.) prior to using any expansive soils for foundation support.

Mitigation Measure GEO-2 (SAMP EIR Mitigation Measure 8-3a): As part of the construction permitting process, the City requires completed reports of soil conditions at the specific construction sites to identify potentially unstable soil conditions. The evaluation must be conducted by registered soil professionals, and measures to eliminate inappropriate soils conditions must be applied, depending on the soil conditions. The design of foundation support must conform to the analysis and implementation criteria described in the City’s Building Code, Chapters 16, 18,

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and A33. Adherence to the City's codes and policies ensures the maximum practicable protection available for users of buildings and infrastructure and their associated trenches, slopes, and foundations.

Site-specific soil suitability analysis and stabilization procedures, and design criteria for foundations, as recommended by a California registered soil engineer during the design phase for each site where existence of unsuitable soil conditions is known or suspected, shall include, but not be limited to, the following specifications:

- a. During the design phase for each site where the existence of unsuitable soil conditions is known or suspected, the developer's registered soil engineering consultant shall provide documentation to the City that:
 1. Site-specific soil suitability analyses has been conducted in the area of the proposed foundation to establish the design criteria for appropriate foundation type and support, and
 2. The recommended criteria have been incorporated in the design of the foundation.
- b. During grading for the site, the registered soils professional shall be on the site:
 1. To observe areas of potential soil unsuitability,
 2. To supervise the implementation of soil remediation programs, and
 3. To verify final soil conditions prior to setting the foundations.
- c. The registered soils engineering consultant shall prepare an "as built" map, to be filed with the City, showing details of the site soils, the location of foundations, sub-drains and clean-outs, the results of suitability analyses and compaction tests.

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|--------------------------|
| VII. GREENHOUSE GAS EMISSIONS – Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2.7 Greenhouse Gas Emissions

Introduction

Climate change refers to any significant change in measures of climate, such as temperature, precipitation, or wind, lasting for an extended period (decades or longer). Gases that trap heat in the atmosphere are often called greenhouse gases (GHGs). The greenhouse effect traps heat in the troposphere through a threefold process: (1) short-wave radiation emitted by the Sun is absorbed by the Earth; (2) the Earth emits a portion of this energy in the form of long-wave radiation; and (3) GHGs in the upper atmosphere absorb this long-wave radiation and emit this long-wave radiation into space and back toward the Earth. This trapping of the long-wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

Principal GHGs include CO₂, methane (CH₄), nitrous oxide (N₂O), O₃, and water vapor (H₂O). Some GHGs, such as CO₂, CH₄, and N₂O, occur naturally and are emitted to the atmosphere through natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely byproducts of fossil-fuel combustion, whereas CH₄ results mostly from off-gassing associated with agricultural practices and landfills. Man made GHGs, which have a much greater heat-absorption potential than CO₂, include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃), which are associated with certain industrial products and processes (CAT 2006).

The Intergovernmental Panel on Climate Change (IPCC) developed the Global Warming Potential (GWP) concept to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP of a GHG is defined as the ratio of the time-integrated radiative forcing from the instantaneous release of 1 kilogram of a trace substance relative to that of 1 kilogram of a reference gas (IPCC 2014). The reference gas used is CO₂; therefore, GWP-weighted emissions are measured in metric tons of CO₂ equivalent (MT CO₂E).

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CalEEMod assumes that the GWP for CH₄ is 21 (which means that emissions of 1 MT of CH₄ are equivalent to emissions of 21 MT of CO₂), and the GWP for N₂O is 310, based on the IPCC Second Assessment Report. The IPCC has released subsequent Assessment Reports with updated GWPs, and statewide documents are beginning to transition to the use of the GWPs in the IPCC Fourth Assessment Report. Nonetheless, the use of the different GWPs would not substantially change the overall project-generated GHG emissions, which are primarily CO₂. As such, for the purposes of this analysis, it is appropriate to use the hardwired GWP values in CalEEMod from the IPCC Second Assessment Report.

With regard to impacts from GHGs, both BAAQMD and the California Air Pollution Control Officers Association (CAPCOA) consider GHG impacts to be exclusively cumulative impacts (BAAQMD 2012; CAPCOA 2008); therefore, assessment of significance is based on a determination of whether the GHG emissions from a project represent a cumulatively considerable contribution to the global atmosphere. This analysis uses both a quantitative and a qualitative approach. The quantitative approach is used to address the first significance criterion: Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment? This analysis considers that, because the quantifiable thresholds developed by BAAQMD in its 2009 Justification Report were formulated based on AB 32 and California Climate Change Scoping Plan reduction targets for which its set of strategies were developed to reduce GHG emissions statewide, a project cannot exceed a numeric BAAQMD threshold without also conflicting with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs (the state Climate Change Scoping Plan). Therefore, if a project exceeds a numeric threshold and results in a significant cumulative impact, it would also result in a significant cumulative impact with respect to plan, policy, or regulation consistency, even though the project may incorporate measures and have features that would reduce its contribution to cumulative GHG emissions.

Separate thresholds of significance are established for operational emissions from stationary sources (such as generators, furnaces, and boilers) and non-stationary sources (such as on-road vehicles). As no threshold has been established for construction-related emissions, the operational emissions thresholds apply. The threshold for stationary sources is 10,000 metric tons of CO₂E per year (i.e., emissions above this level may be considered significant). For non-stationary sources, three separate thresholds have been established:

- Compliance with a Qualified Greenhouse Gas Reduction Strategy (i.e., if a project is found to be out of compliance with a Qualified Greenhouse Gas Reduction Strategy, its GHG emissions may be considered significant); or
- 1,100 metric tons of CO₂E per year (i.e., emissions above this level may be considered significant); or

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- 4.6 metric tons of CO₂E per service population per year (i.e., emissions above this level may be considered significant). (Service population is the sum of residents plus employees expected for a development project.)

BAAQMD considers GHG impacts to be exclusively cumulative and, as such, assessment of significant in this Initial Study is based on a determination of whether the GHG emissions from the Project represent cumulatively considerable contribution to the global atmosphere. The quantitative threshold of 4.6 metric tons of CO₂E per service population per year proposed by BAAQMD in its 2009 Justification Report is applied to this analysis. If the project construction or operational GHG emissions would exceed this threshold then, consistent with BAAQMD Guidelines, it would be considered to have a cumulatively considerable contribution of GHG emissions and a cumulatively significant impact on climate change.

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

CalEEMod was used to estimate GHG emissions from construction of the project, as well as operational emissions of the project plus the residential development included in the SAMP currently under construction to the north of the proposed project.

Construction. Construction of the proposed project would result in GHG emissions, which are primarily associated with use of off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. Since the BAAQMD has not established construction-phase GHG thresholds, construction GHG emissions were amortized assuming a 30-year development life after completion of construction and added to operational emissions to compare to the BAAQMD operational GHG threshold. Amortized GHG emissions associated with project construction would result in annualized generation of approximately 72 MT CO₂E.

A detailed depiction of the construction schedule—including information regarding phasing, equipment utilized during each phase, haul trucks, vendor trucks, and worker vehicles—is included in Appendix B.

Operations. Long-term operational emissions would occur over the life of the project. CalEEMod was used to estimate GHG emissions from motor vehicle trips, grid electricity usage, solid waste, and other sources (including area sources, natural gas combustion, and water/wastewater conveyance). In addition to the proposed construction of the Residences at Five Creek and the Public Safety/Public Works Facilities, the project includes amendments to the General Plan and SAMP. To evaluate the GHG effects from

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the entire SAMP area, the 328 multifamily residential units in the northern part of the SAMP area were also included in the operational emission estimation.

CalEEMod default mobile source data, including temperature, trip characteristics, variable start information, emission factors, and trip distances, were conservatively used for the model inputs. Project-related traffic was assumed to be comprised of a mixture of vehicles in accordance with the model defaults for traffic. The CalEEMod default trip rate was adjusted to match the Traffic Impact Study for the project (W-Trans 2016). It is assumed that the project site would be occupied and in operation in the year 2019.

CalEEMod was also used to estimate emissions from the project's area sources, which includes operation of gasoline-powered landscape maintenance equipment, which produce minimal GHG emissions.

The estimation of operational energy emissions was based on CalEEMod land use defaults and total area (i.e., square footage) of the proposed project. Annual natural gas (non-hearth) and electricity emissions were estimated in CalEEMod using the emissions factors for PG&E as a conservative estimate (since the Sonoma Clean Power is not included in CalEEMod and GHG intensity factors are not known) and adjusted to account for 25% Renewable Portfolio Standard (RPS) by 2016. The most recent amendments to Title 24, Part 6, referred to as the 2016 standards, will become effective on January 1, 2017. In general, residences built to the 2016 standards are anticipated to use about 28% less energy for lighting, heating, cooling, ventilation, and water heating than those built to the 2013 standards, and nonresidential buildings built to the 2016 standards will use an estimated 5% less energy than those built to the 2013 standards (CEC 2015). The previous amendments were referred to as the 2013 standards and are currently effective. Residential buildings constructed in accordance with the 2013 standards will use 23.3% less electricity and 3.8% less natural gas than the 2008 standards. Non-residential buildings constructed in accordance with the 2013 standards will use 21.8% less electricity and 16.8% less natural gas than the 2008 standards (CEC 2013). Based on the anticipated development schedule, the project was assumed to meet the 2016 California Building Energy Efficiency Standards (Title 24, Part 6, of the California Code of Regulations). The default CalEEMod energy use factors incorporate compliance with the 2008 Title 24 standards. These were adjusted to account for the 2016 Title 24 standards.

Supply, conveyance, treatment, and distribution of water for the project require the use of electricity, which would result in associated indirect GHG emissions. Similarly, wastewater generated by the proposed project requires the use of electricity for conveyance and treatment, along with GHG emissions generated during wastewater treatment. Water consumption estimates for both indoor and outdoor water use and

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associated electricity consumption from water use and wastewater generation were estimated using CalEEMod default values.

The proposed project would generate solid waste and would therefore result in CO₂E emissions associated with landfill off-gassing. The project was assumed to comply with the 75% diversion rate consistent with AB 341 (Chesbro, Chapter 476, Statutes of 2011) (25% increase from the solid waste diversion requirements of AB 939, Integrated Waste Management Act), which was accounted for in the “Mitigation” options of CalEEMod and are thus part of the mitigated scenario.

The estimated operational unmitigated GHG emissions from area sources, energy usage, motor vehicles, solid waste generation, water supply, and wastewater treatment are shown in Table 2.7-1.

Table 2.7-1
Estimated Annual Unmitigated Operational Greenhouse Gas Emissions

| Emission Source | CO ₂ E (MT/yr) |
|--|---------------------------|
| Area | 21.3 |
| Energy | 1,213.0 |
| Mobile | 4,824.9 |
| Solid Waste | 163.8 |
| Water Supply and Wastewater | 133.3 |
| Total | 6,356.2 |
| Amortized Construction Emissions | 71.5 |
| Operation + Amortized Construction Total | 6,427.7 |
| Total GHGs per Service Population per Year | 5.7 |
| BAAQMD GHG Threshold | 4.6 |
| Significant (Yes or No)? | Yes |

Source: Appendix B

Notes: Total values may not sum due to rounding. GHG emissions are based on CalEEMod, assuming construction of the project, as well as operational emissions of the project plus the residential development included in the SAMP currently under construction to the north of the proposed project. Although they wouldn't be considered mitigation, compliance with the 2016 Title 24 standards and solid waste diversion rates consistent with AB 341 were included in the mitigated scenario. The total service population (residents plus employees) was estimated to be 1,132 persons.

CO₂E = carbon dioxide-equivalent; MT/year = metric tons per year

As shown in Table 2.7-1, unmitigated operational GHG emissions would exceed the BAAQMD efficiency metric threshold. Thus, mitigation measures would be required. The estimated operational GHG emissions with implementation of *Mitigation Measure GHG-1* are shown in Table 2.7-2.

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Table 2.7-2
Estimated Annual Mitigated (Pre-Offsets) Operational Greenhouse Gas Emissions

| Emission Source | CO ₂ E (MT/yr) |
|--|---------------------------|
| Area | 21.3 |
| Energy | 1,166.6 |
| Mobile | 4,372.2 |
| Solid Waste | 40.9 |
| Water Supply and Wastewater | 84.8 |
| Total | 5,685.8 |
| Amortized Construction Emissions | 71.5 |
| Operation + Amortized Construction Total | 5,757.3 |
| Total GHGs per Service Population per Year | 5.1 |
| BAAQMD GHG Threshold | 4.6 |
| Significant (Yes or No)? | Yes |

Source: Appendix B

Note: Total values may not sum due to rounding. GHG emissions are based on CalEEMod, assuming construction of the project, as well as operational emissions of the project plus the residential development included in the SAMP currently under construction to the north of the proposed project. Values include implementation of Mitigation Measure GHG-1, including compliance with the 2016 Title 24 standards and solid waste diversion rates consistent with AB 341, compliance with CALGreen Tier 1, high efficiency outdoor lighting, increased diversity, and improving the pedestrian network. The total service population (residents plus employees) was estimated to be 1,132 persons. CO₂E = carbon dioxide-equivalent; MT/year = metric tons per year

Table 2.7-2 indicates that the GHG emissions associated with the project would still exceed the BAAQMD efficiency metric of 4.6 MT CO₂E per service population per year after implementation of *Mitigation Measure GHG-1*. With a total service population of 1,132 persons (residents plus employees), the annual GHG emissions that the project plus northern residential uses would need to be below would be approximately 5,207.2 MT CO₂E per year.² As shown in Table 2.7-2, the operational GHG emissions would exceed this level by 550.1 MT CO₂E per year and would be significant. However, with the additional purchase of carbon credits through implementation of *Mitigation Measure GHG-2*, the project plus northern residential uses would offset excess GHG emissions and would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and this would represent a **cumulatively less-than-significant GHG impact**.

² Based on 4.6 MT CO₂E/year/service population * 1,132 service population = 5,207.2 MT CO₂E per year.

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b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

GHG emissions and climate change effects were not evaluated in the SAMP EIR. The City of Rohnert Park has a GHG reduction plan that focuses on municipal operations, which would only apply to the City of Rohnert Park Public Safety and Public Works facility component of the project. The City is working with other jurisdictions to implement the Sonoma County Community Climate Action Plan to serve all of Sonoma County; however, this plan has not yet been adopted.

The Scoping Plan, approved by CARB on December 12, 2008, provides a framework for actions to reduce California's GHG emissions and meet the objectives of AB 32. The Plan requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. As such, the Scoping Plan is not directly applicable to specific projects. Relatedly, in the Final Statement of Reasons for the Amendments to the CEQA Guidelines, the CNRA observed that "[t]he [Scoping Plan] may not be appropriate for use in determining the significance of individual projects because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan" (CNRA 2009). Under the Scoping Plan, however, there are several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB and other state agencies have adopted many of the measures identified in the Scoping Plan. Most of these measures focus on area source emissions (e.g., energy usage, high-GWP GHGs in consumer products) and changes to the vehicle fleet (i.e., hybrid, electric, and more fuel-efficient vehicles) and associated fuels (e.g., LCFS), among others.

The Scoping Plan recommends strategies for implementation at the statewide level to meet the goals of AB 32 and establishes an overall framework for the measures that will be adopted to reduce California's GHG emissions.

Table 2.7-3 highlights measures that have been, or will be, developed under the Scoping Plan and the project's consistency with Scoping Plan measures. To the extent that these regulations are applicable to the project, its inhabitants, or uses, the project would comply with all regulations adopted in furtherance of the Scoping Plan to the extent required by law.

Table 2.7-3
Project Consistency with Scoping Plan GHG Emission Reduction Strategies

| Scoping Plan Measure | Measure Number | Project Consistency |
|----------------------|----------------|---------------------|
|----------------------|----------------|---------------------|

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Table 2.7-3
Project Consistency with Scoping Plan GHG Emission Reduction Strategies

| Scoping Plan Measure | Measure Number | Project Consistency |
|---|----------------|---|
| <i>Transportation Sector</i> | | |
| Advanced Clean Cars | T-1 | The project's residents and employees would purchase vehicles in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase. |
| Low Carbon Fuel Standard | T-2 | Motor vehicles driven by the project's residents and employees would use compliant fuels. |
| Regional Transportation-Related GHG Targets | T-3 | The project includes design features intended to encourage non-vehicular mobility including participation in Transportation Demand Management (TDM) program, compliance with the bicycle master plan and provision of bicycle parking, inclusion of traffic calming measures, and provision of electric vehicle spaces to supplement ongoing statewide efforts to increase fuel efficiency standards, promote electric and hybrid vehicles, and promote vehicular fuels from renewable resources. |
| Vehicle Efficiency Measures 1. Tire Pressure 2. Fuel Efficiency Tire Program 3. Low-Friction Oil 4. Solar-Reflective Automotive Paint and Window Glazing | T-4 | Motor vehicles driven by the project's residents and employees would maintain proper tire pressure when their vehicles are serviced. The project's residents and employees would replace tires in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase. Motor vehicles driven by the project's residents and employees would use low-friction oils when their vehicles are serviced. The project's residents and employees would purchase vehicles in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase. |
| Ship Electrification at Ports (Shore Power) | T-5 | Not applicable. |
| Goods Movement Efficiency Measures 1. Port Drayage Trucks 2. Transport Refrigeration Units Cold Storage Prohibition 3. Cargo Handling Equipment, Anti-Idling, Hybrid, Electrification 4. Goods Movement Systemwide Efficiency Improvements 5. Commercial Harbor Craft Maintenance and Design Efficiency 6. Clean Ships 7. Vessel Speed Reduction | T-6 | Not applicable. |
| Heavy-Duty Vehicle GHG Emission Reduction 1. Tractor-Trailer GHG Regulation 2. Heavy-Duty Greenhouse Gas Standards for New Vehicle and Engines (Phase I) | T-7 | Not applicable. |
| Medium- and Heavy-Duty Vehicle Hybridization Voucher Incentive Project | T-8 | Not applicable. |
| High-Speed Rail | T-9 | Not applicable. |
| <i>Electricity and Natural Gas Sector</i> | | |

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Table 2.7-3
Project Consistency with Scoping Plan GHG Emission Reduction Strategies

| Scoping Plan Measure | Measure Number | Project Consistency |
|--|----------------|---|
| Energy Efficiency Measures (Electricity) | E-1 | The project would comply with current Title 24, Part 6, of the California Code of Regulations energy efficiency standards for electrical appliances and other devices at the time of building construction. The project would use high-efficiency LED lighting for outdoor areas. |
| Energy Efficiency (Natural Gas) | CR-1 | The project would comply with current Title 24, Part 6, of the California Code of Regulations energy efficiency standards for natural gas appliances and other devices at the time of building construction. |
| Solar Water Heating (California Solar Initiative Thermal Program) | CR-2 | Determined by the project applicant to not be feasible. See discussion regarding Measure E-4. |
| Combined Heat and Power | E-2 | Not applicable. |
| Renewable Portfolios Standard (33% by 2020) | E-3 | The electricity used by the project would benefit from reduced GHG emissions resulting from increased use of renewable energy sources. |
| SB 1 Million Solar Roofs (California Solar Initiative, New Solar Home Partnership, Public Utility Programs) and Earlier Solar Programs | E-4 | Based on information provided by the project applicant, on-site generation of renewable energy using solar panels is not feasible given the minimal commercial rooftop space available to provide the electricity needed to make rooftop solar economically feasible, as well as the shared rooftops but individual electricity meters of the multifamily residential uses. |
| <i>Water Sector</i> | | |
| Water Use Efficiency | W-1 | The project would comply with CALGreen Tier 1 and result in reduced indoor and outdoor water use by 20%. |
| Water Recycling | W-2 | Recycled water is available to the site. |
| Water System Energy Efficiency | W-3 | This is applicable for the transmission and treatment of water, but it is not applicable for the project. |
| Reuse Urban Runoff | W-4 | Not applicable |
| Renewable Energy Production | W-5 | Applicable for wastewater treatment systems. Not applicable for the project. |
| <i>Green Buildings</i> | | |
| 1. State Green Building Initiative: Leading the Way with State Buildings (Greening New and Existing State Buildings) | GB-1 | The project would be required to be constructed in compliance with state or local green building standards in effect at the time of building construction. |
| 2. Green Building Standards Code (Greening New Public Schools, Residential and Commercial Buildings) | GB-1 | The project's buildings would meet green building standards that are in effect at the time of design and construction. |
| 3. Beyond Code: Voluntary Programs at the Local Level (Greening New Public Schools, Residential and Commercial Buildings) | GB-1 | The project would be required to be constructed in compliance with local green building standards in effect at the time of building construction. |
| 4. Greening Existing Buildings (Greening Existing Homes and Commercial Buildings) | GB-1 | This is applicable for existing buildings only. It is not applicable for the project except as future standards may become applicable to existing buildings. |

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Table 2.7-3
Project Consistency with Scoping Plan GHG Emission Reduction Strategies

| Scoping Plan Measure | Measure Number | Project Consistency |
|---|----------------|--|
| <i>Industry Sector</i> | | |
| Energy Efficiency and Co-Benefits Audits for Large Industrial Sources | I-1 | Not applicable. |
| Oil and Gas Extraction GHG Emission Reduction | I-2 | Not applicable. |
| GHG Emissions Reduction from Natural Gas Transmission and Distribution | I-3 | Not applicable. |
| Refinery Flare Recovery Process Improvements | I-4 | Not applicable. |
| Work with the local air districts to evaluate amendments to their existing leak detection and repair rules for industrial facilities to include methane leaks | I-5 | This is not applicable based on anticipated industrial uses. |
| <i>Recycling and Waste Management Sector</i> | | |
| Landfill Methane Control Measure | RW-1 | Not applicable. |
| Increasing the Efficiency of Landfill Methane Capture | RW-2 | Not applicable. |
| Mandatory Commercial Recycling | RW-3 | During both construction and operation of the project, the project would comply with all state regulations related to solid waste generation, storage, and disposal, including the California Integrated Waste Management Act, as amended. During construction, all wastes would be recycled to the maximum extent possible. |
| Increase Production and Markets for Compost and Other Organics | RW-3 | Not applicable. |
| Anaerobic/Aerobic Digestion | RW-3 | Not applicable. |
| Extended Producer Responsibility | RW-3 | Not applicable (applicable to product designer and producers). |
| Environmentally Preferable Purchasing | RW-3 | Not applicable (applicable to product designer and producers). |
| <i>Forests Sector</i> | | |
| Sustainable Forest Target | F-1 | Not applicable. |
| <i>High GWP Gases Sector</i> | | |
| Motor Vehicle Air Conditioning Systems: Reduction of Refrigerant Emissions from Non-Professional Servicing | H-1 | The project's residents and employees would be prohibited from performing air conditioning repairs and would be required to use professional servicing. |
| SF ₆ Limits in Non-Utility and Non-Semiconductor Applications | H-2 | Not applicable. |
| Reduction of Perfluorocarbons in Semiconductor Manufacturing | H-3 | Not applicable. |
| Limit High GWP Use in Consumer Products | H-4 | The project's residents and employees would use consumer products that would comply with the regulations that are in effect at the time of manufacture. |

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Table 2.7-3
Project Consistency with Scoping Plan GHG Emission Reduction Strategies

| Scoping Plan Measure | Measure Number | Project Consistency |
|--|----------------|---|
| Air Conditioning Refrigerant Leak Test During Vehicle Smog Check | H-5 | Motor vehicles driven by the project's residents and employees would comply with the leak test requirements during smog checks. |
| Stationary Equipment Refrigerant Management Program – Refrigerant Tracking/Reporting/Repair Program | H-6 | Not applicable. |
| Stationary Equipment Refrigerant Management Program – Specifications for Commercial and Industrial Refrigeration | H-6 | Not applicable. |
| SF ₆ Leak Reduction Gas Insulated Switchgear | H-6 | Not applicable. |
| <i>Agriculture Sector</i> | | |
| Methane Capture at Large Dairies | A-1 | Not applicable. |

Source: CARB 2008.

Notes: CARB = California Air Resources Board; CCR = California Code of Regulations; GHG = greenhouse gas; GWP = global warming potential; SB = Senate Bill; SF₆ = sulfur hexafluoride

Based on the analysis in Table 2.7-3, the project would be consistent with the applicable strategies and measures in the Scoping Plan.

In regards to consistency with SB 32 (goal of reducing GHG emissions to 40% below 1990 levels by 2030) and EO S-3-05 (goal of reducing GHG emissions to 80% below 1990 levels by 2050), there are no established protocols or thresholds of significance for that future year analysis. . However, the Project is consistent with AB 32 goals by virtue of the City's reliance on the BAAQMD's AB 32 derived per-capita efficiency metric of 4.6 MT CO₂E per service population per year (see paragraph (a) above). Since the Project's GHG emissions fall below this BAAQMD thresholds derived from AB 32 attachment goals with the implementation of Mitigation Measures GHG-1 and GHG-2, the Project would not conflict with AB 32 and its associated planning efforts.

Furthermore, CARB forecasts that compliance with the current Scoping Plan puts the state on a trajectory of meeting these long-term GHG goals, although the specific path to compliance is unknown (CARB 2014). As discussed previously, the project would result in less than significant GHG emissions after implementation of *Mitigation Measures GHG-1* and *GHG-2* and would not conflict with the state's trajectory toward future GHG reductions. In addition, since the specific path to compliance for the state in regards to the long-term goals will likely require development of technology or other changes that are not currently known or available, specific additional mitigation measures for the project would be speculative and cannot be identified at this time. With respect to future GHG

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targets under SB 32 and EO S-3-05, CARB has also made clear its legal interpretation that it has the requisite authority to adopt whatever regulations are necessary, beyond the AB 32 horizon year of 2020, to meet the reduction targets in 2030 and in 2050; this legal interpretation by an expert agency provides evidence that future regulations will be adopted to continue the state on its trajectory toward meeting these future GHG targets.

Based on the preceding considerations, the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and no additional mitigation is required.

Mitigation Measures

Mitigation Measure GHG-1: The project applicant shall incorporate the following GHG reduction measures into the project design:

- Compliance with the applicable Title 24 energy efficiency standards at the time of development. At a minimum, compliance with the 2016 Title 24 standards
- Compliance with state and/or local green building standards. At a minimum, implementation of CALGreen Tier 1 standards
- Install high efficiency LED lights in outdoor areas
- Participation in a TDM Program
- Improve the pedestrian network and implement traffic calming measures throughout the project
- Ensure solid waste diversion consistent with AB 341
- Include shade canopy over parking lots, where appropriate and feasible
- Provide residents and employees information regarding transit availability
- Provide carpool and/or car sharing parking spaces
- Provide electric vehicle parking
- Comply with the City bicycle master plan and provide adequate bicycle parking

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Mitigation Measure GHG-2: Prior to the issuance of the occupancy permit, the project applicant shall purchase and retire voluntary carbon offsets on the Climate Action Reserve (CAR), CAPCOA Greenhouse Gas Reduction Exchange (GHG Rx), or other verified carbon registry, in order to reduce the project's emissions to below the BAAQMD threshold of significance of 4.6 MT CO₂E per service population per year. The BAAQMD requires the lead agency to ensure that offsite measures for reducing GHG emissions are feasible, measurable, and verifiable. The project proponent shall provide BAAQMD a certificate of purchase, verification opinion statement, and proof of offset retirement by the verification body from which the carbon offsets were purchased. If overall land use development changes from what has been assessed in this document, the project applicant shall be required to show consistency with the analysis conclusions herein, which may include the purchase of additional carbon offsets, if required.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project: | | | | |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|--------------------------|
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2.8 Hazards and Hazardous Materials

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The proposed project would allow for future development of mixed uses on the Residences at Five Creek parcel and public facilities on the City Public Safety / Public Works parcel. Future construction at the proposed project site could expose construction workers, the public, or the environment to hazardous materials through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The hazardous materials anticipated to be used are hydrocarbons and their derivatives (i.e. gasoline, oils, lubricants, solvents) required

to operate the construction equipment. These materials would generally be used in excavation equipment, generators, and other construction equipment and would be contained within vessels engineered for safe storage. Only small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project site and transported to and from the site during construction. Accidental releases of small quantities of these substances could contaminate soils and degrade the quality of surface water and groundwater, resulting in a significant public safety hazard.

It is anticipated that hazardous materials used during long-term operation of the Residences at Five Creek project would include building maintenance and cleaning chemicals, as well as other landscaping chemicals. These materials are commonly used across all types of land uses, and the proposed project is not expected to present any significant risks associated with their use. Any transport of these materials would be required to comply with various federal and state laws regarding hazardous materials transportation. The City Public Safety and Public Works site would include a gasoline and diesel fueling station for fire trucks and other vehicles at the Public Works corporation yard, along with chemicals associated with a vehicle maintenance facility.

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The City Public Safety and Public Works development would also include a hazardous materials storage area for materials such as paints, used oil, batteries, pesticides, and cleaners.

Because the project site is located within the SAMP, the developer and City would be required to implement *Mitigation Measure HAZ-1* (SAMP EIR Mitigation Measures 9-1a, 9-1b, and 9-1c). This would ensure that potential exposure to hazardous contaminants during construction and during long term operation would be reduced through standard control measures and preparation of the appropriate safety plans. Implementation and compliance with the City's plans, requirements, and *Mitigation Measure HAZ-1* would reduce any potential impacts to *less than significant*.

- b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Refer to the answer provided in 'a' above.

- c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The Bergin University of Canine Studies is located at 5860 Labath Avenue, immediately north of Carlson Avenue and the project site. However, the project would not create hazardous emissions or hazardous waste and would not handle hazardous materials or substances. The project would have **no impact** related to exposure of the project site to hazards and hazardous materials.

- d) Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

A search of federal, state, and local databases regarding hazardous material releases and site cleanup lists was conducted for preparation of the SAMP EIR (City of Rohnert Park, 2007). The SAMP area was not identified in any of the records, is not included on the Department of Toxic Substance Control's site cleanup list, and is not expected to be affected by any offsite spill incidents. The project would have **no impact** related to the site being included on or affected by other sites that are included on a hazardous material release site.

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- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

The project would have **no impact** related to airport safety.

- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

Refer to the answer provided in 'e' above.

- g) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The project would not interfere with any adopted emergency or evacuation plans. The project includes development of a public safety facility. Upon completion of the public safety facility, response times in the project area would be reduced. Therefore, the project would have **no impact** related to implementation of emergency plans.

- h) *Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The City of Rohnert Park General Plan states that the potential for wildland fires varies within the City (City of Rohnert Park, 2000). The project area is developed with small areas of vacant land. The project site is surrounded by commercial and industrial development and future development of the site is not expected to expose workers or the public to wildland fire. Because the project site is located within the SAMP, the developer would be required to implement *Mitigation Measures HAZ-2a* and *HAZ-2b* (SAMP EIR Mitigation Measure 9-6a and 9-6b). Implementation of these mitigation measures would ensure that risks associated with wildland fires remain **less than significant**.

Mitigation Measures

Mitigation Measure HAZ-1 (SAMP EIR Mitigation Measures 9-1a through 9-1c):

- a. The city shall require that contractors transport, store, and handle hazardous materials required for construction in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the City of Rohnert Park Department of Public Safety (DPS).

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- b. In the event of a spill of hazardous materials in an amount reportable to the DPS (as established by DPS guidelines), the contractor shall immediately control the source of the leak and contain the spill. If required by the DPS or other regulatory agencies, contaminated soils will be excavated and disposed of offsite at a facility approved to accept such soils.
- c. The City shall require development under the Master Plan to include plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the project vicinity. These programs shall include an operations and maintenance plan, a site-specific safety plan, and a fire prevention plan, in addition to the Storm Water Pollution Prevention Plan (SWPPP) required to prevent impacts associated with contaminated storm water. The programs are required by law and shall require approval by several responsible agencies. Required approvals are: the SWPPP shall be approved by the RWQCB; the site-specific safety plan and the operations and maintenance plan shall be approved by the Rohnert Park DPS.

The City shall require the applicant to develop and implement a hazardous materials management plan that addresses public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures.

The City shall require project applicants and their designated contractors to comply with Cal-OSHA, as well as federal standards, for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention.

Mitigation Measure HAZ-2 (SAMP EIR Mitigation Measures 9-6a and 96-b):

- a. Prior to construction, if dry vegetation or other fire fuels exist on or near staging areas, or any other area on which equipment will be operated, contractors shall clear the immediate area of fire fuel. To maintain a firebreak and minimize the availability of fire fuels, the City shall require contractors to maintain areas subject to construction activities clear of combustible natural materials to the extent feasible. To avoid conflicts with policies to preserve riparian habitat, areas to be cleared shall be identified with the assistance of a qualified biologist.
- b. The City shall require contractors to equip construction equipment that normally includes a spark arrester with an arrester in good working order.

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------------|---|-------------------------------------|-------------------------------------|
| IX. HYDROLOGY AND WATER QUALITY – Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.9 Hydrology and Water Quality

a) *Would the project violate any water quality standards or waste discharge requirements?*

As noted in the SAMP EIR, the largest concentration of impervious surface in the northwest area of Rohnert Park occurs in the existing commercial/industrial areas to the west, south, and east of the SAMP. The northern portion of the SAMP area, including the project site, contains large areas of vacant or undeveloped land. As previously discussed, the project would allow for future development of a mix of land uses including commercial, residential, a park, and public facilities.

Development at the project site would include earth-disturbing activities, grading, and trenching that could expose disturbed areas and stockpiled soils to winter rainfall and stormwater runoff. Areas of exposed or stockpiled soils could be subject to sheet erosion during short periods of peak stormwater runoff, allowing temporary discharges of sediment to Hinebaugh Creek, which empties into Laguna de Santa Rosa. If not managed properly, water used for dust suppression during construction could also enter drainage systems or creeks and ultimately into Laguna de Santa Rosa. Accidental spills of construction-related contaminants (e.g., fuels, oils, paints, solvents, cleaners, and concrete) could also occur during construction, resulting in releases to nearby surface water, and thereby degrading water quality. Implementation of *Mitigation Measures HYDRO-1* (SAMP EIR Mitigation Measure 10-3a), which requires compliance with state and local regulatory permit requirements regarding the non-point pollution source control of stormwater runoff through the application of Best Management Practices, would reduce construction-related impacts on water quality to a **less than significant level**.

The proposed project could result in changes to drainage patterns and water quality associated with the altered use of the site. Stormwater that drains from the site would potentially carry different or possibly higher concentrations of pollutants into receiving waters. Water used for irrigation of landscaped areas may encounter pesticides, herbicides, and fertilizer. Water that encounters these chemicals but is not absorbed by plants and soil could enter the storm drain system and be conveyed to receiving waters. The potential discharges of contaminated urban runoff from paved and landscaped areas with implementation of the proposed project could contribute to adverse effects on aquatic organisms in receiving waters.

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As discussed in the Project Description, the proposed project would require construction of a new storm drain system and outfall at Hinebaugh Creek. These improvements would be construction in compliance with the City's Storm Drain Design Standards. Water quality and stormwater runoff is regulated under a National Pollutant Discharge Elimination System (NPDES) municipal separate storm sewer system (MS4) stormwater permit with the North Coast Regional Water Quality Control Board (RWQCB).

As of 2014, the Storm Drain Design Standards reference the City of Santa Rosa and Sonoma County 2011 LID Manual, as required by the City's MS4 permit. The manual provides technical guidance for project designs that require the implementation of permanent LID features and stormwater BMPs. The design goal stated in the LID Manual requires that 100 percent of the design storm event (85th percentile, 24 hour) runoff generated from the developed site be treated on-site, and that any increase in runoff volume caused by development or redevelopment for the design storm be infiltrated and/or reused on-site. To meet the design goal, the project would include gravel storage zones under vegetated areas within the site. CalGreen requirements would require a certain percentage of the Residence at Five Creek apartment complex to be paved with permeable materials, potentially allowing for additional runoff storage under the parking lot. The total volume of storage required for the project would be reduced based on the use of pollution prevention measures such as interceptor trees, impervious area disconnection, and vegetated buffers.

Design and construction of drainage systems per the Sonoma County Water Agency (SCWA) Flood Control Design Criteria would ensure that storm drainage systems are adequately sized. Implementation of post-construction BMPs would reduce pollutants in stormwater runoff. With implementation of *Mitigation Measures HYDRO-1*(SAMP EIR Mitigation Measure 10-3a) , which include post-construction BMPs, as well as adherence to the City, state and local regulatory requirements, potential water quality and runoff impacts from development at the project site would be reduced to a **less than significant** level.

- b) *Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?*

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The future construction of impervious surfaces on the project site would reduce infiltration to the water table. However, as discussed in the SAMP EIR, the project area is not considered a major or important recharge zone in the City (City of Rohnert Park, 2007).

Most of the city's potable water supply wells draw from the Intermediate aquifer, with a few drawing from the Deep and Lower aquifers. These aquifers receive almost no recharge from the Shallow aquifer in the SAMP area because the intervening clay and sandy clay deposits that underlay the SAMP area prevent substantial downward percolation. The delay of recharge to the Shallow aquifer in the SAMP area would have a less than significant effect on the amount of groundwater available to the City in the other aquifers throughout the groundwater basin. There would be a **less than significant** impact regarding groundwater supply or recharge.

- c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?*

Future development at the project site would require vegetation removal, grading, trenching, and soil movement for the placement of new structures on-site, which would alter drainage courses and runoff patterns from existing conditions. Development of the project would also result in construction of a new storm drain system with an outfall to Hinebaugh Creek. Alterations to existing drainage patterns or flow velocities could result in a short-term increase in erosion or siltation that may have substantial adverse effects on water quality.

Once completed, the project could result in altered drainage patterns that could increase the potential for erosion, siltation, and associated adverse water quality effects on- or off-site. As previously discussed, the City requires all new development projects to design and construct storm drainage systems in accordance with the City of Rohnert Park Storm Drain Design Standards, which includes the City of Santa Rosa and Sonoma County's Manual and associated LID requirements. Adherence to the City's SWMP would provide for compliance with the City's MS4 NPDES stormwater permit requirements through the implementation of site-specific stormwater capture and treatment BMPs, as well as maintenance and inspection requirements for those BMPs. Implementation of *Mitigation Measure HYDRO-1* (SAMP EIR Mitigation Measure 10-3a), which requires compliance with state and local regulatory permit requirements regarding the non-point pollution source control of stormwater runoff through the application of Best Management Practices, would ensure that sedimentation impacts are reduced to a **less than significant** level.

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- d) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

Refer to the answer provided in 'c' above.

- e) *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The project site is primarily undeveloped, vacant land. Future development of the site would involve covering the site with impervious surfaces such as driveways, parking lots, and buildings. The surfaces would be graded to direct drainage away from structures. The impervious surfaces would reduce surface water infiltration and increase the rate and volume of surface runoff leaving the site.

The existing topography is relatively flat, gently sloping westerly toward Labath Avenue. This project was included as a tributary to the storm drain system within Labath Avenue, where the site currently drains. An existing 30-inch and 36-inch storm drains collect runoff and convey flows westerly down Martin and Carlson Avenues, respectively. These storm drains ultimately converge and outlet into Hinebaugh Creek.

As part of the Costco project, a new outfall to Hinebaugh Creek was constructed. The design of this storm drain system did not include the project site, thus, this system is at full capacity. As previously discussed, the proposed project would require the construction of a new system to drain on-site runoff. This system would require a new outfall to Hinebaugh Creek, just west of the existing Labath Avenue Bridge. The new storm drain system would be designed to accept 15.25 acres from the Residence at Five Creek parcel, the City Public Safety and Public Works parcel, and an additional adjacent parcel, for a total tributary area of 17.08 acres.

The tributary area is less than one square mile, and would be classified as a minor waterway. The storm drain system would be designed to accommodate the 10-year storm event and would require a 36-inch minimum diameter storm drain per the attached Channel Report.

Construction of new storm drain systems would be required to comply with the Stormwater Phase II regulations administered by the North Coast Regional Water Quality Control Board through permits to the City. With the stormwater detention measures in place and operative, there would be no increase in the runoff rate that leaves the site over

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the existing site level. Accordingly, impacts related to surface runoff or flooding would be **less than significant**.

f) Would the project otherwise substantially degrade water quality?

Increased runoff from the construction of impermeable surfaces on the project site could lower the quality of stormwater runoff and infiltrating groundwater. The major contributor of contaminants to runoff and infiltrating groundwater is the land surface over which the water passes.

In developed areas, driveways, parking lots, sidewalks, streets and gutters are connected directly to storm drains that collect and guide stormwater runoff. Between rainstorms, materials accumulate on these surfaces from debris dropped or scattered by individuals, street sweepings, debris and other particulate matter washed into roadways from adjacent areas, wastes and dirt from construction and renovation or demolition, fecal droppings from animals, remnants of household refuse dropped during collection or scattered by animals or wind, oil and various residues contributed by automobiles, and fallout of airborne particles.

During rainfall, stormwater may take several paths when it reaches the ground surface. As water fills surface depressions, it seeps into the ground where the ground is permeable. Where the rate of rain reaching the ground exceeds the rate of infiltration, a film of water builds up on the ground surface. Once this film is of sufficient depth (about 0.1 inch), the water collecting on the ground surface begins to flow. The initial flow of each storm often contains the highest concentrations of pollutants, but this is not always the case because the phenomenon is dependent on the duration of the preceding dry weather period, rainfall patterns, rainfall intensity, the chemistry of individual pollutants, and other site-specific conditions.

If uncontrolled, the accumulation of urban pollutants could have a detrimental cumulative effect because overland flow from paved surfaces and landscaped areas carries many of the above-listed contaminants, thereby contributing to the deterioration of the quality of stormwater runoff and infiltrating groundwater. The eventual result would be the deterioration of water quality in downstream receiving waters. Reaches of drainage-ways downstream from the project site would carry stormwater runoff to Hinebaugh Creek and Laguna de Santa Rosa and, eventually, to the Russian River, which would be subject to water quality deterioration.

The previous discussions of erosion and sedimentation control and storm-drainage system design provide documentation of the requirements to reduce turbidity and capacity

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effects. The City's General Plan Policy HS-5 encourages the use of environmentally sensitive drainage improvements to ensure the protection of surface water quality and stream integrity. There would be a **less than significant** impact regarding pollution from surface water runoff.

- g) *Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

Section 7.2, Drainage, Erosion, Stormwater, and Flooding of the city's General Plan and Community Panel Number 060375 0860 B of FEMA's Flood Insurance Rate Maps for Sonoma County both place the SAMP and the project site outside the 500-year zone and the 100-year flood hazard area. There are no dams or levees in the vicinity of the project site. The project would not expose people or structures to significant loss related to flooding. The project site is physically removed from any large body of water and is not subject to inundation by seiche, tsunami, or mudflow. The project would have **no impact** related to flooding or other water-related hazards.

- h) *Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

Refer to the answer provided in 'g' above.

- i) *Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

Refer to the answer provided in 'g' above.

- j) *Inundation by seiche, tsunami, or mudflow?*

Refer to the answer provided in 'g' above.

Mitigation Measures

Mitigation Measure HYDRO-1: (SAMP EIR Mitigation Measure 10-3a) Because the SAMP Project would involve grading of an area that is greater than one acre, it would be subject to the conditions of the General Construction Activity NPDES permit from the Regional Water Quality Control Board. This permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to identify the sources of sediment and other pollutants on site, and to

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ensure the reduction of sediment and other pollutants in stormwater discharged from the Site. A monitoring program is required to aid the implementation of, and assure compliance with, the SWPPP.

The permit requirements of the RWQCB must be satisfied prior to project construction. As part of the SWPPP, an Erosion and Sedimentation Control Plan must be prepared for the Stadium Area Master Plan Site prior to grading. An erosion control professional, or landscape architect or civil engineer specializing in erosion control must design the Erosion and Sediment Transport Control Plan. The erosion and sediment transport control plan shall be submitted, reviewed, implemented and inspected as part of the approval process for the grading plans for each Project.

The Association of Bay Area Governments (ABAG) recommends the control plan be designed using concepts similar to those formulated by ABAG, as appropriate, based on the specific erosion and sediment transport control needs of each area in which grading, excavation, and construction is to occur. A few of the most critical techniques to be considered include, but are not limited to, the following types of erosion control methods:

- Confine grading and activities related to grading (demolition, construction, preparation and use of equipment and material storage areas, staging areas, and preparation of access roads) to the dry season, whenever possible. The dry season is generally deemed to be from April to September of each year.
- If grading or activities related to grading need to be scheduled for the wet season, ensure that structural erosion and sediment transport control measures are ready for implementation prior to the onset of the first major storm of the season.
- Locate staging areas outside major streams and drainage ways.
- Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible.
- Discharge grading and construction runoff into small drainages at frequent intervals to avoid buildup of large potentially erosive flows.
- Prevent runoff from flowing over unprotected slopes.

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- Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.
- Keep runoff away from disturbed areas during grading and related activities.
- Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods.
- Direct runoff over vegetated areas prior to discharge into public storm drainage systems, whenever possible.
- Trap sediment before it leaves the Site with techniques such as check dams, sediment ponds, or siltation fences.
- Make the contractor responsible for the removal and disposal in offsite retention ponds of all sedimentation that is generated by grading and related activities of the Project.
- Use landscaping and grading methods that lower the potential for downstream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower stormwater conveyance velocities are examples of effective methods.
- Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances.
- Provide proper instruction to all landscaping personnel on the construction team.

During the installation of the erosion and sediment transport control structures, an erosion control professional shall be on the Site to supervise the implementation of the designs, and the maintenance of the facilities throughout the grading and construction period.

The erosion control professional shall prepare an "as built" erosion and sediment control facility map, to be filed with the City, showing details of the structural elements of the plan and providing an operating and maintenance schedule throughout the operational period of the Project.

These erosion and sediment transport control structures need to be in place prior to the onset of seasonal rains. If portions of these phases extend into the wet season, sediment can be prevented from leaving the construction sites through the

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use of silt fences, straw bales, perimeter ditches, water bars, temporary culverts and swales, sediment traps, minimal grading concepts, and/or similar techniques appropriate for the Site. If grading or construction is to occur during the wet season, the Project will require an erosion and sediment transport control plan, designed by an erosion control professional, landscape architect, or civil engineer specializing in erosion control, that shall meet the objectives for the grading and construction period of construction projects proposed for the Stadium Master Plan.

A Best Management Practices (BMP) program, as required by the RWQCB, describes stormwater management practices (structural and operational measures) to control the quantity and quality of stormwater runoff, and aid in erosion control. Following construction, the permit requires the implementation of long-term measures to manage runoff throughout the operational period of the Project. BMPs to prevent onsite or off-site erosion would be required in the stormwater management

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| X. LAND USE AND PLANNING – Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.10 Land Use and Planning

a) *Would the project physically divide an established community?*

Existing business and commercial development and other vacant land surround the proposed project site. Land uses proposed by the project would match the land uses of the surrounding SAMP area and would not physically divide an established community. The project would have **no impact** related to the physical division of an established community.

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- b) *Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

The Residence at Five Creek parcel is designated Regional Commercial in the City's General Plan. The project would amend the site's designation to a combination of Regional Commercial, High Density Residential, and Parks/Recreation. The Public Safety / Public Works site is designated Public Institutional. Both parcels are zoned P-D "Planned Development." With approval of the proposed amendments, the project would be consistent with the City's General Plan and Zoning Map, the SAMP, and other City plans and policies, and impacts would remain **less than significant**.

Planning principles encourage consideration of separating industrial and residential uses to reduce the potential for use conflicts from noise, odors, traffic, and visual character. As discussed in other section of this Initial Study, noise, air quality and traffic impacts are mitigated by existing goals, policies, regulation, and mitigation measures, including SAMP EIR mitigation measures, which would also be applicable to future development at the project site, as identified throughout this Initial Study.

- c) *Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?*

The project site is located within the area covered by the Santa Rosa Plain Conservation Strategy (USFWS, 2005). The purpose of the Conservation Strategy is to create a long-term conservation program to assist in the recovery of CTS and four listed plant species. The project site is identified in the Conservation Strategy as "Area Within 1.3 Miles of Known CTS Breeding Area." As identified in the Conservation Strategy, impact to CTS is not likely on some lands within 1.3 miles from breeding sites that are surrounded by significant barriers or are otherwise unsuitable CTS habitat. As discussed above, in Section IV Biological Resources, no CTS have been identified on the project site and the USFWS has issued a letter to the project proponents stating that development in the SAMP area, including the project site, would be unlikely to affect CTS (City of Rohnert Park, 2007). Therefore, future development at the proposed project site would result in **no impact** to CTS nor result in conflicts with the Conservation Strategy.

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| XI. MINERAL RESOURCES – Would the project: | | | | |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.11 Mineral Resources

- a) *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

There are no known mineral resources on the subject property and the site is not delineated on the General Plan as a mineral resource recovery site (City of Rohnert Park, 2007). Accordingly, the project would have **no impacts** related to the loss of availability of mineral resources.

- b) *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?***

Refer to answer provided in ‘a’ above.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| XII. NOISE – Would the project result in: | | | | |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.12 Noise

Background

Noise is simply defined as unwanted sound. Ambient environmental sound levels can be characterized by several different metrics. The Energy Equivalent Continuous Level (L_{eq}) is a single number descriptor of the average noise level over a specified period of time. L_{eq} is the most common noise metric used in regulations. Other descriptors of noise incorporate a weighting system that accounts for human's susceptibility to noise irritations at night. Community Noise Equivalent Level (CNEL) is a measure of cumulative noise exposure over a 24-hour period, with a 5 dB penalty added to evening hours (7:00 p.m. to 10:00 p.m.) and a 10 dB penalty added to night hours (10:00 p.m. to 7:00 a.m.). Since CNEL is a 24-hour average noise level, an area could have sporadic high noise levels above a limit and the CNEL may show a dramatically lower level since it could include long periods of much lower levels. The day-night average sound (DNL) is the twenty-four-hour equivalent sound level that includes the same 10 dB(A) "penalty" added to nighttime noise levels, but does not penalize the evening time like the CNEL.

Another set of useful noise metrics are the statistical levels. Long-term noise measurement systems often log measurement data every hour. Statistical levels are indicated with the L_n abbreviation, where 'n' is a percent, usually 1%, 5%, 10%, 50%, or 90%. L_n is defined as the sound pressure level exceeded for n percent of the time.

In general, a change in sound level of three (3) is just noticeable by most people, while a change of 5 dB is clearly noticeable. A change of 10 dB is perceived as a doubling (or halving) of sound

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level. When measuring sound the distance from the source is an important factor. Noise levels usually decay at a rate of 6 dB(A) each time the distance from a point source is doubled. For example, particular construction activity generated equivalent continuous sound levels (L_{eq}) of 88 dBA at 50 feet, the L_{eq} would be 82 dBA at 100 feet, 76 dBA at 200 feet, 70 dBA at 400 feet, and so on.

Generally, federal and state agencies regulate mobile noise sources by establishing and enforcing noise standards on vehicle manufacturers. Local agencies generally regulate stationary noise sources and construction activities to protect neighboring land uses and the general public's health and welfare. Residences are considered a noise-sensitive land use.

Noise levels are generally considered low when they are below 45 dBA, moderate in the 45 to 60 dBA range, and high above 60 dBA. Noise levels greater than 85 dBA can cause temporary or permanent hearing loss if exposure is sustained (EPA, 1971).

Existing Setting

The proposed project site is located in the City of Rohnert Park. The project site is bounded by Labath Avenue to the west, Dowdell Avenue to the east, and Carlson Avenue to the north. The Santa Rosa De Laguna Trail is immediately south of the site. A Costco, Ashley Furniture Homestore, and associated parking lots exist east of the site. Commercial developments exist across Labath Avenue, Carlson Avenue, and The Santa Rosa Trail. The nearest residences are located north of the site approximately 220 feet away. A TV station across Carlson Avenue is an especially sensitive noise receptor. Appropriate consideration should be made for the TV station's operations.

During the site visit, an existing parking lot at the corner of Carlson Avenue and Labath Avenue included a heavy truck idling. Costco and Ashley Furniture store activities were noted during the site visit to contribute to the ambient noise levels measured on the site. Traffic along Dowdell Road and parking lot noises from existing commercial establishments are the primary noise sources to the east.

A noise survey was conducted for this Initial Study to quantify existing ambient noise levels in the area using equipment meeting the requirements in the noise ordinance. The long-term (24-hour) measurements were completed using calibrated SoftDB Model Piccolo integrating sound level meters. For the long-term measurement locations, the sound level meter was positioned at approximately 5 feet above the ground when possible. Table 2.12-1 summarizes the results from the long-term measurements.

Table 2.12-1 Long-Term Measured Levels (dBA)

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| Measurement Location | Observed Noise Source(s) | 7p.m. to 7 a.m. L_{eq} | Full Day L_{eq} | CNEL / DNL | L_5 | L_{10} |
|--|---|--------------------------|-------------------|------------|-------|----------|
| Near center of the site | Traffic, Birds, Trucks in Parking Lot | 50 | 50 | 57 | 54 | 52 |
| Southern Site Boundary Next to Trail | Traffic, Birds | 52 | 51 | 58 | 55 | 53 |
| North Site Boundary Next to Carlson Avenue | Traffic, Birds, Dog Barking, Aircraft, Construction | 49 | 53 | 56 | 57 | 53 |

The short term traffic measurements were completed with a Rion NL-62 sound level meter. The sound level meter was positioned at a height of five feet above the ground on a tripod during measurements of local traffic noise. Table 2.12-2 shows the measured average noise level and concurrent traffic volume.

Table 2.12- 2 Measured Traffic Sound Levels

| Site | Description | Date/Time | L_{eq}^1 | Cars | MT ² | LT ³ | M ⁴ |
|----------------|--|-------------------------------------|------------|------|-----------------|-----------------|----------------|
| Labath Avenue | 3 feet from the edge of the pavement of Labath Avenue | 7/18/2016 2:29 to 2:39 p.m. | 66.7 dBA | 66 | 3 | 1 | 0 |
| Carlson Avenue | 3 feet from the edge of the pavement of Carlson Avenue | 7/18/2016 2:53 p.m. to 3:03 p.m. | 54.2 dBA | 7 | 0 | 0 | 0 |
| Dowdell Avenue | 3 feet from the edge of the pavement of Carlson Avenue | 7/18/2016 3:07 p.m. to 3:17 p.m. | 59.7 dBA | 7 | 0 | 0 | 0 |

Notes: ¹ Equivalent Continuous Sound Level (Time-Average Sound Level)
² Medium Trucks
³ Large Truck
⁴ Motorcycle
⁵ Traffic for Highway 101 only counted in one direction

General Notes: Temperature 74 °F, partly cloudy, 9 miles per hour east wind

Thresholds of Significance

Residences adjacent to project site are within the City of Rohnert Park, and therefore noise levels at these residential properties are governed by the City of Rohnert Park Noise Element and Noise Ordinance. Chapter 17.12 of the Rohnert Park Code of Ordinances offers performance standards. It states:

A. No uses or activities shall create noise levels which exceed the following standards:

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Table 5: City of Rohnert Park Maximum Noise Levels (dBA) [1]

| Zoning District | Measured at Property Line or District Boundary | Measured at any Boundary of a Residential District | Between 7PM and 7AM measured at any boundary of a residential zone [4] |
|----------------------|--|--|--|
| Residential | 60 [2] | N.A. | 50 or ambient noise level |
| Commercial | 70 | 60 | 50 or ambient noise level |
| Industrial (4) | 70 [3] | 60 | 50 or ambient noise level |
| Mixed Use | 65 [2] | 60 | 50 or ambient noise level |
| Public/Institutional | 65 | 60 | 50 or ambient noise level |
| Open Space | 65 | 60 | 50 or ambient noise level |

- 1 Levels not to be exceeded more than 5 minutes in any hour
- 2 The maximum interior noise level for residential uses shall be forty-five dBA with all openings closed.
- 3 For commercial and industrial properties, the measurement shall be at the property line of the use or activity.
- 4 Restricted hours may be modified through conditions of an approved conditional, administrative, or temporary use permit.

B. The noise standards above shall be modified as follows to account for the effects of time and duration on noise levels:

- 1) Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the above standards by five dBA except between the hours of 7:00 PM and 7:00 AM.*
- 2) Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the above standards by ten dBA except between the hours of 7:00 PM and 7:00 AM.*
- 3) Mechanical and electrical equipment shall provide adequate shielding and baffling so that noise levels from such equipment will not exceed the above noise levels when measured at the property line.*

C. Noise shall be measured with a sound level meter that meets the standards of the American National Standards Institute. Noise levels shall be measured in decibels (dBA) on a sound level meter using the A-weighted filter network. Calibrations checks of the instrument shall be made at the time any noise measurement is made. Excluded from these standards are occasional sounds generated by the movement of public safety vehicles and railroad equipment.

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D. New development within existing of project sixty-five dBA noise corridors shown in the general plan shall undergo a technical acoustical analysis by a professional acoustical engineer, which shall serve as the basis for designing mitigation measures.

For a noise level not to be exceeded for more than five minutes in any hour, a statistical level can be used from the measured data. Five minutes in an hour corresponds to a L8.3. The equipment used reports L5 and L10 data.

The measurement results show that the existing vicinity encompassing the project site is within the Noise Ordinance performance standards.

The Rohnert Park Noise Element contains a table summarizing normally acceptable exterior DNLs based on each land use category identified in the land use compatibility table guidelines which the state of California has published. Table 2.12-3 lists the nearby noise sensitive receptors, distances to the project site, and Normally Acceptable DNL values based on the California land use compatibility table.

Table 2.12-3: Distances to Receivers

| Receptor Description | Distance to Proposed Site | Normally Acceptable DNL (dBA) |
|--|---------------------------|-------------------------------|
| Residential – Multi Family | 220 feet | 65 |
| Church | 80 feet | 70 |
| Office Buildings, Business Commercial and Professional | 35 feet | 70 |

The most stringent limit is the residential and motel areas with a normally acceptable DNL of 60 dBA. The other nearby receptors have a normally acceptable limit of 70 dBA.

Thresholds for noise increases are not explicitly stated in the Rohnert Park Noise Element. The document states “perceptible noise increases (3 dB(A) or more) resulting from traffic under the General Plan buildout.” (Rohnert Park General Plan Noise Element Revised 12/13)

Since 3 dB(A) is generally taken as a threshold for perceptible difference in noise levels, and it is mentioned in the Noise Element, we interpret a 3 dB(A) increase as a minimum threshold of significance for project-related noise sources.

- a) *Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

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The project is expected to generate an average of 3,809 trips per day. With average daily traffic counts already greater than 10,000 on area roadways, this project would add less than 40 percent to the traffic numbers. Existing traffic noise modeling based on the traffic data available in the noise element shows DNL/CNEL values in the project vicinity to be approximately 48 dBA. Applying expected traffic increases due to the project would increase the noise levels on site by less than 1 dBA, which represents a **less than significant** impact.

b) Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The proposed project would not include equipment or activities capable of producing substantial groundborne vibration or groundborne noise levels. The only ground vibration potential would be associated with short-term construction of the proposed project.

During land clearing and construction activities for the proposed project ground-borne vibration would be produced by the heavy duty construction equipment. The most important equipment relative to generation of vibration, and the vibration levels produced by such equipment, is illustrated in Table 2.12-4. This information was compiled by the Federal Transit Authority for use in assessing construction vibration impacts from major transportation projects, and represents the most comprehensive data set for construction-related vibration levels.

Table 2.12-4 Vibration Velocities for Typical Construction Equipment

| Equipment | PPV at 25 Feet (Inches Per Second) |
|-------------------|---------------------------------------|
| Large Bulldozer | 0.089 |
| Loaded Trucks | 0.076 |
| Drill Rig / Auger | 0.089 |
| Jackhammer | 0.035 |
| Small Bulldozer | 0.003 |

Source: Federal Transit Authority, Transit Noise and Vibration Impact Assessment Manual, May 2006

As shown in Table 2.12-4, use of heavy equipment (e.g., a large bulldozer) generates vibration levels of 0.089 inches per second PPV at a distance of 25 feet.

The nearest residential area is greater than 200 feet from the project site. Vibration levels at these receptors would be less than the vibrations building damage threshold of 0.5 inches per second. Short-term construction related vibration impacts would therefore be

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less than significant. The TV station north of the site may include vibration sensitive equipment. While no heavy equipment that is known to cause excessive ground vibration would be used during construction, it is still important to take extra precautions to prevent construction efforts from negatively impacting TV station operations. The standard noise control measures included in *Mitigation Measure NOI-1* should be implemented to help protect the TV station. With implementation of *Mitigation Measure NOI-1*, this impact would be **less than significant**.

c) ***Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?***

The project is expected to generate an average of 3,809 trips per day. With average daily traffic counts already greater than 10,000 on area roadways, this project would add less than 40 percent to the traffic numbers. Existing traffic noise modeling based on the traffic data available in the noise element shows DNL/CNEL values in vicinity of the multifamily residential location to the north to be approximately 47 dBA. Applying expected traffic increases due to the project would increase the noise levels on existing nearby residences by less than 1 dBA.

Area noise levels would not be expected to increase significantly due to HVAC or mechanical equipment servicing the project. However, the City's Noise Ordinance specifically states that mechanical and electrical equipment shall have adequate shielding and baffling to meet the noise standards. Therefore, to ensure noise associated with mechanical noise remains less than significant, the project shall implement *Mitigation Measure NOI-2*, which requires that mechanical equipment reviewed by professional acoustical for compliance with noise standards. With implementation of *Mitigation Measure NOI-2*, this impact would be **less than significant**.

d) ***Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?***

Short-term noise would be associated with heavy equipment used for the grading and construction of the project. Daytime construction noise levels at the closest residences to the proposed project could at times cause minor annoyance, but the City of Rohnert Park does not have construction noise level limits for construction activity occurring within the period between 8:00 AM and 6:00 PM daily. Therefore, this would be considered a **less than significant impact** provided that the standard noise control measures included in *Mitigation Measure NOI-1* are implemented.

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- e) *Would the project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The proposed project is not located near a public airport or public use airport. Petaluma Municipal Airport is the closest airport and located approximately over 10 miles away from the proposed project location. There would be **no impact** associated with airport noise.

- f) *Would the project be within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

The proposed project is not located near a private airstrip. Graywood Ranch Airport in Santa Rosa is the closest private airstrip and located over 10 miles away from the proposed project location. Accordingly, there would be **no impact** related to airstrip noise exposure.

Mitigation Measures

Mitigation Measure NOI-1 Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the Project in any way would be restricted to the hours of 8:00 a.m. to 6:00 p.m. (Ord. 152 § 3.1, 1971).

- Use available noise suppression devices and properly maintain and muffle loud construction equipment.
- Avoid the unnecessary idling of equipment and stage construction equipment as far as reasonable from residences and radio station north of the site (preferably more than 200 feet from residences).
- Notify adjacent uses of the construction schedule.
- Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating

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condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment.

- All mobile or fixed noise-producing equipment used on the project that are regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity.
- Construction site and access road speed limits shall be established and enforced during the construction period.
- The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only.
- Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent if necessary.

Mechanical Noise is specifically listed in the noise ordinance. The following measure is required to mitigate mechanical noise impacts.

Mitigation Measure NOI-2: Prior to final approval, the mechanical equipment should be reviewed by professional acoustical engineer to ensure the equipment does not produce levels exceeding the noise standards.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| XIII. POPULATION AND HOUSING – Would the project: | | | | |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2.13 Population and Housing

- a) *Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The project would involve a General Plan amendment and SAMP Final Development Plan amendment to allow for future development of additional high-density residential units within the SAMP. Currently, the SAMP allows for a maximum of 338 housing units. Combined, the existing Fiori Estates and Reserve apartment complexes, both also within the SAMP, account for 328 of those 338 allowable units. The addition of the proposed 135 multifamily units would result in 125 units over what is currently allowed in the SAMP. Accordingly, the proposed SAMP amendment would allow for up to a total of 463 residential units.

The proposed project would generate an increase in population growth by including new residential units. The SAMP EIR, using 2.62 estimated persons per household (the average projected household size in Rohnert Park), calculated that the SAMP, at buildout, would add approximately 886 residents to the City. The EIR determined that the increased population associated with the SAMP would add approximately 12 percent of the new population between 2006 population and General Plan forecast at buildout.

Because the proposed project would add an additional 125 units to the SAMP area, there would be an increase in the total number of residents projected at SAMP buildout. As done in the EIR, assuming 2.62 estimated persons per household, the proposed project would add an additional 328 residents to the SAMP, bringing the total residential population increase associated with buildout of the SAMP to 1,214.

As stated in the EIR, because growth within the City urban boundary was anticipated in the City's General Plan, there are plans and programs to address the potential impacts from population growth. Implementation of the applicable General Plan policies and Growth Management Program would reduce population growth impacts to a **less than significant level**.

- b) *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

The site does not currently support any housing or residential uses. No housing or residents would be displaced by the proposed project and the project would have **no impact** on housing or require construction of new housing.

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- c) *Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

Refer to answer provided in 'b' above.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| XIV. PUBLIC SERVICES | | | | |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: | | | | |
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

2.14 Public Services

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*

Fire and police protection?

The City of Rohnert Park Department of Public Safety provides police and fire protection services within the City. The increase in population resulting from development of the project site within the SAMP would result in an increase in the demand for City fire and police protection services. As discussed in the SAMP EIR, the City's acceptable response time for emergency calls is four minutes (City of Rohnert Park, 2007). The SAMP EIR found that the response time to calls in the west side of U.S. 101 is often over four minutes and concluded that additional development associated with buildout of the SAMP would be expected to increase the potential number of calls, and therefore increase response times. Mitigation included in the SAMP EIR (Mitigation Measure 14-1a) required construction of a new Department of Public Safety Station in the northwest area of the City. The proposed project would construct a new Public Safety facility at the designated site within the SAMP, as required by EIR Mitigation Measure 14-1a.

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Construction of the station in the SAMP area would be consistent with the SAMP EIR and would ensure that a four-minute response time would be maintained for all areas of the City. Physical environmental impacts related to construction of the proposed project, including the proposed Public Safety facility, are discussed throughout this Initial Study. Implementation of mitigation measures identified throughout this Initial Study would mitigate all potentially significant impacts to **less than significant** levels.

Schools?

Future development of residences at the site would generate students that would attend area schools. The project site is located within the Cotati-Rohnert Park Unified School District (CRPUSD). Estimates included in the SAMP EIR indicate an average student yield of 0.4 elementary school students, 0.1 middle school students, and 0.2 high school students per household, including single and multiple family dwellings. The SAMP EIR calculated that the 338 dwelling units initially included in the Plan would be expected to generate 135 new elementary school students, 34 new middle school students, and 68 new high school students (City of Rohnert Park, 2007).

With the addition of the Residences at Five Creek project and 135 multifamily residential units within the SAMP, the total residential units within the SAMP would increase to 473. Applying the 2016 CRPUSD student generation rates of .1597 elementary school students, 0.0497 middle school students, and .0987 high school students, the expected number of students residing in the SAMP at buildout would be as follows: 76 new elementary school students, 24 new middle school students, and 47 new high school students. These totals are significantly lower than as was projected at the time of preparation of the SAMP EIR.

Currently, the CRPUSD has a current enrollment of 5,855 students and projected enrollment of 6,039 students within the next five years. The existing CRPUSD schools have capacity for up to 8,227 students (CRPUSD, 2016). Accordingly, the students generated by buildout of the SAMP would be accommodated by the existing schools within the CRPUSD.

Under current state legislation, the City cannot deny administrative or quasi-judicial approvals for a development based on the development's adverse impact on school facilities. Pursuant to this legislation, the sole mitigation for such impacts arising from administrative or quasi-judicial development approvals is fees imposed by the affected school district(s). *Mitigation Measure PUB-1* (SAMP EIR Mitigation Measure 14-2a), which requires school impact fees to be paid by developers consistent with fee schedules in place at the time development occurs. Fulfillment of the mitigation fee requirement is

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considered full mitigation and would ensure that impacts of student enrollments affecting schools would remain **less than significant**.

Parks and other public facilities?

The SAMP EIR found that development within the SAMP area would not result in a demand for parks and other public facilities to exceed the accepted service standards of the City. However, the proposed project would include a greater residential population than anticipated in the SAMP EIR. To satisfy the increased demand associated with an increased residential population, the project proposes to construct a 0.65-acre neighborhood park adjacent to the proposed multifamily residences, at the corner of Carlson Avenue and Dowdell Avenue. The project also includes facilities including a pool and community building. The proposed park and recreational facilities would serve residents at the project site and would ensure that impacts to area parks would be **less than significant**. **No impacts** to other public facilities would be expected with development of the proposed project.

Mitigation Measures

Mitigation Measure PUB-1 (SAMP EIR Mitigation Measure 14-2a, slightly modified): Prior to the issuance of building permits, the City shall require proof of payment of the statutory development fee or the mitigation fee imposed by the Cotati-Rohnert Park school district that serves the SAMP area, as authorized by state law (California Government Code 65995). In accordance with Section 65996 of the State Government Code, the project sponsor shall be required to pay the current school mitigation fees at the time that building permits are issued.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| XV. RECREATION | | | | |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

2.15 Recreation

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Currently, the SAMP allows for a maximum of 338 housing units. The addition of the proposed 135 multifamily units would result in 125 units over what is currently allowed in the SAMP. Accordingly, the proposed SAMP amendment would allow for up to a total of 463 residential units. As was done in the EIR, assuming 2.62 estimated persons per household, the proposed project would add an additional 328 residents to the SAMP. To meet the recreational needs associated with the increased residential population, the proposed project would construct a 0.65-acre neighborhood park adjacent to the proposed multifamily residences, at the corner of Carlson Avenue and Dowdell Avenue. The project also proposes to construct additional facilities at the Residences at Five Creek site, including a pool and community building. Impacts associated with demand on existing and planned recreational facilities would be **less than significant**.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?*

As discussed in criterion ‘a’ above, the proposed project includes one 0.65-acre neighborhood park adjacent to the proposed Residence at Five Creek multifamily residences and recreational facilities including a pool and community building. Physical environmental impacts related to construction of the proposed project, including the park and recreational amenities, are discussed throughout this Initial Study. Implementation of mitigation measures identified in this Initial Study would mitigate all potentially significant impacts to **less than significant** levels.

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| XVI. TRANSPORTATION/TRAFFIC – Would the project: | | | | |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2.16 Transportation and Traffic

W-Trans prepared a Traffic Impact Study to analyze the potential traffic impacts that would be associated with the SAMP amendments associated with development of the proposed Residences at Five Creek and City Public Safety and Public Works facility to be located at 5870 Labath Avenue and 405 Martin Avenue in the City of Rohnert Park. The traffic study was completed in accordance with the criteria established by the City of Rohnert Park, and is consistent with standard traffic engineering techniques. This report, which was used to complete the assessment below, is included in Appendix C of this Initial Study.

Transportation Setting – Operational Analysis

The project study area consists of the following intersections:

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1. Redwood Drive/Business Park Drive
2. Labath Avenue/Martin Avenue
3. Dowdell Avenue/Martin Avenue
4. Redwood Drive/Martin Avenue
5. Labath Avenue/Rohnert Park Expressway
6. Redwood Drive/Rohnert Park Expressway

Operating conditions during the a.m. and p.m. peak periods were evaluated to determine highest potential impacts for the proposed project as well as the highest volumes on the local transportation network. The morning peak hour occurs between 7:00 and 9:00 a.m. and reflects conditions during the home to work or school commute, while the p.m. peak hour occurs between 4:00 and 6:00 p.m. and typically reflects the highest level of congestion during the homeward bound commute.

Study Intersections

Redwood Drive/Business Park Drive is a signalized “tee” intersection with protected left-turn phasing on the northbound approach. The eastbound approach includes a right-turn overlap signal phase. A marked crosswalk is provided across the west leg of the intersection.

Labath Avenue/Martin Avenue is an unsignalized “tee” intersection with stop controls on the terminating eastbound approach.

Dowdell Avenue/Martin Avenue currently serves as a through street for vehicles traveling from westbound Martin Avenue to northbound Dowdell Avenue. The proposed project would extend Martin Avenue to Labath Avenue, which would add a new western leg, resulting in a four-legged, all-way stop-controlled intersection at Dowdell Avenue/Martin Avenue.

Redwood Drive/Martin Avenue is a four-legged signalized intersection with protected left-turn phasing on the northbound and southbound Redwood Drive approaches. The eastbound Martin Avenue approach includes a right-turn overlap signal phase. Marked crosswalks and pedestrian phasing are provided at each leg of the intersection.

Labath Avenue/Rohnert Park Expressway is a signalized, four-legged intersection, with protected left-turn phasing on all approaches, and right-turn overlap signal phases on the eastbound and westbound approaches. Crosswalks with pedestrian phasing are present on all legs of the intersection.

Redwood Drive/Rohnert Park Expressway is a four-legged signalized intersection with protected left-turn phasing on all approaches. The northbound and eastbound approaches include right-turn overlap signal phases. Marked crosswalks and pedestrian phasing are provided at each leg.

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The locations of the study intersections and the existing lane configurations and controls are shown Figure 1 of the Traffic Impact Study (included as Appendix C of this Initial Study).

Alternative Modes

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, pedestrian signal phases, curb ramps, curb extensions, and various streetscape amenities such as lighting, benches, etc. In general, a network of sidewalks, crosswalks, pedestrian signals, and curb ramps provide access for pedestrians in the vicinity of the proposed project site; however, sidewalk gaps, obstacles, and barriers can be found along some or all of the roadways connecting to the project site. Existing gaps and obstacles along the connecting roadways impact convenient and continuous access for pedestrians and present safety concerns in those locations where appropriate pedestrian infrastructure would address potential conflict points.

Continuous sidewalk coverage is provided on the west side of Labath Avenue, across from the project site. On the east side of Labath Avenue there are no sidewalks, apart from a small section spanning 360 feet adjacent to a parking lot on the northwest corner of the project site. Additionally, a pedestrian crosswalk exists on the south leg of the intersection of Dowdell Avenue/Carlson Avenue. Though there is one crosswalk, the intersections of Dowdell Avenue/Carlson Avenue, Labath Avenue/Carlson Avenue, and Labath Avenue/Martin Avenue have curb ramps at each leg. Street lighting is provided on Dowdell Avenue to the east of the project site, on Labath Avenue to the west, and on Carlson Avenue, which runs along the northern edge of the project site.

Bicycle Facilities

The Highway Design Manual, California Department of Transportation (Caltrans), 2012, classifies bikeways into three categories:

- Class I Multi-Use Path – a completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- Class II Bike Lane – a striped and signed lane for one-way bike travel on a street or highway.
- Class III Bike Route – signing only for shared use with motor vehicles within the same travel lane on a street or highway.

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Guidance for Class IV Bikeways is provided in *Design Information Bulletin Number 89: Class IV Bikeway Guidance (Separated Bikeways/Cycle Tracks)*, Caltrans, 2015.

- Class IV Separated Bikeway/Cycle Track – a bikeway for the exclusive use of bicycles that requires physical separation such as grade differences, flexible posts, inflexible physical barriers, or on-street parking between the bikeway and through vehicular traffic.

In the project area, Class II bike lanes exist on Dowdell Avenue, as well as along Redwood Drive and Rohnert Park Expressway. The Hinebaugh Creek path runs along the southern boundary of the site, connecting Redwood Drive to Rohnert Park Expressway. There are no other bicycle facilities present within the study area. However, a Class II bike lane is planned for Labath Avenue, which borders the western edge of the project site.

Transit Facilities

Sonoma County Transit (SCT) provides regional transit service between Rohnert Park and surrounding Sonoma County communities. SCT Route 44 provides service to the project area and has four stops on Labath Avenue. One northbound and one southbound stop are located on Labath Avenue near the Hinebaugh Creek trailhead, southwest of the project site, and across from North Bay Industries, which is northwest of the project site.

Route 44 operates Monday through Friday with approximately one-hour headways between 5:30 a.m. and 10:30 p.m. Weekend service for Route 44 does not operate within the project area.

Two to three bicycles can be carried on most SCT buses. Bike rack space is on a first come, first served basis. Additional bicycles are allowed on SCT buses at the discretion of the driver.

Dial-a-ride, also known as paratransit, or door-to-door service, is available for those who are unable to independently use the transit system due to a physical or mental disability. SCT Paratransit is designed to serve the needs of individuals with disabilities within Rohnert Park and Sonoma County.

Capacity Analysis

Intersection Level of Service Methodologies

Level of Service (LOS) is used to rank traffic operation on various types of facilities based on traffic volumes and roadway capacity using a series of letter designations ranging from A to F. Generally, Level of Service A represents free flow conditions and Level of Service F represents

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forced flow or breakdown conditions. A unit of measure that indicates a level of delay generally accompanies the LOS designation.

The study intersections were analyzed using methodologies published in the Highway Capacity Manual (HCM), Transportation Research Board, 2010. This source contains methodologies for various types of intersection control, all of which are related to a measurement of delay in average number of seconds per vehicle.

The Levels of Service for the intersections with side street stop controls, or those which are unsignalized and have one or two approaches stop-controlled, were analyzed using the “Two-Way Stop-Controlled” intersection capacity method from the HCM. This methodology determines a level of service for each minor turning movement by estimating the level of average delay in seconds per vehicle. Results are presented for individual movements together with the weighted overall average delay for the intersection.

Dowdell Avenue/Martin Avenue was analyzed using the “All-Way Stop-Controlled” Intersection methodology from the HCM for all plus Project scenarios. This methodology evaluates delay for each approach based on turning movements, opposing and conflicting traffic volumes, and the number of lanes. Average vehicle delay is computed for the intersection as a whole, and is then related to a Level of Service.

The study intersections that are currently controlled by a traffic signal were evaluated using the signalized methodology from the HCM. This methodology is based on factors including traffic volumes, green time for each movement, phasing, whether or not the signals are coordinated, truck traffic, and pedestrian activity. Average stopped delay per vehicle in seconds is used as the basis for evaluation in this LOS methodology.

The ranges of delay associated with the various levels of service are indicated in Table 2.16-1.

Table 2.16-1 Intersection Level of Service Criteria

| LOS | Two-Way Stop-Controlled | Signalized |
|-----|---|---|
| A | Delay of 0 to 10 seconds. Gaps in traffic are readily available for drivers exiting the minor street. | Delay of 0 to 10 seconds. Most vehicles arrive during the green phase, so do not stop at all. |
| B | Delay of 10 to 15 seconds. Gaps in traffic are somewhat less readily available than with LOS A, but no queuing occurs on the minor street. | Delay of 10 to 20 seconds. More vehicles stop than with LOS A, but many drivers still do not have to stop. |
| C | Delay of 15 to 25 seconds. Acceptable gaps in traffic are less frequent, and drivers may approach while another vehicle is already waiting to exit the side street. | Delay of 20 to 35 seconds. The number of vehicles stopping is significant, although many still pass through without stopping. |
| D | Delay of 25 to 35 seconds. There are fewer acceptable gaps in traffic, and drivers may enter a queue of one or | Delay of 35 to 55 seconds. The influence of congestion is noticeable, and most vehicles have to |

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| | | |
|---|---|---|
| | two vehicles on the side street. | stop. |
| E | Delay of 35 to 50 seconds. Few acceptable gaps in traffic are available, and longer queues may form on the side street. | Delay of 55 to 80 seconds. Most, if not all, vehicles must stop and drivers consider the delay excessive. |
| F | Delay of more than 50 seconds. Drivers may wait for long periods before there is an acceptable gap in traffic for exiting the side streets, creating long queues. | Delay of more than 80 seconds. Vehicles may wait through more than one cycle to clear the intersection. |

Source: W-Trans (2016) citing Highway Capacity Manual, Transportation Research Board, 2000

Traffic Operation Standards

The applied thresholds of significance for intersection impacts are based on those included in Policy TR-1 of the Rohnert Park 2020 General Plan, which stipulates that LOS C is the minimum acceptable standard. Policy TR-1 also indicates that intersections operating at LOS D or lower at the time a development application is submitted are allowable, so long as the development results in no further LOS reduction, and provided that no feasible improvements exist to improve the LOS.

Existing Conditions

The Existing Conditions scenario provides an evaluation of current operation based on existing traffic volumes during the a.m. and p.m. peak periods. This condition does not include project-generated traffic volumes. Volume data was collected in June 2016 (W-Trans, 2016).

Intersection Levels of Service

Under existing conditions, all study intersections are operating in accordance with minimum acceptable standards as set forth in LOS C except Redwood Drive/Rohnert Park Expressway, which operates at LOS D during the p.m. peak hour. A summary of the existing intersection level of service calculations is contained in Table 2.16-2. The Traffic Impact Study (included in Appendix C of this Initial Study) provides the existing traffic volumes in Figure 2 and provides copies of the Level of Service calculations in Appendix A.

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Table 2.16-2 Existing Peak Hour Intersection Levels of Service

| Study Intersection <i>Approach</i> | AM Peak | | PM Peak | |
|--|---------|-----|-------------|----------|
| | Delay | LOS | Delay | LOS |
| 1. Redwood Dr/Business Park Dr | 6.0 | A | 6.4 | A |
| 2. Labath Ave/Martin Ave | 2.9 | A | 2.7 | A |
| <i>Eastbound (Martin Ave) approach</i> | 9.3 | A | 10.4 | B |
| 3. Dowdell Ave/Martin Ave | N/A | N/A | N/A | N/A |
| 4. Redwood Dr/Martin Ave | 8.4 | A | 13.0 | B |
| 5. Labath Ave/Rohnert Park Exp | 18.9 | B | 24.6 | C |
| 6. Redwood Dr/Rohnert Park Exp | 32.9 | C | 45.9 | D |

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*; **Bold** text = deficient operation.
Source: W-Trans, 2016

Baseline Conditions

Baseline operating conditions were developed to include trips from the approved project, “The Reserve,” north of the project site, which includes plans for 84 apartment units, added to the existing volumes. Under these conditions, all study intersections are expected to operate acceptably, except Redwood Drive/Rohnert Park Expressway, which would continue to operate unacceptably at LOS D during the p.m. peak hour. These results are summarized in Table 2.16-3 below. Baseline volumes are shown in Figure 3 of the Traffic Impact Study (included in Appendix C to this Initial Study).

Table 2.16-3 Baseline Peak Hour Intersection Levels of Service

| Study Intersection <i>Approach</i> | AM Peak | | PM Peak | |
|--|---------|-----|-------------|----------|
| | Delay | LOS | Delay | LOS |
| 1. Redwood Dr/Business Park Dr | 6.1 | A | 6.5 | A |
| 2. Labath Ave/Martin Ave | 2.9 | A | 2.7 | A |
| <i>Eastbound (Martin Ave) approach</i> | 9.3 | A | 10.4 | B |
| 3. Dowdell Ave/Martin Ave | N/A | N/A | N/A | N/A |
| 4. Redwood Dr/Martin Ave | 8.6 | A | 13.5 | B |
| 5. Labath Ave/Rohnert Park Exp | 19.0 | B | 24.7 | C |
| 6. Redwood Dr/Rohnert Park Exp | 33.4 | C | 46.2 | D |

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*; **Bold** text = deficient operation.
Source: W-Trans, 2016

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- a) *Would the project conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

Trip Generation

The anticipated trip generation for the proposed project was estimated using standard rates published by the Institute of Transportation Engineers (ITE) in Trip Generation Manual, 9th Edition, 2012 for “Apartment” (ITE LU 220), “Hotel” (ITE LU 132), and a combination of “Specialty Retail” (ITE LU 826) and “Shopping Center” (ITE LU 820) land uses. The hotel was assumed to be at 100 percent occupancy to reflect worst-case conditions. “City Park” rates from the San Diego Association of Governments (SANDAG) 2003 Land Development Code Trip Generation Manual were used to determine park trips. For the Public Safety and Public Works uses, which are anticipated to include a fire station and public works maintenance-related uses, the “General Light Industrial” (ITE LU 181) land use rates were determined to best match the type of activities that would occur at this site.

The expected trip generation potential for the proposed project is indicated in Table 2.16-4. The project is expected to generate an average of 3,809 trips per day, including 220 trips during the a.m. peak hour and 297 during the p.m. peak hour.

Table 2.16-4 Trip Generation Summary

| Land Use | Units | Daily | | AM Peak Hour | | | | PM Peak Hour | | | |
|---------------------------------|---------------|-------|-------|--------------|-------|-----|-----|--------------|-------|-----|-----|
| | | Rate | Trips | Rate | Trips | In | Out | Rate | Trips | In | Out |
| Residences at Five Creek Site | | | | | | | | | | | |
| Apartments | 135 du | 6.65 | 898 | 0.51 | 69 | 14 | 55 | 0.62 | 84 | 54 | 30 |
| Hotel | 132 occ. Room | 8.92 | 1,177 | 0.67 | 88 | 51 | 37 | 0.70 | 92 | 45 | 47 |
| Retail | 34.3 ksf | 44.32 | 1,520 | 0.96 | 33 | 20 | 13 | 2.71 | 93 | 41 | 52 |
| Park | 0.65 ac | 50.0 | 33 | 6.50 | 4 | 2 | 2 | 4.50 | 3 | 2 | 1 |
| Total | | | 3,628 | | 194 | 87 | 107 | | 272 | 142 | 130 |
| Public Safety/Public Works Site | | | | | | | | | | | |
| Institutional | 60 emp | 3.02 | 181 | 0.44 | 26 | 22 | 4 | 0.41 | 25 | 5 | 20 |
| Total Trips | | | 3,089 | | 220 | 109 | 111 | | 297 | 147 | 150 |

Note: du = dwelling unit; ksf = 1,000 square feet; occ rm = occupied room; ac = acres; emp = employees
Source: W-Trans, 2016

Stadium Area Master Plan Trip Generation Assumptions

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The SAMP area consists of the proposed project site as well as the existing Fiori Estates apartment project to the north of the project site, which includes 244 apartments, and the approved 84-unit apartment complex, The Reserve, northeast of the project site. The development assumptions in the SAMP were compared to the actual and planned buildout of the SAMP planning area. The SAMP assumed the stadium area site to be comprised of a 175,000 square foot shopping center and 312 apartment units. With these assumptions applied, the total projected generation included 10,108 daily trips with 339 trips during the a.m. peak hour and 936 trips during the p.m. peak hour. A summary of the SAMP trip generation is provided in Table 15-9 of the SAMP EIR. The total buildout of the SAMP accounting for the currently-proposed project results in 5,991 total daily trips, with 387 trips in the a.m. peak hour and 500 trips during the p.m. peak hour. Therefore, the actual buildout of the site results in fewer trips than projected in the SAMP, except during the a.m. peak hour when it is projected to generate 48 more trips. However, since a.m. peak hour intersection operations are expected to be better than p.m. peak hour operations under all scenarios, the nominally-higher difference in a.m. trips is not expected to cause any impacts beyond those identified in the more critical p.m. peak hour analysis. Table 2.16-5 summarizes the net difference in trips for the original SAMP versus that associated with the SAMP area after adjusting for the proposed project.

Table 2.16-5 Trip Generation Comparison

| Land Use | Daily | AM Peak Hour | PM Peak Hour |
|------------------------------------|--------|--------------|--------------|
| Stadium Area Master Plan | 10,108 | 339 | 936 |
| Total Buildout of proposed project | 5,991 | 387 | 500 |
| Net Difference | -4,117 | 48 | -463 |

Source: W-Trans, 2016

Since future conditions were evaluated in the SAMP EIR with higher trip generation projections for overall trips and PM peak trips, the “future conditions” analysis provided in the SAMP EIR can reasonably be expected to reflect conditions with the project as currently proposed and no further analysis is required.

Trip Distribution

The pattern used to allocate new project trips to the street network was based on distributions used in the SAMP and previous traffic studies conducted for projects in the area. The applied distribution assumptions and resulting trips are shown in Table 2.16-6.

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Table 2.16-6 Trip Distribution Assumptions for New Trips

| Route | Percent | Daily Trips | AM Trips | PM Trips |
|--------------------------------------|-------------|--------------|------------|------------|
| Redwood Dr north of Business Park Dr | 32% | 1,219 | 70 | 95 |
| Labath Ave north of Martin Ave | 6% | 229 | 13 | 18 |
| Martin Ave west of Labath Ave | 2% | 76 | 8 | 6 |
| Rohnert Park Exp west of Labath Ave | 6% | 229 | 13 | 18 |
| Labath Ave south of Rohnert Park Exp | 4% | 152 | 9 | 12 |
| Redwood Dr south of Rohnert Park Exp | 15% | 571 | 33 | 45 |
| Rohnert Park Exp east of Redwood Dr | 35% | 1,333 | 77 | 104 |
| TOTAL | 100% | 3,809 | 223 | 297 |

Source: W-Trans, 2016

Intersection Operation

Existing plus Project Conditions

Upon the addition of project-related traffic to the existing volumes, the study intersections are expected to operate in accordance with minimum acceptable standards as set forth in LOS C except Redwood Drive/Rohnert Park Expressway, which is expected to continue operating at LOS D during the p.m. peak hour. Project traffic volumes are shown in Figure 4 of the Traffic Impact Study (Appendix C to this Initial Study), and the resulting levels of service are summarized in Table 2.16-7 below.

Table 2.16-7 Existing and Existing Plus Project Peak Hour Intersection Levels of Service

| Study Intersection <i>Approach</i> | Existing Conditions | | | | Existing Plus Project | | | |
|--|---------------------|-----|-------------|----------|-----------------------|-----|-------------|----------|
| | AM Peak | | PM Peak | | AM Peak | | PM Peak | |
| | Delay | LOS | Delay | LOS | Delay | LOS | Delay | LOS |
| 1. Redwood Dr/Business Park Dr | 6.0 | A | 6.4 | A | 6.3 | A | 6.7 | A |
| 2. Labath Ave/Martin Ave | 2.9 | A | 2.7 | A | 3.0 | A | 3.0 | A |
| <i>Eastbound (Martin Ave) approach</i> | 9.3 | A | 10.4 | B | 9.7 | A | 11.0 | B |
| <i>Westbound (Martin Ave) approach</i> | N/A | N/A | N/A | N/A | 12.9 | B | 13.9 | B |
| 3. Dowdell Ave/Martin Ave* | N/A | N/A | N/A | N/A | 8.1 | A | 8.6 | A |
| 4. Redwood Dr/Martin Ave | 8.4 | A | 13.0 | B | 9.0 | A | 15.0 | B |
| 5. Labath Ave/Rohnert Park Exp | 18.9 | B | 24.6 | C | 19.3 | B | 25.3 | C |
| 6. Redwood Dr/Rohnert Park Exp | 32.9 | C | 45.9 | D | 33.9 | C | 46.8 | D |

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in italics; Bold text = deficient operation; *plus project scenario assumes all-way stop controls (see Site Access section for details on intersection configuration)

Source: W-Trans, 2016

As shown in Table 2.16-7 above, the study intersections are expected to continue operating in accordance with minimum acceptable standards as set forth in LOS C upon the addition of project-generated traffic, except for the intersection of Redwood

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Drive/Rohnert Park Expressway, which would continue operating at LOS D during the p.m. peak hour. Since project-generated trips do not cause further reductions in levels of service at this intersection, impacts would be less than significant.

Baseline plus Project Conditions

With project-related traffic added to Baseline volumes, all study intersections are expected to operate in accordance with minimum acceptable standards as set forth in LOS C, except Redwood Drive/Rohnert Park Expressway, which would continue to operate at LOS D during the p.m. peak hour. These results are summarized in Table 2.16-8 below.

Table 2.16-8 Baseline and Baseline plus Project Peak Hour Intersection Levels of Service

| Study Intersection <i>Approach</i> | Baseline Conditions | | | | Baseline Plus Project | | | |
|--|---------------------|-----|-------------|----------|-----------------------|-----|-------------|----------|
| | AM Peak | | PM Peak | | AM Peak | | PM Peak | |
| | Delay | LOS | Delay | LOS | Delay | LOS | Delay | LOS |
| 1. Redwood Dr/Business Park Dr | 6.0 | A | 6.5 | A | 6.4 | A | 6.8 | A |
| 2. Labath Ave/Martin Ave | 2.9 | A | 2.7 | A | 3.0 | A | 3.0 | A |
| <i>Eastbound (Martin Ave) approach</i> | 9.3 | A | 10.4 | B | 9.8 | A | 11.0 | B |
| <i>Westbound (Martin Ave) approach</i> | N/A | N/A | N/A | N/A | 13.2 | B | 14.0 | B |
| 3. Dowdell Ave/Martin Ave* | N/A | N/A | N/A | N/A | 8.2 | A | 8.8 | A |
| 4. Redwood Dr/Martin Ave | 8.6 | A | 13.5 | B | 9.1 | A | 15.3 | B |
| 5. Labath Ave/Rohnert Park Exp | 19.0 | B | 24.7 | C | 19.3 | B | 25.4 | C |
| 6. Redwood Dr/Rohnert Park Exp | 33.4 | C | 46.2 | D | 34.2 | C | 46.9 | D |

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service; Results for minor approaches to two-way stop-controlled intersections are indicated in italics; Bold text = deficient operation; *plus project scenario assumes all-way stop controls (see Site Access section for details on intersection configuration)

Source: W-Trans, 2016

As shown in Table 2.16-8 above, the study intersections are expected to operate in accordance with minimum acceptable standards as set forth in LOS C with the addition of project-generated trips, except Redwood Drive/Rohnert Park Expressway, which would continue operating at LOS D during the p.m. peak hour. Since the LOS at Redwood Drive/Rohnert Park Expressway is not being further reduced by the proposed project, the impacts are considered to be less than significant (W-Trans, 2016).

Pedestrian Facilities

Given the proximity of adjacent shopping centers, residential neighborhoods, and recreational facilities near the project, project residents, patrons, and employees would want to walk, bicycle, and/or use transit to reach the site. The Traffic Impact Study

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prepared for the proposed project found pedestrian facilities serving the project site to be adequate (W-Trans, 2016).

Transit

The Traffic Impact Study concluded that existing transit routes are adequate to accommodate project-generated transit trips. Existing stops are within acceptable walking distance of the site (W-Trans, 2016).

Bicycle Facilities

Existing bicycle facilities, including Class II bike lanes on Dowell Avenue and the Hinebaugh Creek trail, as well as the proposed Class II lane on Labath Avenue, would provide bicycle access to the project site. Chapter 17.16.140 of Rohnert Park's Municipal Code stipulates the number of bicycle parking spaces required for new development. For multifamily residential, one bicycle per four dwelling units is required and one bicycle space for every 15 off-street vehicle parking spaces is required for commercial uses. Based on these standards, the proposed project would need to provide 34 bicycle parking spaces for the residential units. The hotel is planned to include 139 vehicle parking spaces, which results in a bicycle parking requirement of nine spaces. The proposed retail plans to provide 125 vehicle parking spaces, which equates to eight required bicycle spaces. *Mitigation Measure TRA-1*, which would require the project to include 34 onsite bicycle spaces, would ensure that the project complies with the City zoning code and this impact remains **less than significant**.

- b) ***Would the project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?***

No applicable congestion management plan exists. Therefore, the proposed plan would not conflict with an applicable congestion management program for designated roads or highways. Therefore, this impact would be **less than significant**.

- c) ***Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?***

The proposed project would not result in a change in air traffic patterns, including either an increase in air traffic levels or a change in location that would result in substantial safety risks during construction or operation. The closest airports are the Sonoma County Airport and Petaluma Municipal Airport, both more than 10 miles from the project area.

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There would be no safety risks associated with proximity to airports; therefore, **no impact** would occur.

- d) *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The site would be accessed by new driveways along Dowdell Avenue, Carlson Avenue, Labath Avenue, and the project-constructed extension of Martin Avenue from Dowdell Avenue to Labath Avenue. All access points would be located on straight segments and/or at public intersections where clear lines of sight exist.

Martin Avenue/Dowdell Avenue Intersection

The intersection of Martin Avenue/Dowdell Avenue is currently configured such that movements between the north (Dowdell Avenue) and east (Martin Avenue) legs are uncontrolled, with the southern “leg” serving as a driveway to Ashley Furniture. The proposed project would extend Martin Avenue, creating a new west intersection leg. As a result, a new traffic control scheme would be required to assign right-of-way. The SAMP document, amended November 26, 2013, states that “the intersection of Martin and Dowdell Avenues is assumed to be a landscaped intersection also known as a modern roundabout. The final circulation plan will be reviewed upon application for a specific development” (p. 10).

Based on the Traffic Impact Study completed for the project, the intersection would be expected to operate acceptably at LOS B or better with either a roundabout or all-way stop controls, even under a tested hypothetical scenario in which “baseline plus project” traffic volumes increase by an additional 50 percent in the future. The Traffic Impact Study concluded that installation of a roundabout (or signals) would not be needed to maintain acceptable LOS; however, compared to all-way stop controls, a roundabout would provide smoother traffic flow, result in lower emissions, and better accommodate the dominant traffic flows between the north and east intersection legs (W-Trans, 2016).

Mitigation Measure TRA-2, which would require the project to install either a roundabout or all-way stop-controls at the intersection of Martin Avenue/Dowdell Avenue, would ensure potential intersection impacts remain **less than significant**.

Martin Avenue

The existing segment of Martin Avenue between Redwood Drive and Dowdell Avenue includes two lanes in each direction east of the Costco driveway, and one lane in each direction with a center turn lane to the west. The two westbound Martin Avenue lanes

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merge to a single lane just beyond the Costco driveway. Once Martin Avenue is extended west beyond the Martin Avenue/Dowdell Avenue intersection, the Traffic Impact Study prepared for the project recommends that the westbound Martin Avenue merge be eliminated, and the outer through lane extended to become a right-turn lane at the Dowdell Avenue intersection (assuming that all-way stop-controls are implemented at Martin Avenue/Dowdell Avenue). The report further concluded that sufficient curb-to-curb width exists on Redwood Drive to achieve this configuration (W-Trans, 2016). *Mitigation Measure TRA-3* would require that Martin Avenue restriped to include dual westbound lanes between the Costco driveway and Dowdell Avenue, with the outer through lanes becoming a right-turn lane at the Dowdell Avenue intersection. Implementation of *Mitigation Measure TRA-3* would ensure impacts on this segment of Martin Avenue remain **less than significant**.

e) Would the project result in inadequate emergency access?

As discussed in the SAMP EIR, emergency access to the SAMP could take place via several interconnected routes including Business Park Drive, Martin Avenue, and Labath Avenue. All internal streets would be developed to the City's public street standards and would accommodate emergency vehicle circulation. The project proposes to construct a new Public Safety facility, as required in the SAMP EIR. As discussed above, in Section XIII Public Services, impacts resulting from response times to the project would be reduced to **less than significant** with construction and operation of this station.

f) Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Refer to the answer provided in 'a' above.

Mitigation Measures

Mitigation Measure TRA-1: The project shall provide a minimum of 34 onsite bicycle spaces for the residential units, 9 spaces for the hotel, and 8 spaces for the retail space.

Mitigation Measure TRA-2: As recommended in the Traffic Impact Study (W-Trans, 2016), the project shall project to install either a roundabout or all-way stop-controls at the intersection of Martin Avenue/Dowdell Avenue

Mitigation Measure TRA-3: Martin Avenue shall be restriped to include dual westbound lanes between the Costco driveway and Dowdell Avenue, with the outer through lane becoming a right-turn lane at the Dowdell Avenue intersection.

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| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| XVII. UTILITIES AND SERVICE SYSTEMS – Would the project: | | | | |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

2.17 Utilities and Service Systems

a) *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

As discussed in Section IX Hydrology and Water Quality, wastewater treatment and disposal are provided by the Santa Rosa Subregional Water Reclamation System, which also serves the cities of Santa Rosa, Sebastopol, and Cotati. Wastewater from the Subregional System is treated at the Laguna Water Reclamation Plant, located about two miles northwest of Rohnert Park. The City owns capacity rights to 3.43 million gallons per day (MGD) at the Laguna Water Reclamation Plant and has an agreement with the City of Santa Rosa to use up to 4.46 MGD of capacity rights. Under the Subregional System's approved Incremental Recycled Water Program, the City can acquire up to 5.15 MGD of capacity (City of Santa Rosa, 2008). The City's current capacity needs are approximately 3.0 MGD, meaning that up to 2.15 MGD of capacity is available to serve new development.

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As discussed in the proposed Residences at Five Creek Final Development Plan (KTGY Group, Inc., 2016), the Residences at Five Creek project site, once in operation, would generate approximately 0.15 MGD. The proposed Public Safety and Public Works site, once in operation, would generate approximately 0.08 MGD. Because the capacity required to serve the proposed project would be accommodated by the City's existing approved wastewater capacity and would not result in the need for any new off-site wastewater system expansions, this impact would be **less than significant**.

- b) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

The existing water supply facilities are expected to be sufficient to provide an adequate supply of water to meet the current and future demand of the Plan area, which includes the proposed project site. The SAMP EIR concluded that there would be no requirement for additional treatment facilities resulting from buildout of the SAMP, including the project site (City of Rohnert Park, 2007). In addition, the proposed project alone would not require SCWA to increase its existing water entitlements; as discussed in criterion 'd' below, SCWA has an adequate supply to meet the demands associated with the SAMP area. Therefore, the water supply and related facility impacts would be **less than significant**.

Wastewater treatment and disposal is provided by the Santa Rosa Subregional Water Reclamation System. Wastewater from the Subregional System is treated at the Laguna Water Reclamation Plant, located about two miles northwest of Rohnert Park. As discussed in criterion 'a' above, the capacity required to serve the SAMP, including the project site, could be accommodated by the City's existing approved wastewater capacity and would not result in the need for any new off-site wastewater system expansions. Accordingly, wastewater facility impacts would be **less than significant**.

- c) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?***

The Project site is primarily undeveloped, consisting predominately of vacant land. There is a small paved parking lot in the northwestern corner of the site. The existing topography is relatively flat, gently sloping westerly toward Labath Avenue. This project was included as a tributary to the storm drain system within Labath Avenue, where the site currently drains. An existing 30-inch and 36-inch storm drains collect runoff and

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convey flows westerly down Martin and Carlson Avenues, respectively. These storm drains ultimately converge and outlet into Hinebaugh Creek.

As part of the Costco development, a new outfall to Hinebaugh Creek was constructed. The design of this storm drain system did not include the project site or the adjacent Coddling parcel site as tributary, thus, this system is at full capacity. The project would, therefore, require the construction of a new system to drain on-site runoff. This system would require a new outfall to Hinebaugh Creek, just west of the existing Labath Avenue Bridge. Construction of the storm water outfall area would consist of keying in riprap underneath and in front of the outfall location to dissipate high flows prior to entering the channel. Directly above the riprap and below the outfall pipe, a gravel sand substrate would be installed for low flow infiltration into the channel. Native backfill would be placed over the pipe once the outfall is constructed to return the channel to its original configuration. The small area of the creek slope that was affected by the outfall and pipe construction would have an erosion mat placed on the topsoil. Seed for grasses would be established on top of the erosion mat, bringing the area disturbed during construction back to its original state.

The new storm drain system would be designed to accept 15.25 acres from the Project, the City's parcel and the Coddling parcel for a total tributary area of 17.08 acres. The tributary area is less than one square mile, and would be classified as a minor waterway. The storm drain system would be designed to accommodate the 10-year storm event and would require a 36-inch minimum diameter storm drain.

The City's General Plan Policy HS-5 requires project developers to design and construct storm drains that conform to the Sonoma County Water Agency Flood Control Design Criteria, and encourages the use of environmentally sensitive drainage improvements, including flow reduction and flood bypass systems, to ensure the protection of surface water quality and stream integrity. Construction of new storm drain systems would be required to comply with the Stormwater Phase II regulations administered by the North Coast Regional Water Quality Control Board through permits to the City. Therefore, the project would have a **less than significant** impact related to construction of new stormwater drainage facilities.

d) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The City has three water sources: Sonoma County Water Agency (SCWA) supply, local groundwater, and recycled water. The City manages these supplies using a "conjunctive use" strategy, drawing on SCWA and recycled-water supplies first and using its local

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groundwater to manage peak demands. The total supply available to the City through these three sources is 11,427 AFY, including 10,077 AFY of potable water and 1,350 AFY of recycled water (City of Rohnert Park, 2016).

Under its contract with SCWA, the City has access to as much as 7,500 AFY, although a number of conditions can limit the SCWA supply. Because of these limitations, the City uses 6,372 AFY as its reliable supply from SCWA under all hydrologic conditions. Over the past 10 years, the City has used between 2,500 and 5,000 AFY of SCWA supply, which is significantly less than its maximum allocation (City of Rohnert Park, 2016).

The City's local groundwater supply is from the Santa Rosa Plain Subbasin of the Santa Rosa Valley Groundwater Basin. The City manages its groundwater supply in accordance with its 2004 Water Policy Resolution, which limits groundwater pumping to 2,577 AFY. The City's 2004 City-wide Water Supply Assessment provides the technical support for this maximum pumping rate. The City participates actively in the implementation of the Santa Rosa Plain Watershed Groundwater Management Plan and is currently working with other water suppliers in the basin to implement the requirements of the Groundwater Sustainability Act of 2014. Modeling and monitoring data collected by the City and others indicate that groundwater levels are generally rising around the City's well field, an indication of stable supply. Over the past 10 years the City has used between 350 and 1,600 AFY of groundwater, significantly less than its policy limitation on groundwater use (City of Rohnert Park, 2016).

As previously discussed, the City's tertiary-treated recycled-water supply is produced by the Santa Rosa Subregional Water Reclamation System. The City and the Subregional System have recently entered into a producer/distributor agreement that provides the City with access to 1,350 AFY of recycled water. The City uses recycled water primarily for irrigation purposes; demand for recycled water has varied between 800 and 1,100 AFY over the past 10 years (City of Rohnert Park, 2016).

The City recently completed its 2015 Urban Water Management Plan Water Demand and Water Conservation Measures Update. This analysis, which is based on Association of Bay Area Governments (ABAG) population and job projections, projects the City's potable water demands through 2040. This demand is expected to range between 5,600 and 6,100 AFY, depending on the level of water conservation undertaken by the City. This projected demand is significantly less than the City's available water supplies. This analysis also indicates that the City has the potential to secure approximately 500 AFY (the difference between 5,600 and 6,100 AFY) by undertaking more aggressive water conservation activities (City of Rohnert Park, 2016).

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As concluded in the SAMP EIR, the existing water supply sources are expected to be sufficient to provide an adequate supply of water to meet the SAMP area's current and future demands (City of Rohnert Park, 2007). Buildout of the Plan area, which includes the project site, would not require SCWA to increase its existing water entitlements; as discussed above, SCWA has an adequate supply to meet the demands associated with the proposed project. Impacts associated the water supply for the project would be **less than significant**.

- e) *Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Refer to the answer provided in 'b' above.

- f) *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*

The North Bay Corporation provides solid waste disposal and composting of organic materials in the City. The SAMP EIR concluded that the County of Sonoma would be capable of providing the solid waste disposal services necessary to serve the entire SAMP area, including during construction. In addition, the SAMP EIR indicates that the Central Disposal Site Landfill in Sonoma County, planned operate through the year 2050, has adequate capacity to accommodate the SAMP needs (City of Rohnert Park, 2007). Although the project would include more residential units than initially planned for in the SAMP, the project would also result in a reduced amount of commercial and retail uses. Accordingly, the project would not be expected to result in impacts outside of those analyzed in the SAMP EIR and impacts associated with solid waste disposal would be **less than significant** impact.

- g) *Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

Assembly Bill (AB) 939 requires the City to develop and implement a solid waste management program. PRC Section 41780(a)(2) also requires cities and counties to divert 50 percent of the solid waste produced within their respective jurisdictions through source reduction, recycling, and/or composting activities. Since 2007, Senate Bill 1016 has required cities to report to the California Integrated Waste Management Board (now known as CalRecycle) the amount of garbage disposed in the landfill per person per day. According to CalRecycle's jurisdiction/disposal rate detail for SCWMA for the 2011 reporting year (CalRecycle, 2013), SCWMA's residential disposal target is 7.1 pounds

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per person per day. Rohnert Park's annual residential disposal rate of 3.6 pounds per person per day met this target in 2014. The employee disposal target (18.3 pounds per employee per day) was also met, with an actual employee disposal rate of 10.2 pounds per employee per day. Waste reduction and disposal framework developed by the City and SCWMA would guide any future development in the Plan area. The project would not contain features that would generate waste flows at rates that would exceed typical disposal rates for the City; therefore, this impact would be **less than significant**.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|--------------------------------|--|------------------------------|--------------------------|
| XVIII. MANDATORY FINDINGS OF SIGNIFICANCE | | | | |
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2.18 Mandatory Findings of Significance

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?*

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To ensure that the project does not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal, this Initial Study has identified applicable mitigation. Implementation of *Mitigation Measure BIO-1*, which would comply with the federal Migratory Bird Treaty Act and require a nesting bird survey prior the start of any construction, would ensure impacts to special status and migratory birds would be less than significant. *Mitigation Measure BIO-2* would ensure that impacts to water of the US are reduced to a less than significant level as a result of the construction new storm drain outfall in Hinebaugh Creek.

Though there have been no important historic or prehistoric resources identified on the project site, implementation of *Mitigation Measures CUL-1, CUL-2, and CUL-3* would ensure that the project has a less than significant impact on cultural resources.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

The analysis provided throughout this Initial Study demonstrates that the project’s contribution to cumulative impacts would be reduced to less than significant levels through mitigation. As such, a finding of “less than significant impact with mitigation,” is appropriate for mandatory findings of significance.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

The analysis provided throughout this Initial Study identifies project impacts that may be potentially significant and identifies mitigation measures that would reduce each impact to a less than significant level. As such, a finding of “less than significant impact with mitigation,” is appropriate for mandatory findings of significance.

3 REFERENCES AND PREPARERS

3.1 References Cited

14 CCR 15000–15387 and Appendices A through L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

BAAQMD (Bay Area Air Quality Management District). 2009. Revised Draft Options and Justification Report California Environmental Quality Act Thresholds of Significance, October 2009. Available at: <http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/revised-draft-ceqa-thresholds-justification-report-oct-2009.pdf?la=en>.

BAAQMD. 2010. Bay Area 2010 Clean Air Plan, adopted September 15, 2010. Available at: <http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>.

BAAQMD. 2011. California Environmental Quality Act Air Quality Guidelines. Updated May 2011.
http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_May%202011_5_3_11.ashx

BAAQMD. 2012. California Environmental Quality Act Air Quality Guidelines. Updated May 2012. Available at:
http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines_Final_May%202012.ashx?la=en.

California Public Resources Code, Section 21000–21177. California Environmental Quality Act, as amended.

CalRecycle (California Department of Resources Recycling and Recovery). 2013. Jurisdiction Diversion/Disposal Rate Detail for Sonoma County Waste Management Agency, Reporting Year 2011. Available:
<http://www.calrecycle.ca.gov/LGCentral/Reports/DiversioProgram/JurisdictionDiversioDetail.aspx?JurisdictionID=503&Year=2011>. Accessed August 6, 2016.

CAPCOA (California Air Pollution Control Officers Association). 2008. CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. January 2008.

CARB (California Air Resources Board). 2008. Climate Change Proposed Scoping Plan: A Framework for Change. December 12, 2008.
<http://www.arb.ca.gov/cc/scopingplan/document/psp.pdf>. Accessed August 2016.

Initial Study

CARB. 2014. First Update to the Climate Change Scoping Plan Building on the Framework Pursuant to AB 32 – The California Global Warming Solutions Act of 2006. May 2014. http://www.arb.ca.gov/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf. Accessed August 2016.

CARB. 2016. “Area Designation Maps/State and National.” Last updated May 5, 2016. <http://www.arb.ca.gov/desig/adm/adm.htm>.

CAT (California Climate Action Team). 2006. Climate Action Team Report to the Governor Schwarzenegger and the Legislature. Sacramento, California. March 2006. http://www.climatechange.ca.gov/climate_action_team/reports/2006report/2006-04-03_FINAL_CAT_REPORT.PDF.

CEC (California Energy Commission). 2013. Impact Analysis – California’s 2013 Building Energy Efficiency Standards. July 2013.

CEC. 2015. “2016 Building Efficiency Standards Adoption Hearing Presentation.” June 2015. Accessed August 2016. http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2015-06-10_hearing/2015-06-10_Adoption_Hearing_Presentation.pdf#page=8.

City of Rohnert Park. 2005 (March 14). City of Rohnert Park Revised Phase II NDPES Storm Water Management Plan. Submitted to North Coast Regional Water Quality Control Board, Santa Rosa, CA. Available: http://www.swrcb.ca.gov/water_issues/programs/stormwater/swmp/rohnertpark_swmp.pdf. Accessed August 6, 2016.

City of Rohnert Park. 2007. Stadium Area Master Plan Final Environmental Impact Report. October.

City of Rohnert Park. 2008. Stadium Area Master Plan Final Development Plan. February.

City of Rohnert Park. 2015 (May) (originally adopted 2000). City of Rohnert Park General Plan. Our Place . . . Rohnert Park 2020, A Plan for the Future. Adopted in July 2000; seventh edition printed May 2015. Rohnert Park, CA. Prepared by Dyett & Bhatia Urban and Regional Planners.

City of Rohnert Park. 2016 (February). Central Rohnert Park Priority Development Plan Final Environmental Impact Report. Certified March 22, 2016 . Prepared by AECOM.

Initial Study

City of San Pablo. 2012. City of San Pablo Climate Action Plan. Available at:
<http://sanpabloca.gov/DocumentCenter/View/2438>

City of Santa Rosa. 2008 (November 18). Proposed Fifth Amendment to the Subregional Agreement for Operation of the Laguna Treatment Plant and Water Reclamation System. Agenda Item #10.5 for Council Meeting of 11/18/2008. Available: http://ci.santa-rosa.ca.us/doclib/agendas_packets_minutes/Documents/20081118_CC_Item10.5.pdf. Accessed August 6, 2016.

CNRA (California Natural Resources Agency). 2009. Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97. December 2009.

CRPUSD (Cotati-Rohnert Park Unified School District). 2016 (March). Level 1 – Developer Fee Justification Study for Cotati-Rohnert Park Unified School District. Prepared by SchoolWorks, Inc. Available at
<http://www.crpUSD.org/cms/lib6/CA01001831/Centricity/Domain/24/Cotati-Rohnert%20Park%20Dev%20Fee%20Study%20March%202016.pdf>. Accessed September 24, 2016.

EPA. 2016. “EPA Region 9 Air Quality Maps and Geographic Information.” Last updated April 27, 2016. <http://www.epa.gov/region9/air/maps/>.

IPCC (Intergovernmental Panel on Climate Change). 1995. IPCC Second Assessment Synthesis of Scientific-Technical Information Relevant to Interpreting Article 2 of the U.N. Framework Convention on Climate Change.

IPCC (Intergovernmental Panel on Climate Change). 2007. IPCC Fourth Assessment Synthesis of Scientific-Technical Information Relevant to Interpreting Article 2 of the U.N. Framework Convention on Climate Change.

IPCC. 2014. Climate Change 2014 Synthesis Report: A Report of the Intergovernmental Panel on Climate Change. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.
<http://www.ipcc.ch/report/ar5/syr/>. Accessed August 2016.

NFA (North Fork Associates). 2003. Wetland Delineation for the 32-acre Stadium Area Master Plan. September.

OEHHA (Office of Environmental Health Hazard Assessment). 2015. Air Toxics Hot Spot Program – Risk Assessment Guidelines – Guidance Manual for Preparation of Health

Initial Study

Risk Assessments. February 2015. Available at:
<http://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>.

U.S. Fish and Wildlife Service, 2005. Santa Rosa Plain Conservation Strategy. December 1.

W-Trans. 2016. Traffic Impact Study for the Residences at Five Creek. October 11.

APPENDIX A

Residences at Five Creek Final Development Plan

APPENDIX B

Air Quality and Greenhouse Gas Emissions Calculations

APPENDIX C

Traffic Impact Study

APPENDIX D

Preliminary Jurisdictional Delineation

City of Rohnert Park
Residence at Five Creek and City Public Safety / Public Works Facilities Project
Mitigation Monitoring & Reporting Program

Mitigation measures are proposed or recommended for the following sections:

- 2.1 Aesthetics
- 2.3 Air Quality
- 2.4 Biological Resources
- 2.5 Cultural Resources
- 2.6 Geology and Soils
- 2.7 Greenhouse Gas Emissions
- 2.8 Hazards and Hazardous Materials
- 2.9 Hydrology and Water Quality
- 2.12 Noise
- 2.13 Public Services
- 2.16 Transportation and Traffic

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility | Timing | Performance Evaluation Criteria |
|--|-------------------------------------|---------------------------|---|--|
| 2.1 AESTHETICS | | | | |
| <i>Mitigation Measure AES-1 (SAMP EIR Mitigation Measure 4-1a):</i> The planning and design of projects constructed within the Stadium Area Master Plan shall conform to the Community Design Element of the Rohnert Park General Plan. Conformance review would occur prior to construction within the Project area utilizing the General Plan Urban Design Element, the Community Design Program, and the City's Subdivision Design Guidelines. | City of Rohnert Park | City of Rohnert Park | Applied with Site Plan and Architectural Review approval and completed prior to issuance of the building permit | Conformance with Community Design Element of the Rohnert Park General Plan |
| <i>Mitigation Measure AES-2 (SAMP EIR Mitigation Measure 4-1b):</i> During the design review of proposed projects pursuant to Mitigation Measure AES-1 (SAMP Mitigation Measure 4-1a), attention will be given to the interface between the industrial, institutional, commercial, and residential uses. The building and spaces shall be arranged to provide transition between uses that are complimentary to adjacent uses. The building materials, colors, linkage to sidewalks, parking placement, landscape design, and plant materials will be selected to provide a transition between uses to compliment the new and existing uses. | City of Rohnert Park | City of Rohnert Park | Applied with Site Plan and Architectural Review approval and completed prior to issuance of the building permit | Compliance with Site Plan and Architectural Review approval |
| 2.3 AIR QUALITY | | | | |
| <i>Mitigation Measure AIR-1 (SAMP EIR Mitigation Measure 5-2a):</i> Each project sponsor is responsible for ensuring that the contractor reduces particulate, | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to issuance of grading/ building | Inclusion of applicable Basic Construction Control Measures |

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| <p>reactive organic gas (ROG), NO_x, and carbon monoxide (CO) emissions by complying with the air pollution control strategies developed by the BAAQMD. Each project sponsor and contractor shall develop emission control strategies that implement the following control measures based on BAAQMD guidelines:</p> <p>Dust Control Measures: For all construction sites:</p> <ul style="list-style-type: none"> • Cover all trucks hauling construction and demolition debris from the site. • Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving, and other site preparation activities. • Use watering to control dust generation during demolition of structures or break-up of pavement. • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas. • Sweep daily (with water sweepers) all paved areas and staging areas. • Provide daily clean-up of mud and dirt carried onto paved streets from the site. • Renovation, demolition activities, removal or disturbance of any materials that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations. • Properly maintain all construction equipment. • For construction sites near sensitive receptors (or if residential development occurs prior to commencement of commercial development): | | | permits and during construction | during construction, as a condition of all building or grading permits for the project. |

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| <ul style="list-style-type: none"> • Install wheel washers for all existing trucks, or wash off the tires or tracks of trucks and equipment leaving the site. • Suspend dust-producing activities during periods when instantaneous gusts exceed 25 mph when dust control measures are unable to avoid visible dust plumes. • Limit the area subject to excavation, grading and other construction or demolition activity at any one time. • For sites greater than four acres: • Apply soil stabilizers to previously graded portions of the site inactive for more than ten days or cover or seed these areas. • Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind. • Limit traffic speeds on unpaved roads to 15 mph. • Replant vegetation in disturbed areas as soon as possible. <p><u>Construction Exhaust Mitigation Measures</u> The potential air quality impacts from toxic air contaminant emissions from construction equipment and operations will be reduced with compliance with BAAQMD air pollution control strategies. Construction firms shall be required to post signs of possible health risk during construction. The developer is responsible for compliance with the BAAQMD rule regarding cutback and emulsified asphalt paving materials. In addition, the construction contractors will implement a plan to use newer construction equipment, manufactured during or after 1996, that meets the NOx emissions standard of 6.9</p> | | | | |

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| grams per brake-horsepower hour for work constructed within 200 feet of residences. | | | | |
| <i>Mitigation Measure AIR-2:</i> The project applicant shall ensure that construction contract specifications include a requirement that all off-road diesel-powered construction equipment used for project development with engines greater than 50 horsepower be equipped with a Level 3 Verified Diesel Emissions Control (VDEC). | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to and ongoing during construction | Ensure that all off-road diesel-powered construction equipment with engines greater than 50 horsepower be equipped with Level 3 VDEC. |
| 2.4 BIOLOGICAL RESOURCES | | | | |
| <p><i>Mitigation Measure BIO-1 (SAMP Mitigation Measure 6-4a):</i> Pre-construction surveys will be conducted for nesting raptors and bat roosts within 500 feet of construction activities a minimum of 48 and 24 hours before project construction activities. Nest searches will be conducted in December/January (if not earlier) before site construction begins and the vegetation within the construction area will be removed and/or mowed between August 31 and February 1 to minimize the potential for birds to nest within the construction areas. If nests are found with no eggs or young, the nest will be moved by a qualified biologist. If nesting birds with eggs or young are found during the surveys, one or more of the following measures may be implemented:</p> <ul style="list-style-type: none"> • An exclusion zone will be established around nests with eggs or young; the need for and size of the exclusion zone is based on factors such as species sensitivity, topography, and proximity to roads and buildings. • Construction activities in the area will be postponed until young are fledged • The Biological Monitor will monitor the birds on the nest and stop construction if it appears that the birds will abandon the nest or young | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to construction activities and noted on improvement plans, grading plans and building plans | Submittal of preconstruction nesting bird survey results or confirmation from a qualified project biologist during the breeding season (February 1st-August 31st) that no migratory birds are within or adjacent to the construction area or if active nests are found, implement protective actions, including confirmation from the project biologist that the nesting cycle has been completed, as a condition of grading and building permits for the project. |

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| <ul style="list-style-type: none"> In consultation with the California Department of Fish and Wildlife (CDFW), the nests could be relocated to a nearby area or to an approved wildlife rehabilitation center <p>To minimize the potential for birds to nest in the construction area, nest searches can be conducted and tree removal and other vegetation removal can be done between October 1 and February 1. This shall be noted on improvement plans, grading plans and building plans.</p> | | | | |
| <p><i>Mitigation Measure BIO-2:</i> For any impacts to waters of the U.S., a Section 404 permit from the Corps and a Section 401 water quality certification from the Regional Water Quality Control Board shall be obtained and compensatory mitigation shall be provided for all impacts at a minimum 1 to 1 ratio according to the Corps Standard Operating Procedure for Determination of Mitigation Ratios. As part of the wetlands permitting process, the Corps must conduct a Section 7 consultation with the U.S. Fish and Wildlife Service for any potential impacts to listed species. The terms and conditions of USFWS's Biological Opinion (or Programmatic Biological Opinion) shall be implemented as part of the project.</p> | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to activities in jurisdictional areas | Appropriate permits obtained for any impacts to Waters of the U.S. |
| <p><i>Mitigation Measure BIO-3:</i> For any impacts to the bed, bank, or channel of Hinebaugh Creek, subject to regulation under Section 1602 of the Fish and Game Code, the project applicant must apply for and obtain a Streambed Alteration Agreement from the CDFW. The area regulated by CDFW is the stream zone, which is defined as the area from top-of-bank to top-of-bank or the outside edge of the riparian canopy, whichever is widest. A Streambed Alteration Agreement from CDFW will be required prior to activities that will affect these features. A permit</p> | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to construction activities involving the bed, bank, or channel of Hinebaugh Creek | Approved Streambed Alteration Agreement for impacts within regulated habitats |

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| application can be submitted concurrently with the CEQA compliance process. All mitigation measures for impacts to waters of the state and riparian areas must be implemented in accordance with the terms and conditions of the Streambed Alteration Agreement. | | | | |
| 2.5 CULTURAL RESOURCES | | | | |
| <i>Mitigation Measure CUL-1 (SAMP EIR Mitigation Measure 7-1a):</i> If at any time during earth disturbing activities a concentration of artifacts or a cultural deposit is encountered, work shall cease in the immediate area and a qualified archeologist shall be contacted by the construction manager to evaluate the find and make further recommendations. Construction crews should be alert for cultural resources which could consist of, but not be limited to, artifacts of stone, bone, wood, shell, or other materials; features, including hearths, structural remains, or dumps; areas of discolored soil indicating the location of fire pits, post molds, or living area surfaces. | City of Rohnert Park and Applicant or Applicant's Contractor | City of Rohnert Park | Ongoing during earth disturbing activities | Compliance with federal, State, and local regulations regarding inadvertent discovery and treatment of cultural resources |
| <i>Mitigation Measure CUL-2 (SAMP EIR Mitigation Measure 7.1b):</i> If human remains are encountered anywhere on the project site, all work shall stop in the immediate vicinity of the discovered remains. Both the County Coroner and a qualified archeologist shall be notified by the construction manager immediately so that an evaluation can be performed. If the remains are deemed to be Native American and prehistoric, the Native American Heritage Commission shall be contacted by the Coroner so that a "Most Likely Descendant" can be designated and recommendations for treatment solicited pursuant to CEQA Section 15064.5(e). | City of Rohnert Park and Applicant or Applicant's Contractor | City of Rohnert Park | Ongoing during earth disturbing activities | Compliance with federal, State, and local regulations regarding inadvertent discovery and treatment of human remains |

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| <i>Mitigation Measure CUL-3 (SAMP EIR Mitigation Measure 7.3a):</i> Per state law, in the event that paleontological resources or unique geologic features are encountered during construction, all earthwork within a 50 meter radius of the find will be stopped, the City of Rohnert Park notified, and a paleontologist retained to examine the find and make appropriate recommendations. | City of Rohnert Park and Applicant or Applicant's Contractor | City of Rohnert Park | Ongoing during earth disturbing activities | Compliance with federal, State, and local regulations regarding inadvertent discovery and treatment of paleontological resources or unique geologic features resources |
| 2.6 GEOLOGY AND SOILS | | | | |
| <i>Mitigation Measure GEO-1 (SAMP EIR Mitigation Measure 8-2a):</i> To reduce the primary and secondary risks associated with seismically induced groundshaking at the site, it is necessary to take the location and type of subsurface materials into consideration when designing foundations and structures in the Master Plan area. In the City of Rohnert Park, residential, commercial and institutional buildings, bridges, pedestrian overcrossings, and all associated infrastructure are required to reduce the exposure to potentially damaging seismic vibrations through seismic-resistant design, in conformance with Chapter 16, Structural Design Requirements, Division IV, Earthquake Design, of the California Building Code. Because the Master Plan area is in the "near-source" area (within 3.1 miles of a known active fault) of the Rodgers Creek fault, Section 1629, Criteria Selection, of the Building Code requires special seismic design factors to be applied to the project including: <ul style="list-style-type: none"> The use of California Building Code Seismic Zone 4 Standards as the minimum seismic-resistant design for all proposed facilities; | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to issuance of grading/ building permits and during construction | Compliance with specific Building Code requirements and standards for seismic design |

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| <ul style="list-style-type: none"> • Additional seismic-resistant earthwork and construction design criteria, based on future site-specific development projects; • Recommendations of a California Certified Engineering Geologist in cooperation with the project's California-registered geotechnical and structural engineers; • An engineering analysis that demonstrates satisfactory performance of alluvium or fill where either forms part or all of the support, especially where the possible occurrence of liquefiable soils exist; and • An analysis of soil expansion potential and appropriate remediation (compaction, removal/replacement, etc.) prior to using any expansive soils for foundation support. | | | | |
| <p><i>Mitigation Measure GEO-2 (SAMP EIR Mitigation Measure 8-3a):</i> As part of the construction permitting process, the City requires completed reports of soil conditions at the specific construction sites to identify potentially unstable soil conditions. The evaluation must be conducted by registered soil professionals, and measures to eliminate inappropriate soils conditions must be applied, depending on the soil conditions. The design of foundation support must conform to the analysis and implementation criteria described in the City's Building Code, Chapters 16, 18, and A33. Adherence to the City's codes and policies ensures the maximum practicable protection available for users of buildings and infrastructure and their associated trenches, slopes, and foundations.</p> <p>Site-specific soil suitability analysis and stabilization procedures, and design criteria for foundations, as recommended by a California registered soil engineer</p> | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to issuance of grading/ building permits and during construction | Preparation of site-specific soil conditions and suitability analysis, compliance with soil engineer recommendations |

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| <p>during the design phase for each site where existence of unsuitable soil conditions is known or suspected, shall include, but not be limited to, the following specifications:</p> <ul style="list-style-type: none"> a) During the design phase for each site where the existence of unsuitable soil conditions is known or suspected, the developer's registered soil engineering consultant shall provide documentation to the City that: <ul style="list-style-type: none"> 1. Site-specific soil suitability analyses has been conducted in the area of the proposed foundation to establish the design criteria for appropriate foundation type and support, and 2. The recommended criteria have been incorporated in the design of the foundation. b) During grading for the site, the registered soils professional shall be on the site: <ul style="list-style-type: none"> 1. To observe areas of potential soil unsuitability, 2. To supervise the implementation of soil remediation programs, and 3. To verify final soil conditions prior to setting the foundations. c) The registered soils engineering consultant shall prepare an "as built" map, to be filed with the City, showing details of the site soils, the location of foundations, sub-drains and clean-outs, the results of suitability analyses and compaction tests. | | | | |
| 2.7 GREENHOUSE GAS EMISSIONS | | | | |
| <p><i>Mitigation Measure GHG-1:</i> The project applicant shall incorporate the following GHG reduction measures into the project design:</p> | <p>Applicant or Applicant's Contractor</p> | <p>City of Rohnert Park</p> | <p>Prior to issuance of grading/ building permits and during construction</p> | <p>Incorporation of specific GHG reduction measures</p> |

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| <ul style="list-style-type: none"> Compliance with the applicable Title 24 energy efficiency standards at the time of development. At a minimum, compliance with the 2016 Title 24 standards Compliance with state and/or local green building standards. At a minimum, implementation of CALGreen Tier 1 standards Install high efficiency LED lights in outdoor areas Participation in a TDM Program Improve the pedestrian network and implement traffic calming measures throughout the project Ensure solid waste diversion consistent with AB 341 Include shade canopy over parking lots, where appropriate and feasible Provide residents and employees information regarding transit availability Provide carpool and/or car sharing parking spaces Provide electric vehicle parking Comply with the City bicycle master plan and provide adequate bicycle parking | | | | |
| <p><i>Mitigation Measure GHG-2:</i> Prior to the issuance of the occupancy permit, the project applicant shall purchase and retire voluntary carbon offsets on the Climate Action Reserve (CAR), CAPCOA Greenhouse Gas Reduction Exchange (GHG Rx), or other verified carbon registry, in order to reduce the project's emissions to below the BAAQMD threshold of significance of 4.6 MT CO₂E per service population per year. The BAAQMD requires the lead agency to ensure that offsite measures for reducing GHG emissions are feasible, measurable, and verifiable.</p> | Applicant | City of Rohnert Park | Prior to issuance of occupancy permit | Purchase and retire voluntary carbon offsets from verified carbon registry |

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| The project proponent shall provide BAAQMD a certificate of purchase, verification opinion statement, and proof of offset retirement by the verification body from which the carbon offsets were purchased. If overall land use development changes from what has been assessed in this document, the project applicant shall be required to show consistency with the analysis conclusions herein, which may include the purchase of additional carbon offsets, if required. | | | | |
| 2.8 HAZARDS AND HAZARDOUS MATERIALS | | | | |
| <p><i>Mitigation Measure HAZ-1 (SAMP EIR Mitigation Measures 9-1a through 9-1c):</i></p> <ul style="list-style-type: none"> a) The city shall require that contractors transport, store, and handle hazardous materials required for construction in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the City of Rohnert Park Department of Public Safety (DPS). b) In the event of a spill of hazardous materials in an amount reportable to the DPS (as established by DPS guidelines), the contractor shall immediately control the source of the leak and contain the spill. If required by the DPS or other regulatory agencies, contaminated soils will be excavated and disposed of offsite at a facility approved to accept such soils. c) The City shall require development under the Master Plan to include plans to prevent the pollution of surface water and groundwater and to promote the health and safety of workers and other people in the project vicinity. These programs shall include an operations and maintenance plan, a site-specific safety plan, and a fire prevention | Applicant or Applicant's Contractor | City of Rohnert Park | Ongoing requirement/ applied at the time a building permit application is submitted and completed with the issuance of the certificate of occupancy and with submittal of appropriate plans. | Measures implemented during construction and approval of appropriate hazardous materials management plan prior to occupancy permit |

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| <p>plan, in addition to the Storm Water Pollution Prevention Plan (SWPPP) required to prevent impacts associated with contaminated storm water. The programs are required by law and shall require approval by several responsible agencies. Required approvals are: the SWPPP shall be approved by the RWQCB; the site-specific safety plan and the operations and maintenance plan shall be approved by the Rohnert Park DPS.</p> <p>The City shall require the applicant to develop and implement a hazardous materials management plan that addresses public health and safety issues by providing safety measures, including release prevention measures; employee training, notification, and evacuation procedures; and adequate emergency response protocols and cleanup procedures.</p> <p>The City shall require project applicants and their designated contractors to comply with Cal-OSHA, as well as federal standards, for the storage and handling of fuels, flammable materials, and common construction-related hazardous materials and for fire prevention.</p> | | | | |
| <p><i>Mitigation Measure HAZ-2 (SAMP EIR Mitigation Measures 9-6a and 9-6b):</i></p> <p>a) Prior to construction, if dry vegetation or other fire fuels exist on or near staging areas, or any other area on which equipment will be operated, contractors shall clear the immediate area of fire fuel. To maintain a firebreak and minimize the availability of fire</p> | City of Rohnert Park | City of Rohnert Park | Ongoing during construction | Measures implemented during construction |

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| <p>fuels, the City shall require contractors to maintain areas subject to construction activities clear of combustible natural materials to the extent feasible. To avoid conflicts with policies to preserve riparian habitat, areas to be cleared shall be identified with the assistance of a qualified biologist.</p> <p>b) The City shall require contractors to equip construction equipment that normally includes a spark arrester with an arrester in good working order.</p> | | | | |
| 2.9 HYDROLOGY AND WATER QUALITY | | | | |
| <p><i>Mitigation Measure HYDRO-1 (SAMP EIR Mitigation Measure 10-3a):</i> Because the SAMP Project would involve grading of an area that is greater than one acre, it would be subject to the conditions of the General Construction Activity NPDES permit from the Regional Water Quality Control Board. This permit requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to identify the sources of sediment and other pollutants on site, and to ensure the reduction of sediment and other pollutants in stormwater discharged from the Site. A monitoring program is required to aid the implementation of, and assure compliance with, the SWPPP.</p> <p>The permit requirements of the RWQCB must be satisfied prior to project construction. As part of the SWPPP, an Erosion and Sedimentation Control Plan must be prepared for the Stadium Area Master Plan Site prior to grading. An erosion control professional, or landscape architect or civil engineer specializing in erosion control must design the Erosion and Sediment Transport Control Plan. The erosion and sediment transport control plan shall be submitted, reviewed,</p> | Applicant or Applicant's Contractor | City of Rohnert Park | Applied at the time a grading permit or building permit application is submitted and completed with the issuance of the certificate of occupancy. | Implement regulatory permit requirements, including SWPPP and Erosion and Sediment Control Plan |

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| <p>implemented and inspected as part of the approval process for the grading plans for each Project.</p> <p>The Association of Bay Area Governments (ABAG) recommends the control plan be designed using concepts similar to those formulated by ABAG, as appropriate, based on the specific erosion and sediment transport control needs of each area in which grading, excavation, and construction is to occur. A few of the most critical techniques to be considered include, but are not limited to, the following types of erosion control methods:</p> <ul style="list-style-type: none"> • Confine grading and activities related to grading (demolition, construction, preparation and use of equipment and material storage areas, staging areas, and preparation of access roads) to the dry season, whenever possible. The dry season is generally deemed to be from April to September of each year. • If grading or activities related to grading need to be scheduled for the wet season, ensure that structural erosion and sediment transport control measures are ready for implementation prior to the onset of the first major storm of the season. • Locate staging areas outside major streams and drainage ways. • Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible. • Discharge grading and construction runoff into small drainages at frequent intervals to avoid buildup of large potentially erosive flows. • Prevent runoff from flowing over unprotected slopes. | | | | |

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| <ul style="list-style-type: none"> Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction. Keep runoff away from disturbed areas during grading and related activities. Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods. Direct runoff over vegetated areas prior to discharge into public storm drainage systems, whenever possible. Trap sediment before it leaves the Site with techniques such as check dams, sediment ponds, or siltation fences. Make the contractor responsible for the removal and disposal in offsite retention ponds of all sedimentation that is generated by grading and related activities of the Project. Use landscaping and grading methods that lower the potential for down-stream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower stormwater conveyance velocities are examples of effective methods. Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team. <p>During the installation of the erosion and sediment transport control structures, an</p> | | | | |

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| <p>erosion control professional shall be on the Site to supervise the implementation of the designs, and the maintenance of the facilities throughout the grading and construction period.</p> <p>The erosion control professional shall prepare an "as built" erosion and sediment control facility map, to be filed with the City, showing details of the structural elements of the plan and providing an operating and maintenance schedule throughout the operational period of the Project.</p> <p>These erosion and sediment transport control structures need to be in place prior to the onset of seasonal rains. If portions of these phases extend into the wet season, sediment can be prevented from leaving the construction sites through the use of silt fences, straw bales, perimeter ditches, water bars, temporary culverts and swales, sediment traps, minimal grading concepts, and/or similar techniques appropriate for the Site. If grading or construction is to occur during the wet season, the Project will require an erosion and sediment transport control plan, designed by an erosion control professional, landscape architect, or civil engineer specializing in erosion control, that shall meet the objectives for the grading and construction period of construction projects proposed for the Stadium Master Plan.</p> <p>A Best Management Practices (BMP) program, as required by the RWQCB,</p> | | | | |

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| <p>describes stormwater management practices (structural and operational measures) to control the quantity and quality of stormwater runoff, and aid in erosion control. Following construction, the permit requires the implementation of long-term measures to manage runoff throughout the operational period of the Project. BMPs to prevent onsite or off-site erosion would be required in the stormwater management program. A combination of structural and/or non-structural BMPs would ensure that the disruption of existing drainage patterns caused by implementation of the Project would not create channel modification downstream from the Project site. The permit requires monitoring a monitoring and reporting program to ensure adequate long-term operation and maintenance of the BMPs.</p> <p>Practices include on-site detention and treatment, preventative maintenance, inspection, security measures, and employee training. If construction is scheduled to occur throughout the year or is unlikely to be restricted to the dry months of the year, the BMPs must be implemented to ensure that sediment is confined to the construction area and not transported off-site. Erosion control also is required by the city, county, and the RWQCB through general plan policies and regulatory permits.</p> | | | | |
| 2.12 NOISE | | | | |
| <i>Mitigation Measure NOI-1:</i> Noise-generating activities at the construction site or in areas adjacent to the | Applicant or Applicant's Contractor | City of Rohnert Park | Approved measures to be included in building | Compliance with specific construction |

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| <p>construction site associated with the Project in any way would be restricted to the hours of 8:00 a.m. to 6:00 p.m. (Ord. 152 § 3.1, 1971).</p> <ul style="list-style-type: none"> • Use available noise suppression devices and properly maintain and muffle loud construction equipment. • Avoid the unnecessary idling of equipment and stage construction equipment as far as reasonable from residences and radio station north of the site (preferably more than 200 feet from residences). • Notify adjacent uses of the construction schedule. • Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. • All noise-producing project equipment and vehicles using internal combustion engines shall be equipped with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control | | | permits and ongoing during construction | noise reduction measures |

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| <p>features that are readily available for that type of equipment.</p> <ul style="list-style-type: none"> All mobile or fixed noise-producing equipment used on the project that are regulated for noise output by a local, state, or federal agency shall comply with such regulation while in the course of project activity. Construction site and access road speed limits shall be established and enforced during the construction period. The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. Construction hours, allowable workdays, and the phone number of the job superintendent shall be clearly posted at all construction entrances to allow surrounding property owners to contact the job superintendent if necessary. Mechanical Noise is specifically listed in the noise ordinance. The following measure is required to mitigate mechanical noise impacts. | | | | |
| <p><i>Mitigation Measure NOI-2:</i> Prior to final approval, the mechanical equipment should be reviewed by professional acoustical engineer to ensure the equipment does not produce levels exceeding the noise standards.</p> | Applicant or Applicant's Contractor | City of Rohnert Park | At building permit, prior to construction | Acoustical engineer confirmation of acceptable mechanical equipment noise |
| 2.14 PUBLIC SERVICES | | | | |
| <p><i>Mitigation Measure PUB-1 (SAMP EIR Mitigation Measure 14-2a, slightly modified):</i> Prior to the issuance of building permits, the City shall require proof of payment of the statutory development fee or the mitigation fee imposed by the school district that serves the SAMP area, as authorized by state law</p> | Applicant or Applicant's Contractor | City of Rohnert Park | Prior to issuance of building permits | Payment of statutory development fee or mitigation fee to school district |

City of Rohnert Park
Residence at Five Creek and City Public Safety / Public Works Facilities Project
Mitigation Monitoring & Reporting Program

| Mitigation Measure | Implementation Responsibility | Monitoring Responsibility | Timing | Performance Evaluation Criteria |
|--|---|----------------------------------|---|---|
| (California Government Code 65995). In accordance with Section 65996 of the State Government Code, the project sponsor shall be required to pay the current school mitigation fees at the time that building permits are issued. | | | | |
| 2.16 TRANSPORTATION AND TRAFFIC | | | | |
| <i>Mitigation Measure TRA-1:</i> The project shall provide a minimum of 34 onsite bicycle spaces for the residential units, 9 spaces for the hotel, and 8 spaces for the retail space. | Project Applicant | City of Rohnert Park | Approval with improvement plans and implemented during construction | Inclusion of required bicycle spaces |
| <i>Mitigation Measure TRA-2:</i> As recommended in the Traffic Impact Study (W-Trans, 2016), the project shall install either a roundabout or all-way stop-controls at the intersection of Martin Avenue/Dowdell Avenue | Project Applicant or Applicant's Contractor | City of Rohnert Park | Approval with improvement plans and implemented during construction | Construction of required traffic improvements |
| <i>Mitigation Measure TRA-3:</i> Martin Avenue shall be restriped to include dual westbound lanes between the Costco driveway and Dowdell Avenue, with the outer through lane becoming a right-turn lane at the Dowdell Avenue intersection. | Project Applicant or Applicant's Contractor | City of Rohnert park | Approval with improvement plans and implemented during construction | Construction of required traffic improvements |

PLANNING COMMISSION RESOLUTION NO. 2016-31

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ROHNERT PARK, CALIFORNIA, RECOMMENDING APPROVAL BY THE
CITY COUNCIL OF GENERAL PLAN TEXT AND MAP AMENDMENTS TO ALLOW
FOR THE RESIDENCES AT FIVE CREEK PROJECT (APN 143-040-124)**

WHEREAS, MJW Investments, LLC, filed Planning Application No. PLDV2016-0001 proposing a General Plan Amendment, amendment to the Stadium Area Master Plan (a Planned Development), adoption of a Final Development Plan (including a related Conditional Use Permits), and a Development Agreement and Planning Application No. PLEN 2016-0003 for the related certification of a Mitigated Negative Declaration (“MND”) and Planning Application No. PLSD2016-0001 proposing a Tentative Map for a proposed project on a 15.25 acre parcel located at 5900 Labath Avenue (APN 143-040-124) (the “Project”), in accordance with the City of Rohnert Park Municipal Code (“RPMC”); and

WHEREAS, the proposed amendments to the General Plan would amend the land use designation of the project site from the current designation of Public/Institutional and Regional Commercial to a designation of Public/Institutional, High Density Residential, Parks/Recreation, and Regional Commercial as depicted on Exhibits 1 and 2; and

WHEREAS, the proposed text amendments, attached to this Resolution as Exhibit 2, would incorporate references to the Stadium Area Master Plan into the General Plan Chapters 2 (Land Use and Growth Management), Chapter 3 (Community Design) and Chapter 7 (Health and Safety); and

WHEREAS, the Planning Commission reviewed the proposed Mitigated Negative Declaration prepared for the project; recommended its certification by the City Council; and has otherwise carried out requirements for the project pursuant to CEQA; 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 December 8, 2016, the Planning Commission held a public hearing, which was continued to December 22, 2016 at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the General Plan Amendment application for the proposal.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the proposed General Plan Amendment and amendments to the Land Use Map:

Section 1. The above recitations are true and correct.

Section 2. The Planning Commission recommends City Council approval of the Mitigated Negative Declaration for this Project, as described in Planning Commission Resolution No. 2016-30, approved on date concurrently with the Planning Commission's approval of this Resolution.

Section 3. Findings. The Planning Commission hereby makes the following findings concerning the General Plan amendments proposed by Planning Application PLDV2016-0001:

1. *That this proposed site is appropriate for development under the General Plan's High Density Residential and Parks/Recreation Land Use designations.*

Criteria Satisfied. The proposed General Plan amendments would diversify the variety of uses permitted within the site, while retaining policies which preserve uses permitted under the previous land use designations. This diversity of uses and preservation of previous land use designations reflects the applicant's current Project plan and retains an appropriate level of development. The proximity of the site to a diversity of land uses makes this site appropriately suited for higher density residential uses. The site will have access to services necessary to serve multi-family development, including: proximity to retail and employment uses; access to recreational facilities (e.g. Hinebaugh Creek path and new park); and available infrastructure capacity (roads, public utilities, etc.). The inclusion of park space within the project ensures that adequate park and open space area is available to all multi-family uses within the Stadium Area Master Plan.

2. *That the proposed General Plan amendments would be internally consistent with specific policies in the Land Use Element of the General Plan relative to the proposed development.*

Criteria Satisfied. The proposed amendments establish specific policies in the Land Use and Community Design Elements of the General Plan specific to the Stadium Area Planned Development. The policies promote a compact urban form, an increased connectivity between and within neighborhoods, the designation of pedestrian oriented activity centers, a variety of housing and a mix of housing types, the protection of creeks and provision of a network of trails and parks, and a land use pattern to maximize accessibility to parks and commercial centers.

3. *That a duly noticed public hearing has been held to receive and consider public testimony regarding the proposed amendments to the General Plan Land Use Map.*

Criteria Satisfied. The Planning Commission held a public hearing on the proposed General Plan Amendments on December 8, 2016, which was continued to December 22, 2016 to allow for additional testimony. Public comments were received and considered prior to deliberations. The required notice of the public hearing was placed

in the November 25 edition of the Community Voice and a copy of the notice was mailed to all property owners within 300 feet of the project site.

Section 4. The Planning Commission does hereby recommend that the City Council adopt the Findings stated herein above and approve Application No. PLDV2016-0001 to amend the General Plan Land Use Diagram so as to conform to the General Plan Amendment recommended herein by adopting the amended General Plan Land Use Diagram attached to this Resolution as Exhibit 1.

Section 5. The Planning Commission does hereby recommend that the City Council amend the text of the General Plan document to incorporate proposed changes related to the Stadium Area Master Plan as attached to this Resolution as Exhibit 2.

DULY AND REGULARLY ADOPTED on this 22nd day of December 2016 by the City of Rohnert Park Planning Commission by the following vote:

AYES: ____ NOES: ____ ABSENT: ____ ABSTAIN: ____

ADAMS ____ BLANQUIE ____ BORBA ____ GIUDICE ____ HAYDON ____

John Borba, Chairperson, Rohnert Park Planning Commission

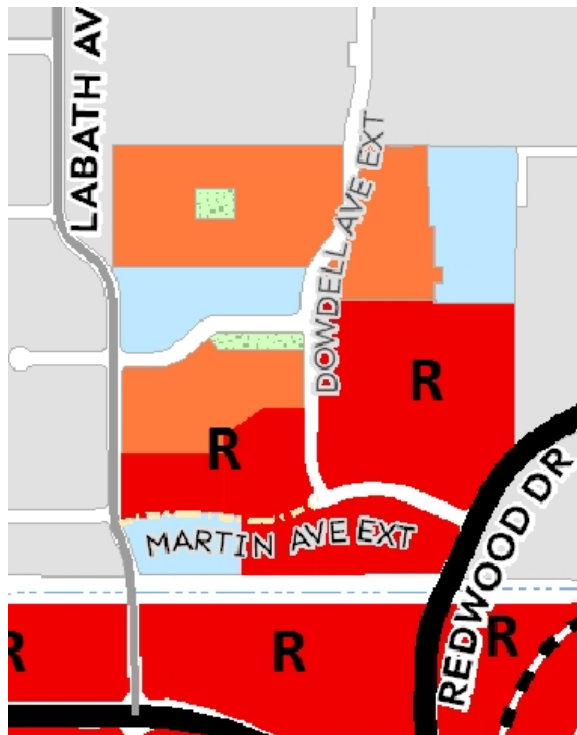
Attest: _____

Susan Azevedo, Recording Secretary

Exhibit 1



Current General Plan Land Use Designations



Proposed General Plan Land Use Designations

Specific Plan, Planned Development, and Other Areas

The new growth areas of the City have been divided into five specific plan areas – Northwest, Northeast, University District, Canon Manor, and Southeast; and ~~two~~ planned development areas – Sonoma Mountain Village and Stadium Area. Policies have been developed that pertain to the individual specific plan/planned development areas, as well as for the City Center area, for which a Concept Plan exists. Boundaries for specific plan/planned development areas are demarcated in Figure 2.4-1. For policies related to design issues, please see Chapter 3: Community Design.

LU-10A Coordinate the adoption of each specific plan and planned development in a manner that provides for the systematic implementation of the General Plan, as is consistent with the growth management and public facilities goals and policies of this General Plan. In order to carry out this policy, the City Council may elect to adopt one specific plan and/or planned development at a time, determine priorities for the adoption of each specific plan/planned development, initiate the preparation of a specific plan and/or planned development, or otherwise take action to ensure that the adoption of specific plans and planned developments adhere to the growth management and public facilities goals and policies of this General Plan.

Require that all specific plans and planned developments prepared pursuant to this General Plan include the following components:

- A land use program as specified for each Specific Plan and Planned Development area in the General Plan, including the maximum and minimum development for each land use type; and
- A detailed traffic study, prepared by a City-approved traffic/transportation planner, and reasonable mitigation measures to mitigate traffic impacts resulting from the development; and
- The proposed location and capacity of major infrastructure components, including wells, sewage, water, drainage, solid waste, disposal, energy, and other essential facilities proposed to be located within the area covered by the Specific Plan/Planned Development; and

Policy GM-9 also requires preparation of a Public Facilities Financing Plan.

- A site-specific biological assessment of wetlands, habitat areas, and creeksides by a City-approved biologist and a program for conservation/mitigation to the extent feasible; and
- Survey for California tiger salamander, both in breeding habitat and adjacent upland estivation habitat, with appropriate mitigation, including avoidance and minimization measures; and
- Program for conservation of the natural resources along creeks and standards for the conservation, development, and utilization of natural resources where applicable; and

| | <i>Gross Acreage</i> | <i>Housing Units Minimum-Maximum</i> | <i>Building Area (1,000 s.f.) Minimum-Maximum</i> |
|------------------------|--------------------------|--|---|
| Mixed Use ¹ | 147 | 0-1,694 | n.a. ² |
| Public/Institutional | 1 | n.a. | n.a. ² |
| Parks/Open Space | 27 | n.a. | n.a. ² |
| Total | 175 | 0-1,694 | n.a. ² |

1. Various residential, commercial, office, and industrial uses are proposed to be integrated throughout the Sonoma Mountain Village Planned Development, and such uses are therefore collectively reflected as mixed use in this Table.

2. Due to the broad range of development options permitted in the Sonoma Mountain Village Planned Development, fixing a minimum and maximum building area is undesirable, but shall be subject to the allowances provided in the Sonoma Mountain Village Planned Development Zoning District.

The acreages and housing units in this table reflect buildout of the entire Sonoma Mountain Village Planned Development.

Source: Sonoma Mountain Village

(Rev. 08/10)

Stadium Area Planned Development Area

LU-38 Require preparation of a Planned Development prior to approval of any development in the Stadium Area.

LU-39 Ensure that land uses are dispersed in accordance with the provisions of the Stadium Area Master Plan Planned Development Zoning District:

- Redevelopment of formerly developed industrial and institutional land
- Particular attention shall be given to the interface between the industrial, residential, commercial, and public/institutional land uses.
- Provisions shall be made to ensure complementary transitions between uses through the arrangement between buildings and spaces.
- The arrangement between structures and spaces shall result in a cohesive design among similar land uses.
- Insure that building materials, colors, linkages to sidewalks, parking placement, landscape design, and plant materials complement existing and proposed uses.
- Include proper site design and/or noise attenuating devices to reduce indoor and outdoor noise levels for sensitive receptors.
- Special consideration should be given to memorialize the “Stadium.”

Table 2.4-6: Land Use Program: Stadium Area Planned Development Area

| | <i>Gross Acreage</i> | <i>Housing Units Minimum-Maximum</i> | <i>Building Area (1,000 s.f.) Minimum-Maximum</i> |
|---------------------------------|--------------------------|--|---|
| <u>High Density Residential</u> | <u>22.55</u> | <u>Up to 473</u> | <u>None</u> |
| <u>Commercial – Regional</u> | <u>6.6</u> | <u>None</u> | <u>Up to 300,000 s.f.</u> |
| <u>Public/Institutional</u> | <u>3.0</u> | <u>None</u> | <u>None</u> |
| <u>Parks/Open Space</u> | <u>.65</u> | <u>None</u> | <u>None</u> |
| <u>Total</u> | <u>32.8</u> | <u>up 473</u> | <u>Up to 300,000 s.f.</u> |

Central Rohnert Park

- LU-~~40~~38 Take advantage of the relatively close proximity and mixed-use character of Central Rohnert Park to support a one-stop destination for the community's shopping, employment, living, and recreational needs.
- LU-~~41~~39 Support new art and entertainment venues in Central Rohnert Park.
- LU-~~42~~9 Implement a Regional Commercial Overlay zone to support opportunities for a variety of regional commercial uses in the Triangle Business subarea, particularly within vacant and underused portions of the Triangle Business subarea, fronting U.S. 101.
- LU-~~43~~1 Implement a Downtown District on both sides of Rohnert Park Expressway and State Farm Drive and encompassing the SMART rail station.
- LU-~~44~~2 Support creation of a pedestrian-oriented downtown, adjacent to the SMART rail station.
- LU-~~45~~3 Build on development in the City Center as a civic and cultural destination, with smaller shops and services, mixed-use lofts, and neighborhood-oriented uses.
- LU-~~46~~4 Promote infill development to activate State Farm Drive, a key roadway connecting Central Rohnert Park.
- LU-~~47~~5 Support and market available employment parcels within walking distance of the SMART rail line or local transit stop. Connect these centers with bicycle and pedestrian facilities.
- LU-~~48~~6 Provide transitions to established neighborhood areas by ensuring appropriate setback standards and stepbacks for upper-story levels of multi-story structures, adjacent to residential uses.
- LU-~~49~~7 Provide a variety of housing types and densities.
- LU-~~50~~48 Focus the development of new housing in the City Center and Station Center subareas, at densities sufficient to support transit use and with access to employment and community services in the region.
- LU-~~51~~49 Increase minimum density limits for higher density housing near transit (particularly within one-half mile of the SMART rail station).
- LU-~~52~~50 Support and encourage the provision of housing to a broad range of income levels, including market-rate and affordable housing.
- LU-~~53~~1 New development shall be required to comply with the City's inclusionary housing ordinance.
- LU-~~54~~2 Implement corridor landscape improvements that beautify and improve vehicular, transit, bike, and pedestrian access to businesses within Central Rohnert Park.

- LU-5~~53~~ Support and market infill development opportunities on vacant and underused sites that can attract small and large tenants and a variety of users.
- LU-5~~64~~ As new development occurs, provide incentives and assistance to existing small businesses for property improvements that support their vibrancy and viability.
- LU-5~~75~~ Encourage existing property owners in Central Rohnert Park to upgrade their properties to support new public places and improve the pedestrian orientation and character along the street or retail frontages.
- LU-5~~86~~ In new development, use site preparation, grading, and construction techniques that prevent contamination and sedimentation of creeks and streams.
- LU-5~~97~~ Avoid adverse impacts on ecologically sensitive habitat and wildlife in planning, construction, and maintenance of creek corridor paths.
- LU-~~60~~~~58~~ Protect native and heritage trees that meet the definition of a “protected tree” under the City’s Zoning Ordinance.
- LU-~~61~~~~59~~ Plant native vegetation in parks, public areas, and creek open space corridors.
- LU-6~~20~~ Promote site and building design that improves energy efficiency by designing for natural cooling and passive solar heating. This can be achieved through the addition of building and site development features such as extended eaves, window overhangs, and awnings; tree placement for natural cooling; and orientation of buildings and windows to take advantage of passive solar heating.
- LU-6~~31~~ Support the use of green or sustainable building materials, including recycled-content materials that are consistent with the style and character of buildings.
- LU-6~~42~~ New project development will be required to comply with applicable greenhouse gas reduction strategies in the Sonoma County Climate Action Plan and the Rohnert Park Greenhouse Gas (GHG) Emissions Reduction Plan.
- LU-6~~53~~ Prior to obtaining building permits, projects within Central Rohnert Park will need to be evaluated against the Bay Area Air Quality Management district’s thresholds of significance for project-level impacts and comply with applicable control measures in the Bay Area 2010 Clean Air Plan. Potentially significant GHG impacts will need to be mitigated to a less-than-significant level through alteration of project details or construction methods. Land use policies.

FOCUS AREAS

In addition to policies that apply across the city, this section of the General Plan includes policies targeted at design issues specific to certain parts of the city. These are:

- University District;
- City Center;
- Central Rohnert Park
- Northeast Area;
- Northwest Specific Plan Area;
- Sonoma Mountain Village;
- Stadium Area; and
- Southeast Area.

GOALS: NEIGHBORHOODS AND FOCUS AREAS

CD-G Encourage development of diverse and distinctive neighborhoods that build on the patterns of the natural landscape and are responsive in their location and context.

This General Plan encourages development of neighborhoods to be responsive to their location and context, rather than being based on a uniform design formula.

CD-H Promote a mix of uses and a variety of housing types and sizes within residential neighborhoods.

The General Plan Diagram establishes a mix of uses within areas of new development and promotes a mix of housing types by allowing a range of residential densities within the same areas. This goal and the subsequent policies build on the overall direction established in the diagram.

CD-I Ensure that neighborhood streets provide an attractive physical environment for motorists, pedestrians, and cyclists.

CD-J Maintain the character of existing neighborhoods while undertaking streetscape and signage improvements in selected areas.

CD-K Support improvements to the pedestrian orientation within Central Rohnert Park.

CD-L Create a consistent character and identity for Central Rohnert Park – particularly in area defined as Downtown.

CD-M Ensure the quality of new development within Central Rohnert Park.

Sonoma Mountain Village Planned Development Area

CD-48A Ensure that Sonoma Mountain Village is developed as a sustainable community typified by pedestrian- and bicycle-friendly elements, compact village-style blocks, and integration of residential, commercial, and industrial uses.

CD-48B Ensure that all development and land use conforms with the Sonoma Mountain Village Zoning Code.

CD-48C Ensure that development includes features which advance energy conservation, environmental protection, and sustainability, including:

- Minimizing demolition of existing structures and encouraging adaptive reuse of buildings.
- Providing ample pedestrian and bicycle paths throughout Sonoma Mountain Village, and provide appropriate connection points to surrounding areas to integrate pedestrian and bicycle access to adjacent portions of the City.
- Use of low-water plumbing fixtures and water conservation techniques in building design and construction.
- Use of solar, wind, and other alternative energy forms.

CD-48D Require parks, open spaces, and recreational facilities to be distributed throughout the area in a manner that encourages easy and frequent access by residents, employees, and others within Sonoma Mountain Village.

CD-48E Require design of streets, infrastructure, buildings, and other public and private features to be consistent and complimentary, so as to create a uniform character for all development within Sonoma Mountain Village.

Stadium Area Planned Development Area

CD-49A Require building materials, colors, linkage to sidewalks, parking placement, landscape design, and plant materials to complement existing and proposed uses.

CS-49B Integrate proper site design and/or noise attenuating devices to reduce the indoor and outdoor noise levels for sensitive receptors.

CD-49C Require that all streets within the PDA include sidewalks on both sides, and that sidewalks and paths shall connect all activity areas.

CD-49D Bike racks shall be provided at all retail use locations and within residential areas.

CD-49E Ensure that all development and land use conforms to the Stadium Area Zoning Code

Southeast Specific Plan Area

~~CD-49~~CD-50 Locate the proposed Mixed Use Commercial area along Bodway Parkway to increase accessibility. Require buildings to front on Bodway with parking located behind buildings.

~~CD-50~~CD-51 Provide Medium Density Residential uses adjacent to mixed-use/commercial areas. Require the commercial center to provide landscaping to screen parking and provide a buffer between the residential and commercial uses.

~~CD-51~~CD-52 Ensure that the proposed neighborhood park is located adjacent to the Medium Density Residential area.

~~CD-52~~CD-53 Allow only Estate Residential uses along Petaluma Hill Road in order to provide transition between developed and undeveloped areas.

While this is the only use along Petaluma Hill Road shown on the General Plan Diagram, the intent is to ensure that this policy is maintained if the General Plan Diagram were to be amended in the future.

Existing Neighborhoods

~~CD-53~~CD-54 Ensure that new development in existing neighborhoods is respectful of the character of existing uses and causes minimal design intrusion.

The General Plan does not seek to alter the character of existing neighborhoods, which have played and will continue to play an important role in the future success of Rohnert Park as a community.

~~CD-54~~CD-55 In cooperation with merchants, undertake a streetscape program for Commerce Boulevard that provides high branching trees that permit the stores to be seen but provide a canopy to the street. Provide shrubs to screen parking from the streets.

CD-56 Establish a zero foot building setback that allows buildings to be located at the back of the sidewalk for commercial areas in the Downtown District Amenity Zone, as indicated in Figure 3.2-15.

CD-57 Support public realm enhancements that improve bike and pedestrian connectivity, comfort, and access from neighborhoods and destinations in Central Rohnert Park to the SMART rail station.

CD-58 Encourage new development to provide public plazas, gathering places, and pedestrian amenities that contribute to the character of the street and public realm.

CD-59 Focus public and private investments inside the Downtown District Amenity Zone to create an urban downtown streetscape and facilitate pedestrian and bicycle crossings of Rohnert Park Expressway (RPX) and State Farm Drive.

CD-60 Develop a streetscape palette that accents the identity for downtown and each of the subareas and enhances the character and role of the street.

CD-61 Promote sustainable development practices that result in more energy- and water efficient development, responsive to the mild climate conditions in the Sonoma Valley.

CD-62 Allow diverse building types and styles that are compatible and consistent with the character of development in Sonoma County.

CD-63 Use high quality landscaping and building materials at the SMART station.

CD-64 Support high quality architecture, streetscape, and landscape design features in the Downtown District Amenity Zone.”

3.3 COMMERCIAL CENTERS

As of 1999, essentially two types of commercial centers exist in Rohnert Park:

- *Neighborhood Commercial*, located adjacent to neighborhoods, providing convenient shopping for nearby the residents. Neighborhood commercial centers are primarily oriented toward the automobile, but include amenities like large sidewalks and landscaped buffers that are pedestrian-friendly. The largest of these, at Rohnert Park Expressway/Commerce Boulevard, includes more than half the land devoted to neighborhood commercial facilities in the city.
- *Regional Commercial*, located primarily along US 101, serving a regional clientele, in addition to Rohnert Park residents. Large, big-box retail stores (such as Home Depot and Wal-Mart) along Redwood Drive are oriented to their parking lots and the visibility that US 101 provides. Large blocks, minimal access points, and lack of shade trees discourage walking and bicycling.

While much new future commercial development is contemplated as being part of mixed-use centers (policies for which are included in the preceding section), single-use commercial development may occur in several areas.

GOALS: COMMERCIAL CENTERS

- CD-N Provide safe, convenient, and comfortable pedestrian connections within commercial centers and between commercial centers and adjacent sites and residential neighborhoods.
- CD-O Ensure that the location of buildings and the orientation of entrances within commercial centers allow for easy pedestrian access.

POLICIES: COMMERCIAL CENTERS

Figure 3.3-1 illustrates the potential visual appearance of commercial centers developed according to the policies in this section.

~~CD-64~~**CD-56** Require all development within commercial districts to provide pedestrian amenities, including:

- Pedestrian walkways through parking lots to connect buildings on opposite sides of parking areas;
- Sidewalks wide enough to accommodate pedestrian use;
- Sidewalk intersection bulbs, to reduce the walking distance across streets;
- Pedestrian lighting, benches, street trees, and other sidewalk amenities; and
- Landscaping that complements pedestrian circulation and eliminates barriers to pedestrian access.

Commercial development should be designed to accommodate both the pedestrian and the automobile. Neighborhood commercial centers, in particular, should provide strong pedestrian and bicycle connections to adjacent neighborhoods. Regional commercial centers are primarily accessed by car, but pedestrian amenities on-site (adequate sidewalk widths, pedestrian lighting, landscaping that complements pedestrian activity and removes barriers to walking, etc.) can help improve pedestrian safety and circulation and facilitate walking to and from adjacent sites.

See also Chapter 4: Transportation, which requires pedestrian amenities to be provided within 600 feet of Mixed-use, High Density Residential, schools, parks, and recreational uses.

CD-65CD-57 As part of the Zoning Ordinance, maintain development standards for all development within commercial districts that include, but are not limited to:

- Maximum setbacks from the front lot-line;
- Maximum length of the front lot line that can be used as the edge of a parking lot;
- Landscaping requirements;
- Design standards for parking lots, including landscaping and buffering;
- Required orientation of main entrances to the street;
- Building transparency and pedestrian comfort;
- Signage requirements; and
- Height, overall size, materials, lighting, and location.

DOWNTOWN DISTRICT

In 2016, in order to facilitate the development of downtown, a Downtown District Amenity Zone (DDAZ) was established by the Central Rohnert Park, Priority Development Area Plan. The DDAZ is intended to focus investment in the downtown area and to facilitate and create a compact, walkable, commercial district that is unique to Rohnert Park. The intent is to establish an urban streetscape environment supporting creation of a walkable dining, entertainment, retail, and civic district, within an urban atmosphere that is uniquely defined for the city. Figure 3.2-16 illustrates the DDAZ boundaries.

3.4 PUBLIC ART

As in the past, the City should continue efforts to promote arts and culture, including in cooperation with Sonoma State University, and as part of development and redevelopment.

GOALS: PUBLIC ART

CD-P Promote art and culture in Rohnert Park

POLICIES: PUBLIC ART

~~CD-66~~CD-58 Encourage the integration of art and cultural components in public places and facilities.

~~CD-67~~CD-59 Include art and cultural components in areas of new development and redevelopment.

GOALS: EMERGENCY MANAGEMENT

- HS-H Use the Standardized Emergency Management Plan as the guide for emergency management in Rohnert Park.
- HS-I Cooperate with other public agencies to store, organize, distribute, and administer emergency medical equipment, supplies, services and communication systems.
- HS-J As part of the concurrency requirement for development on the westside, construct a public safety station west of US 101 in the general vicinity of the Wilfred Avenue/Labath Avenue intersection.

A Westside station will be necessary if additional construction occurs west of US 101 in order to respond to emergency calls within an acceptable response time. If the station were located in the general vicinity of the Wilfred Avenue/Labath Avenue intersection, emergency vehicles could respond within four minutes to calls in the area west of US 101.

POLICIES: EMERGENCY MANAGEMENT

- HS-21 Maintain and regularly update the Standardized Emergency Management Plan.

The Department of Public safety shall administer the plan and revise it as needed. Evacuation routes should be adopted and updated as part of the plan. The routes should be flexible to respond appropriately to various emergencies (such as exposure to hazardous materials, flood, fire, or earthquake).

- HS-22 Conduct periodic emergency management exercises to familiarize key City personnel and surrounding jurisdictions and agencies with their roles and responsibilities to ensure emergency facilities will function in the event of a disaster.

- HS-23 Prepare and disseminate information to help households prepare for emergency situations.

This information should include pre-fire and earthquake plans, guidebooks, and instruction kits identifying how emergency response will be coordinated and how evacuation of residents will proceed. Households should be encouraged to take the necessary preparations to be self-sufficient for at least 72 hours after a disaster strikes the community.

- HS-24 Require adequate access for emergency vehicles, including adequate street width and vertical clearance, on new streets.

The DPS should establish street width, vertical clearance, and access standards in the Standardized Emergency Management Plan.

- HS-25 Ensure that new traffic signals include a system which allows emergency vehicles to change the signal.

- HS-26 Locate a new public safety station in the ~~Northwest Specific Plan Area~~ Stadium Lands Planned Development; require new development ~~in the northwest (north of Business Park Drive and West of Highway 101)~~ on the west side (west of Highway 101) to contribute funds to the Public Facilities Financing Plan for construction.

The Wilfred-Dowdell Village Specific Plan establishes a Public Facilities Financing Plan to provide funding for a new station. The Wilfred-Dowdell Village development is providing a portion of the total funding required; other development benefiting from the station will also be required to contribute. The new station on the westside is expected to require seven additional public safety staff, whose salaries would be provided through the General Fund.

PLANNING COMMISSION RESOLUTION NO. 2016-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROHNERT PARK, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AMENDMENTS TO THE STADIUM AREA MASTER PLAN, ADOPTION OF A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE RESIDENCES AT FIVE CREEK PROJECT (APN 143-040-124)

WHEREAS, MJW Investments, LLC, filed Planning Application No. PLDV2016-0001 proposing a General Plan Amendment, amendment to the Stadium Area Master Plan (a Planned Development), adoption of a Final Development Plan (including a related Conditional Use Permit) and a Development Agreement and Planning Application No. PLEN 2016-0003 for the related certification of a Mitigated Negative Declaration (“MND”) and Planning Application No. PLSD2016-0001 proposing a Tentative Map for a proposed project on a 15.30 acre parcel located at 5900 Labath Avenue (APN 143-040-124), in accordance with the City of Rohnert Park Municipal Code (“RPMC”); and

WHEREAS, the proposed amendment to the SAMP would change the land use designation on the 12.62 acre project site from its current designation of Regional Commercial to Regional Commercial, High Density Residential and Parks/Recreation. A copy of the SAMP with red-lined changes, corrections to the text and new graphics is incorporated into this Resolution as Exhibit 1; and

WHEREAS, the proposed Residences at Five Creek Final Development Plan would allow for the development of 135 units of multi-family residential, 132 hotel rooms, 34,300 square feet of retail and service commercial, a 0.65 acre city park and the related infrastructure and improvements to support the project as specified in Exhibit 2; and

WHEREAS, prior to development of any phase in the Stadium Area Planned Development, a Conditional Use Permit (CUP) is required. A CUP has been requested as an entitlement by MJW Investments for the Residences at Five Creek Project; and

WHEREAS, the City has assessed the potential environmental impacts associated with the Project and has prepared a Mitigated Negative Declaration. The Planning Commission has reviewed the Mitigated Negative Declaration prepared for the Project; recommended its approval by the City Council; and has otherwise carried out all requirements for the Project pursuant to CEQA; 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 December 8, 2016, the Planning Commission held a public hearing which was continued to December 22, 2016 at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the proposed SAMP Amendment, Final Development Plan and Conditional Use Permit; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the proposed SAMP Amendment:

Section 1. The above recitations are true and correct.

Section 2. The Planning Commission has recommended City Council approval of the Mitigated Negative Declaration for this Project, as described in Planning Commission Resolution No. 2016-30, approved on date concurrently with the Planning Commission's approval of this Resolution. The Planning Commission has further recommended City Council approval of the proposed General Plan text and map amendments, as described in Planning Commission Resolution No. 2016-31, approved on date concurrently with the Planning Commission's approval of this Resolution.

Section 3. Findings. The Planning Commission hereby makes the following findings concerning the SAMP amendment proposed by Planning Application No. PLDV2016-0001:

1. That the proposed SAMP amendments are consistent with the General Plan.

Criteria Satisfied. The proposed amendment to the SAMP would change text and graphics with the SAMP document. The Residences at Five Creek, Final Development Plan would be incorporated into the SAMP document as part of this action. The land use designations of the site will change from Regional Commercial to High Density Residential, Regional Commercial and Parks/Recreation. This change facilitates the development of the Residences at Five Creek project as proposed with an apartment complex, public park, hotel and retail center. The Residences at Five Creek project site is within the boundaries of the SAMP area. Approved land uses within the boundaries of the SAMP include: High Density Residential (12-24 units/acre), Commercial-Regional, and Parks/Recreation. The 12.62 acre parcel is within the SAMP and is designated Regional Commercial. The project proposes to utilize the project site to develop 135 high density residential units, 34,300 square feet of retail commercial and a 0.65 acre public park. The project site would result in an increase in the number of residential units approved under the SAMP from 338 to 473 units.

The proposed project site is located within the SAMP boundaries where other high density residential projects have been constructed and is adjacent to existing retail commercial development. Therefore, the amendment to the SAMP would be appropriate for development under the General Plan's High Density Residential land use designation, Retail Commercial designation and Parks/Recreation designation, as recommended for amendment.

The proposed development would provide a diversity of land uses. The site will have access to services necessary to serve multi-family development, including: proximity to retail and employment uses; access to recreational facilities (e.g. Hinebaugh Creek path and new park); and available infrastructure capacity (roads, public utilities, etc.). The inclusion of park space within the project ensures that adequate park and open space area is available to all multi-family uses within the Stadium Area Master Plan.

The project promote General Plan policies related to the promotion of a compact urban form, an increased connectivity between and within neighborhoods, the

designation of pedestrian oriented activity centers, a variety of housing and a mix of housing types, the protection of creeks and provision of a network of trails and parks, and a land use pattern to maximize accessibility to parks and commercial centers.

2. *That the proposed amendment will not result in an internal inconsistency in the General Plan.*

Criteria Satisfied. The SAMP Amendment is discussed in the application materials, the Mitigated Negative Declaration, resolution adopting the General Plan amendment and staff report. The City adopts the conclusions and analysis of those document regarding General Plan consistency and incorporates these by reference. The Project, including the General Plan Amendment, is consistent with the General Plan, as recommended for amendment, and will result in an internally consistent General Plan.

3. *That a duly noticed public hearing has been held to receive and consider public testimony regarding the proposed amendments to the General Plan Land Use Diagram.*

Criteria Satisfied. A duly noticed public hearing on the proposed General Plan Amendment was held on December 8, 2016.

Section 4. Findings. The Planning Commission hereby makes the following findings concerning the Residences at Five Creek, Final Development Plan proposed by Planning Application No. PLDV2016-0001:

1. *That Each individual component of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district;*

Criteria Satisfied. The Residences at Five Creek Final Development Plan establishes four components (apartments, hotel, park, shopping center) for the development to be built in two phases. The first phase would involve the construction of the hotel, apartments, and park. The shopping center would be built as a second phase. Each component can exist as an independent unit with the necessary financial capacity to support development of infrastructure and related facilities therein. As described in the Final Development Plan and the staff report, each project phase incorporates a variety of complementary uses which provide housing, access to parks and open space, pedestrian and bicycle friendly infrastructure, and commercial development. A mixed use project of this type could not be achieved under any other zoning district because the City currently lacks zoning that would allow for this mixture of land uses.

2. *The streets and thoroughfares proposed meet the standards of the city and adequate infrastructure can be supplied to all phases of the development;*

Criteria Satisfied. As described in the Final Development Plan and staff report each Phase of the Project is designed to have adequate infrastructure, integrated with existing City roadways, street, bicycle paths, and walkways. All publicly owned streets and thoroughfares will meet the standards of the City.

3. *Any commercial component complements other uses in the development;*

Criteria Satisfied. As described in the Final Development Plan and the staff report, the Project incorporates a variety of complementary uses which provides housing, access to parks and open space, pedestrian and bicycle friendly infrastructure. These complement to Project's commercial component. The Final Development Plan provides for commercial component to be integrated with residential and other components throughout the Project site complementing those components by enhancing public convenience, employee access to recreational amenities and, reducing commuter and traffic congestion. The mixed use character of the Final Development Plan allows commercial components of the Project to complement other Project components.

4. *Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities within the P-D district that are no higher than that permitted by the general plan;*

Criteria Satisfied. As described in the Final Development Plan and staff report, the Project will provide for housing consistent with the designated High Density Residential General Plan category. This will result in a similar residential intensity to the recently completed Fiori Estates and The Reserve apartment complexes to the north. The Final Development Plan provides for commercial components to be accessible to the residential uses by creating an integrated pedestrian circulation system.

5. *Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development;*

Criteria Satisfied. No industrial land uses are proposed as part of this Project.

6. *Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted;*

Criteria Satisfied. The Final Development is consistent with the amended Stadium Area Master Plan which was established when this property was originally zoned P-D. Minor deviations to the zoning ordinance and Rohnert Park design standards are proposed. Zoning ordinance deviations limit the range of permitted land uses allowed to reduce potential conflict between the commercial and residential land uses. Deviations from the City's Design Guideline area proposed to allow for the "Modern" architectural style proposed for the project. This will help ensure that all project components are built using a similar design style (Modern) and remain visually consistent.

7. *The P-D zoning district is consistent with the general plan of the city and any applicable specific plan.*

Criteria Satisfied. The Final Development Plan is proposed concurrently with an amendment to the General Plan land use designations from Regional Commercial to a combination of Regional Commercial, Parks and Recreation and High Density Residential to allow a variety of residential, commercial, public, recreational and other uses which conform to the Project's mixed use character. The proposed Final Development Plan is wholly consistent with the General Plan, as recommended to be amended.

Section 5. Findings. The Planning Commission hereby makes the following findings concerning the Conditional Use Permit proposed by Planning Application No. PLDV2016-0001:

1. *That the proposed location of the conditional use is consistent with the objectives of the zoning ordinance and the purposes of the district in which the site is located.*

Criteria Satisfied. The Conditional Use Permit is consistent with and help to implement the Planned Development. The Conditional Use Permit applies to the Residences at Five Creek, Final Development Plan project site and is in conformance with the proposed amended Stadium Area Master Plan land use designations for the subject property. The proposed uses are compatible and development will comply with development standards (e.g. required building setbacks, parking, open space and building height) and other requirements within the Rohnert Park Municipal Code. As part of the CUP, Conditions of Approval will be adopted that will be apply at each step of the site and building development process to ensure that the development of the site is consistent with adopted regulations, standards and guidelines. Each phase of the development will go through Site Plan and Architectural Review resulting in an attractive development that conforms to all of the requirements of the Zoning Ordinance.

2. *That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, and that the operation and maintenance of the conditional use will be compatible with the surrounding uses.*

Criteria Satisfied. The surrounding properties are a mixture of commercial, residential and light industrial uses. The proposed commercial, multi-family residential, public park will be compatible with the existing surrounding uses. Conditions are attached to this Conditional Use Permit to assure that the uses will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

3. *The proposed conditional use will comply with each of the applicable provisions of this title.*

Criteria Satisfied. Conditions are attached to the Conditional use Permit to assure that it complies with each applicable provision of Title 17 (Zoning).

Section 6. The Planning Commission does hereby recommend that the City Council adopt the Findings set forth above and amend the Stadium Area Master Plan (**Exhibit 1**), adopt the Final Development Plan (**Exhibit 2**), approve the Conditional Use Permit, and adopt the attached Conditions of Approval pertaining to the Final Development Plan and Conditional Use Permit (**Exhibit 3**).

DULY AND REGULARLY ADOPTED on this 22nd day of December, 2016, by the City of Rohnert Park Planning Commission by the following vote:

AYES: _____ NOES: _____ ABSENT: _____ ABSTAIN: _____

ADAMS _____ BLANQUIE _____ BORBA _____ GIUDICE _____ HAYDON _____

John Borba, Chairperson, City of Rohnert Park Planning Commission

Attest: _____
Susan Azevedo, Recording Secretary

Stadium Area Master Plan “PD” Zoning District

February 6, 2008

Amended November 26, 2013 per Ord. No. 872 and Ord. No. 874

Amended _____, 2016 per Ord. No. _____

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1. Purpose

In accordance with Zoning Code Chapter 17.06, Article VII., the purpose of this “PD” Planned Development Zoning District is to set forth the standards for the development of ~~a~~ this Final Development Plan (hereafter referred to as the Stadium Area Master Plan or SAMP) through the adoption of the development standards and the listing of the permitted uses.

a. Project Objectives.

- Create additional jobs within the City of Rohnert Park.
- Increase housing opportunities within the City of Rohnert Park.
- Promote implementation of General Plan goals, objectives and policies for jobs/housing balance, community growth, infrastructure improvements, and preservation of resources and environment.
- Promote implementation of Area Plan goals, objectives, and policies for infrastructure and public services.
- Provide direction for new development within the SAMP.
- Redevelopment of formerly developed industrial and institutional land.

b. Development Standards. The applicable development standards for the SAMP shall be consistent with the Zoning District which implements the General Plan land use designation for the property as shown in Table 1 below.

Table 1
General Plan Designations and Corresponding Zoning

| General Plan Designation | Implementing Zoning District |
|--------------------------|--------------------------------|
| Commercial – Regional | “C-R” Regional Commercial |
| Public/Institutional | “P-I” Public Institutional |
| Parks/Recreation | |
| High Density Residential | “R-H” High Density Residential |

Table 1
General Plan Designations and Corresponding Zoning

b.c. Permitted Uses. The applicable Zoning District that corresponds to the General Plan designation shall be used to determine permitted and conditionally permitted uses.

2. Administrative Procedures

Future development shall be subject to the procedures that are outlined in the Zoning Code Chapter 17.06, Article VII, for example tentative maps, conditional use permits and/or detailed design approvals. ~~including but not limited to:~~

~~a. Tentative Map. Future review of any subdivision shall be subject to the requirements of the Rohnert Park Municipal Code. High Density Residential~~

development shall be referred to the Parks and Recreation Commission for a recommendation prior to action being taken.

b. Conditional Use Permit. A Conditional Use Permit shall be required prior to the construction of each phase within the SAMP. The intent of this Conditional Use Permit shall be to further clarify the details of the proposed development and ensure that each component complies with the established provisions of the district.

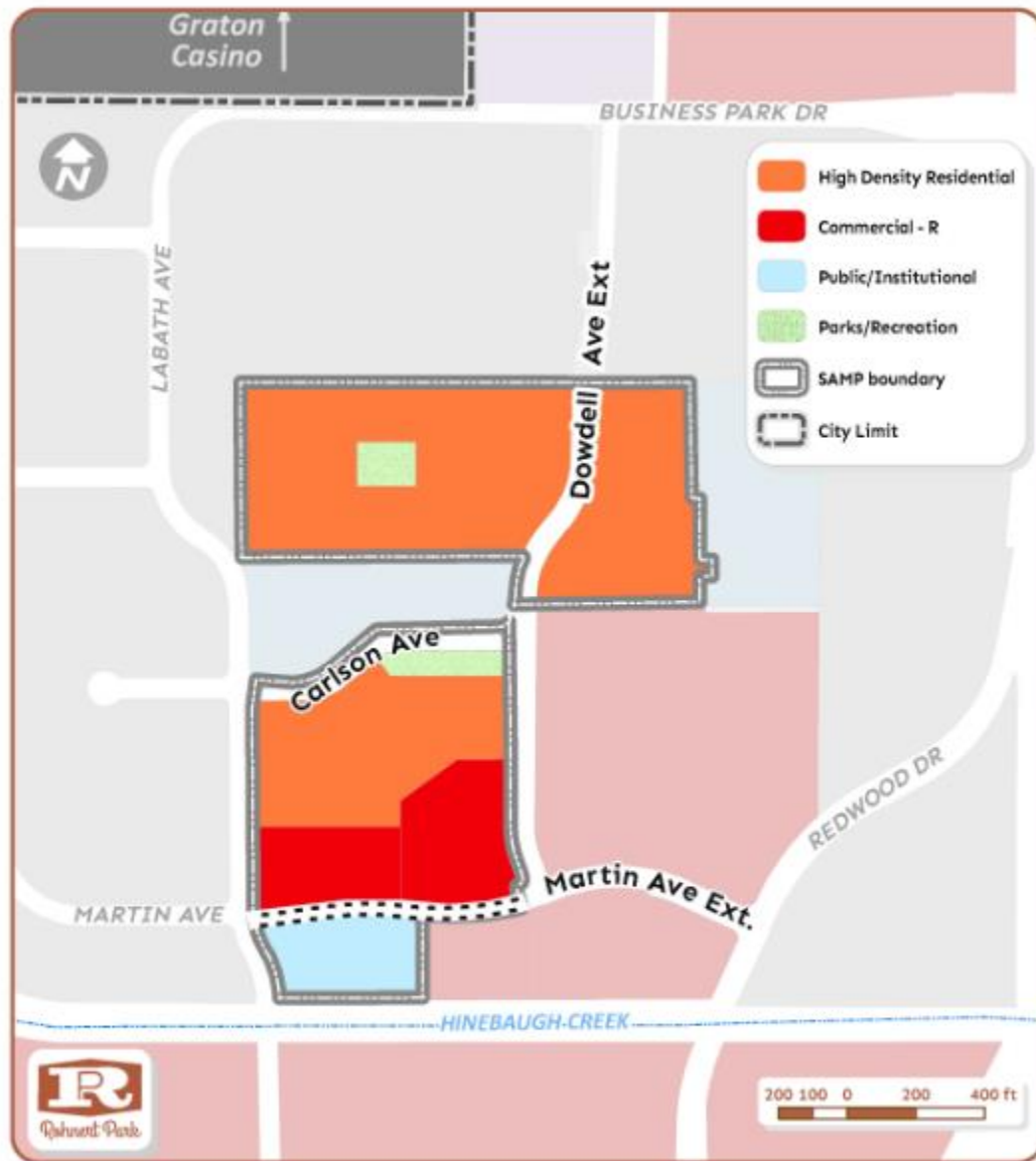
Site Plan and Architectural Review (SPAR). Approval of a SPAR is required prior to construction within the SAMP in accordance with the city zoning ordinance (see also Section 5, Applicable Codes and Standards).

c. Permanent Zoning. The P-D District shall be considered a permanent Zoning District for the SAMP unless and until an application for Rezoning is filed with the Development Service Department/Department of Community Development and approved by the City Council.

3. **Proposed** Land Use and Zoning

- a. **Proposed** Land Use. Figure 1 illustrates the four General Plan designations that are **proposed** within the boundaries of the SAMP. They include: High Density Residential (12-24 units/acres), Commercial-Regional, Public/Institutional, and Parks/Recreation.

Figure 1
SAMP General Plan Designations



STADIUM AREA MASTER PLAN

High Density Residential - ~~13.6~~ 22.6 acres[±]

The General Plan High Density Residential designation accommodates residential development at densities ranging from 12.1 to 24.0 units per gross acre and accommodates a wide range of housing types, ranging from single family attached to multifamily and is intended for specific areas where higher densities may be appropriate.

Commercial-Regional - ~~12.76~~ 6 acres[±]

The General Plan Commercial (Regional) designation is intended to provide sites for retail areas containing a wide variety of businesses, including: retail stores, eating and drinking establishments, commercial recreation, service stations, auto and repair services, financial, business and personal services, hotels, motels, and educational and social services. Residential uses may be conditionally permitted. The maximum FAR is 1.5 for hotel/motel projects and 0.4 for all other uses. Shopping centers typically provide department or big-box retailers which attract regional shoppers. Neighborhood – oriented commercial uses may be limited within this designation.

Public/Institutional – 3.0 acres[±]

The General Plan Public/Institutional designation provides for schools, government offices, transit sites, and other facilities that have a unique public character, as well as Sonoma State University. Religious facilities would be also permitted in this designation. The Public/Institutional site within the Master Plan is intended for construction of a City Public Safety facility.

Parks/Recreation - ~~0.50~~ 0.65 acres[±]

The General Plan Parks/Recreation designation provides for active and passive parks and recreational areas, recreation complexes, community fields, public golf courses, stadiums, arboretums, and greenways. Ancillary facilities such as concession stands, clubhouses, and equipment rental are also allowed. The City's General Plan land use diagram is not parcel specific. Uses on sites which are less than one acre in size are not depicted on the diagram. Future residential projects will be required to include private or public recreational land consistent with City policies.

- b. **~~Proposed~~ Zoning.** The Zoning District for the SAMP site is “P-D” Planned Development; however, the Zoning District standards which implement the corresponding General Plan land use designation, as indicated in Table 1, shall apply. For example:

The “R-H” (High Density Residential) zone shall apply to areas which are designated by the General Plan as High Density Residential.

The “C-R” (Regional Commercial) zone shall apply to areas which are designated by the General Plan as Commercial –Regional.

The “P-I” (Public Institutional) zone shall apply to areas which are designated by the General Plan as Parks/Recreation and areas designated Public/Institutional.

4. Relationship of ~~Existing and Proposed~~ Land Uses to Surrounding

The 32.8 acre SAMP lies in the northwest corner of the City of Rohnert Park¹. The site is bounded to the north by several parcels of land which front onto Business Park Drive; to the east by light industrial and office uses along Redwood Drive; Costco and Ashley Furniture; to the south by Hinebaugh Creek; and to the west by Labath Avenue. The existing land uses include industrial and public/institutional.

The boundary of the SAMP is somewhat irregular since in some cases it follows public rights-of-way e.g., Labath, Carlson and Dowdell Avenues and in other cases it follows parcel lines. The land to the north of the future extension of Carlson Avenue comprises a contiguous (i.e. adjoining) parcel, as does the land south of Carlson; the total property encompasses approximately 32.8 acres of land. The SAMP consists of relatively flat land which is mostly undeveloped.

As illustrated in Figure 2, the Northwest Specific Plan and the Wilfred Dowdell Specific Plan lie to the north of Business Park Drive and the proposed SAMP.

¹ The area’s designation as the “Stadium Area” refers to the stadium located within the planning area which was the home of the now defunct Sonoma County Crushers baseball team. The developer has an option to purchase the property from the City of Rohnert Park.

Figure 2
Location Map

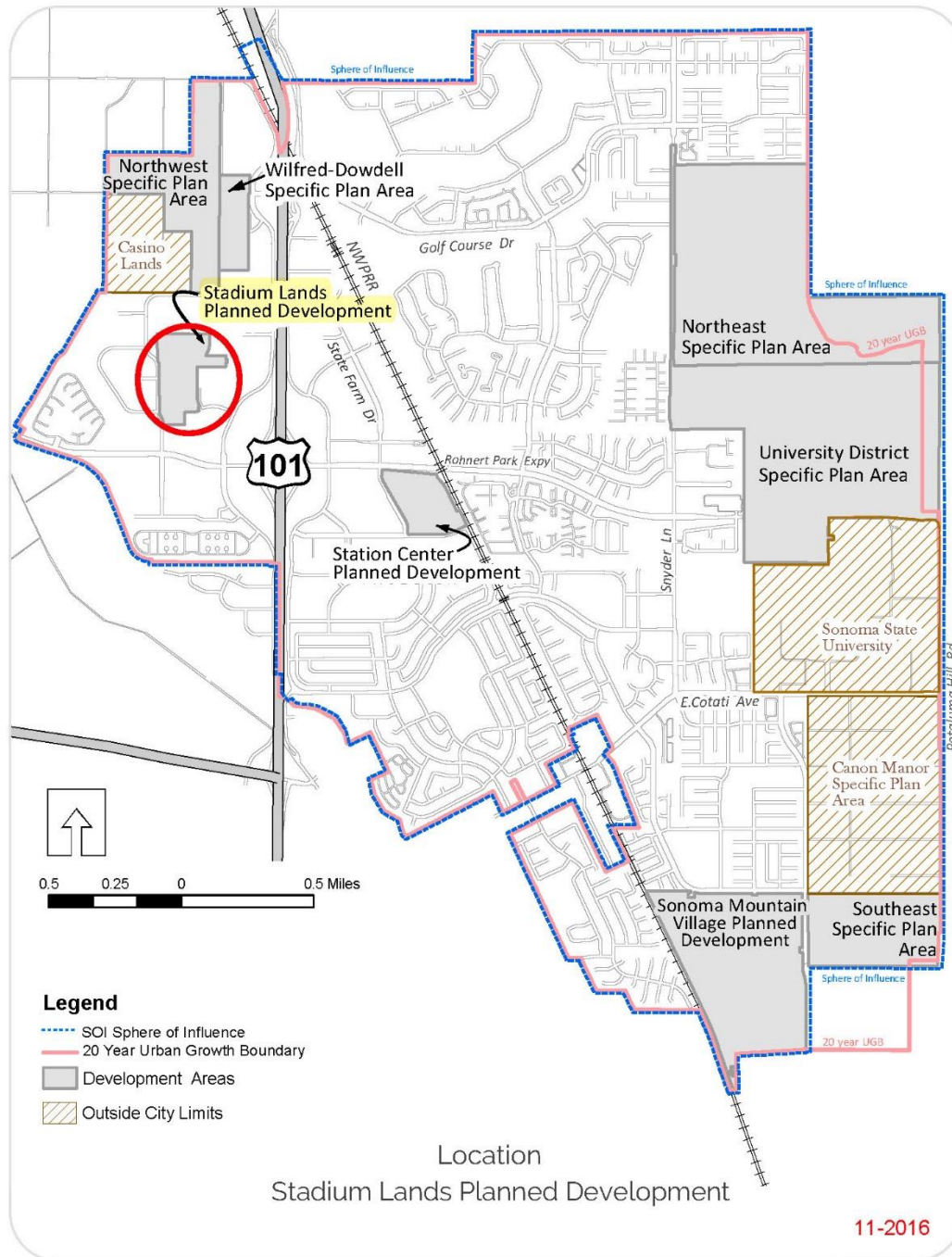


Figure 2
Location Map

In arriving at a preferred development vision for the SAMP consideration was given to several factors including location, access, parcel size and configuration, existing land uses in the area, and market demands.

With regards to location and access, the SAMP is positioned adjacent to the Costco operation which attracts customers from many of the nearby communities the majority of whom arrive to the area via Highway 101. Because of the strong drawing power of Costco, it is anticipated that additional retail/commercial activity could be supported in the SAMP. Other existing land uses in the area, such as the Press Democrat newspaper operation located to the northeast of the SAMP and the KRCB Channel 22 public broadcast television station located north of Carlson Blvd., are self-contained business destinations and therefore do not generate the type of commercial traffic and attraction which Costco does. Other activities to the north of Costco include the City of Rohnert Park's Animal Shelter and the City's wastewater pumping station.

Based on recent discussions and studies concerning the potentials for development of other land uses in the SAMP, which were conducted as part of the planning efforts in preparing this plan, it is anticipated that some demand exists for new hotel rooms, commercial development, and residential (rental) housing in the inventory of industrial space in the Rohnert Park area is such that there will be little demand for such development for the foreseeable future. On the other hand, demands for residential (rental) housing are strong in Sonoma County, and elsewhere in Northern California, indicating that there is potential for developingBased on this analysis, new hotels, commercial space and dwelling units should be successful in the SAMP.

Based on the foregoing considerations and following the guidance provided by the General Plan, the proposed development to be accommodated in the SAMP may be characterized as having four components: Regional Commercial, High Density Residential, Public/Institutional, and Parks (see Figure 1).

The commercial uses are to be developed in roughly the southern portion half of the Zoning District. This site has the potential for generating additional retail based on existing commercial uses in the area including the Costco facility on the corner of Martin Avenue and Redwood Drive and the other commercial uses which are next to U.S. Highway 101, along Redwood Dr. This commercial area flanks the future extension of Dowdell Avenue into this area and is accessible via Martin Avenue, a major arterial which, via Redwood Dr. and Rohnert Park Expressway links the SAMP with the freeway. Given the size of the parcel (about 15.7 acres with 6.6 acres~~12.7~~ designated for commercial uses), it is anticipated that this site could accommodate a hotel and/or a moderate sized single large retail development or several smaller buildings.

The northwestern part of the SAMP property is envisioned to develop with high density multifamily or single family (attached) residential units to the east and west sides of the extension of Dowdell Avenue

The principal land uses to be developed within the SAMP are listed in Table 2.

DRAFT

Table 2
SAMP Land Use & Development Program

| Land Use | Gross Acreage | Housing Units | Commercial Non-Residential (1K-sf) |
|--------------------------|----------------------|-----------------------------|---|
| High Density Residential | 22.55 6.6 | up to 473 338 | none |
| Commercial – Regional | 6.6 42.7 | none | up to 300,000 sf 440 |
| Public/Institutional | 3.0 | none | None |
| Park | 0.65 5 | none | None |
| Totals | 32.8 | up to 473 338 | up to 300,000 440 |

5. Applicable Codes and Standards

All future entitlements will be required to comply with the Codes and Standards that are in effect at the time the application is deemed complete unless otherwise superseded by the SAMP or a negotiated Development Agreement. Examples include but shall not be limited to:

a. Rohnert Park Municipal Codes

- Green Building Ordinance
- Inclusionary Housing Ordinance
- Public Art Ordinance
- Park Land Dedication/Fee

b. Rohnert Park Standards

- Affordable Housing Linkage Fee
- Public Facilities Finance Plan Fees
- Adopted Engineering Standards

c. Project Design. Future residential and/or commercial projects shall conform to the City of Rohnert Park General Plan Community Design Element, adopted Design Guidelines, and City of Rohnert Park Engineering Standards. During the review process, particular attention shall be given to the following:

- The interface between the industrial, residential, commercial and public/institutional land uses.
- The arrangement between buildings and spaces such that provisions are made to ensure complementary transition between uses.
- The arrangement between structures and spaces shall result in a cohesive design among similar land uses.
- Building materials, colors, linkage to sidewalks, parking placement, landscape design, and plant materials to complement existing and proposed uses.

- Conditions of the General Construction Activity NPDES permit from the Regional Water Quality Control Board.
- Proper site design and/or noise attenuating devices to reduce the indoor and outdoor noise levels for sensitive receptors.
- Special consideration should be given to memorialize the “Stadium.”

d. Subareas. The SAMP includes several distinct subareas (see Figure 3), including: Fiori Estates (apartments); The Reserve (apartments); Residences at Five Creek (mixed use); and the Public Safety Facility. In order to provide guidance for future development, a detailed development plan for the Residences at Five Creek project has been included as Appendix A.

Figure 3 – SAMP Subareas

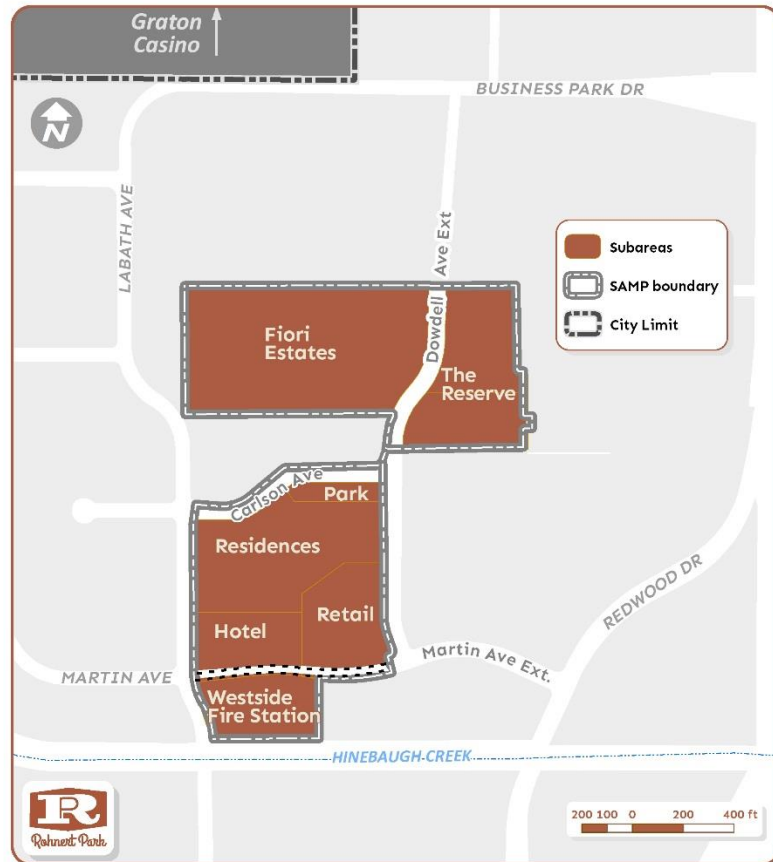


Figure 3. Subareas

STADIUM AREA MASTER PLAN

d.e. Mitigation and Monitoring Reporting Program (Stadium Area Master Plan EIR). CEQA Guidelines Section 15097 requires the incorporation of the Mitigation and Monitoring Reporting Program (see EIR certification resolution).

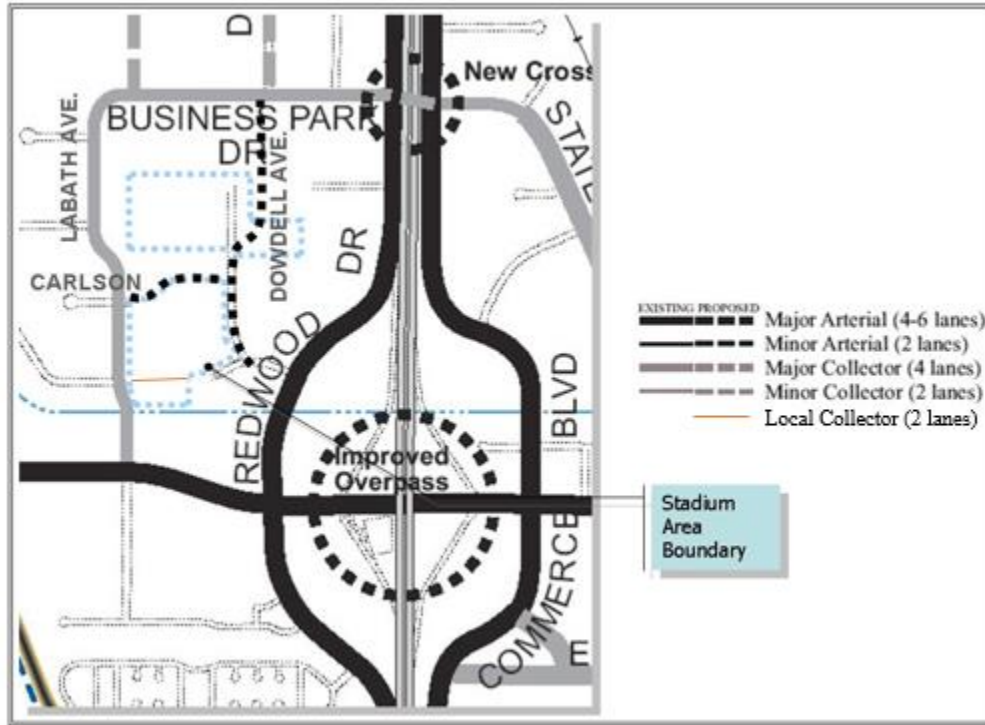
6. Circulation Plan

- a. **Existing Circulation.** The existing and future circulation for the site, in accordance with the adopted General Plan, is illustrated in Figure 3. It shows the connection of Martin Avenue between Labath and Dowdell Avenues and no connection on Dowdell Avenue to Business Park Drive.
- b. **Proposed Circulation:** The SAMP includes a conceptual circulation plan, Figure 4, but does not include specifics in terms of internal circulation or how the various retail and residential uses would interface with the adjacent streets. Further review will be required upon application for specific development and conditions of approval will be applied.

The conceptual circulation scheme indicates that Dowdell Avenue will be extended between Martin Avenue and Business Park Drive, and that Carlson Avenue will be extended from Labath Avenue to the new extension of Dowdell Avenue. The scheme does not show Martin Avenue will serve as a local connector between Labath and Dowdell Avenues to serve the new public buildings that will be accessed via Martin and to provide additional connectivity to vehicles, bicycles and pedestrians. Martin is envisioned as a slow-speed street that would allow for on-street parking. The intersection of Martin and Dowdell Avenues is assumed to be a landscaped intersection also known as a modern roundabout. The final circulation plan will be reviewed upon application for specific development.

Figure 3
Existing General Plan Circulation

Figure 4
Proposed ~~Proposed~~ Circulation



c. Proposed Streets and Improvements.

- Dowdell Avenue (north extension) to Business Park Drive. Dedicate, improve and/or reconstruct the full width of Dowdell Avenue from Martin Avenue to Business Park Drive as a minor arterial. The half width (32 foot right-of-way) street improvements shall consist of a 7 foot center turn lane, a 12 foot travel lane, a 5 foot Class II bike lane and a 6 foot sidewalk located behind an 8 foot planter strip.
- Carlson Avenue (east extension) to Dowdell Avenue. Dedicate, improve and/or reconstruct the full width of Carlson Avenue from Labath Avenue to Dowdell Avenue as a minor arterial. The half width (25 foot right-of-way) street improvements shall consist of a 12 foot travel lane, a 5 foot Class II bike lane and a 6 foot sidewalk located behind an 8 foot planter strip.
- Martin Avenue from Dowdell Avenue to Labath Avenue. ~~Dedicate and improve~~ Martin Avenue as a local connector between the two major roadways. This could be provided as a public right-of-way or a private street with a public easement. On-street parking may be provided and pedestrian access through the site must be accommodated. the western 200 feet from Dowdell Avenue into the proposed Shopping Center as a minor arterial. The half width (32 foot right-of-way) street

~~improvements shall consist of a 7 foot center turn lane, a 12 foot travel lane, a 5 foot Class II bike lane and a 6 foot sidewalk located behind an 8 foot planter strip.~~

d. Proposed Intersection Improvements and Modifications.

- Redwood Drive at Wilfred Avenue. Eastbound approach to Wilfred Avenue intersection will require reconfiguration to include a left turn lane, two through lanes and a shared through right turn lane. The southbound Redwood Drive approach will require reconfiguration to provide dual left turn lanes and a shared through right turn lane. Projects within SAMP shall pay impact fees or contribute a proportional share of the necessary improvements.
- Commerce Blvd at State Farm Drive. Signalization is required. Projects within SAMP shall pay impact fees or contribute a proportional share of the necessary improvements.
- Redwood Drive at Business Park Drive. Signalization is required. Projects within SAMP shall pay impact fees or contribute a proportional share of the necessary improvements.
- Redwood Drive at Rohnert Park Expressway. Modify the northbound approach of Redwood Drive to provide a left turn lane, two through lanes and a right turn lane. Right turn overlap signal phasing should be added to the northbound, southbound, and westbound approaches. These lane modifications will also facilitate the installation of a bicycle lane at the intersection. Projects within SAMP shall pay impact fees or contribute a proportional share of the necessary improvements.
- Dowdell Avenue at Business Park Drive. Signalization or single lane traffic roundabout is required and shall be included with future project.
- Rohnert Park Expressway at Labath Avenue. Modify the NB approach to include a left turn lane, single through lane, and dual right turn lanes. Modify the SB approach to include a left turn lane and shared left turn-thru-right-turn lane. Modify signal phasing to split-phase north and south. Projects within SAMP shall pay impact fees or contribute a proportional share of the necessary improvements.
- Rohnert Park Expressway at US 101 SB ramp. Modify the EB approach to provide two thru lanes and a dedicated right turn lane. Install lane assignment signs to notify drivers on SB Redwood Drive prior to Rohnert Park Expressway intersection. Projects within SAMP shall pay impact fees or contribute a proportional share of the necessary improvements.
- Rohnert Park Expressway off ramp at US 101 NB ramp. Re-strip NB off ramp approach with a left turn lane, shared left turn-thru lane, and right turn lane. Projects within SAMP shall pay impact fees or contribute a proportional share of the necessary improvements.

e. Proposed On-Site Bicycle and Pedestrian Facilities. All streets within the SAMP shall included sidewalks on both sides. On-site pedestrian sidewalks

and/or paths shall connect all activity areas. Bike racks shall be provided at all retail uses and within residential areas.

- A class II bike lane shall be constructed upon reconstruction of Labath Avenue from Hinebaugh Creek to Carlson Avenue.
- A class II bike lane shall be included as part of the construction of the Dowdell Avenue extension
- Martin Avenue shall include sidewalks to allow for pedestrian access and through traffic.

7. Estimate and Timing of Other Needed Infrastructure

The timing of all circulation or other infrastructure improvements shall be determined upon future project conditioning.

- Public Safety Facility.** The project proponent is responsible for dedicating to the City of Rohnert Park a 3 acre site for future development of a Northwest Public Safety Facility. Projects within SAMP shall pay impact fees or contribute a proportional share for improvements in order to meet the goal of a 4 minute response time. Martin Avenue shall be extended to provide access to both Dowdell Avenue and Labath Avenue.
- Parks and Recreation.** The project proponent is responsible for parkland dedication and/or improvement as required upon submittal of a future subdivision map for residential development.
- Utilities.** The project proponent is responsible for the installation of all required utilities upon future development unless the City accepts the payment of impact fees.

8. Parking Requirements

Specific development plans for the parcels comprising SAMP have not been submitted. Future proposals shall provide a minimum parking supply that is consistent with the parking requirements contained in the Zoning Code at the time of project review. An alternative parking plan may be considered upon submittal and review of a parking analysis that is conducted by a qualified individual or firm.

Appendix A

Residences at Five Creek Development Plan



Applicant: MW Investment Group

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Laguna Beach, CA 92651

Prepared by: KTGy Group, Inc.

Contact: Michael Tseng

Address: 17911 Von Karman, Ste. 200

Irvine, CA 92614

In Consultation With:

356 Advisors

Civil Design Consultants, Inc. (Civil Engineering)

Omni-Means (Landscape Architecture)

Residences at Five Creek

Final Development Plan

September 21, 2016 Draft

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Summary

The Residences at Five Creek (herein after referred to as “Project”) is located within the Stadium Area Master Plan (SAMP) – a 32.8-acre master-planned development located in the northwest corner of the City of Rohnert Park. As indicated in the SAMP document, the SAMP is bounded to the north by several parcels of land, which front onto Business Park Drive; to the east by light industrial and office uses along Redwood Drive; to the south by Hinebaugh Creek; and to the West by Labath Avenue. The SAMP regulates development within this area and allows for up to 473 high density residential dwelling units and up to 300,000 square feet of commercial development.

The proposed Project is located within the southern portion of the SAMP and consists of 12.62 gross acres. The Project site is bounded to the north by Carlson Avenue right-of-way; to the east by Dowdell Avenue; to the south by the future extension of Martin Avenue; and to the west by Labath Avenue. The Project includes a 0.65-acre park facility at the corner of Dowdell Avenue and Carlson Avenue. High density residential uses are located on 6.03 net acres in the northern portion of the site. Regional commercial uses will be located in the southern portion of the site, with up to 34,300 square feet of retail located at the corner of Martin and Dowdell Avenues and a four-story hotel with up to 132 keys (e.g. hotel rooms) at the corner of Labath and future Martin Avenues. The proposed intensity/density of the Project is depicted in *Table 1, Project Intensity/Density* and the layout can be viewed in *Exhibit 1, Final Development Plan*.

Table 1, Project Intensity/Density

| Use | Gross Acres | Units | Building Area (sq. ft.) |
|--------------------------------|--------------|------------|---|
| High Density Residential (H-R) | 6.07 | 135 | — |
| Commercial-Regional (C-R) | 5.9 | — | 34,300 (retail) 132 keys (hotel) |
| Park | 0.65 | — | — |
| TOTAL | 12.62 | 135 | 34,300 (retail) 132 keys (hotel) |

Uses within the High Density Residential district include up to 135 multi-family dwelling units. The proposed multi-family units include stacked flats in three-story buildings. The buildings include individual one-car garages and surface parking spaces (some of which may be covered by a carport structure). These units have been plotted to provide direct access from the residences to either common open space facilities or the public street. These units also feature common entry areas, fostering interaction among the residents. Conceptual renderings and conceptual elevations of the residential dwelling units are depicted on *Exhibits 2 through 6*.

Uses within the Commercial-Regional district include up to 34,300 square feet of retail uses on 3.34 acres including, but not limited to restaurants, grocery stores, clothing stores, neighborhood services (i.e. dry cleaners), retail anchors, offices, and other retail uses generally found within a shopping center. The design anticipates a grocery store as the main anchor, as the large building fronts onto parking lot to accommodate shopping carts. The grocery

store design is depicted in *Exhibit 7, Grocery Rendering*. To design a cohesive and unified shopping center, secondary tenants also have the primary entry fronting onto the parking lot. It should be noted that as tenant desires vary, entries may be relocated onto street. The retail area also features a plaza area, including a trellis structure, outdoor seating, and a water feature/artwork. This plaza not only provides shade for visitors to the retail area, but also provides a welcoming entry from the adjacent proposed High Density Residential uses to the north. The retail plaza is conceptually depicted in *Exhibit 8, Retail Plaza Rendering*.

Another use within the Commercial Regional district is a hotel with up to 132 keys (or rooms) on 2.56 acres. The building area for the four-story hotel is anticipated to be 75,721 square feet. The hotel is located in the center of the property and is surrounding by surface parking, while fronting onto the future extension of Martin Avenue. The hotel will include a circular driveway, partially covered by a porte-cochere to provide protection for guests checking in and a strong entry statement. The conceptual design for the hotel is depicted *Exhibits 9 through 11*.

The Project also includes a 0.65-acre neighborhood park located at the corner of Carlson Avenue and Dowdell Avenue. Homes within the High Density Residential district will front directly onto the neighborhood park, improving the safety of the park. Amenities in the park include, but are not limited to, passive lawn area, bocce ball court, a 400-square foot picnic pavilion, semi-exclusive skate features, and an entry plaza.





Figure 1, Final Development Plan

| Residential Summary | |
|--------------------------------|--|
| Gross Site Area | 6.07 AC |
| Dwelling Units | 135 |
| Density | 22.2 DU/AC |
| Unit Distribution | 1 Bdrm: 67 units 2 Bdrm: 56 units 3 Bdrm: 12 units |
| Residential Amenity | 4,000 SF Clubhouse |
| Total Building Footprint | 73,600 SF |
| Lot Coverage | 27.8% |
| Total Common Open Space | 66,211 SF |
| On-Grade Private Open Space | 2,025 SF |
| Above-Grade Private Open Space | 6,480 SF |
| Parking Required | 243 Spaces |
| Parking Provided | Garage: 109 spaces Covered: 28 spaces Uncovered: 106 spaces TOTAL: 243 SPACES |
| Commercial Summary | |
| Gross Site Area | Retail: 3.34 AC Hotel: 2.56 AC TOTAL: 5.90 AC |
| Total Building Footprint | Retail: 34,300 SF Hotel: 75,721 SF TOTAL: 110,021 SF |
| F.A.R. | Retail: 0.24 Hotel: 0.68 TOTAL: 0.43 |
| Parking Required | Retail: 106 spaces (25% Reduction) Hotel: 102 spaces (25% Reduction) TOTAL: 208 spaces |
| Parking Provided | Retail: 125 spaces Hotel: 139 spaces TOTAL: 264 spaces |



Figure 2, Conceptual Residential Rendering



Figure 3, Conceptual Residential Front Elevation



Figure 4, Conceptual Residential Side Elevation, Left



Figure 5, Conceptual Residential Side Elevation, Right



Figure 6, Conceptual Residential Rear Elevation



Figure 7, Grocery Rendering



Exhibit 8, Retail Plaza Rendering



MW INVESTMENT GROUP



Residences at Five Creek — Conceptual Retail Renderings

Prepared by:



September 21, 2016



Figure 9, Hotel Rendering 1



Exhibit 10, Hotel Rendering 2



Figure 11, Hotel Rendering 3



MW INVESTMENT GROUP



Residences at Five Creek — Conceptual Hotel Renderings

Prepared by:



September 21, 2016

Zoning

The Project site is zoned as “Planned Development” (PD) as indicated in *Exhibit 12, Rohnert Park Zoning Map*. The Project consists of three implementing zones: High Density Residential (H-R), Regional Commercial (C-R), and Public Institutional (PI). The location of these implementing districts are depicted in *Table 2* and *Figure 13, Project Zoning Districts*.

All developments within the Project site shall comply with the uses, development standards, and design guidelines applicable to developments within the implementing zoning designations, unless specifically indicated within this Final Development Plan booklet. The project will also comply with all applicable California Building Code (CBC) regulations, including all CALGreen requirements (e.g. bicycle and EV parking). Procedures and future development applications shall be processed as described in the City of Rohnert Park Zoning Code and/or City of Rohnert Park established procedures.

Table 2, Project Intensity/Density

| Implementing Zone | Gross Acres | Units | Building Area (sq. ft.) |
|--------------------------------|-------------|-------|-------------------------------------|
| High Density Residential (H-R) | 6.07 | 135 | — |
| Commercial-Regional (C-R) | 5.9 | — | 34,300 (retail) 132 keys (hotel) |
| Public Institutional (PI) | 0.65 | — | — |
| TOTAL | 12.62 | 135 | 34,300 (retail) 132 keys (hotel) |

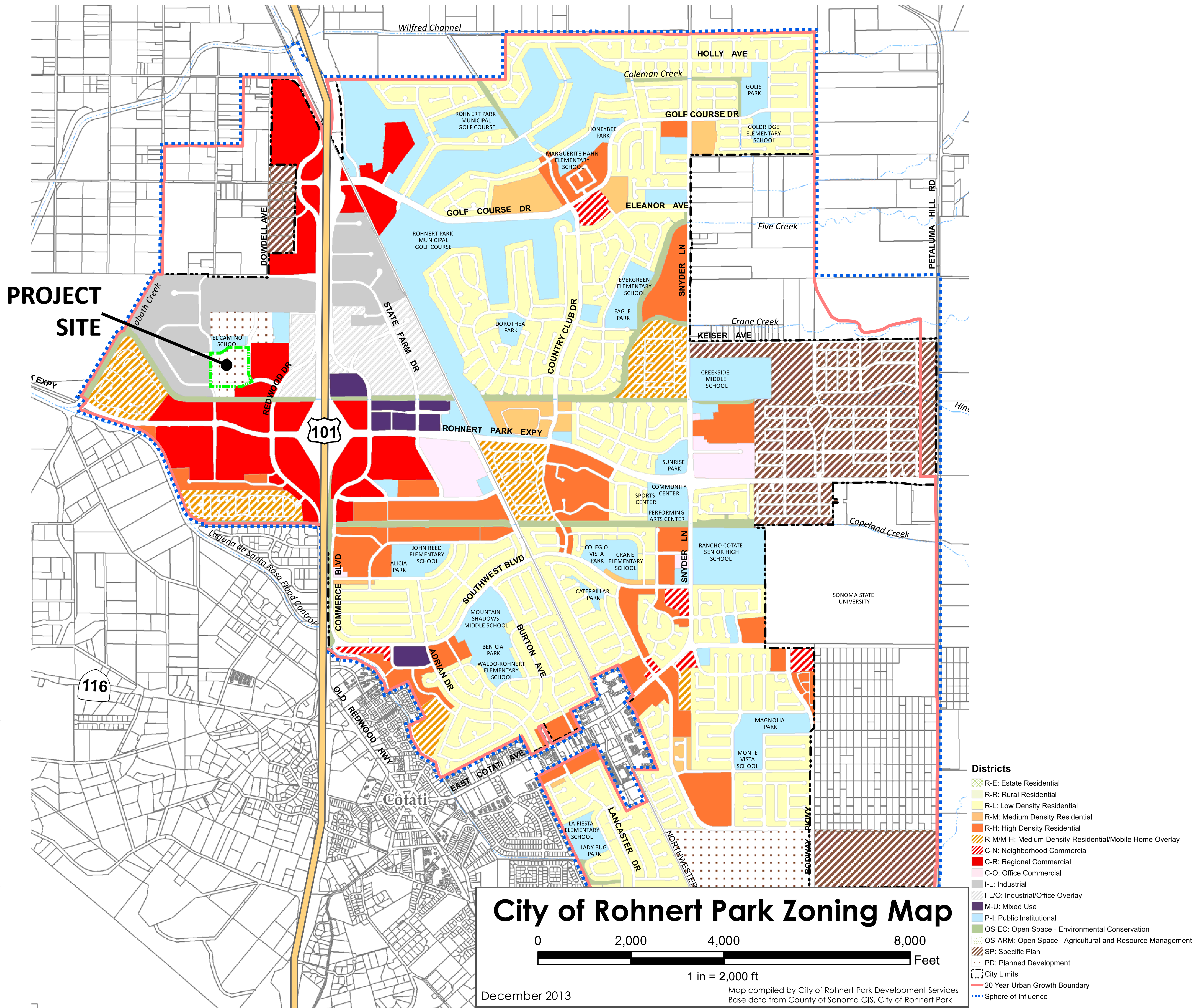
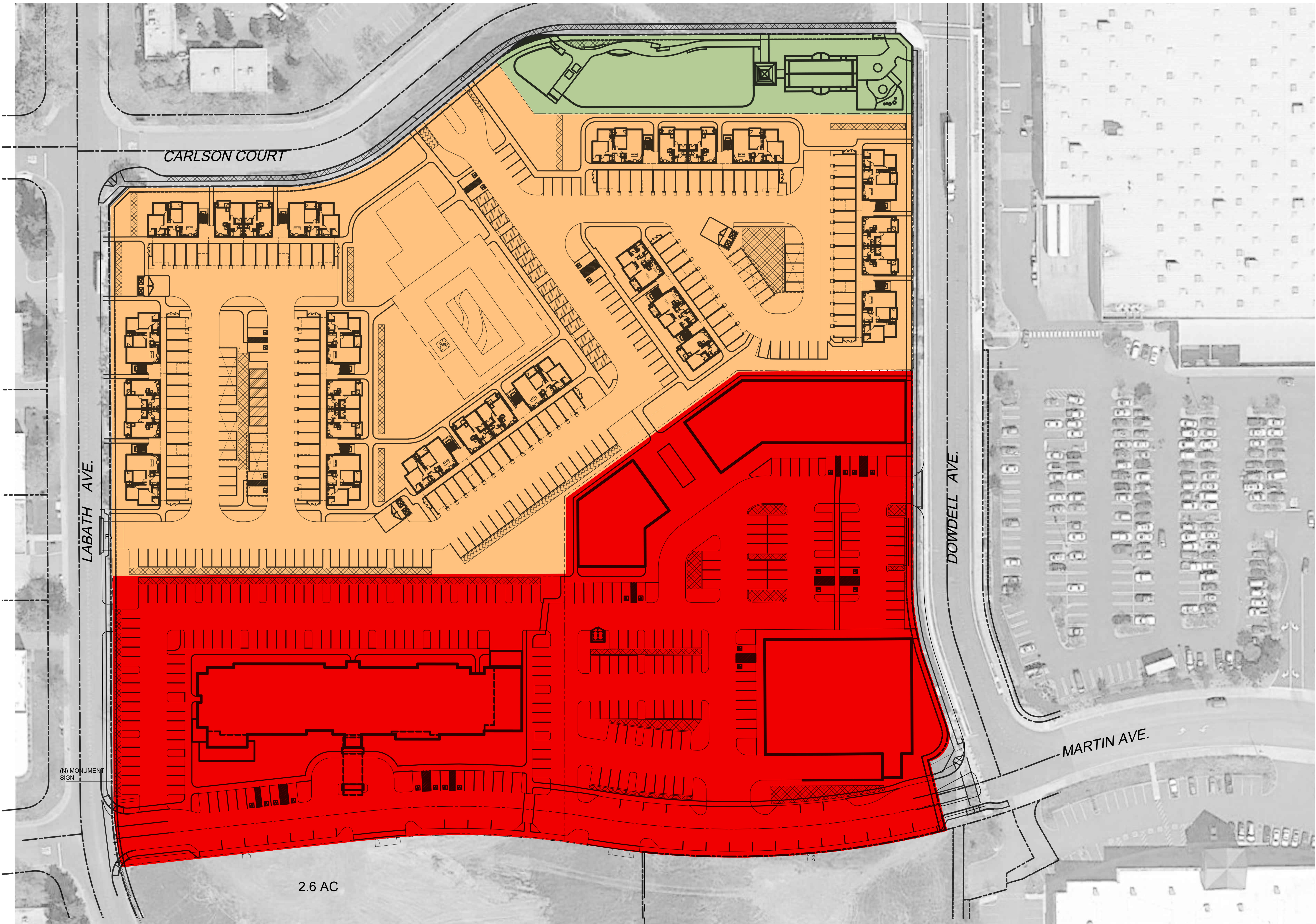


Figure 12, Rohnert Park Zoning Map



- Districts**
- R-H: High Density Residential
 - C-R: Regional Commercial
 - P-I: Public Institutional

Figure 13, Project Zoning Districts

Zoning Code Variations

This section indicates deviations from the uses and development standards identified within the City of Rohnert Park Zoning Code, which is requested as part of the Planned Development.

Use Deviations

All uses within the High-Density Residential (H-R) district shall comply with the uses identified in the H-R land use category in Section 17.06.030 of the Rohnert Park Zoning Code, except:

- Community Centers shall be permitted, and
- Large Homeless Shelters (7 or more persons) shall be prohibited.

All uses within the Regional Commercial (C-R) district shall comply with the uses identified in the C-R land use category in Section 17.06.060 of the Rohnert Park Zoning Code, except:

- Animal Hospital/Veterinary Clinics shall be permitted,
- Automobile Service Stations shall be prohibited,
- Bed and Breakfast Inns shall be conditionally permitted,
- Drive-Through Windows (for all uses, including pharmacies) shall be permitted,
- Firearm Dealers and Firearm Ammunition Dealers shall be prohibited,
- Funeral Parlors/Mortuaries shall be prohibited,
- Large Homeless Shelters (7 or more persons) shall be prohibited,
- Laundromats shall be permitted,
- Large Recover Facilities (7 or more persons) shall be prohibited,
- Research and Development (Office Type Uses) shall be permitted,

- Vehicular Dealerships/Rentals (including boats, RVs, and farm or construction equipment) shall be prohibited, and
- Vehicular Repair (including boats) shall be prohibited.

All uses within the Public Institutional (PI) district shall comply with the uses identified in the PI land use category in Section 17.06.160 of the Rohnert Park Zoning Code, except:

- Cemetery, Crematory, Columbarium shall be prohibited,
- Golf Course shall be prohibited,
- Homeless Shelter shall be prohibited,
- Hospital shall be prohibited,
- Medical Clinic shall be prohibited,
- Parks shall be permitted, and
- Schools (all) shall be prohibited.

Development Standard Deviations

All developments shall comply with the development standards identified in the City of Rohnert Zoning Code, except:

- The minimum front yard setback identified in Section 17.10.020 for the R-H district shall be 15 feet,
- The minimum front yard and corner side yard setback identified in Section 17.10.020 for the C-R district shall be 5 feet,
- Footnote No. 14 of the Development Standard table in Section 17.10.020 shall be updated to include private open space of a minimum area of seventy five (75) square feet when on ground level and/or sixty (60) square feet if equal or greater than six feet above ground,

- Section 17.10.040.B. shall be updated to allow open, unenclosed, uncovered balconies, landings, platforms, patios, decks, porches, stairways, terraces, and vehicular access drives and parking and loaded areas, no part of which is more than four feet above the grade of the ground, may extend into a required front yard by five feet or into a required rear or side yard to within three feet of the property line or the required space between the buildings, and
- Uses within the Regional Commercial (C-R) District shall be granted a twenty-five (25) percent reduction of the required parking for non-residential uses, as indicated in Section 17.16.040.A of the City of Rohnert Zoning Code.

Design Guideline Variations

This section indicates deviations from the *City of Rohnert Park Design Guidelines for Commercial, Mixed-Use and Multi-Family Buildings (Design Guidelines)*, adopted by City Council Resolution 2012-95, which is requested as part of the Planned Development. As shown in the previous figures, the Project is designed as a “Modern” architectural style with varied massing and high-quality articulation and materials. As an interpretation of the Modern architectural style identified in the Design Guideline document, the proposed design does not meet all encouraged elements of said design guidelines. Below are the variations from the *Design Guidelines*.

Additional Project Design Guidelines

Additional Design Guidelines for Service/Trash Enclosures

Integration of the service areas, loading docks, and trash enclosures into the Project’s design is imperative so these areas do not detract from the overall aesthetic. The Project should comply with the applicable design guidelines indicated on Page 15 of the City’s *Design Guidelines*. To further assist with the screening of the Project’s loading docks, service areas, and trash enclosures, trees may be used to help screen these elements from view of surrounding properties.

Additional Design Guidelines for Building Massing

The streetscape, building placement, massing and facade details will be essential to creating an aesthetically-interesting place for pedestrian activity.

- Monolithic buildings of singular form, height, or material should be avoided.

- Verticals roof plane breaks, changes in building height or other accent roof forms, such as projections are encouraged.
- Long, unarticulated blank walls without massing breaks or material changes are highly discouraged.

Additional Design Guidelines for Facade Treatment

Buildings within the Project should have articulation along pedestrian routes to generate scaling and visual interest.

- Architectural design should minimize blank walls, especially when situated along streets or walkways.
- The use of stone, brick, wood, and other natural elements are encouraged on the facade.
- Large expanses of reflective, opaque, or highly-tinted glass are discouraged.
- Ceiling-to-floor storefront windows for retail buildings are encouraged to help create a dynamic and interesting streetscene.
- All facades of a building are encouraged to have windows, doors and/or other architectural elements.
- Projections, overhangs, recessed, banding and architectural details should be used to provide shadow, articulation and scale to building elevations.

- Exterior materials, windows and details should be consistent with the scale, proportion and architectural style of the building.
- Commercial building and tenant entries should have enhanced treatments and front onto the main pedestrian frontage, where possible.

Section 2, Site Design Guideline Variations

Building Placement and Orientation, Guideline No. 2: All buildings should be sited to contribute to an active street wall and a vibrant pedestrian environment.

The retail and residential buildings will be sited as close as possible, excluding the curves in the streets. However, the hotel will be located in the center of the property, surrounded by parking and landscape. Additionally, one of the tenants anticipated for the retail area is a grocery store. The entry for the grocery store will be towards the parking lot and no entries will be located on the street.

Building Placement and Orientation, Guideline No. 6: On retail developments, pad buildings should be strategically placed to help improve the pedestrian qualities of parking dominated shopping centers.

Pad buildings will be strategically placed; however, the shorter facade will be oriented towards the street to allow for the grocery tenant have the entrances and shopping cart storage facing the parking lot and not the street.

Section 3, Building Design Guideline Variations

Landscaping, Guideline No. 2: All projects must be well landscaped.

The Project will be well landscaped. However, not all trees will have a height of 10 feet when planted. Some species will be smaller. Additionally, since the Project includes multiple components, more than one type of flowering accent tree will be used.

Landscaping, Guideline No. 3: Landscaping should be primarily drought tolerant.

The Project will be primarily drought tolerant. However, due to availability of recycled water and that the area experiences without a rain event, use of rain gardens would not be appropriate.

Parking Lot Landscaping, Guideline No. 2: Surface parking should include trees in parking islands.

The Project will include trees within parking islands to meet the required one tree per four spaces. However, planters accommodating trees will generally be along the long edge of the parking space, rather than between facing parking spaces.

Mechanical and Roof-Mounted Equipment, Guideline No. 2: All roof mounted mechanical equipment must be screened with an enclosure.

The Project will screen roof-mounted equipment from public view by using parapet walls.

Building Massing, Guideline No. 2: Massing elements such as arcades and towers contribute to a rich building composition

The proposed Project is an interpretation of the Modern style identified in the City Design Guideline document. The proposed design consists of varied massing and architectural canopies to provide shade over pedestrian promenades. Arcades and tower are not appropriate for the proposed architectural style.

Building Articulation, Guideline No. 2: Commercial one story buildings should be highly articulated and have a roofscape treatment.

The proposed retail buildings will be highly articulated and consist of varied roofscape treatment. However, the retail portion consists of three buildings. Each building will have consistent articulation between its storefronts. However, storefronts of one building will be architecturally similar (e.g. architectural canopy), not consistent.

Multi-Family Building Massing, Page 28: Ground floor units should have entries accessed from and raised from the street.

The proposed multifamily buildings include recessed common entries in-between the buildings. The entry door is concealed from street view, but is not raised from the adjacent sidewalk.

Roofs, Guideline No. 1: All roof forms should complement the massing and articulation of the building.

The proposed roof forms for all buildings will complement the modern massing and articulation. However, all buildings will include varied flat roof forms with variable parapet heights. Gable, hip and shed roof forms are not proposed.

Roofs, Guideline No. 3: Flat roofs should vary in height and use caps, shaped parapets, barrel tiles or a cornice treatment to create an interesting skyline.

As discussed above, the Project consists of varied flat roof forms with variable parapet heights. Parapets will have a minimum height of two feet, four inches. Caps, shaped parapets, barrel tiles and cornices are not consistent with the proposed Modern architectural style.

Roofs, Guideline No. 5: Roof drainage elements should have consistent materials and be integrated into the overall building façade composition.

Downspouts are proposed to be exterior mounted for all buildings within the Project. Downspouts shall be painted and/or treated to blend into the wall it is mounted on.

Windows, Guideline No. 2: All window frames should be recessed from the building facade.

Window frames for the proposed Modern architectural style will not be recessed from the face of the exterior wall.

Windows, Guideline No. 4: Window materials and type should maintain a consistent design vocabulary and quality throughout the building.

All window materials and type for each building within the Project will maintain a consistent design vocabulary and quality. However, on multi-story buildings, the windows on the ground and upper stories will be the same size, as the same residential unit or hotel room will be on all floors.



Section 5, Storefront Guideline Variations

Windows, Guideline No. 6: Window frames should be colored to complement the building façade color scheme.

Clear anodized windows cannot generally be used to meet the required Title 24 requirements. Vinyl windows in a bronze or espresso color will be used to meet the Title 24 requirements and complement the building’s color scheme.

Building Entries, Guideline No. 5: Door glazing should be provided to create an inviting entry.

To provide security, residential doors will not include any glazing. Residential entry doors are concealed from street view.

Garage Doors, Guideline No. 3: The exterior design of garage doors should be treated to reduce its visual impact.

Residential single-car garage doors will not consist of any surface paneling to be consistent with the Modern architectural style.

Building Color, Guideline No. 3: Accent colors should complement the main building color. Accent colors may be used for trim or to emphasize architectural details.

The proposed colors for the Project consists of a light earth-tone base color with darker accent colors on details such as window trim.

Building Color, Guideline No. 3: Storefronts should be designed with a clearly defined module.

Each building will have a defined module that has a consistent pattern. However, each building’s module may vary as long as they appear similar to the remainder of the retail development.

Common Storefront Elements, Entry, Guideline No. 1: Storefronts should have a distinctive entry.

Each storefront will have a distinctive, yet compatible entry. Entries will generally not include differentiated paving materials, however, they will include other features such as architectural canopies and other elements.

Common Storefront Elements, Entry, Guideline No. 2: Doors should contribute to creating an inviting entry.

All retail doors will contribute to creating an inviting entry. Not all doors will include transom windows above the door. Some doors will include a large vertical pane of clear glass that are taller than eight feet in height, which is consistent with the Modern architectural style.

Common Storefront Elements, Display Windows, Guideline No. 2: Display windows should provide transparency into the business.

Display windows will be provided for all retail tenants, with the exception of the grocery tenant. To provide shade protection for shoppers, architectural canopies will be used.

Common Storefront Elements, Bulkhead, Guideline No. 1: All storefronts should include bulkheads; and Guideline No. 2: Bulkheads should be finished with high quality durable materials that are compatible with the materials used on the building façade.

The Project’s Modern architectural design does not include the use of bulkheads. The storefront design includes a single pane of glass that extends from the pad of the retail space.

Common Storefront Elements, Awnings, Guideline No. 1: Awnings should be used to articulate the building and give hierarchy to the storefront; Guideline No. 2: Awnings should be placed to contribute to the pedestrian scale; Guideline No. 3: Correlate the awning placement to the storefront opening; Guideline No. 4: Awning shapes should relate to the shape of the opening and the building’s architecture; Guideline No. 5: Awnings should use high quality materials; and Guideline No. 6: Awnings should accent the building’s façade.

The Project’s Modern architectural design does not include the use of awnings. The design includes the use of different architectural canopies on each building. Some canopies wrap around the building, while others are only located over the front entry. Generally, the canopies are located above the transom windows to provide scale to the building.

Public Circulation

The project is bounded by Labath Avenue on the west, Carlson Avenue on the north, and Dowdell Avenue on the east. Martin Avenue also dead ends on the east and west boundaries of the Project. These streets are explained below and shown graphically on *Figure 14, Street Sections*. A map of the existing and proposed public circulation system is shown on *Figure 15, Circulation Plan*.

Labath Avenue exists as a Public Avenue with no median, similar to City Standard Drawing 200F. This route also serves as a Class III Bicycle Route, and consists of two, 12-foot travel lanes; two, 8-foot parking lanes; and sidewalks on both sides of the street. Dowdell Avenue was recently constructed as part of the Fiori Estates project, just north of this proposed project. The street was developed to be a Public Avenue with no parking, similar to City Standard Drawing 200F. This street includes as a Class II Bicycle Lane, and consists of two, 12-foot travel lanes; a 14-foot two-way left turn lane; two 5-foot Class II Bicycle Lanes; and curb-separated sidewalks on both sides of the street. The northern two-thirds of Carlson Avenue were recently constructed as part of the Reserve at Dowdell project, just northeast of the proposed Project. The street was developed to be an Industrial Street, similar to City Standard Drawing 200H. This project will need to construct the remaining southern portion of the street between Dowdell Avenue and Labath Avenue. The street will include a Class III Bicycle Route, consisting of two, 14-foot travel lanes; two, 10-foot parking lanes; and sidewalks on both sides of the street upon completion.

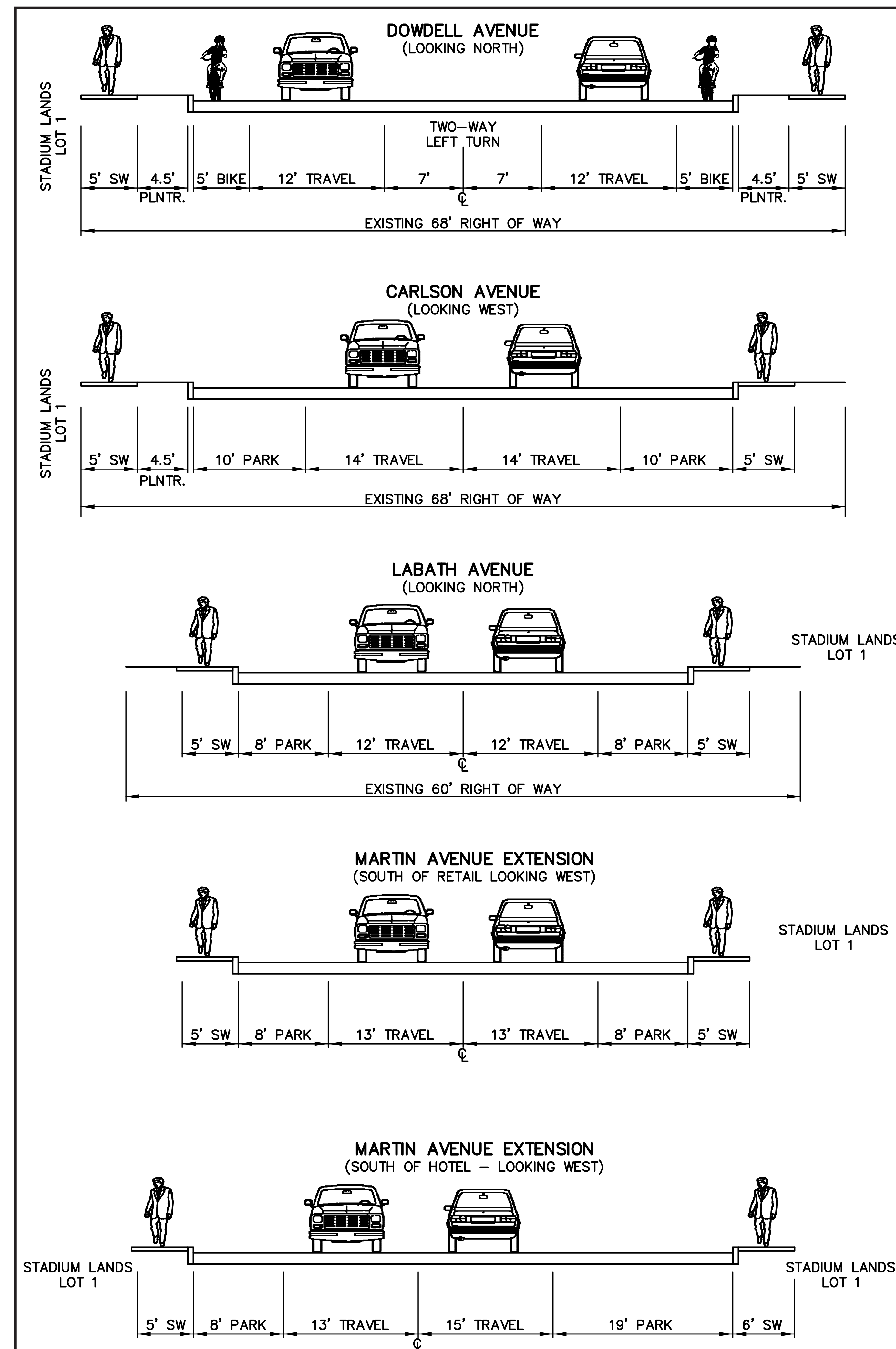


Figure 14, Street Sections

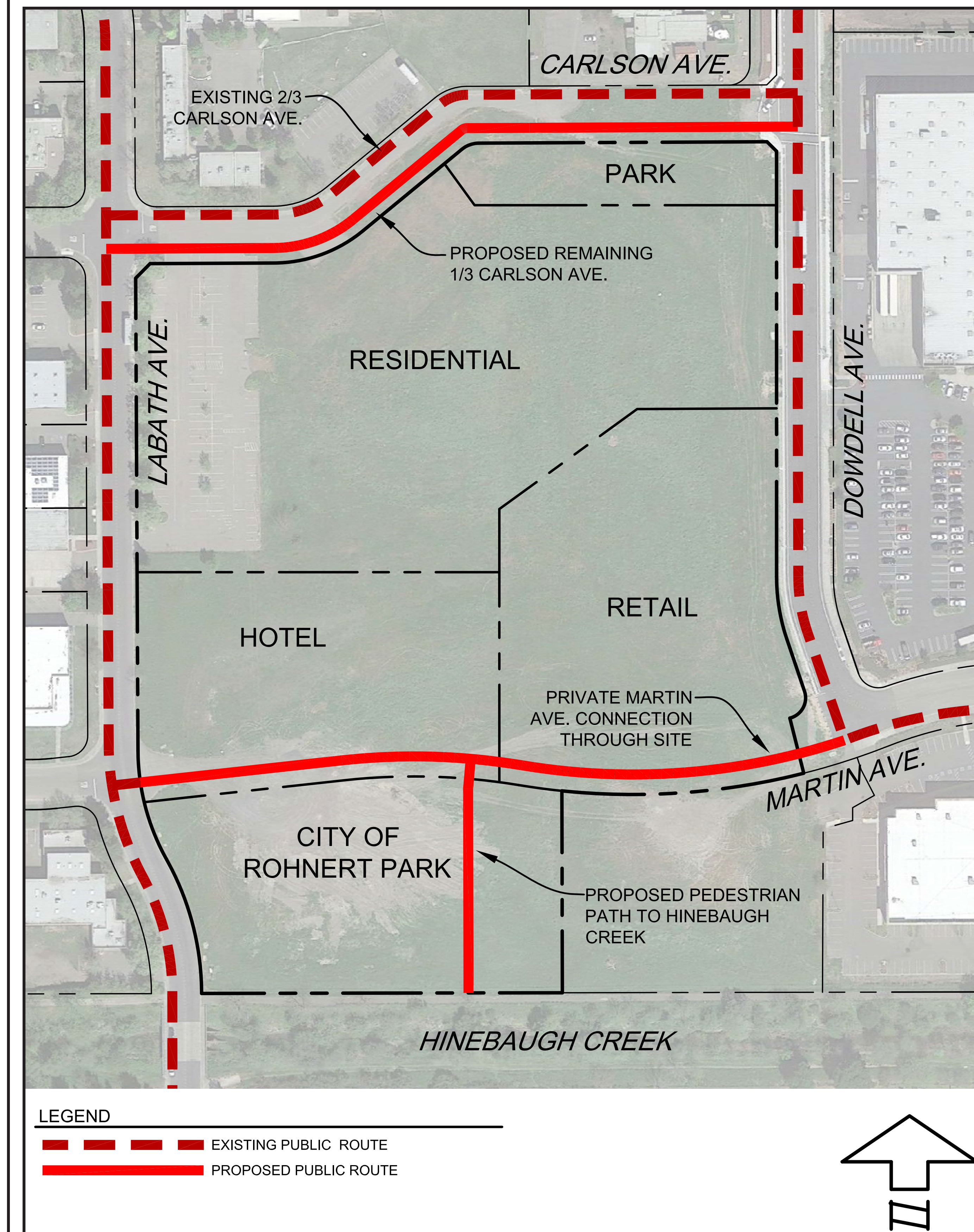


Figure 15, Circulation Plan

Private Vehicular Circulation

On-site drive aisles will be constructed throughout the Project site connecting the various parking lots serving the site. The drive aisles will be a minimum of 26 feet in width to allow enough clearance for vehicles to back out of perpendicular parking stalls provided along the route. The drive aisles for the hotel and retail shops will be interconnected, allowing shared use of their parking lots. The drive aisles serving the residential apartments will not connect to the commercial drive aisles serving the hotel and retail shops to provide a sense of separation between the two types of development.

Additionally, an extension of Martin Avenue will provide a route between Labath and Dowdell Avenues through the Project, connecting Martin Avenue on each side of the Project. This extension will also serve the City-owned public facility parcel to the south. Access to the hotel and retail shops will be provided via curb returns from Dowdell and Martin Avenues, respectively. The westerly curb return on Martin Avenue will be restricted to right in and right out movements only through appropriate striping and signage.

Access to the residential apartments will be provided by a driveway cut on Carlson Avenue. An emergency vehicle access (EVA) will be provided from of Labath Avenue. Details regarding private vehicular circulation of the site are depicted on *Figure 16, Private Vehicular Circulation Plan*.

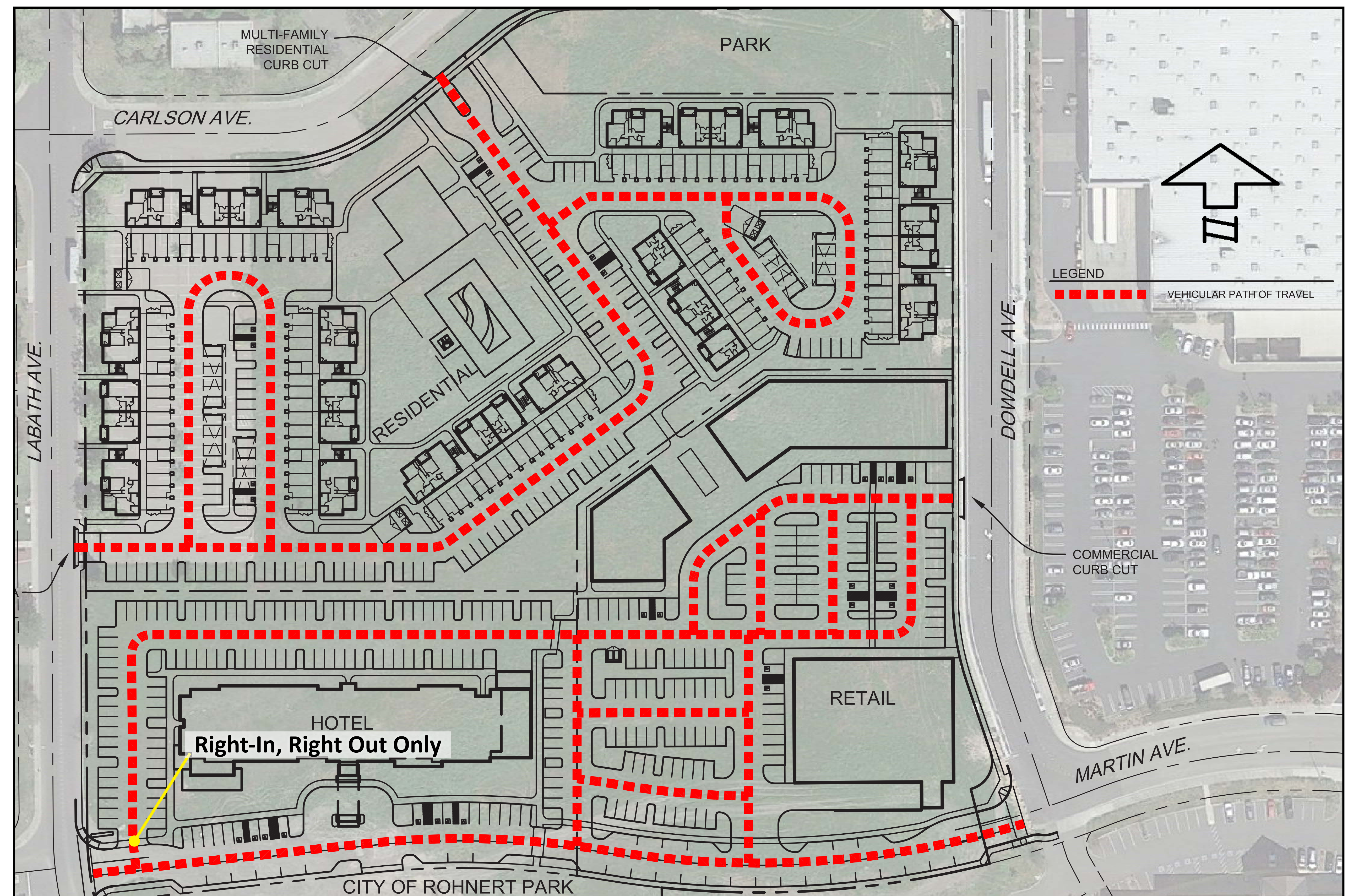


Figure 16, Private Vehicular Circulation Plan

Private Pedestrian Circulation

The private pedestrian circulation for Residences at Five Creek include an interconnected network for residents and visitors alike. The residential circulation includes multiple connections to the clubhouse on-site. Pedestrians may also walk to the retail and hotel portions of the site through the retail plaza or along Labath or Dowdell Avenues. The retail and hotel portions of the site also include two different travel paths, one along Martin Avenue and the other through the northerly portions of the retail/hotel sites. The pedestrian circulation will also include a marked crossing on Martin Avenue to Hinebaugh Creek.

The plan for Residences at Five Creek also includes convenient bicycle parking facilities for residents, shoppers, employees, and visitors that will comply with applicable CalGreen requirements. Details regarding private pedestrian circulation of the site and the conceptual bicycle parking facility locations are depicted on *Figure 17, Private Pedestrian Circulation Plan*.

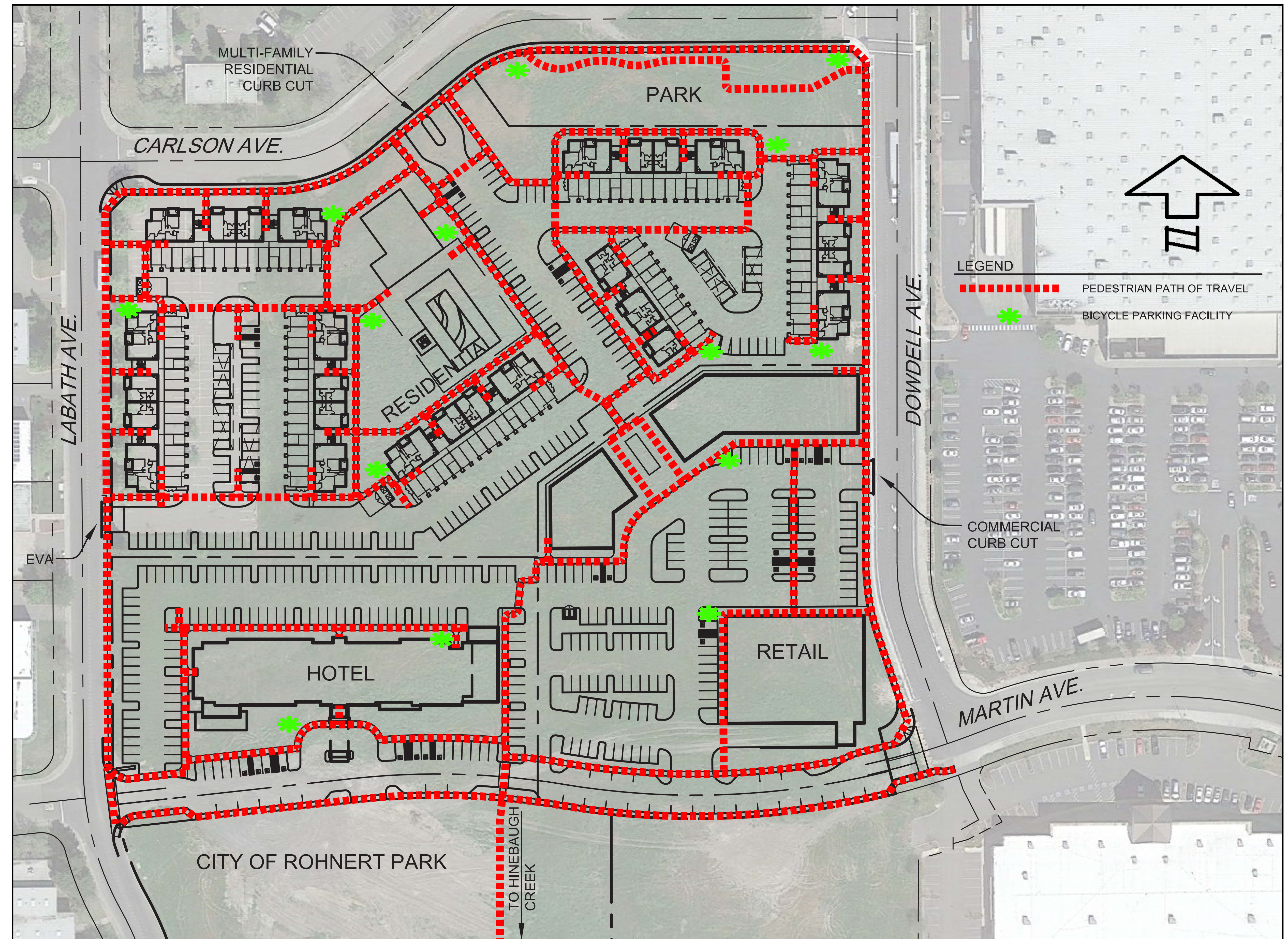


Figure 17, Private Pedestrian Circulation Plan



NOTES SCHEDULE

- | SYMBOL | DESCRIPTION |
|--------|---|
| 1 | STREETSCAPE: A consistent street tree and low water use ground cover / shrub planting will be installed in the easement between the sidewalk and project fencing. |
| 2 | PARKING AREAS: Deciduous shade trees will be installed in planter fingers to provide shade over parking areas and drive aisles. Low water use shrubs and groundcovers will provide textural and color interest. |
| 3 | EVERGREEN SCREEN: Where applicable between land use, a Redwood Tree evergreen screen will be installed to create a visual barrier between the residential and commercial areas. |
| 4 | POOL AREA RECREATION: The pool area design (to be completed) will consist of a pool, spa, lounge areas and outdoor kitchen / social area. The pool area will be secured by 5-ft. tall minimum height ornamental fencing. Plant materials will be "pool friendly" and intended to provide year round color and interest. |
| 5 | PARK LAWN AREA: The park will include lawn grass areas sufficient in size for passive recreation opportunities such as playing catch and an informal game of volley ball. |
| 6 | PARK BOCCIE COURT: Two courts are proposed for an active recreation opportunity. |
| 7 | PARK PICNIC PAVILION: A 20'x20' picnic pavilion will provide opportunities for social gatherings and include picnic tables and a BBQ area. |
| 8 | SKATE FEATURES: Semi-exclusive skate features (ramps, walls, curls, etc.) area along a separated sidewalk area. |
| 9 | PARK ENTRY PLAZA: The main entrance to the park will be highlighted by a permeable paver design plaza and ramada structure. A park sign monument would also be located in this area. |
| 10 | PARK BUFFER LANDSCAPE: The non-lawn grass areas of the park will consist of various trees, shrubs and ground covers intended to provide a visual screen between the private residential and public park area. |
| 11 | RESIDENTIAL AMENITY AREA: Lawn grass area for informal play and potential tot-lot area. |
| 12 | EMERGENCY VEHICLE ACCESS: An EVA point of access provided to Labath Ave. The EVA would consist of grass block pavers. |
| 13 | COMMERCIAL ACCESS: Access between the Residential and Commercial area will be provided be a controlled access gate. |
| 14 | TRASH ENCLOSURES: ADA Accessible trash enclosure will be provided throughout the residential area. |
| 15 | PLANTER AREAS: Shrub and ground cover areas around buildings (typ). |
| 16 | PLAZA CONCEPT: Plaza to include outdoor dining opportunities, central landscape and amenity feature focal point (IE water feature or art sculpture). Informal seating areas in the form of seat walls will be incorporated in to the central area. An architectural over head structure will provide protection from the sun. Final design to be determined by design development review submittal. |

PLANT SCHEDULE

| TREES | BOTANICAL NAME | COMMON NAME |
|-------|--|------------------------------|
| | Acer rubrum 'Armstrong' | Armstrong Red Maple |
| | Acer rubrum 'Autumn Blaze' | Autumn Blaze Maple |
| | Arbutus 'Marina' | Arbutus Standard |
| | Cercis canadensis 'Forest Pansy' TM | |
| | Cupressus sempervirens | Italian Cypress |
| | Existing Tree | Existing Tree |
| | Lagerstroemia indica 'Muskogee' (Strid) | Muskogee Crape Myrtle |
| | Pistacia chinensis | Chinese Pistache |
| | Prunus caroliniana | Carolina Laurel Cherry |
| | Prunus cerasifera 'Thunder Cloud' | Thunder Cloud Flowering Plum |
| | Pyrus caleryana 'Chanticleer' | Chanticleer Pear |
| | Quercus agrifolia | Coast Live Oak |
| | Rhaphiolepis indica 'Majestic Beauty' TM | Indian Hawthorne Standard |
| | Sequoia sempervirens 'Aptos Blue' | Aptos Blue Redwood |
| | Tilia cordata | Littleleaf Linden |
| | Washingtonia robusta | Mexican Fan Palm |
| | Zelkova serrata 'Village Green' | Sawleaf Zelkova |

DESIGN NOTE
The Plant List is tentative and may expand or contract as the final planting design is prepared.

CALGreen+Tier 1 Checklist
The design of the landscape / irrigation system is intended to meet the CALGreen+Tier 1 Checklist associated with landscape elements. Toward this end the project will include the following best practices:

1. Lawn grass area, limited to not more than 50% of the landscape, shall be irrigated by a low volume pop-up rotary sprinkler system.
2. Hydrozone irrigation techniques will be incorporated.
3. The plant palette will utilize at least 75% native California or drought tolerant plant materials appropriate to the climate zone region. *Note: Plant list illustrated is tentative and may expand or contract as the final design is prepared.*
4. The use of potable water will be reduced to a quantity that does not exceed 65% of ETo times the landscape area.
5. Common area and perimeter area landscape irrigation will consist of a combination of water conserving low volume rotary sprinklers (where appropriate in large ground cover areas), traditional drip irrigation, and an in-line drip irrigation system.
6. All irrigation valves shall be connected to an automatic control system.
7. All irrigation systems shall be designed to meet the most current water conservation policies and available equipment.

Plant Container Sizing

- Trees to be planted from minimum 15-gallon size containers
- Shrubs to be planted from 5-gallon and 1-gallon containers
- Ground Covers to be planted from 1-gallon containers
- Lawn areas to be planted from sod

PARK NOTE:
Park design per input received from Parks Commission. Park amenity construction to be phased based on initial and future available funds. Per agreement, the developer is responsible for a set amount of funding. Future funding to be provided by City to complete park as designed.

Figure 18, Preliminary Landscape Concept Plan

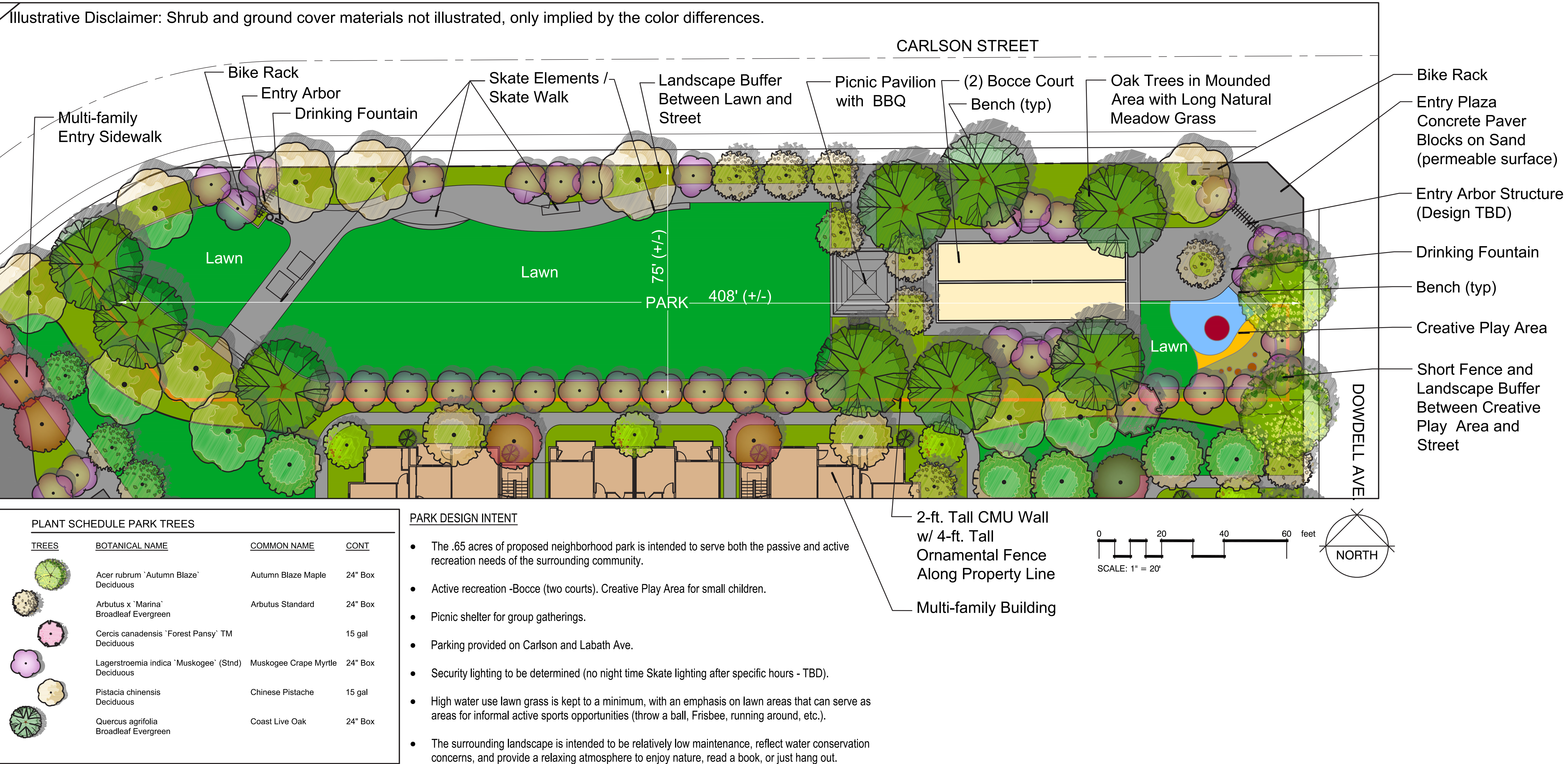
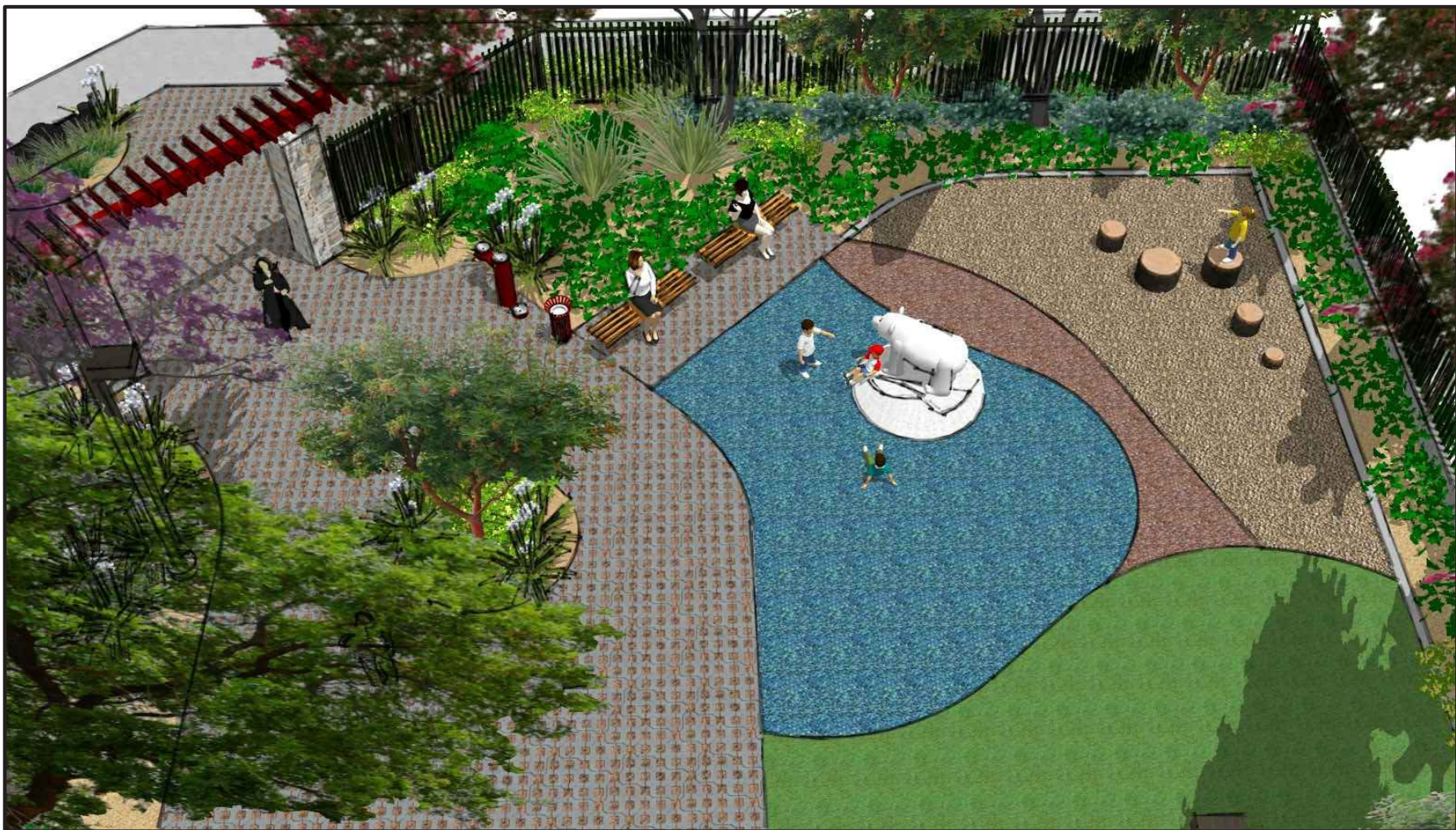


Figure 19, Preliminary Park Concept Plan

Water

The Project will tie into the City water system to serve domestic and fire protection demands. There are existing water mains in the streets adjacent to the Project. Labath Avenue contains an existing 8-inch water main, which currently has three 8-inch lines stubbed into the project. A 12-inch water main was installed in Dowdell Avenue with the construction of the Fiori Estates project to the north. The water main in Dowdell Avenue connects to an existing 12-inch main in Martin Avenue. The main in Martin Avenue ends just outside the project limits, at the existing edge of pavement at the westerly end of Martin Avenue. A 12-inch water main was installed in Carlson Avenue with the construction of The Reserve at Dowdell project to the northeast. The water main in Carlson Avenue ties into the water main within Dowdell Avenue. As part of the Project, the 12-inch water main in Carlson Avenue will be extended to the existing 8-inch water main in Labath Avenue, providing a looped water system around the Project. See Figure 18, Water Plan for a graphic representation of existing and proposed systems.

This project will require multiple separate water meters with associated private water mains to serve this project. The hotel, retail, and residential dwelling units will be metered separately, and each of these developments will require a separate private fire protection main to connect building fire protection systems. If potable water is proposed for the park, a separate water meter will also be required for the park parcel.

Water mains serving the commercial areas and City parcel will need to be 12-inch minimum based on an assumed fire flow demand of 3,000 gpm. Irrigation was not considered in the water demand estimations. It is assumed the irrigation needs will be met with recycled water.

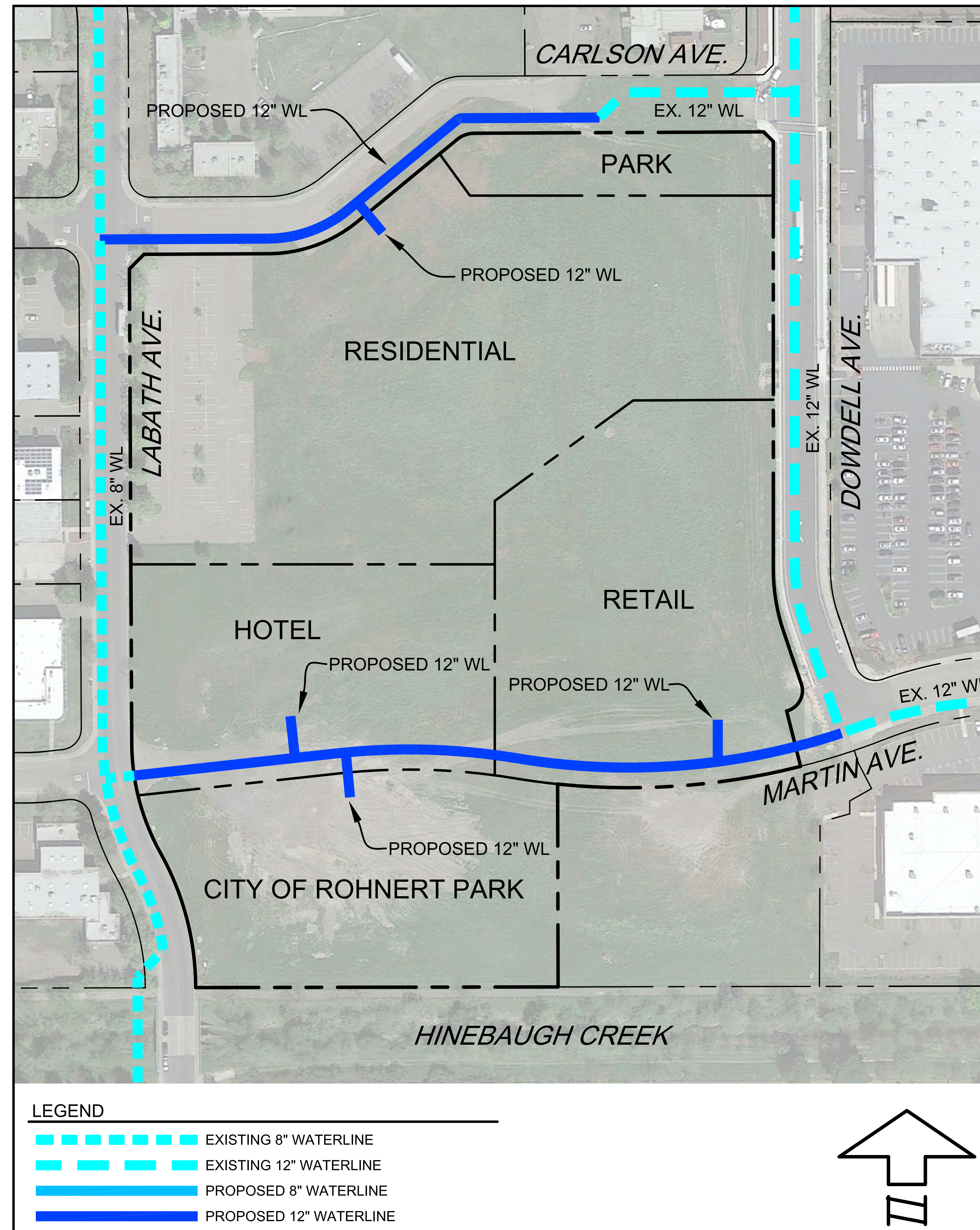


Figure 20, Water Plan

Domestic water demands are estimated as follows:

$$Q_{\text{RESIDENTIAL}} = (100 \text{ gallons/person/day}) \times (2.0 \text{ people/unit}) \times (135 \text{ units})$$

$$Q_{\text{RESIDENTIAL}} = 27,000 \text{ gpd}$$

$$Q_{\text{HOTEL}} = (125 \text{ gallons/room/day}) \times (133 \text{ rooms})$$

$$Q_{\text{HOTEL}} = 16,625 \text{ gpd}$$

$$Q_{\text{RETAIL}} = (0.112 \text{ gallons/sq. ft./day}) \times (34,300 \text{ sq. ft.})$$

$$Q_{\text{RETAIL}} = 3,842 \text{ gpd}$$

$$Q_{\text{TOTAL}} = 47,467 \text{ gpd} = 0.05 \text{ mgd}$$

Recycled Water

The project will tie into the City recycled water system to serve irrigation demands. There are existing recycled water mains in the public streets adjacent to the project. Labath Avenue contains an existing 8-inch recycled water main, with a 4-inch lateral stubbed into the Project. Also, a 2-inch service line currently serves irrigation needs for the existing parking lot in the northwest corner of the project. An 8-inch recycled water main was installed within Dowdell Avenue with the construction of the Fiori Estates project to the north. See Figure 19, Recycled Water Plan for a graphic representation of existing and proposed systems.

New services will be required to serve irrigation demands for the hotel, retail, City parcel, residential dwelling units, and the public park. The required size of meters and services will be determined as construction drawings are developed.

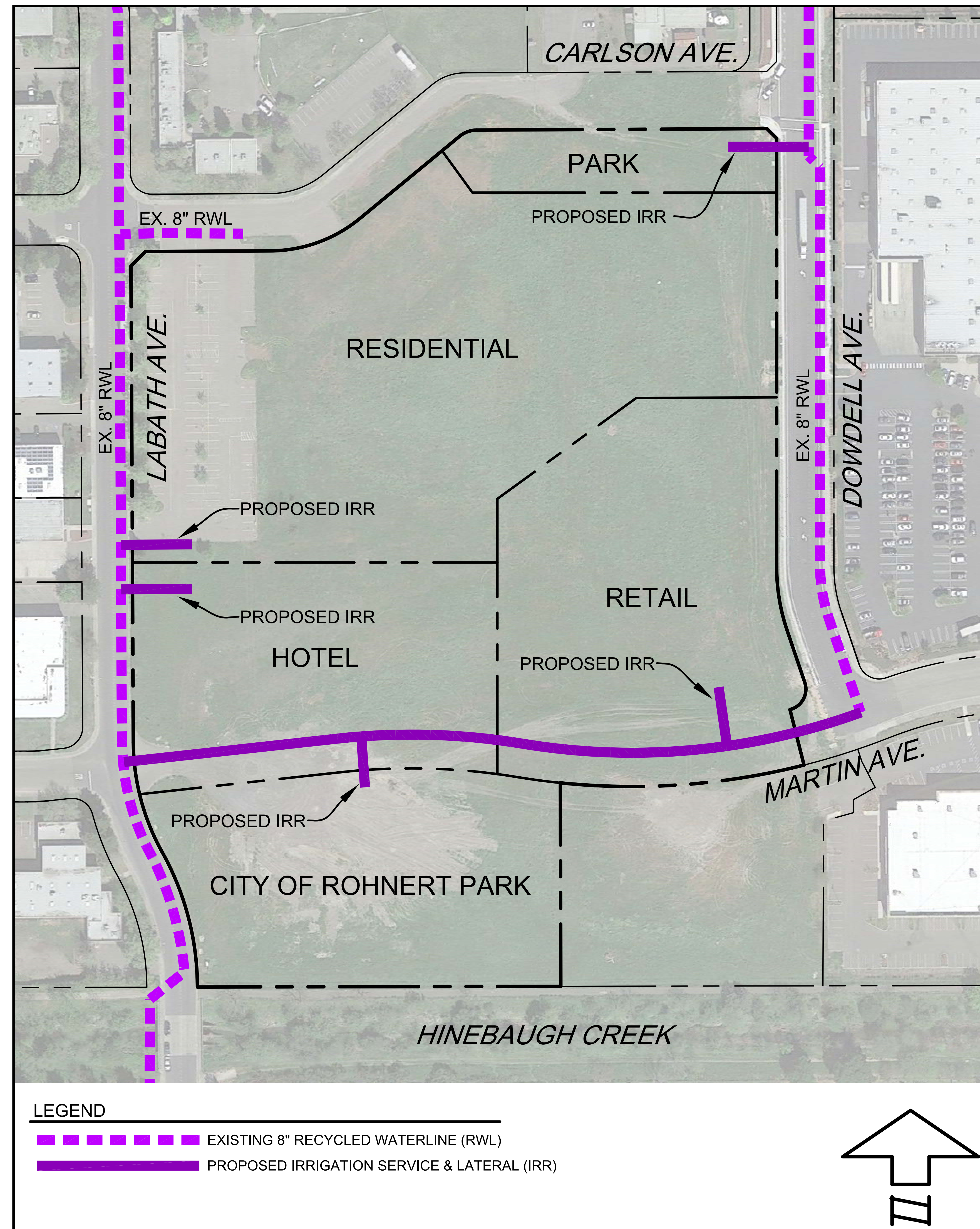


Figure 21, Recycled Water Plan

Sewer

The Project will tie into the City sanitary sewer system to serve wastewater demands. There are existing sanitary sewer systems in the public streets adjacent to the site. Labath Avenue contains an existing 6-inch sanitary sewer directing effluent in a northerly direction. Carlson Avenue has an existing 6-inch sanitary sewer that connects into the system in Labath Avenue. An 8-inch sanitary sewer system was installed within Dowdell Avenue with the construction of the Fiori Estates project to the north. This system ties into an existing 8-inch system within Martin Avenue, which flows easterly to a trunk sewer within Redwood Drive.

Two, 6-inch sanitary sewer laterals were stubbed into the project property from the Dowdell system as part of the Fiori Estates project, which considered future flows from this project site as tributary to this system. There are also a couple of 6-inch sanitary sewer laterals stubbed into the project from Labath Avenue. See *Figure 20, Sewer Plan* for a graphic representation of the on-site sewer layout. See *Figure 21, On-Site Utility Plan* for a graphic representation of existing and proposed systems.

The design flows will be calculated per the City of Rohnert Park Manual of Standards, Details, and Specifications. An analysis of the Labath Avenue system shows that the existing 6-inch main is at capacity, and cannot accept additional flows from the site. Fortunately, a similar analysis shows that the 8-inch sewer in Dowdell Avenue and Martin Avenue can accept this additional flow.

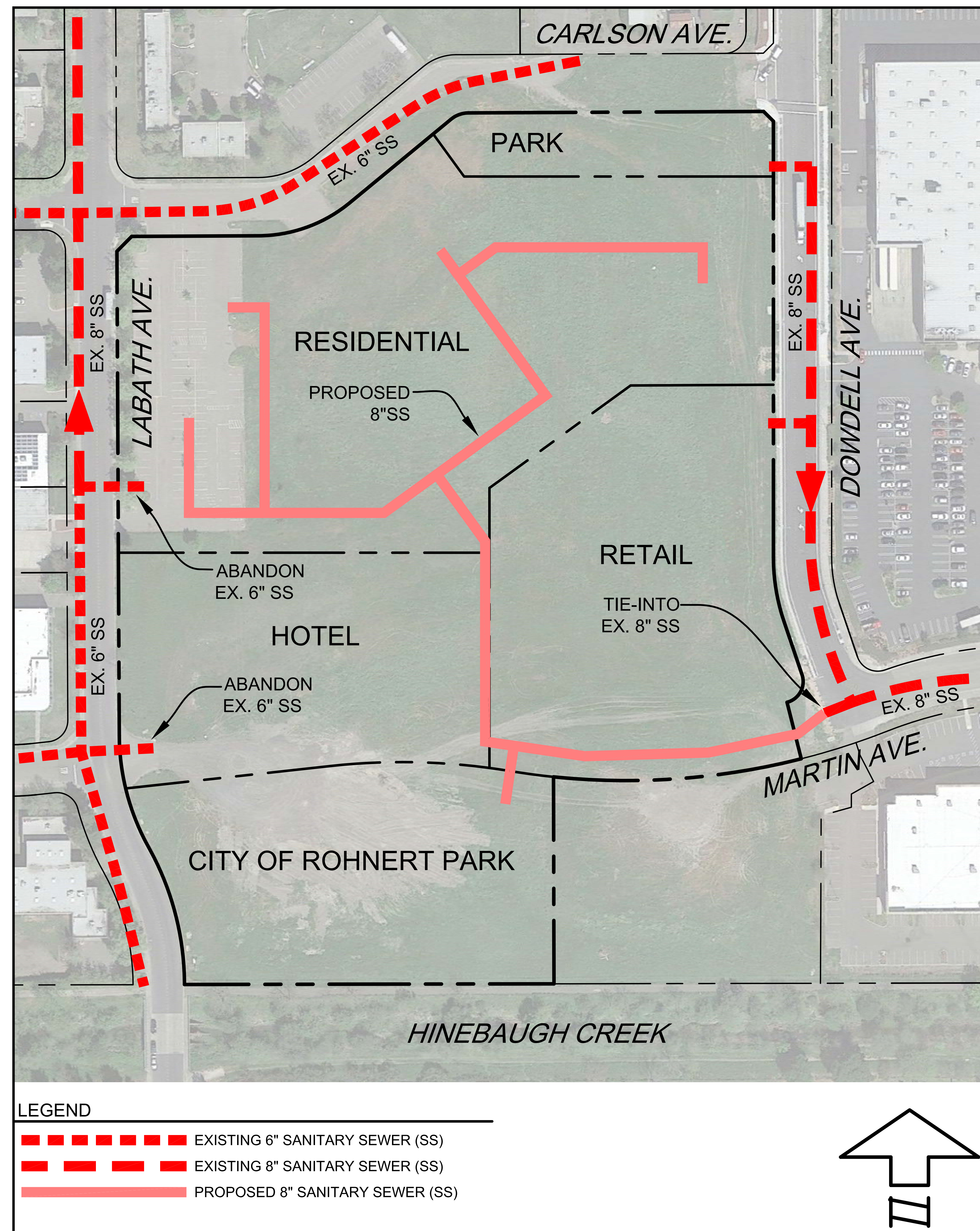


Figure 22, Sewer Plan

Sewer demands are estimated as follows:

$$Q_{\text{RESIDENTIAL}} = (100 \text{ gallons/person/day}) \times (2.0 \text{ people/unit}) \times (135 \text{ units})$$

$$Q_{\text{RESIDENTIAL}} = 27,000 \text{ gpd}$$

$$Q_{\text{HOTEL}} = (125 \text{ gallons/room/day}) \times (133 \text{ rooms})$$

$$Q_{\text{HOTEL}} = 16,625 \text{ gpd}$$

$$Q_{\text{RETAIL}} = (0.112 \text{ gallons/sq. ft./day}) \times (34,300 \text{ sq. ft.})$$

$$Q_{\text{RETAIL}} = 3,842 \text{ gpd}$$

$$Q_{\text{TOTAL}} = 0.05 \text{ mgd}$$

Accounting for the peaking factor:

$$Q_{\text{PEAK}} = 0.20 \text{ cfs}$$

$$Q_{1/1} = (1.4 \text{ gpm/acre}) \times (15.25 \text{ acre})$$

$$Q_{1/1} = 21.35 \text{ gpm} = 0.05 \text{ cfs}$$

$$Q_{\text{DESIGN}} = 0.25 \text{ cfs} = 0.16 \text{ mgd}$$

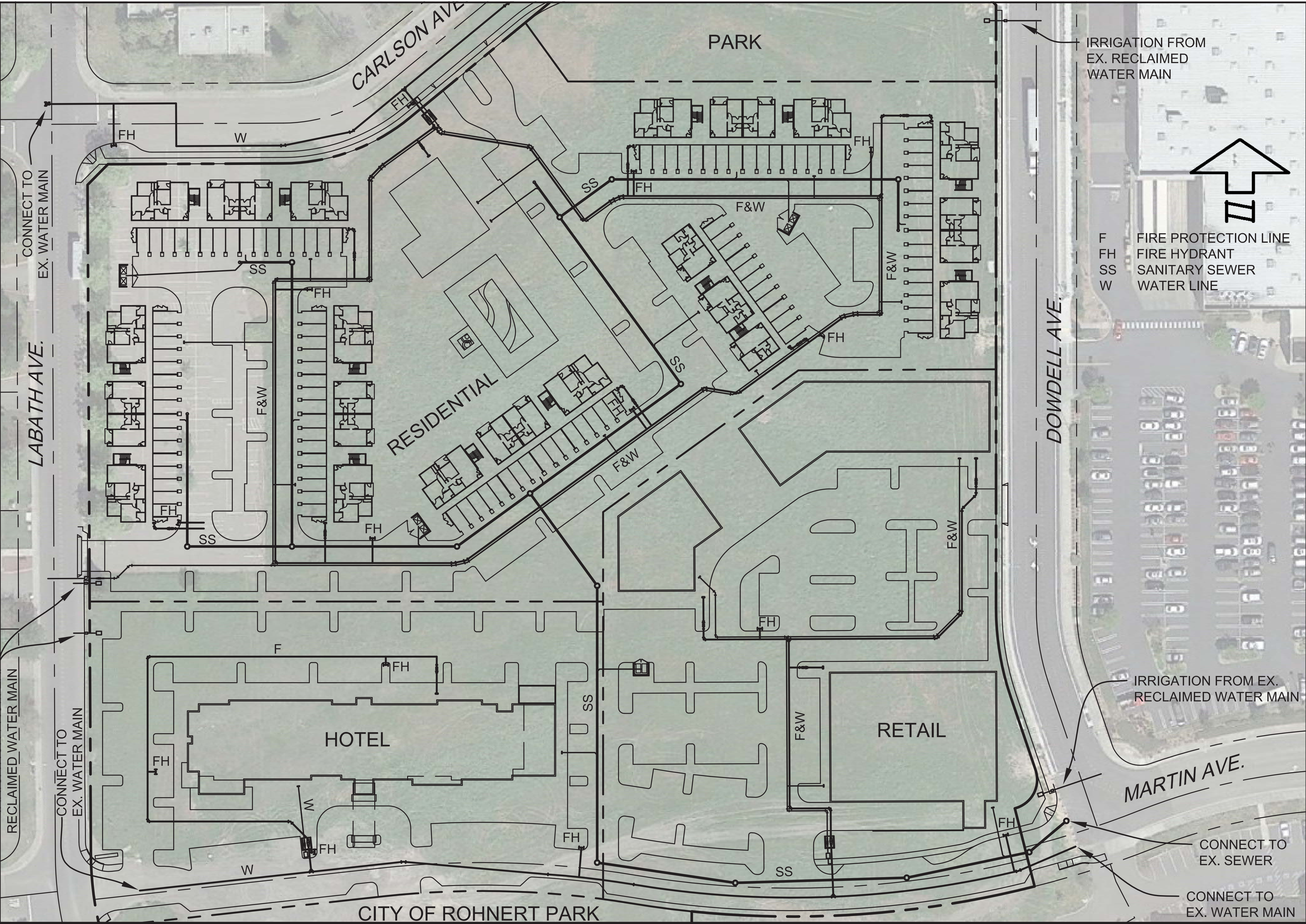


Figure 23, On-Site Utility Plan

Stormwater Flood Control

The Project site is primarily undeveloped, consisting predominately of vacant land. There is a small paved parking lot in the northwestern corner of the site. The existing topography is relatively flat, gently sloping westerly toward Labath Avenue. This Project was included as a tributary to the storm drain system within Labath Avenue, where the site currently drains. An existing 30-inch and 36-inch storm drains collect runoff and convey flows westerly down Martin and Carlson Avenues, respectively. These storm drains ultimately converge and outlet into Hinebaugh Creek.

As part of the Costco project, a new outfall to Hinebaugh Creek was constructed. The design of this storm drain system did not include the Project site or the Coddling parcel as tributary, thus, this system is at full capacity. The Project will require the construction of a new system to drain on-site runoff. This system will require a new outfall to Hinebaugh Creek, just west of the existing Labath Avenue Bridge. The new storm drain system will be designed to accept 15.25 acres from the Project, the City's parcel and the Coddling parcel for a total tributary area of 17.08 acres. See *Figure 22, Storm Drain Plan* for a graphic representation of existing and proposed storm drain systems.

The tributary area is less than one square mile, and would be classified as a minor waterway. The storm drain system will be designed to accommodate the 10-year storm event and will require a 36-inch minimum diameter storm drain per the attached Channel Report.

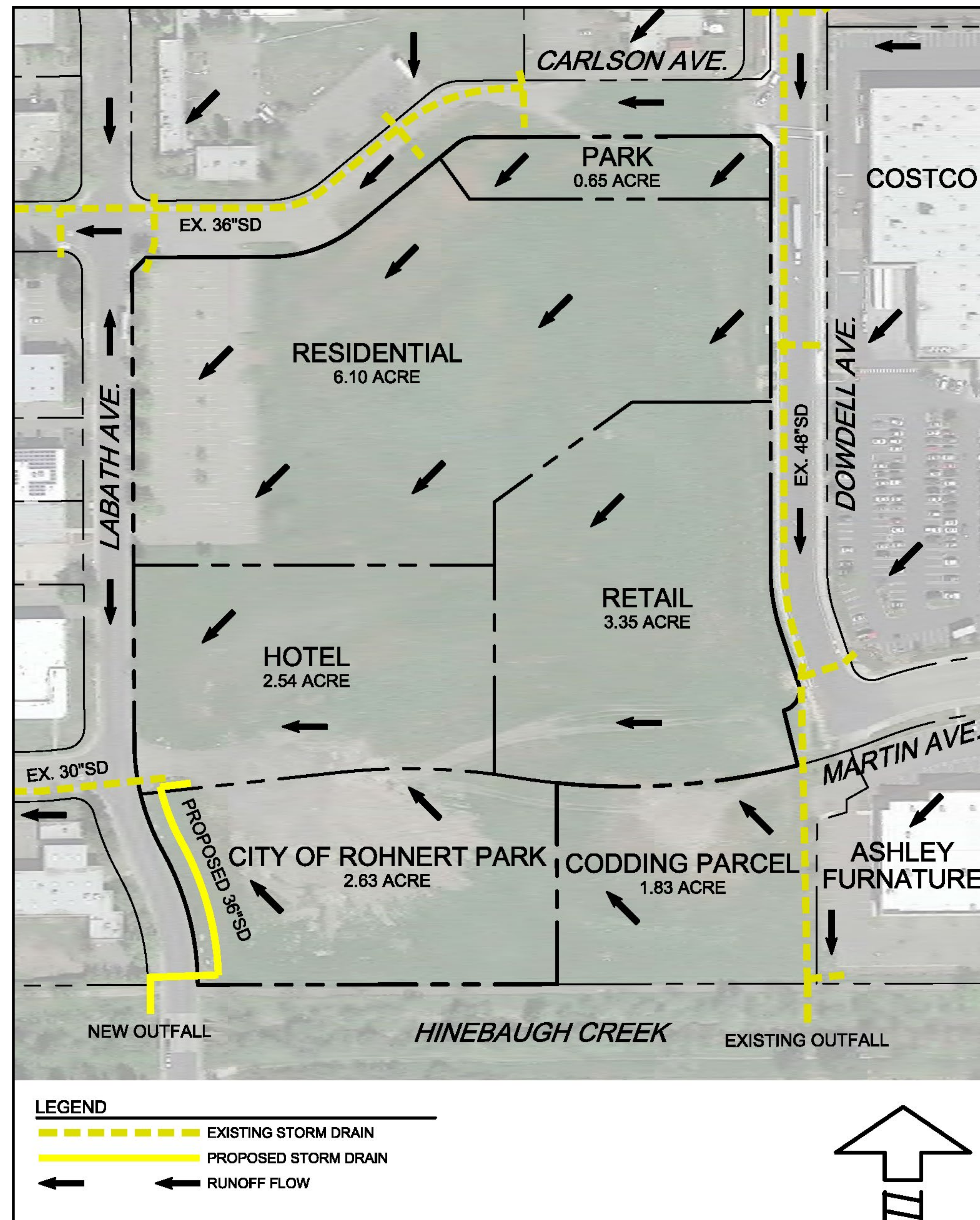


Figure 24, Storm Drain Plan

Using the Sonoma County Water Agency (SCWA) Flood Control Design Criteria, the approximate design flow required to size the proposed system – $Q = CIAK$

Q = flow (cfs)

C = runoff coefficient (unitless)

I = rainfall intensity for design storm (in/hr)

A = drainage area (acres)

K = mean seasonal precipitation factor (unitless)

As a minor waterway, the time of concentration for the site is 7 minutes based on times of concentration for commercial or similar areas. Thus, the rainfall intensity per Plate B-2:

$$I_{10} = 7.08 / t_c^{0.526}$$

$$I_{10} = 7.08 / (7 \text{ min})^{0.526} \text{ or } I_{10} = 2.54 \text{ in/hr}$$

The runoff coefficient was set at 0.90 for the developed areas. Per Plate B-3, the precipitation factor was set to 1. Therefore, the approximate flow needed to size the outlet is:

$$Q_{10} = (0.90) \times (2.54 \text{ in/hr}) \times (17.10 \text{ acres}) \times (1) \text{ or } Q_{10} = 39.09 \text{ cfs}$$

Assuming a normal flow through a HDPE pipe ($n=0.012$), a 36-inch minimum diameter storm drain is required.

Stormwater Quality

In addition to flood control, the City of Rohnert Park has adopted the City of Santa Rosa and County of Sonoma Storm Water Low Impact Design Technical Design Manual (LID Manual, 2012) to address stormwater runoff quality and quantity from new development and redevelopment projects. To meet the design goal, 100% of the runoff generated from the 85th percentile, 24-hour storm event must be captured on-site and stored for infiltration and/or reuse.

The design goal will be met by providing gravel storage zones under vegetated areas within the site. CalGreen requirements will require a certain percentage of the apartment complex to be paved with permeable materials, potentially allowing for additional runoff storage under the parking lot. The total volume of storage required for the project will be reduced based on the use of pollution prevention measures such as interceptor trees, impervious area disconnection, and vegetated buffers. See the Preliminary Storm Water Mitigation Plan (PSWMP) submitted with this package for details.

Grading and Phasing

The site will be developed in two phases, with the hotel, residential apartments, and park developing first, followed by the retail portion. Construction for the first phase of the project is expected to take 12 months, and the second phase of construction should be completed 6 months after. Heavy construction equipment will be required to form the drive aisles, parking lots, and building pads proposed throughout the site. The Project will require the over excavation and re-compaction of the first 2 feet of soil over the site, requiring approximately 40,800 cubic yards of earthwork. This earthwork will be balanced on-site. See *Figure 23, Conceptual Grading Plan* for the proposed on-site grading. See *Figure 24, Phasing Plan* for the Project's phasing.

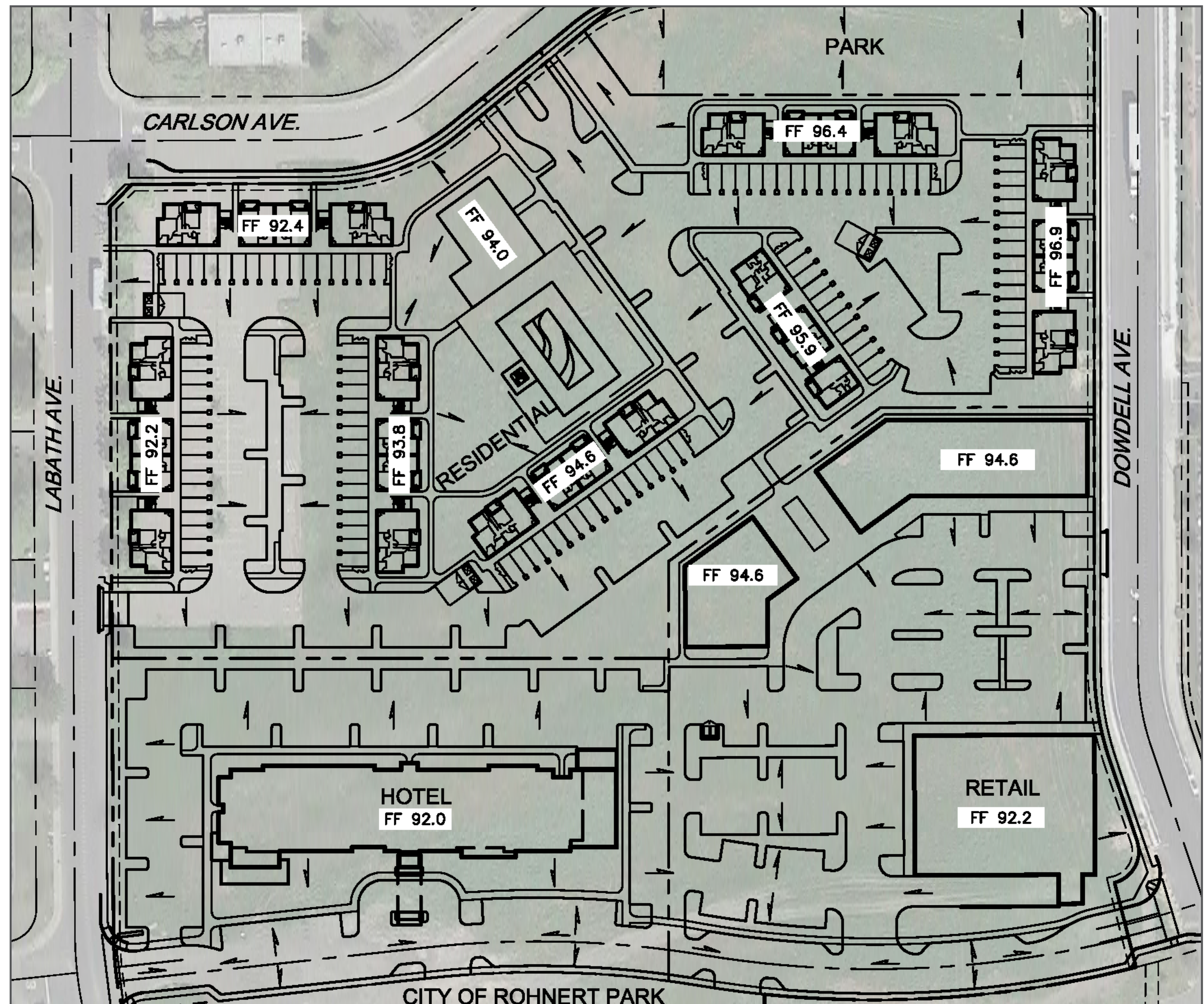


Figure 25, Conceptual Grading Plan

Financing

It is anticipated that the developer will fund all construction within the Project site, and will contribute through the City of Rohnert Park Public Facilities Finance Plan for the funding of off-site services. These fees will also include school mitigation fees, park fees, sewer and water connection fees, storm drain fees, engineering plan check fees, grading plan and permit fees, building plan and permit fees, affordable housing in-lieu fees, and area-wide impact fees. Frontage improvements along Dowdell Avenue – including sidewalk and landscaping – are eligible for reimbursement from the City as a credit to fees as established by the Public Facilities Finance Plan.

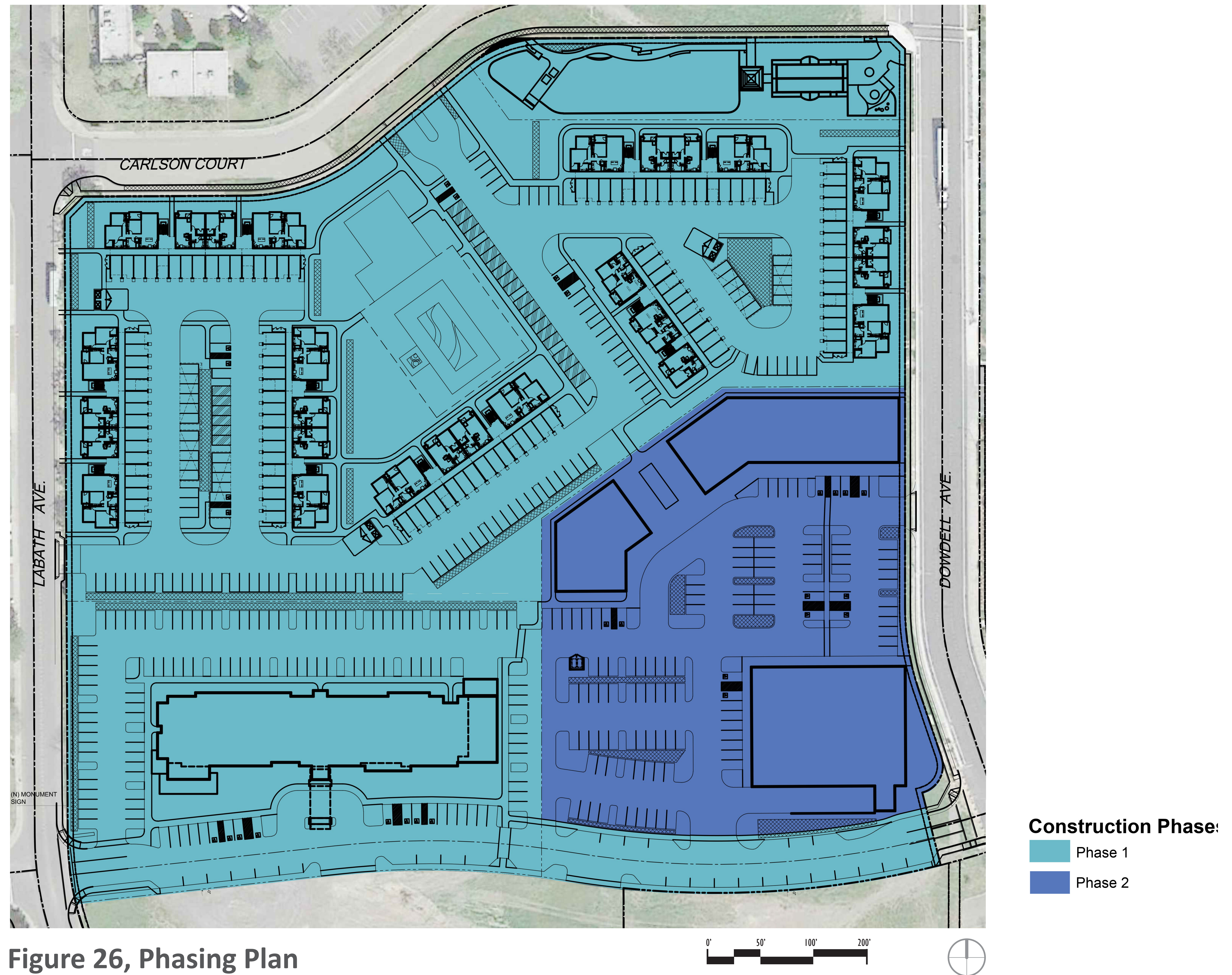


Figure 26, Phasing Plan

ADOPTED PER CC RESOLUTION NO. 2016-__

Conditions of Approval

Residences at Five Creek Project

The conditions below shall apply to the Residences at Five Creek Project within the Stadium Area Master Plan (SAMP). All conditions run with the land and apply to all development within the Residences at Five Creek project area (APN: 143-040-124), unless otherwise noted.

General Conditions

1. All applicable provisions of the City of Rohnert Park Municipal Code, and as subject to the Residences at Five Creek Development Agreement (DA) approved by Ordinance No. ---, are made a part of these conditions of approval in their entirety, as if fully contained herein.
2. The violation of any condition listed herein shall constitute a nuisance and a violation of the City of Rohnert Park Municipal Code (RPMC). In conformity with Chapter 1.16 of the City of Rohnert Park Municipal Code, a violation of the City of Rohnert Park Municipal Code may be an infraction or a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief. The Applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the Applicant as a result of a failure of the Applicant to fully perform and adhere to all of the Conditions of Approval.
3. The Applicant agrees to defend, indemnify, hold harmless and release the City of Rohnert Park, its agents, officers, attorneys and employees from any claim, action or proceedings brought against any of the above, the purpose of which is to attack, set aside, void, or annul the approval of this application or certification of the environmental document which accompanies it. This indemnification obligation shall include but not be limited to, damages, costs, expenses, attorneys', or expert witness fees that may be asserted by any person or entity, including the Applicant, whether or not there is concurrent passive or active negligence on the part of the City, its agents, officers, attorneys or employees.

General Project Conditions

4. By accepting the benefits conferred under the Residences at Five Creek Project, the Applicant acknowledges all the conditions imposed and accepts the development subject to those conditions. The use of the property by the Applicant for any activity authorized by the project approvals shall constitute acceptance of all of the conditions and obligations imposed by the City. The Applicant by said acceptance waives any challenges as to the validity of these conditions.
5. Each phase of development shall be designed, approved and installed to be consistent with the overall buildout of the Residences at Five Creek Final Development Plan, the Stadium Lands P-D Zoning District, the RPMC and the City of Rohnert Park General

Plan. The Residences at Five Creek Project shall comply with all applicable mitigation measures established in the Environmental Impact Report (EIR) adopted in 2008 for the Stadium Area Master Plan (SCH # 2005042111) and the Mitigated Negative Declaration (SCH# 2016112026) (MND) prepared for the Residences at Five Creek Project specifically. Projects implementing the Final Development Plan and each development phase shall also comply with the implementation, monitoring and reporting requirements for each mitigation measure established in the Mitigation Monitoring Program adopted with the EIR and the MND. Costs of implementing and monitoring the mitigation measures shall be borne by the Applicant and any successors-in-interest.

6. A community facilities district or other funding mechanism approved by the City Attorney shall be formed by the Applicant encompassing the residential portion of the project in order to provide \$800/year/residential unit and offset the impacts on the city's General Fund.

Project Design Conditions

7. Prior to any new construction, the Applicant shall apply for and receive Site Plan and Architectural Review (SPAR) approval from the Planning Commission as required by the City of Rohnert Park Municipal Code.
8. The project applicant shall incorporate the following GHG reduction measures into the project design:
 - Compliance with the applicable Title 24 energy efficiency standards at the time of development. At a minimum, compliance with the 2016 Title 24 standards
 - Compliance with state and/or local green building standards. At a minimum, implementation of CALGreen Tier 1 standards
 - Installation of high efficiency LED lights in outdoor areas
 - Participation in a Transportation Demand Management Program
 - Improvement the pedestrian network and implementation traffic calming measures throughout the project
 - Diversion of solid waste diversion consistent with AB 341
 - Inclusion of shade canopies over parking lots, where appropriate and feasible
 - Provision of information regarding transit availability to residents and employees
 - Provision of carpool and/or car sharing parking spaces
 - Provision of electric vehicle parking
 - Compliance with the City bicycle master plan and provision of at least 34 bicycled parking spaces for the residential units, 9 bicycled parking spaces for the hotel and 8 bicycled parking spaces for the retail space.
9. Landscaping shall be constructed in accordance with the State's Model Water Efficient Landscaping Ordinance (MWEL), or in accordance with water conservation standards which meet or exceed the requirements of the MWEL. The Applicant shall submit a landscaping and irrigation plan that identifies landscape material types and locations, irrigation, water usage calculations, and other information as required. The plan shall be submitted and reviewed by the Development Services Department with each phase of the project. All costs for

review of the requirements of the MWELo shall be borne by the Applicant. All landscaping and irrigation subject to the MWELo shall be substantially complete prior to the issuance of a Certificate of Occupancy.

Public Safety Conditions

10. Prior to the issuance of a building permit, the Applicant shall submit a fire hydrant location plan to the Fire Marshal for review and approval. The Applicant shall make provisions for the repair and maintenance of the system in a manner meeting the approval of the Fire Marshal. Fire hydrants must be in place and fully operational within 150 feet of any construction site before the delivery of any combustible materials to that site. Contact the Fire Prevention Bureau for a clearance memo.
11. Prior to the issuance of any Certificate of Occupancy, all fire hydrants shall have a fully functional system with blue reflective pavement markers indicating the hydrant locations on the street as approved by the Fire Marshal. The property owners must maintain the blue reflective pavement markers in good condition and the maintenance requirement shall be included in the CC&Rs for the Planned Development.
12. Fire sprinklers and alarm systems are required for all structures.
13. All properties shall be clearly marked with lighted address numbering on the front of each unit and on both front and rear of the units having rear alley access; rear addressing shall include the street name utilizing street signage in conformance with Design Standards. A complex directory shall be erected at each entry to the development. Details of the directory shall be submitted for review and approval by the Fire Marshal.
14. Fire Apparatus Access Roads and Fire Lanes must be fully identified with signage and/or curb markings as approved by the Fire Marshal.
15. Graffiti shall be removed from all structures (such as exterior building walls, retaining walls, noise attenuation walls, utility poles and boxes) within 24 hours of discovery at the expense of the owner or property manager. This provision shall be included in the CC&Rs.
16. Each development phase or portion of a phase shall indicate building type, size, and construction features. Plans shall be reviewed by the Public Safety Department for fire and life safety requirements such as: fire flow, fire hydrants, fire sprinklers, fire department connections, alarm systems, smoke control systems, public-safety, radio amplification systems, gates, egress, and exiting. Such plans will be reviewed and commented on for individual blocks and buildings.
17. Prior to issuance of a grading permit, the Applicant for each development phase shall submit a Phase II Environmental Site Assessment covering any areas of known concern identified in the Phase I Environmental Site Assessment.
18. Prior to issuance of a Certificate of Occupancy, the Applicant shall provide plans or identify measures to comply with standard procedures for implementing the California Fire Code and nationally recognized standards in the use of any combustible and flammable liquids, aboveground or underground storage of such

materials, welding and potential spark production, and building occupancy rating in a manner meeting the approval of the Fire Marshal.

19. Prior to the issuance of a building permit, the Applicant shall submit to the Fire Marshal a list of all hazardous, flammable and combustible liquids, solids or gases to be stored, used or handled on site. These materials shall be classified according to the California Fire Code, and the information the Applicant submits to the Fire Marshal shall include a summary listing of the totals for storage and use for each hazard class. Prior to the issuance of a building permit, the Applicant shall also complete and submit to the Fire Marshal a copy of a "Hazardous Materials Inventory Statement and Hazardous Materials Business Plan" packet.
20. Applicant/operator shall store, manifest, transport, and dispose of all onsite generated waste that meets hazardous waste criteria in accordance with California Code of Regulations Title 22 and in a manner to the satisfaction of the Sonoma County Environmental Health Department and Emergency Services Department. Applicant shall keep storage, transportation, and disposal records on site and open for inspection to any government agency upon request.

Grading and Improvement Plan Requirements

21. All improvements shall be designed in conformance with: the City of Rohnert Park, Manual of Standards, Details and Specifications in effect at the time of development; the Residences at Five Creeks Final Development Plan; and the conditionally approved tentative map for the Residences at Five Creeks.
22. The Project benchmark shall be based on a City approved USGS benchmark.
23. Mailbox plans and locations shall be approved by the Rohnert Park Postmaster prior to improvement plan approval. The applicant shall provide a letter and exhibit showing mailbox locations from the Rohnert Park Postmaster approving mailbox locations.
24. The applicant shall submit a geotechnical study conducted by an engineer licensed in the State of California and qualified to perform soils work, or a California Certified Geologist and acceptable to the City. Recommendations shall be provided, as necessary, to prevent damage to Project facilities and compliance with these recommendations shall be required as a condition of development at the Project site. The grading and improvement plans shall incorporate the recommendations of the approved geotechnical study. This geotechnical study shall at a minimum evaluate the following:
 - a. The liquefaction potential at the Project site.
 - b. The location and extent of expansive soils at the Project site, including recommendations regarding the treatment and/or remedy of on-site soils, and the structural design of foundations and underground utilities.
 - c. Seismic safety including recommendations regarding the structural design of foundations and underground utilities.

Grading Plan Requirements

25. The grading plan shall be prepared by a Registered Civil Engineer, licensed in the State of California and shall be submitted for review and approval by the City Engineer.
26. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved.
27. All existing wells, septic tanks and/or underground fuel storage tanks shall be abandoned under permit and inspection of Sonoma County Environmental Health or other designated agency. If there are none, the project engineer shall provide a letter describing the scope of the search done to make this determination.

Improvement Plan Requirements

28. The improvement plans shall be prepared by a Registered Civil Engineer, licensed in the State of California, shall be submitted for the review and approval of the City Engineer.
29. The improvement plans shall illustrate public street frontage improvements, grading, paving, utilities, and drainage structures to be built, lighting and trash collection. The improvements plans shall include parking lots, street and utility information including all concrete curb and gutter, sidewalk, street lights, striping and signing, paving, water lines, storm drain lines and sewer lines as necessary, erosion control and any necessary transitions.
30. The improvement plans shall illustrate how each lot shall be provided with improvements consistent with the tentative map.
31. Improvements plans shall include an erosion control (winterization) plan. The plan must include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed. A separate Rain Event Action Plan (REAP) shall be required and prepared as part of the Storm Water Pollution Prevention Plan (SWPPP). A copy of the REAP shall be kept on-site throughout the duration of construction activities.
32. The Improvement Plans shall include the following required notes:
 - a. "Any excess materials shall be considered the property of the contractor and shall be disposed of away from the job side in accordance with applicable local, state and federal regulations."
 - b. "During construction, the Contractor shall be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. Contractor shall be responsible that all construction equipment is equipped with manufacturers approved muffler's baffles. Failure to do so may result in the issuance of an order to stop work."
 - c. "If at any time during earth disturbing activities a concentration of artifacts or a cultural deposit is encountered, work shall stop in the immediate area and the construction manager shall contact the City and a qualified archeologist."

- d. "If human remains are encountered anywhere on the project site, all work shall stop in the immediate area and the construction manager shall contact the City, the County Coroner and a qualified archeologist."
- e. "If paleontological resources or unique geologic features are encountered during construction, all work shall stop in the immediate area and the construction manager shall contact the City and a qualified paleontologist."
- f. "Construction work hours shall be consistent with the Rohnert Park Municipal Code, Noise Ordinance.
- g. "All existing overhead utilities (of 26,000 volts or less) and proposed utilities, both on-site and along project frontages, shall be placed underground. This does not include surface mounted transformers, pedestal mounted terminal boxes and meter cabinets."
- h. "If hazardous materials are encountered during construction, the contractor will halt construction immediately, notify the City of Rohnert Park, and implement remediation (as directed by the City or its agent) in accordance with any requirements of the North Coast Regional Water Quality Control Board."
- i. "The contractor(s) shall be required to maintain traffic flow on affected roadways during non-working hours, and to minimize traffic restriction during construction. The contractor shall be required to follow traffic safety measures in accordance with the Cal Trans "Manual of Traffic Safety Controls for Construction and Maintenance Work Zones." The City of Rohnert Park emergency service providers shall be notified of proposed construction scheduled by the contractor(s) in writing and at least 24 hours in advance of its proposed schedule of work."

Site Civil and Landscape Plans

- 33. The improvement plans shall include Street Signing and Pavement Marking Plan for review and approval by the City Engineer. Striping, pavement markings and traffic signage shall be provided on all streets as necessary and as required by the City Engineer. Speed limit signs shall be installed at locations determined by the City Engineer.
- 34. The improvement plans shall include an all-way stop at the intersection of Martin Avenue and Dowdell Avenue.
- 35. The striping plan shall include restriping of Martin Avenue to include dual westbound lanes between the Costco driveway and Dowdell Avenue, with the outer through lane becoming a right-turn lane at the Dowdell Avenue intersection.
- 36. The street cross-sections shown on the tentative map are hereby acceptable as alternatives to following existing city standards:
 - a. The proposed Public Avenue, Labath Avenue is conceptually acceptable and considered consistent with City Standard STD-200F.
 - b. The proposed Public Avenue, Dowdell Avenue is conceptually acceptable and considered consistent with City Standard STD-200H.

- c. The proposed Industrial Street, Carlson Avenue is conceptually acceptable and considered consistent with City Standard STD-200H.
- 37. Sidewalk warps shall be provided to allow a clear five foot walkway at all locations, including areas where mailboxes, streetlights, street signs and fire hydrants are to be installed.
- 38. One-inch chases shall be installed to all parkway strips from adjacent parcels to allow for the installation of irrigation lines in the future.
- 39. For streets along established bus routes, improvement design shall be coordinated with Sonoma County Transit Agency.
- 40. The improvement plans shall illustrate handicap ramps and parking as required by State of California Title 24.
- 41. Driveway entrances shall be designed to meet the requirements of the City Standards and the City Engineer. All driveways shall be per City standards for commercial developments.
- 42. Street lighting shall be designed in accordance with City of Rohnert Park and PG&E requirements. Street light design, spacing, and locations shall be approved by the City Engineer. Electrical service points shall be shown on the plans based on PG&E provided locations.
- 43. Landscape plans shall be submitted with the civil improvement plans. Sidewalk alignment shall be shown on both the civil and landscape plans.
- 44. The existing rock-lined bio-swales in the public right-of-way along the Dowdell Avenue frontage shall be landscaped. Any trees planted in or near the bio-swale area may not interfere with the storm drain pipes located in the swales.
- 45. Site design shall include pedestrian pathways and crossings connecting onsite activity centers.
- 46. The improvement plans shall show bicycle racks on-site in accordance with City Standards, which require individually mounted inverted-U-shaped racks. The number of bicycled parking spaces shall be consistent with the MND.
- 47. The site design shall include adequate fire lanes and other emergency facilities as determined by Department of Public Safety including any NO PARKING lanes, turnarounds, or other features as required by the Rohnert Park Department of Public Safety.
- 48. The improvement plans for Carlson Avenue shall include fencing and landscaping along the northerly side of Carlson Avenue to screen the KRCB property (APN 143-040-133). The landscaping and fencing shall be coordinated with a similar screening feature facing Dowdell Avenue.

Hydrology, Storm Water and Storm Drain

- 49. The applicant shall submit to the City of Rohnert Park for review and approval, drainage plans, hydrologic, and hydraulic calculations pipe sizing and storm drain plans prepared by a Registered Civil Engineer licensed in the State of California. The

drainage plans and calculations shall indicate the following conditions before and after development:

- a. A site-specific hydrology and drainage study acceptable to the City showing the increase in storm water runoff that would result from development of the Project site.
 - b. Quantities of water, water flow rates, drainage areas and patterns and drainage courses.
 - c. Hydrology shall be per current Sonoma County Water Agency Standards.
50. The improvement plans shall reflect the results of the hydraulic study. The storm drain system shall be designed to meet the requirements of the Sonoma County Water Agency Flood Control Design Criteria (latest revision), specific to the Project and these conditions.
 51. The improvement plans shall incorporate features and design such that there shall be no net change in the storm water peak in the 85% - 24 hour storm event.
 52. The applicant shall prepare and implement a site specific storm water pollution prevention plan acceptable to the City that identifies best management practices for effectively reducing discharges of storm water containing sediment and construction wastes resulting from site construction activities. The applicant shall comply with all other requirements set forth in City's stormwater permit.
 53. The improvement plans shall be in conformance with the City of Santa Rosa and Sonoma County Storm Water Low Impact Development Technical Design Manual (latest edition). The plans shall be in general conformance with the Preliminary Storm Water Mitigation Plan for The Residences at Five Creek, prepared by Civil Design Consultants, Inc., July 2016. The final improvement plans shall include a tributary area map showing how each portion of the site is directed to a treatment measure.
 54. Discharge of runoff onto pavement should be avoided.
 55. The improvement plans shall include storm drainage improvements to remove oil and grease from discharges from parking lots, including directing runoff to vegetated swales or areas, consistent with best management practices (BMPs).
 56. The site plans shall show all private storm drains serving adjacent property (ies) and those storm drains shall be contained within private storm drain easements in favor of adjacent property (ies).
 57. The applicant shall be responsible for obtaining all approvals, permits and other entitlements for installation of proposed new storm drain outfalls discharging into creeks.
 58. Proposed public storm drains shall have a minimum diameter of 15 inches.
 59. All project related flooding impacts shall be mitigated by the project applicant. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Control Design Criteria. Public and private drainage improvements shall be shown on the

improvement plans and shall be approved by the Sonoma County Water Agency (SCWA) prior to approval by the City Engineer.

60. No lot to lot drainage is allowed. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system, or discharged through the face of curb or to an established waterway. A minimum of two curb drains will be required to drain residential lots.
61. Plans and certifications shall demonstrate compliance of all improvements, including building pads and finished floor elevations, with the City's Flood plain Ordinance, to the satisfaction of the Building Official and City Engineer. Pad elevations shall be constructed at a minimum of 1 foot above the 100-year Floodplain as determined by the City and certified by the project engineer.
62. Site drainage design must include facilities for the containment of recycled water runoff due to over irrigation, system leakage or control failure.

Water System Requirements

63. The water system improvement plans shall be accompanied by a hydraulic model run, or alternative form of calculation, demonstrating that the fire flows and pressures required for the project, including the hotel and retail elements, can be achieved with the proposed water system improvements. These calculations are subject to the approval of the City Engineer and Fire Marshall.
64. The improvement plans shall show backflow prevention devices in accordance with the requirements of the City of Rohnert Park's Backflow Prevention Ordinance.
65. The applicant shall indicate in writing to the City of Rohnert Park the disposition of any water well(s) and any other water that may exist within the site. All wells shall be abandoned, properly sealed, and destroyed in accord with State of California Health Department Requirements.
66. Each individual multifamily and/or commercial unit shall be sub-metered off a master City water meter.
67. The improvement plans shall show water services to the building. All water meters shall be located within the right-of-way unless otherwise approved by the Development Services Department. The improvement plans shall show fire protection in accordance with the requirements of Rohnert Park Fire Department.
68. The improvement plans shall show hydrants placed per the direction of the Rohnert Park Fire Division.
69. The improvement plans shall include a note that states "All hydrants shall be covered with bags indicating that the hydrant is not active until flow tests are completed by the City and the hydrants are approved."

Sewer System Requirements

70. The improvement plans shall show any existing septic systems on the property and state they shall be abandoned in accordance with the requirements of the Sonoma County Public Health Service.

71. The improvement plans shall illustrate any grease traps required for commercial kitchen or restaurant facilities in accordance with the requirements of the Santa Rosa Subregional System and the City of Rohnert Park Design Standards.
72. Sanitary sewer connections shall be provided to the floor sump in all trash dumpster enclosures.
73. A sanitary sewer application shall be submitted to the Development Services for review and approval. Application shall indicate the type of discharge proposed.
74. The improvement plans shall show that all manholes shall be provided with a gasket.
75. Sewer grades must be designed such that ultimate finished floors are a minimum of 12" above upstream manhole or clean-out rim elevations

Recycled Water System Requirements

76. The improvement plans shall show recycled water use for irrigation. A booster pump may be needed.
77. The recycled water system improvements shall be designed in accordance with the City of Santa Rosa's Recycled Water Users Guide, the City of Santa Rosa and City of Rohnert Park standards, Title 22 of the California Code of Regulations and the requirements of the North Coast Regional Water Quality Control Board.
78. All recycled water mains, service laterals, plumbing, valves, pipes, appurtenances, irrigation parts, vaults and boxes must be purple. Recycled water notification signs shall be installed as directed by the City Engineer. Recycled water spray, mists and ponding must not be present in any designated eating area. All drinking fountains must be positioned or shielded to eliminate any exposure to recycled water sprays or mists.
79. Recycled water/potable water dual plumbing design and layout, construction-installation and final inspection review for individual lots or grouping of lots must be performed by an AWWA certified Cross Connection Specialist and all deficiencies must be corrected at the applicant's expense. Written reports of the Cross Connection Specialist's finding must be submitted to and approved by the City.

Dry Utility System Requirements

80. Utility plans within existing or proposed public right-of-way for electric, gas, telephone, cable and fiber optic (joint trench) shall be submitted to the City Engineer for review. All above-ground structures shall be specifically approved by the Director of Development Services.
81. Improvement plans shall show that all utility distribution facilities, including any existing overhead utilities (of 26,000 volts or less) along the project frontage, shall be placed underground or removed, except surface-mounted transformers, pedestal mounted terminal boxes, meter cabinets, fire hydrants and street lights. Appropriate easements shall be provided to facilitate these installations.

Prior to the Issuance of Grading Permits and/or Improvement Agreements

82. Prior to the issuance of the first grading permit, the applicant shall post a cash deposit of \$62,995, as set forth in the Offsite Public Improvement and Fee Credit Agreement and Termination and Supersession of Deferred Improvement Agreement between the City of Rohnert Park and the Reserves LLC for Carlson Avenue (referred to as “Carlson Court”) and entered into as of May 21, 2015. Alternatively, the Developer may provide City with proof of payment to Reserves LLC.
83. No construction activity may commence until the applicant has demonstrated to the City that it has filed a Notice of Intent to comply with the Terms of General Permit to Discharge Storm Water Associated with Construction Activity (NOI) with the State of California Water Resources Control Board.
84. The applicant shall secure an encroachment permit from the City prior to performing any work within the City right of way or constructing a City facility within a City easement.
85. The applicant shall secure a letter from Sonoma County Transit Agency indicating the acceptability of proposed transit stops.
86. If the site will require import or export of dirt, the applicant shall submit in writing the proposed haul routes for the trucks and equipment. The haul routes must be approved by the City prior to import/export work commencing.
87. For a grading permit, the applicant shall secure an approval of a grading plan prepared by a Registered Civil Engineer licensed in the State of California, pay all required fees and post sufficient surety guaranteeing completion.
88. For Improvement Agreements, the applicant shall secure approval of the improvement plans prepared by a Registered Civil Engineer licensed in the State of California and pay all required fees, shall enter into an Improvement Agreement guaranteeing completion within 24 months and shall post sufficient surety guaranteeing completion.
89. Prior to the issuance of the improvement agreement that includes the Hinebaugh Creek outfall pipeline, the applicant shall demonstrate that it has obtained permits from all applicable regulatory agencies, including but not limited to, Regional Water Quality Control Board, State Department of Fish and Game, and the US Fish and Wildlife Service.

Prior to the Issuance of the First Building Permit

90. The Final Parcel Map shall be approved.
91. The applicant shall provide pad certifications for the site on which the building permit is requested.
92. By payment of its PFFP fees, the project proponent shall fulfill the environmental mitigation requirement to participate in funding a traffic signal at Redwood Drive/Business Park Drive intersection.

93. By payment of its PFFP fees project, the project proponent shall fulfill the environmental mitigation requirement to participate in funding a right-turn overlap on the westbound Rohnert Park Expressway approach.
94. The applicant shall provide proof of payment of any impact fees required by the school district that serves the property.
95. The applicant shall have completed the water line connection in Martin Avenue extension and shall demonstrate adequate fire flows for the project.
96. The applicant shall have constructed adequate (a minimum of rock) fire access for the site.
97. If necessary, the applicant shall provide the city with signed deeds for all on-site and off-site rights-of-way and easements; or the project proponent shall execute the standard city contract for real property acquisition and deposit the estimated acquisitions costs into a city trust account, and the project proponent shall formally request and the city council approve a resolution of intent to use its powers of condemnation to acquire the rights-of-way and/or easements.
98. The applicant shall implement the following CALGreen requirements:
 - a. Review page 4 Residential and Commercial Summary Table and identify the location of the features listed on page 18 figure 17.
 - b. For the residential project provide electric vehicle and bicycle parking (A4.106.8 Electric vehicle (EV) charging and A4.106.9 Bicycle parking).
 - c. For non – Residential projects, provide bicycle parking, designated parking for fuel efficient vehicle and electric vehicle supply wiring (5.106.4 Bicycle parking, A5.106.5.1.1 Designated parking for fuel-efficient vehicles, and A5.106.5.3 Electric vehicle supply wiring).
 - d. Provide additional CalGreen implementation as required by the project MMRP.

During Construction

99. All construction shall conform to the City's most current Manual of Standards, Details, and Specifications latest edition, all City Ordinances and State Map Act and the approved plans.
100. The applicant shall complete all water and wastewater improvements, including pressure and bacterial testing and raising manholes and cleanouts to grade prior to connection of any improvements to the City water or wastewater systems.
101. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and the Sonoma County Environmental Health Department, the Fire Department, the Police Department, and the Development Services Inspector shall be notified immediately. Work shall not proceed until clearance has been issued by all of these agencies.
102. Prior to final preparation of the sub-grade and placement of base materials, all underground utilities shall be installed and service connections stubbed out behind the sidewalk. Public utilities, Cable TV, sanitary sewers, and water lines, shall be

installed in a manner which will not disturb the street pavement, curb, gutter and sidewalk, when future service connections or extensions are made.

103. Prior to placing the final lift of asphalt, all public sanitary sewer lines shall be video inspected at the expense of the contractor/applicant. All video disks shall be submitted to the City. If any inadequacies are found, they shall be repaired prior to the placement of the final lift of asphalt.
104. The applicant shall be responsible to provide erosion and pollution control in accordance with the approved plans and permits.
105. The applicant shall keep adjoining public streets free and clean of project dirt, mud, materials, and debris during the construction period.
106. If grading is to take place between October 15 and April 15, both temporary and permanent erosion control measures, conforming to the project erosion control plans shall be in place before October 1st. Erosion control measures shall be monitored and maintained continuously throughout the storm season.
107. The following minimum Best Management Practices (BMPs) shall be required during construction:
 - a. Construction crews shall be instructed in preventing and minimizing pollution on the job.
 - b. Construction entrances/exits shall be stabilized to prevent tracking onto roadway.
 - c. Exposed slopes shall be protected from erosion through preventative measures.
 - d. Use brooms and shovels when possible to maintain a clean site
 - e. Designate a concrete washout area. Maintain washout area and dispose of concrete waste on a regular basis.
 - f. Establish a vehicle storage, maintenance, and refueling area.
 - g. Protect drain inlets from receiving polluted storm water through the use of filters such as fabrics, gravel bags or straw wattles.
 - h. Have necessary materials onsite before the rainy season.
 - i. Inspect all BMPs before and after each storm event. Maintain BMPs on a regular basis and replace as necessary, through the entire course of construction.
 - j. All construction implementation measures as outlined in the MMRP.
108. Where soil or geologic conditions encountered in grading operations are different from that anticipated in the soil and/or geologic investigation report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
109. The Project shall comply with the City's Municipal Code, including hours of construction. All construction equipment shall be adequately muffled and properly

tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

110. Hours of work shall be limited to between 8 a.m. to 6 p.m. Monday through Friday. Work on Saturday or Sunday will only be permitted with written permission from the City. Requests for extended hours must be submitted 72 hours in advance.
111. Throughout the construction of the project, dust control shall be maintained to the satisfaction of the City, including all measures in the MMRP and the contractor shall be responsible to implement reasonable measure to cure any problems that may occur. At a minimum the dust control measures will include:
 - Cover all trucks hauling construction and demolition debris from the site.
 - Water on a continuous as-needed basis all earth surfaces during clearing, grading, earthmoving, and other site preparation activities.
 - Use watering to control dust generation during demolition of structures or break-up of pavement.
 - Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved parking areas and staging areas.
 - Sweep daily (with water sweepers) all paved areas and staging areas.
 - Provide daily clean-up of mud and dirt carried onto paved streets from the site.
 - Renovation, demolition activities, removal or disturbance of any materials that contain asbestos, lead paint or other hazardous pollutants will be conducted in accordance with BAAQMD rules and regulations.
 - Properly maintain all construction equipment.
 - For construction sites near sensitive receptors (or if residential development occurs prior to commencement of commercial development):
 - Install wheel washers for all existing trucks, or wash off the tires or tracks of trucks and equipment leaving the site.
 - Suspend dust-producing activities during periods when instantaneous gusts exceed 25 mph when dust control measures are unable to avoid visible dust plumes.
 - Limit the area subject to excavation, grading and other construction or demolition activity at any one time.
 - For sites greater than four acres:
 - Apply soil stabilizers to previously graded portions of the site inactive for more than ten days or cover or seed these areas.
 - Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
 - Limit traffic speeds on unpaved roads to 15 mph.
 - Replant vegetation in disturbed areas as soon as possible.
112. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of

Regulations). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.

113. The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact at the construction site and at the City of Rohnert Park regarding dust complaints. The prime construction contractor shall respond and take corrective action within 48 hours. The Air district's phone number shall also be visible to ensure compliance with applicable regulations.
114. Construction firms shall be required to post signs of possible health risk during construction. The developer is responsible for compliance with the BAAQMD rule regarding cutback and emulsified asphalt paving materials. In addition, the construction contractors will implement a plan to use newer construction equipment that meets the NO_x emissions standard of 6.9 grams per brake-horsepower hour for work constructed within 200 feet of residences.
115. The project applicant shall ensure that construction contract specifications include a requirement that all off-road diesel-powered construction equipment used for project development with engines greater than 50 horsepower be equipped with a Level 3 Verified Diesel Emissions Control (VDEC).
116. If the existing city streets are damaged during construction, the contractor/applicant shall be responsible for repair at no cost to the city.
117. If, during construction, the contractor damages any existing facilities on the neighboring properties (i.e. fences, gates, landscaping, walls, etc.) contractor shall be responsible to replace all damaged facilities.

Prior to Occupancy

118. All streets and sidewalks shall be paved, all public utilities installed, all signage relating to traffic control (stop signs, etc.) and all streetlights must be operational.
119. All water system improvements necessary to provide fire flows and pressures shall be installed an operational
120. All improvements shown in the improvement plans deemed necessary for the health, safety and welfare of the occupant and general public shall be completed.
121. The applicant shall have entered into the City's standard Master Maintenance Agreement with the City to address long term maintenance of, among other things, the stormwater BMPs.
122. The applicant shall have entered into the City's standard Recycled Water Agreement, designate site supervisor(s) and undertake any other activities necessary.
123. The applicant shall have completed the formation of a community facilities district or other maintenance and services funding district to discharge the \$800/year/unit obligation for the residential development.

124. The applicant shall demonstrate that it has purchased and retired voluntary carbon offsets on the Climate Action Reserve (CAR), CAPCOA Greenhouse Gas Reduction Exchange (GHG Rx), or other verified carbon registry, in order to reduce the project's emissions to below the Bay Area Air Quality Management District threshold of significance of 4.6 MT CO₂E per service population per year. This shall include providing the Bay Area Air Quality Management with a certificate of purchase, verification opinion statement, and proof of offset retirement by the verification body from which the carbon offsets were purchased.

Prior to Acceptance of Public Improvements

125. All improvements shown on the Improvement Plans shall be completed.
126. All existing curb, gutter and sidewalk to remain shall be inspected by the City. Any curb, gutter and sidewalk which is not in accord with City standards or is damaged before or during construction, shall be replaced.
127. The applicant shall provide a written statement signed by his or her engineer verifying that the grading and/or drainage improvements are completed in accordance with the plans approved by the Sonoma County Water Agency, the City Engineer, and the Building Official.
128. A complete set of As-Built or Record, improvement plans on the standard size sheets shall be certified by the Civil Engineer licensed in the State of California and returned to the City Engineer's office prior to final acceptance of the public improvement. These shall show all constructive changes from the original plans including substantial changes in the size, alignment, grades, etc. during construction.
129. Approved Record Drawings shall be provided to the City geo-referenced in Autocad DWG and & PDF File formats.

PLANNING COMMISSION RESOLUTION NO. 2016-33

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ROHNERT PARK, CALIFORNIA, RECOMMENDING TO THE CITY
COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY
OF ROHNERT PARK AND STADIUM RP DEVELOPMENT PARTNERS, LLC, FOR
DEVELOPMENT OF THE RESIDENCES AT FIVE CREEK PROJECT (APN 143-040-
124)**

WHEREAS, Government Code § 65864, et seq., authorizes the City of Rohnert Park to enter into development agreements which will provide certainty, definition and commitment to developers as well as to necessary public improvements required by development; and

WHEREAS, MJW Investments, LLC, filed Planning Application No. PLDV2016-0001 proposing a General Plan Amendment, amendment to the Stadium Area Master Plan (a Planned Development), adoption of a Final Development Plan (including a related Conditional Use Permit), and a Development Agreement and Planning Application No. PLEN 2016-0003 for the related certification of a Mitigated Negative Declaration (“MND”) and Planning Application No. PLSD2016-0001 proposing a Tentative Map for a proposed project on a 15.30 acre parcel located at 5900 Labath Avenue, APN 143-040-124 (the “Project”), in accordance with the City of Rohnert Park Municipal Code (“RPMC”); and

WHEREAS, MJW Investments, LLC, executed an Assignment Agreement on May 17, 2016 and assigned all of its rights, duties, and obligations concerning the Project to Stadium RP Development Partners, LLC (“Developer”); and

WHEREAS, in connection with the Property, Developer and City Staff have negotiated a proposed development agreement (“Development Agreement”) in accordance with the requirements of Government Code § 65864, et seq., and Chapter 17.21, “Development Agreement Procedure,” of the RPMC, for the Project. The Development Agreement negotiated by the Developer and the City is attached to this Resolution as Exhibit A; and

WHEREAS, the Development Agreement, among other things, sets forth the effective date and term of the agreement, applicable fees, applicable rules, regulations, and policies, required infrastructure improvements, affordable housing obligations, prevailing wage rules, provisions on amendments, annual review and default, and other miscellaneous provisions; and

WHEREAS, the Planning Commission reviewed the MND prepared for the project; recommended its certification by the City Council; and has otherwise carried out requirements for the project pursuant to CEQA; 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 December 8, 2016, the Planning Commission held a public hearing which was continued to December 22, 2016, at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the General Plan Amendment application for the proposal and has recommended approval of the General Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the proposed Development Agreement:

Section 1. The above recitations are true and correct.

Section 2. The Planning Commission recommends City Council approval of the Mitigated Negative Declaration for this Project, as described in Planning Commission Resolution No. 2016-30, approved on December 22, 2016, concurrently with the Planning Commission's approval of this Resolution.

Section 3. Findings for Adoption of Development Agreement. The Planning Commission in recommending approval to the City Council of Planning Application No. PLDV2016-0001, Development Agreement for the Residences at Five Creek hereby makes the following findings:

- A. A duly noticed public hearing regarding the Development Agreement was held by the Planning Commission on December 8, 2016, in conformance with the notice provisions of Government Code §§ 65090 and 65091 and the requirements of the PRMC.
- B. The applicant has proposed amendments to the General Plan and related land use entitlements for the Project which the Planning Commission has concurrently reviewed and considered in conjunction with its review of the Development Agreement. The proposed Development Agreement is consistent with the General Plan, as amended, and would direct the Project's development in an orderly manner that benefits the City.

Section 4. Based on the findings set forth in this Resolution and the evidence in the staff report, the above-referenced CEQA Findings, and all other Project applications considered by the Planning Commission concurrently with the proposed Development Agreement, the Planning Commission recommends that the City Council approve the Development Agreement, substantially in the form set forth at Exhibit 1 hereto.

DULY AND REGULARLY ADOPTED on this 22nd day of December 2016 by the City of Rohnert Park Planning Commission by the following vote:

AYES: ____ NOES: ____ ABSENT: ____ ABSTAIN: ____

ADAMS ____ BLANQUIE ____ BORBA ____ GIUDICE ____ HAYDON ____

John Borba, Chairperson, Rohnert Park Planning Commission

Attest: _____

Susan Azevedo, Recording Secretary

Attachment 1

RECOMMENDED DEVELOPMENT AGREEMENT

**RECORD WITHOUT FEE
PURSUANT TO GOVERNMENT CODE § 6103**

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**CITY OF ROHNERT PARK
CITY CLERK'S OFFICE
130 AVRAM AVENUE
ROHNERT PARK, CALIFORNIA 94928**

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

DEVELOPMENT AGREEMENT

by and between

**THE CITY OF ROHNERT PARK,
a California municipal corporation,**

and

**STADIUM RP DEVELOPMENT PARTNERS, LLC,
a California limited liability company**

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DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT (“**Agreement**”) is entered into as of the Effective Date by and between CITY OF ROHNERT PARK (“**City**”), a California municipal corporation, and STADIUM RP DEVELOPMENT PARTNERS, LLC, a California limited liability company (the “**Developer**”), concerning the development of certain real property consisting of 12.32 acres and located at Labath Avenue and Carlson Avenue in the City of Rohnert Park. City and Developer may each be referred to as a “**Party**,” and collectively the “**Parties**”.

R E C I T A L S

Developer and City enter into this Agreement on the basis of the following facts, understandings and intentions, and the following recitals are a substantive part of this Agreement:

A. Sections 65864 through 65869.5 of the California Government Code (“**Development Agreement Statute**”) authorize the City to establish procedures to enter into binding development agreements with persons having legal or equitable interests in real property located within the City for the development of property.

B. Developer and City are parties to that certain Agreement for Purchase and Sale (Including Joint Escrow Instructions) and Terms of Development dated August 11, 2015, as amended, (the “**Purchase Agreement**”) with respect to Developer’s purchase from City and development of that certain real property of approximately 12.32 acres in size, as further described in Exhibit A, attached hereto and incorporated by this reference (the “**Property**”). As Developer is under contract to purchase the Property, Developer has an equitable interest in the Property. The Purchase Agreement is incorporated in this Agreement by reference as if fully set forth herein.

C. The Purchase Agreement requires that Developer obtain the land use approvals, including a development agreement for the development of an (i) up to 300-room select service and/or suite hotel(s); and (ii) a separate retail, commercial, residential (up to 135 apartments or such lower amount as can be adequately parked and meet any other established City requirements), or office component in addition to the hotel. Further, the Purchase Agreement requires that this Agreement set forth Developer’s obligation to phase its development to ensure the hotel is constructed prior to or simultaneously with the retail/commercial/residential development and Developer’s obligation to construct and/or fund certain required public improvements.

D. Developer, with City’s consent and in accordance with the terms of the Purchase Agreement, has submitted applications to the City for a General Plan Amendment, an Amendment to Stadium Area Master Plan, a Final Development Plan, a Tentative Parcel Map, a Development Agreement and a Conditional Use Permit to develop (1) a hotel with no less than 132 rooms and categorized as Upscale (as defined in Section 1 below) or higher (“**Hotel**”), (2) up to 135 multi-family dwelling residential units, on the Property (the “**Residential Component**”); and (3) a commercial and retail development complex (the “**Retail Component**”; and collectively with the Hotel and the Residential Component, the “**Project**”). The

applications, plus further applications for approvals necessary or convenient to develop the Property are in furtherance of the terms of the Purchase Agreement and the request by Developer to be allowed to develop the Property with the Project.

E. Through this Agreement, the Parties intend to preserve the size and density of development as set forth in the Project Approvals, as defined below. City and Developer each acknowledge that development and construction of the Project is a large-scale undertaking involving major investments by Developer and City, and assurances that the Project can be developed and used in accordance with the Purchase Agreement and the terms and conditions set forth herein and the existing rules governing development of the Property will benefit both Developer and City.

F. This Agreement will eliminate uncertainty in the comprehensive development planning of the Project and provide that the Property may be developed, constructed, completed and used pursuant to this Agreement, and in accordance with existing policies, rules and regulations of the City, subject to the exceptions and limitations expressed herein. Further this Agreement will (i) secure orderly development, including the development of a hotel, and fiscal benefits for public services, improvements and facilities planning in the City; (ii) meet the goals of the General Plan; (iii) plan for and concentrate public and private resources for the mutual benefit of both Developer and City; (iv) allow the City and public to obtain the benefits of public ownership and use of the public improvements; (v) provide for a coordinated and systematic approach to providing certain public improvements to be provided by Developer; and (vii) establish the timing and extent of contributions required from Developer for these purposes.

G. Prior to approval of this Agreement, City has taken numerous actions in connection with the development of the Project on the Property. The approvals and development actions described in this Recital G are collectively referred to herein as the "**Existing Project Approvals.**" These include:

1. Initial Study and Mitigated Negative Declaration. The environmental impacts of the Project, including the Existing Project Approvals, have properly been reviewed and assessed by City pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.*; California Code of Regulations Title 14, Section 15000 *et seq.* ("**CEQA Guidelines**"); and City's local guidelines promulgated thereunder (hereinafter collectively referred to as "**CEQA**"). On _____, 2017, pursuant to CEQA and in accordance with the recommendation of City's Planning Commission (the "**Planning Commission**"), the City Council of City ("**City Council**") adopted an Initial Study and Mitigated Negative Declaration for the Project ("**MND**"). As required by CEQA, City adopted written findings and a Mitigation Monitoring and Reporting Program ("**MMRP**") on _____, 2017, pursuant to Resolution No. _____.

2. General Plan Amendment. On _____, 2017, in accordance with the recommendation of the Planning Commission, the City Council adopted Resolution _____, amending the General Plan.

3. Amendment to the Stadium Area Master Plan. On _____, 2017, in accordance with the recommendation of the Planning Commission, the City Council adopted Ordinance No. _____, approving an Amendment the Stadium Area Master Plan, which covers the entirety of the Property as well as certain additional adjacent property as shown in the Stadium Area Master Plan. The Amendment to the Stadium Area Master Plan also constituted rezoning for the Property and the adjacent property in accordance with City Municipal Code section 17.06.290.

4. Tentative Map. On _____, 2017, in accordance with the recommendation of the Planning Commission, the City Council adopted Resolution No. _____, approving the Tentative Map for the Property.

5. Final Development Plan and Design Guidelines. On _____, 2017, in accordance with the recommendation of the Planning Commission, the City Council adopted Resolution No. _____, approving the Final Development Plan and Design Guidelines for the Property.

6. Conditional Use Permit. On _____, 2017, in accordance with the recommendation of the Planning Commission, the City Council adopted Resolution No. _____, approving a Conditional Use Permit, subject to certain conditions of approval, for portions of the Property.

H. Subsequent to approval of this Agreement, the City and Developer anticipate that applications for additional approvals, entitlements, and permits related to the development and operation of the Project will be submitted to implement the Project (the “**Subsequent Project Approvals**”).

A G R E E M E N T

NOW, THEREFORE, pursuant to the authority contained in California Government Code section 65864, and in consideration of the mutual representations, covenants and promises of the Parties, the Parties hereto agree as follows:

1. DEFINITIONS.

“*Administrative Agreement Amendment*” shall have the meaning set forth in Section 7.4(a).

“*Administrative Project Amendment*” shall have the meaning set forth in Section 6.3(a)(i).

“*Agreement*” shall have the meaning set forth in the introductory paragraph preceding the Recitals.

“*Applicable Law*” shall have the meaning set forth in Section 3.2.

“*Building Permit*” means a permit issued by the City for the renovation or construction of a building or structure, as required by the California Building, Residential, Mechanical,

Electrical, Plumbing, Green Building, Fire or Energy Standard Codes, as adopted by the City and incorporated in the Rohnert Park Municipal Code by reference, excluding a permit to commence grading issued under Chapter 15.50 of the Rohnert Park Municipal Code.

“*CEQA*” shall have the meaning set forth in Recital G.

“*CEQA Guidelines*” shall have the meaning set forth in Recital G.

“*Changes in the Law*” shall have the meaning set forth in Section 3.7.

“*Cure Period*” shall have the meaning set forth in Section 7.1.

“*City*” shall have the meaning set forth in the introductory paragraph preceding the Recitals.

“*City Council*” shall have the meaning set forth in Recital G.

“*City Manager*” means the City Manager of the City or his/her designee.

“*Commence Construction*” shall be deemed to have occurred when the Developer has begun vertical construction as evidenced by an approved foundation City inspection and such date shall be memorialized in writing by the Parties.

“*Consultant Fees*” shall have the meaning set forth in Section 5.5.

“*Default*” shall have the meaning set forth in Section 7.2.

“*Developer*” means Stadium RP Development Partners, LLC, a California limited liability company, and its permitted successors and assigns.

“*Development Agreement Statute*” shall have the meaning set forth in Recital A.

“*Director*” means the Development Services Director of the City.

“*Effective Date*” shall have the meaning set forth in Section 2.1.

“*Existing Project Approvals*” shall have the meaning set forth in Recital G.

“*Extended Cure Period*” shall have the meaning set forth in Section 7.1.

“*Extended Term*” shall have the meaning set forth in Section 2.2(b).

“*Federal/State Compliance Fees*” shall have the meaning set forth in Section 5.4.

“*Grading Permit*” means a permit to commence grading issued by the City under Chapter 15.50 of the Rohnert Park Municipal Code.

“*Hotel*” shall have the meaning set forth in Recital D.

“Impact Fees” shall have the meaning set forth in Section 5.2.

“Initial Term” shall have the meaning set forth in Section 2.3(a).

“Major Agreement Amendment” shall have the meaning set forth in Section 7.4(b).

“MMRP” shall have the meaning set forth in Recital G.

“MND” shall have the meaning set forth in Recital G.

“Mortgage” shall have the meaning set forth in Section 8.1.

“Mortgagee” shall have the meaning set forth in Section 8.1.

“New City Laws” shall mean City’s laws, rules, regulations, official policies, standards and specifications, including those enacted or imposed by a citizen-sponsored initiative or referendum or by the City Council directly or indirectly in connection with any proposed initiative or referendum, in each case to the extent amended or otherwise imposed following the Effective Date.

“Non-administrative Project Amendment” shall have the meaning set forth in Section 6.3(a)(ii).

“Official Policy” shall mean a policy that is approved in accordance with the City’s normal practice for adopting policies, that is in writing, and that was adopted prior to the Effective Date of this Agreement or that is approved by the City Council and consistent with federal, state or local laws.

“Party/Parties” shall have the meaning set forth in the introductory paragraph preceding the Recitals of this Agreement.

“Planning Commission” shall have the meaning set forth in Recital G.

“Prevailing Wage Laws” shall have the meaning set forth in Section 4.2(a).

“Processing Fees” shall have the meaning set forth in Section 5.3.

“Project” shall have the meaning set forth in Recital D.

“Project Approvals” means the Existing Project Approvals and any approved Subsequent Project Approvals.

“Property” shall have the meaning set forth in Recital B.

“Purchase Agreement” shall have the meaning set forth in Recital B.

“Residential Component” shall have the meaning set forth in Recital D.

“Retail Component” shall have the meaning set forth in Recital D.

“*Service Payment*” shall have the meaning set forth in Section 6.5(a).

“*Subsequent Project Approvals*” shall have the meaning set forth in Recital K.

“*Subsequent Discretionary Approvals*” means all other Subsequent Project Approvals other than Subsequent Ministerial Approvals, including amendments of the Project Approvals, improvement agreements, architectural review permits, use permits, lot line adjustments, subdivision maps, rezonings, development agreements, permits that are not Subsequent Ministerial Approvals, resubdivisions, and any amendments to, or repealing of, any of the foregoing, are Subsequent Discretionary Approvals.

“*Subsequent Ministerial Approvals*” means permits or approvals that are required by Applicable Law and that are to be issued upon compliance with uniform, objective standards and regulations. They include applications for road construction permits or authorizations; grading and excavation permits; building permits, including electrical, plumbing, mechanical, Title 24 Electrical, and Title 24 Handicap permits or approvals; certificates of occupancy; encroachment permits; water connection permits; and any other similar permits required for the development and operation of the Project.

“*Term*” shall have the meaning set forth in Section 2.2.

“*Transfer*” shall have the meaning set forth in Section 9.1.

“*Upscale*” shall have the meaning set forth in Section 6.1.

2. EFFECTIVE DATE AND TERM.

2.1 Effective Date. This Agreement shall become effective upon the date that the ordinance approving this Agreement becomes effective (the “**Effective Date**”).

2.2 Term. The term (“**Term**”) of this Agreement shall be the Initial Term together with any Extended Term.

(a) Initial Term. The Term of this Agreement shall commence upon the Effective Date and shall extend for a period of five (5) years thereafter (“**Initial Term**”). The Initial Term has been established by the City and Developer as a reasonable estimate of the time required to develop the Project, including all on- and off-site public improvements, and obtain the public benefits of the Project.

(b) Extended Term. Provided neither City nor Developer have terminated this Agreement and Developer has fully complied with all terms of this Agreement, Developer may request in writing that City extend the Initial Term of this Agreement for an additional two-year period (“**Extended Term**”). Such written request may be delivered to City not earlier than two hundred seventy (270) days nor later than one hundred twenty (120) days prior to the termination date of the Initial Term.

(c) City Review of Request for Extended Term. Upon receipt of such request, City shall undertake a review of Developer’s good faith compliance with the terms of this

Agreement in the same manner as set forth in Section 8.5 for a periodic review of this Agreement. Developer and City shall comply with the provisions of Section 8.5 with respect to such review so that it can be completed prior to the expiration of the Initial Term. If Developer has met all requirements of this Agreement and has made reasonable progress toward completing the Project, in City's reasonable discretion, City may approve such extension. If the Initial Term of this Agreement is extended in accordance with the provisions of this Section, City shall record an instrument giving notice of the Extended Term and the termination date thereof.

2.3 Expiration. Following the expiration of the Term, or the earlier completion of development of the Project and all of Developer's obligations in connection therewith, this Agreement shall be deemed terminated and of no further force and effect, subject, however, to the provisions of Section 8.8 below.

2.4 Developer Representations and Warranties. Developer represents and warrants to City that, as of the Effective Date:

- (a) Developer has an equitable interest in the Property;
- (b) The Purchase Agreement is a valid and binding obligation of Developer and enforceable in accordance with its terms;
- (c) Developer: (i) is organized and validly existing under the laws of the State of California; (ii) to the extent required, has qualified and been authorized to do business in the State of California and has complied with all requirements pertaining thereto; and (iii) to the extent required, is in good standing and has all necessary powers under the laws of the State of California to own property;
- (d) No approvals or consents of any persons are necessary for the execution, delivery or performance of this Agreement by Developer, except as have been obtained;
- (e) The execution and delivery of this Agreement have been duly authorized by all necessary corporate action; and
- (f) This Agreement is a valid obligation of Developer and is enforceable in accordance with its terms.

3. DEVELOPMENT OF THE PROPERTY.

3.1 Vested Rights. The Property is hereby made subject to the provisions of this Agreement. Developer shall have the vested right to develop the Property and the Project in accordance with and subject to the Existing Project Approvals, the Subsequent Project Approvals, Applicable Law and this Agreement, which shall control the permitted uses, density and intensity of use of the Property and the maximum height and size of buildings on the Property.

3.2 Applicable Law. City and Developer acknowledge and agree that City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions contained in this Agreement are intended to reserve to City all of its

police power that cannot be so limited. Notwithstanding the foregoing reservation of City, it is the intent of City and Developer that this Agreement be construed to provide Developer with the maximum rights afforded by law, including but not limited to, the Development Agreement Statute. Therefore, the laws, rules, regulations, official policies, standards and specifications of City applicable to the development of the Property and/or the Project shall be (collectively, “**Applicable Law**”):

(a) Those rules, regulations, official policies, standards and specifications of the City set forth in the Project Approvals and this Agreement;

(b) With respect to matters not addressed by and not otherwise inconsistent with the Project Approvals and this Agreement, those laws, rules, regulations, official policies, standards and specifications (including City ordinances and resolutions) governing permitted uses, building locations, timing and manner of construction, densities, intensities of uses, heights and sizes, and requirements for on- and off-site infrastructure and public improvements, in each case only to the extent in full force and effect on the Effective Date;

(c) New City Laws that relate to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure imposed at any time, provided such New City Laws are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties;

(d) New City Laws that revise City’s uniform construction codes, including City’s building code, plumbing code, mechanical code, electrical code, fire code, grading code and other uniform construction codes, as of the date of permit issuance, provided, that such New City Laws are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties;

(e) New City Laws that are necessary to protect physical health and safety of the public, provided, that such New City Laws are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties; and

(f) New City Laws that do not apply to the Property and/or the Project due to the limitations set forth above, but only to the extent that such New City Laws are accepted in writing by Developer in its sole discretion.

3.3 Development Timing. Developer shall phase and construct the Project within the time-frames set forth below.

(a) Developer shall obtain a Building Permit to construct the Hotel prior to, or concurrently with, issuance of a Building Permit for any other portion of the Project, including the Residential Component. In no event shall issue City a Building Permit for any portion of the Project prior to the issuance of a Building Permit for the Hotel.

(b) Developer shall Commence Construction of the Hotel prior to, or concurrently with, Commencement of Construction of any other portion of the Project, but no later than August 11, 2018, subject to extension due to a force majeure event as set forth in Section 3.3(d) below.

(c) Developer shall complete construction of and obtain a certificate of occupancy for the Hotel prior to the date that is 18 months from the Commencement of Construction of the Hotel, subject to extension due to a force majeure event as set forth in Section 3.3(d) below; provided, however, such 18 month time period shall be extended by the City for up to 6 months upon the written request of Developer if, in City's reasonable determination, Developer has made substantial progress toward completion of construction of the Hotel prior to the expiration of such initial 18 month period.

(d) A force majeure event shall mean delay that Developer could not reasonably have been expected to avoid and which by exercise of due diligence have been unable to overcome caused by: acts of God, war, fire, earthquake, windstorm, flood or other natural catastrophe, civil disturbance or disobedience, labor disputes, vandalism, sabotage, terrorism, or restraint by order of a court or administrative agency with jurisdiction. Developer's financial inability to perform or obtain financing or adverse economic conditions generally shall not be grounds for claiming a force majeure event.

3.4 Regulation by Other Public Agencies. City and Developer acknowledge and agree that other governmental or quasi-governmental entities not within the control of City possess authority to regulate aspects of the development of the Property and the Project and that this Agreement does not limit the authority of such other public agencies. City shall cooperate with Developer in Developer's effort to obtain such permits and approvals as may be required by other governmental or quasi-governmental entities in connection with the development of, or the provision of services to, the Property and/or the Project; provided, however, City shall have no obligation to incur any costs, without compensation or reimbursement, or to amend any City policy, regulation or ordinance in connection therewith.

3.5 Life of Project Approvals. The term of any and all Project Approvals shall automatically be extended for the longer of the Term or the term otherwise applicable to such Project Approvals. Without limiting the generality of the foregoing, pursuant to the Subdivision Map Act, any vesting or tentative maps heretofore or hereafter approved in connection with development of the Project or the Property, shall be extended for the Term (and may be subject to other extensions provided under the Subdivision Map Act).

3.6 Developer's Right to Rebuild. City agrees that Developer may renovate or rebuild portions of the Project at any time within the Term should it become necessary due to any casualty, including natural disaster or changes in seismic requirements. Such renovations or reconstruction shall be processed as a Subsequent Project Approval consistent with all prior Project Approvals and Applicable City Law. Any such renovation or rebuilding shall be subject to all design, density and other limitations and requirements imposed by this Agreement, and shall comply with the Project Approvals, Applicable City Law, and the requirements of CEQA.

3.7 State and Federal Law. As provided in Section 65869.5 of the Development Agreement Statute, this Agreement shall not preclude the applicability to the Project of changes in laws, regulations, plans or policies, to the extent that such changes are specifically mandated and required by changes in State or Federal laws or by changes in laws, regulations, plans or policies of special districts or other governmental entities, other than City, created or operating pursuant to the laws of the State of California ("**Changes in the Law**"). In the event Changes in

the Law prevent or preclude, or render substantially more expensive or time consuming, compliance with one (1) or more provisions of this Agreement, the City and Developer shall meet and confer in good faith in order to determine whether such provisions of this Agreement shall be modified or suspended, or performance thereof delayed, as may be necessary to comply with Changes in the Law. Nothing in this Agreement shall preclude City or Developer from contesting by any available means (including administrative or judicial proceedings) the applicability to the Project any such Changes in the Law. If Changes in the Law preclude or substantially prevent or preclude, or render substantially more expensive or time consuming, performance of this Agreement in a manner that makes the Project economically infeasible, Developer, in its sole and absolute discretion, may terminate this Agreement by providing written notice thereof to City.

4. DEVELOPMENT STANDARDS.

4.1 Compliance with State and Federal Law. Developer, at its sole cost and expense, shall comply with requirements of, and obtain all permits and approvals required by, regional, State and Federal agencies having jurisdiction over the Project.

4.2 Prevailing Wage Requirements.

(a) Developer acknowledges and agrees that all improvements paid for directly or indirectly with public funds will constitute construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds as provided under California Labor Code Section 1720. Accordingly, if and to the extent applicable, Developer shall comply with, and cause its contractors and subcontractors to comply with, all State Labor Code requirements and implementing regulations of the Department of Industrial Relations pertaining to “public works” (collectively, “**Prevailing Wage Laws**”). Developer shall require the contractor for the Project or any portion thereof involving any such publicly financed improvements, to submit, upon request by City or County, as applicable, certified copies of payroll records to City, and to maintain and make records available to City and its designees for inspection and copying to ensure compliance with Prevailing Wage Laws, as applicable. Developer shall also include in each of its contractor agreements with respect to any such publicly financed improvements, a provision in form acceptable to City, obligating the contractor to require its contractors and/or subcontractors to comply with Prevailing Wage Laws, as applicable, and to submit, upon request by City, certified copies of payroll records to City and to maintain and make such payroll records available to City and its designees for inspection and copying during regular business hours at the Property or at another location within City.

(b) Developer shall defend (with counsel chosen by the City), indemnify, assume all responsibility for, and hold harmless City and its officers, officials, employees, volunteers, agents and representatives from and against any and all present and future liabilities, obligations, orders, claims, damages, fines, penalties and expenses (including attorneys’ fees and costs) arising out of or in any way connected with Developer’s or its contractors’ obligations to comply with all Prevailing Wage Laws, including all claims that may be made by contractors, subcontractors or other third party claimants pursuant to Labor Code sections 1726 and 1781.

4.3 Sales Tax Point of Sale Designation. Developer shall request that all persons and entities providing bulk lumber, concrete, structural steel and pre-fabricated building components, such as roof trusses, to be used in connection with the construction and development of, or incorporated into, the Project, designate City as the sole point-of-sale for purposes of computing sales taxes due under the Bradley-Burns Uniform Local Sales and Use Tax Law (California Revenue and Taxation Code sections 7200 *et seq.* and implementing regulations) on the sale of such bulk construction and building materials and components. Developer shall not be in default hereunder if such request is not agreed to by such persons and entities providing such materials to the Project.

5. FEES AND EXACTIONS.

5.1 Development Fees, Taxes and Exactions. Developer shall pay all fees, special assessments, special taxes, exactions and dedications payable due to the development, build out, occupancy and use of the Property pursuant to this Agreement including Impact Fees, Processing Fees, Taxes and Assessments, and Consultant Fees.

5.2 Impact Fees. Developer shall pay all development impact fees in effect as of the Effective Date (“**Impact Fees**”). Impact fees shall be paid at the rate in effect as of the Effective Date with annual increases based on the Construction Cost Index from the Engineering News Report.

5.3 Processing Fees. City may charge and Developer agrees to pay all processing fees, application, inspection and monitoring fees, and staff and legal fees (“**Processing Fees**”), for land use approvals, grading and building permits, general plan maintenance fees, and other permits and entitlements, which are in force and effect on a City-wide basis at the time those permits, approvals or entitlements are applied for on any or all portions of the Project, and which are intended to cover the actual costs of processing the foregoing.

5.4 Taxes and Assessments. City may charge and Developer agrees to pay any new, increased or modified taxes or assessments, imposed as a condition of or in connection with any Subsequent Project Approvals or otherwise, provided such taxes and assessments are equally applied on a City-wide basis and have a uniform effect on a broadly-based class of land, projects, or taxpayers, as applicable, within the City (“**Taxes and Assessments**”).

5.5 Consultant Fees. In addition to charging the foregoing Processing Fees, City may, in its sole discretion, contract with one or more outside inspectors, engineers, attorneys or consultants to perform all or any portion of the monitoring, inspection, testing, application processing and evaluation services to be performed in connection with construction and development of the Project or in connection with the periodic review of the Agreement (“**Consultant Fees**”). Developer shall pay to City, within 30 days following City’s written demand therefore, the full amount of all Consultant Fees, plus a 10 percent City administration charge. City shall provide copies of consultant bills that City asks Developer to pay pursuant to this paragraph at the same time that the City submits an invoice seeking payment to Developer. In the event that a consultant bill contains attorney-client privileged communications, City may redact those portions of the consultant bill that are privileged. The Consultant Fees, together with the associated administrative charge, shall be in addition to, and not in lieu of, the

Processing Fees. The City shall not double-charge Developer through the imposition of both Processing Fees and Consultant Fees.

5.6 Obligations Under Previous Agreements.

(a) Developer will have no obligations under the COSTCO Reimbursement Agreement between _____ and entered into as of _____.

(b) Developer shall pay the Reserves LLC, the amount of \$62,995, as set forth in the Offsite Public Improvement and Fee Credit Agreement and Termination and Supersession of Deferred Improvement Agreement between the City of Rohnert Park and the Reserves LLC for Carlson Avenue (referred to as “Carlson Court”) and entered into as of May 21, 2015. Developer shall provide City with proof of payment to Reserves LLC, prior to or at the time of issuance of the first Building Permit or Grading Permit for the Project.

(c) Developer shall pay Redwood Equities Investments the amount of \$83,585.35, as determined by the Reimbursement Agreement for the Stadium Lands Master Plan Environmental Impact Report, and provide City with proof of payment prior to or at the time of issuance of the first Building Permit or Grading Permit for the Project.

5.7 Purchase of GHG Emission Offset Credits. Developer shall make a one-time purchase of Greenhouse Gas carbon offset credits through the Climate Action Reserve (CAR) to offset 600 metric tons CO₂E per year for 30 years, which is the life of the Project assumed in the MND. The purchase price for such offset credits is currently estimated as approximately Thirty Thousand Dollars (\$30,000.00). Developer shall provide City with proof of purchase and registration of the credits prior to or at the time of issuance of the first Building Permit or Grading Permit for the Project.

6. BENEFITS TO CITY.

6.1 Hotel Development. Developer shall develop the Hotel as an Upscale, as defined by the 2016 STR Hotel Chain Scale (“**Upscale**”) or higher hotel, and shall provide City with a copy of the Hotel Franchise Agreement prior to issuance of a Building Permit for the Hotel demonstrating compliance with this Section 6.1.

6.2 Public Improvements. Developer shall construct public improvements in accordance with the City’s standards and specifications and plans and specifications to be approved by City, in City’s sole discretion, within the time-frames set forth below or such earlier time-frame set forth in the Existing Project Approvals and the conditions of approval set forth therein. Improvements shall include, but not be limited to the following:

(a) Remainder of Carlson Avenue improvements, including curb, gutter, sidewalk and 16-foot wide of travelway to provide an ultimate curb-to-curb width of 48 feet, prior to issuance of the first certificate of occupancy within the Project;

(b) Sidewalk along Dowdell Avenue frontage, prior to issuance of the first certificate of occupancy within the Project;

(c) If required by the traffic study for the Project, Labath Avenue northbound right-turn lane at Martin Avenue widening and improvements, prior to issuance of the first certificate of occupancy within the Project;

(d) Storm drain outfall into Hinebaugh Creek, including all costs for design, permitting, and construction, as shown on the Stadium Lands approved tentative map, prior to issuance of the first certificate of occupancy within the Project;

(e) A twelve-inch water main in Redwood Drive from the Hinebaugh Creek Pressure Reducing Valve vault to Martin Avenue, prior to issuance of the first certificate of occupancy within the Project;

(f) Site irrigation connected to existing recycled water system within Labath Avenue and/or Dowdell Avenue; and

(g) Martin Avenue improvements, including curb, gutter, and sidewalk to provide an ultimate curb-to-curb width of 42 to 55 feet, as illustrated in Exhibit B attached hereto, prior to issuance of the first certificate of occupancy within the Project, with City to fund the half-width of the improvements adjacent to the property to be retained by City, as illustrated in Exhibit B attached hereto.

6.3 Storm Water Maintenance Agreement. Developer shall enter into a Storm Water Maintenance Agreement (the “**Storm Water Agreement**”) prior to recordation of the Final Map for the Project, to address long-term maintenance of on-site storm drainage and water quality features within the Project. The Storm Water Agreement shall be in a form approved by the City.

6.4 Public Park.

(a) Developer shall dedicate to City fee title to the park area shown on the Tentative Map (“**Park Area**”) on the Final Map. Developer, at its expense, shall cause all recorded and unrecorded monetary liens and all recorded and unrecorded non-monetary liens, encumbrances, easements, leases, covenants, conditions, restrictions, and other exceptions to or defects in title, excepting only the lien for current, non-delinquent property taxes, to be removed from title to the Park Area prior to recordation of the Final Map. The boundaries of the Park Area may be adjusted pursuant to lot line adjustments with the neighboring properties approved by the City.

(b) Developer, at its expense, shall construct and thereafter dedicate to the City the public park improvements on the Park Area, as shown on the Project Approvals. Construction of the public park improvements shall be completed prior to the issuance of the first certificate of occupancy for the Residential Component. The total cost of the Park Area and park improvements shall equal approximately \$788,000, but no greater than \$813,000, with the Park Area valued at \$583,673 per acre, as verified by the City with supporting documentation by Developer. In the event that the Buyer’s total costs (including the valuation of the Park Area referred to above) are lower than \$788,000, the difference between \$788,000 and the actual costs shall be paid by Developer to City prior to the issuance of the first certificate of occupancy for the Project.

6.5 Public Service Payment.

(a) Developer shall make a public service payment to City to offset the projected fiscal deficit to City's General Fund created by the Residential Component and to comply with the General Plan policies and goals. The payment shall be equal to Eight Hundred Dollars (\$800.00) per residential unit constructed on the Property, subject to annual adjustment based on the San Francisco Bay Area Consumer Price Index (the “**Service Payment**”). The obligation to make annual Service Payments shall be documented in an instrument to be recorded against the Property, as set forth in Section 6.5(c) below.

(b) Developer shall pay to City each initial Service Payment at the time of issuance of a Building Permit for a residential unit within the Project. Thereafter, Developer or its successor shall pay an amount equal to the Service Payment, as adjusted pursuant to Section 6.5(a) above, for each residential unit for which a building permit has been issued, with such Service Payment due not later than April 30 of each year following the year of initial payment and continuing in perpetuity, provided that at least twelve (12) months have elapsed between the date of initial payment and the first subsequent payment.

(c) Developer shall ensure the ongoing payment of the Service Payment to City by the establishment of service districts, property owner and homeowner associations, or other mechanisms, which shall be responsible for making the annual Service Payment. The Service Payment funding mechanism shall be subject to City approval, and all relevant documents, agreements, and, as applicable, property owner and homeowner association documents, including the conditions, covenants and restrictions, shall expressly provide language to that effect in addition to language that the City shall be a third party beneficiary with the right to independently enforce such association's obligations, which language shall be reviewed and approved by the City Attorney. The recorded instrument or financing mechanism must be in place or established to the satisfaction of City, in its sole discretion, prior to the issuance of the first Building Permit for the Residential Component.

6.6 Funding for Affordable Housing. Developer shall provide a total of \$50,000.00 to City to assist in the creation of affordable housing (“**Affordable Housing Payment**”). The Affordable Housing Payment shall be paid to City prior to issuance of the first Building Permit for the Project.

7. **COOPERATION AND IMPLEMENTATION.**

7.1 Subsequent Project Approvals. Developer and City acknowledge and agree that Developer intends to submit applications for Subsequent Project Approvals. In connection with any Subsequent Project Approval, the City shall exercise its discretion in accordance with Applicable Law and the Project Approvals and, as provided by this Agreement.

7.2 Processing Applications for Subsequent Project Approvals.

(a) Developer acknowledges that City cannot begin processing applications for Subsequent Project Approvals until Developer submits complete applications on a timely basis. Developer shall use its best efforts to (i) provide to City in a timely manner any and all documents, applications, plans, and other information necessary for City to carry out its

obligations hereunder; and (ii) cause Developer's planners, engineers, and all other consultants to provide to City in a timely manner all such documents, applications, plans and other materials required under Applicable Law. It is the express intent of Developer and City to cooperate and diligently work to obtain any and all Subsequent Project Approvals.

(b) Upon submission by Developer of all appropriate applications and processing fees for any pending Subsequent Project Approval, City shall, as allowed by law, reasonably and diligently, subject to City ordinances, policies and procedures regarding hiring and contracting, commence and complete all steps necessary to act on Developer's currently pending Subsequent Project Approval applications.

(c) With the Existing Project Approvals, City has made a final policy decision that the Project is in the best interests of the public health, safety and general welfare. Applications for Subsequent Ministerial Approvals that are consistent with this Agreement and the Existing Project Approvals shall be processed and considered in a manner consistent with the vested rights granted by this Agreement and shall be deemed to be tools to implement those final policy decisions, and shall be approved by City so long as they are consistent with this Agreement and the Existing Project Approvals. While City expressly reserves its discretion with respect to all Subsequent Discretionary Approvals, City agrees that it shall not use its authority in considering any application for a Subsequent Discretionary Approval to change the policy decisions reflected by the Existing Project Approvals or otherwise to prevent or frustrate the further development of the Project as set forth in the Existing Project Approvals.

(d) Nothing herein shall limit the ability of City to require the necessary environmental review, reports, analysis or studies to assist in determining that the requested Subsequent Ministerial Approval is consistent with this Agreement and the Existing Project Approvals. If the City determines that an application for a Subsequent Ministerial Approval is not consistent with this Agreement or the Existing Project Approvals and should be processed as an application for a Subsequent Discretionary Approval rather than a Subsequent Ministerial Approval, the City shall specify in writing the reasons for such determination and may propose a modification which would be processed as a Subsequent Ministerial Approval. Developer shall then either modify the application to conform to this Agreement and the Existing Project Approvals, as the case may be, or the City shall process the application as an application for a Subsequent Discretionary Approval.

(e) City shall process Developer's applications for Subsequent Project Approvals to the fullest extent allowed by Applicable Law and Developer may proceed with Subsequent Project Approvals as provided for herein to the fullest extent allowed by Applicable Law.

7.3 Changes and Amendments to Project Approvals.

(a) Given the long term build-out of the Project, the City and Developer acknowledge that modifications or amendments to the Project Approvals may be appropriate and mutually desirable. To the extent permitted by Applicable Law, any Project Approval may, from time to time, be amended or modified in the following manner:

(i) Upon the written request of Developer for an amendment or modification to a Project Approval, the City Manager or the City Manager's designee shall determine: (A) whether the requested amendment or modification is minor when considered in light of the Project as a whole; and (B) whether the requested amendment or modification is consistent with this Agreement and Applicable Law. If the City Manager finds, in his or her sole discretion, that the proposed amendment or modification is minor, consistent with this Agreement and Applicable Law, and will result in no new significant impacts not addressed and mitigated in the environmental review, the amendment shall be determined to be an **"Administrative Project Amendment"** and the City Manager may approve the Administrative Project Amendment consistent with City's procedures for such administrative actions, including any requirements for notice, public hearing and appeal rights.

(ii) Any request of Developer for an amendment or modification to a Project Approval which is determined by the City Manager or his/her designee not to be an Administrative Project Amendment as set forth above shall be deemed a **"Non-administrative Project Amendment"** and shall be subject to review, consideration and action pursuant to the Project Approvals, Applicable Law and this Agreement, as applicable.

(iii) Administrative Project Amendments shall not require an amendment to this Agreement.

7.4 Amendment of this Agreement. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the Parties or their successors in interest, as follows:

(a) Administrative Agreement Amendments. Any amendment to this Agreement which does not substantially affect (a) the Term of this Agreement; (b) permitted uses of the Property; (c) provisions for the reservation or dedication of land; (d) conditions, terms restrictions or requirements for subsequent discretionary actions; (e) increases in the density or intensity of the use of the Property or the maximum height or size of proposed buildings; or (f) monetary contributions by Developer, shall be deemed an **"Administrative Agreement Amendment"** and the City Manager or his or her designee, except to the extent otherwise required by Applicable Law, may approve the Administrative Agreement Amendment without notice and public hearing.

(b) Major Agreement Amendments. Any amendment to this Agreement which is determined not to be an Administrative Agreement Amendment as set forth above shall be deemed a **"Major Agreement Amendment"** and shall require giving of notice and a public hearing before the Planning Commission and City Council in accordance with Applicable Law. The City Manager or his or her designee shall have the authority to determine if an amendment is a Major Agreement Amendment or an Administrative Agreement Amendment.

7.5 Mitigation Measures. Developer shall comply with all mitigation measures in the Stadium Area Master Plan Environmental Impact Report and Mitigation Monitoring and Reporting Plan (MMRP). Developer shall comply with all additional mitigation measures imposed as a result of the MND. Mitigation related to Greenhouse Gas emissions shall be provided, in part, through the purchase of GHG carbon offset credits as described in Section 5.7.

7.6 Cooperation in the Event of Legal Challenge.

(a) City and Developer, at Developer's sole cost and expense, shall cooperate in the event of any court action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, any Existing Project Approvals or any Subsequent Project Approvals and City shall appear in the action and defend its decision, except that City shall not be required to be an advocate for Developer. To the extent that Developer determines to contest or defend such litigation challenges, Developer shall reimburse City, within ten (10) days following City's written demand therefore, which may be made from time to time during the course of such litigation, all costs incurred by City in connection with the litigation challenge, including City's administrative, legal and court costs, provided that City, at its sole discretion shall determine to either: (a) elect to joint representation by Developer's counsel; or (b) retain an experienced litigation attorney. If Developer defends any such legal challenge, Developer shall indemnify, defend, and hold harmless City and its officials and employees from and against any claims, losses, or liabilities assessed or awarded against City by way of judgment, settlement, or stipulation. Nothing herein shall authorize Developer to settle such legal challenge on terms that would constitute an amendment or modification of this Agreement, any Existing Project Approvals or any Subsequent Project Approvals, unless such amendment or modification is approved by City in accordance with applicable legal requirements, and City reserves its full legislative discretion with respect thereto.

(b) In addition, City shall have the right, but not the obligation, to contest or defend such litigation challenges, in the event that Developer elects not to do so. If City elects to contest or defend such litigation challenges, Developer shall bear all related costs and expenses, including City's attorney fees, and, in addition, shall indemnify, defend, and hold harmless City and its officials and employees from and against any claims, losses, or liabilities assessed or awarded against City by way of judgment, settlement, or stipulation.

7.7 Indemnity and Hold Harmless. Developer shall indemnify and hold City and its elected and appointed officers, agents, employees, and representatives harmless from and against any and all claims, costs, liabilities and damages (including attorneys' fees and costs), including without limitation bodily injury, death, or property damage, resulting directly or indirectly from the approval or implementation of this Agreement, the development and construction of the Project by or on behalf of Developer, or from any operations performed under this Agreement, whether such operations were performed by Developer or any of Developer's contractors, subcontractors, agents or employees, except to the extent such claims, costs and liabilities arise from the active negligence or willful misconduct of City, its elected and appointed officers, agents, employees, representatives, contractors or subcontractors.

8. **DEFAULT AND REMEDIES.**

8.1 Breach. Subject to extensions of time under this Agreement or by mutual consent in writing, the failure or delay by either Party to perform any term or provision of this Agreement or the Purchase Agreement shall constitute a breach of this Agreement. In the event of alleged breach of any terms or conditions of this Agreement or the Purchase Agreement, the Party alleging such breach shall give the other Party notice in writing specifying the nature of the breach and the manner in which said breach or default may be satisfactorily cured, and the Party

in breach shall have thirty (30) days following such notice (“**Cure Period**”) to cure such breach, except that in the event of a breach of an obligation to make a payment, the Party in breach shall have ten (10) days to cure the breach. If the breach is of a type that cannot be cured within thirty (30) days, the breaching Party shall, within a thirty (30) day period following notice to the non-breaching Party, notify the non-breaching Party of the time it will take to cure such breach which shall be a reasonable period under the circumstances (“**Extended Cure Period**”); commence to cure such breach; and be proceeding diligently to cure such breach. During the Cure Period or Extended Cure Period, the Party charged shall not be considered in default for purposes of termination or institution of legal proceedings; but the City’s right to refuse to issue a permit or Subsequent Project Approval, under Section 7.3, shall not be limited by this provision. The failure of any Party to give notice of any breach shall not be deemed to be a waiver of that Party’s right to allege any other breach at any other time. The terms of this Agreement do not limit the City’s rights under the Purchase Agreement.

8.2 Default. If the breaching Party has not cured such breach within the Cure Period or the Extended Cure Period, if any, such Party shall be in default (“**Default**”), and the non-breaching Party, at its option, may terminate the Agreement, institute legal proceedings pursuant to this Agreement and shall have such remedies as are set forth in Section 8.4 below.

8.3 Withholding of Permits. In the event of a Default by Developer, City shall have the right to refuse to issue any permits or other approvals to which Developer would otherwise have been entitled pursuant to this Agreement. This provision is in addition to and shall not limit any actions that City may take to enforce the conditions of the Project Approvals.

8.4 Remedies.

(a) In the event of a Default by City or Developer, the non-defaulting Party shall have the right to terminate this Agreement upon giving notice of intent to terminate pursuant to Government Code Section 65868 and regulations of City implementing such section. Following notice of intent to terminate, the matter shall be scheduled for consideration and review in the manner set forth in Government Code Section 65867 and City regulations implementing said section. Following consideration of the evidence presented in said review before the City Council, either Party alleging Default by the other Party may give written notice of termination of this Agreement to the other Party. Termination of this Agreement shall be subject to the provisions of Section 7.8(c) below.

(b) City and Developer agree that in the event of Default by City, the Parties intend that the only remedy shall be declaratory relief or specific performance of this Agreement. The Parties further agree that in the event of Default by Developer, the City’s primary remedy would be specific performance of the terms and provisions of this Agreement. In no event shall either Party be entitled to any actual, consequential, punitive, or special damages. If City issues an Approval pursuant to this Agreement in reliance upon a specified condition being satisfied by Developer in the future, and if Developer then fails to satisfy such condition, City shall be entitled to specific performance for the purpose of causing Developer to satisfy such condition.

(c) In addition to any other rights or remedies, either Party may institute legal action to cure, correct or remedy any Default, to enforce any covenants or agreements herein, to

enjoin any threatened or attempted violation hereof, or to obtain any other remedies consistent with the purpose of this Agreement except as limited by Section 7.4(b) above. Any such legal action shall be brought in the Superior Court for Sonoma County, California.

8.5 Periodic Review.

(a) The annual review date for this Agreement shall be the month and day of the Effective Date. No later than 60 calendar days prior to the annual review date, Developer shall submit to the City an accounting of the fees due and paid to the City, any assignments or transfers of the Property and all construction of public improvements under this Agreement. Developer shall initiate the annual review by submitting a written request to the Planning Director. Developer shall submit an application and pay all legally required fees as required by the City, and provide evidence as determined necessary by the Director to demonstrate good faith compliance with the provisions of this Agreement. However, failure to initiate the annual review within 30 days of receipt of written notice to do so from City shall not constitute a Default by Developer under this Agreement, unless City has provided actual notice and opportunity to cure and Developer has failed to so cure.

(b) The annual review required by Government Code section 65865.1 and the City Municipal Code shall be conducted as provided herein:

(i) The City Manager shall review Developer's submission to ascertain whether Developer has complied in good faith with the terms of this Agreement. If the City Manager finds good faith compliance by Developer with the terms of this Agreement, the City Manager shall so notify Developer and the City Council in writing and the review for that period shall be concluded. If the City Manager finds good faith compliance with this Agreement, the notification to the City Council shall not require a hearing of any kind or an appearance from Developer. If the City Manager is not satisfied that the Developer is performing in accordance with the material terms and conditions of this Agreement, the City Manager shall refer the matter to the City Council for a determination as to compliance with this Agreement and notify Developer in writing at least ten days in advance of the time at which the matter will be considered by the City Council.

(ii) In the event that the City Manager is not satisfied pursuant to section (b)(i) above, the City Council shall conduct a hearing at which Developer must submit evidence that it has complied in good faith with the terms and conditions of this Agreement. The findings of the City Council on whether Developer has complied with this Agreement for the period under review shall be based upon substantial evidence in the record. If the City Council determines that, based upon substantial evidence, Developer has complied in good faith with the terms and conditions of this Agreement, the review for that period shall be concluded. If, however, the City Council determines, based upon substantial evidence in the record, that there are significant questions as to whether Developer has complied in good faith with the terms and conditions of this Agreement, the City Council may continue the hearing and shall notify Developer of the City's intent to meet and confer with Developer within 30 days of such determination, prior to taking further action. Following the 30-day time period, the City Council shall resume the hearing in order to further consider the matter and to make a determination, regarding Developer's good faith compliance with the terms and conditions of the Agreement

and to take those actions it deems appropriate, including but not limited to, termination of this Agreement, in accordance with California Government Code section 65865.1 and the City Municipal Code.

(c) Failure of City to conduct an annual review shall not constitute a waiver by the City of its rights to otherwise enforce the provisions of this Agreement nor shall Developer have or assert any defense to such enforcement by reason of any such failure to conduct an annual review.

(d) If, after an annual review, City finds Developer has complied in good faith with this Agreement, City shall promptly following Developer's request issue to Developer a certificate of compliance certifying that Developer has so complied through the period of the applicable annual review. The Certificate of Compliance must be in recordable form and must contain such information as may be necessary to impart constructive notice of City's finding. Developer may record the Certificate of Compliance in the Official Records of the County of Contra Costa.

8.6 Enforced Delay; Extension of Time of Performance. Subject to the limitations set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays are due to: war; insurrection; strikes; lockouts; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; epidemics; quarantine restrictions; freight embargoes; governmental restrictions or priority; litigation; unusually severe weather; acts or omissions of the other Party; or acts or failures to act of any other public or governmental agency or entity (other than the acts or failures to act of City which shall not excuse performance by City). An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause but in any event shall not exceed a cumulative total of two (2) years. Developer acknowledges that adverse changes in economic conditions, either of Developer specifically or the economy generally, changes in market conditions or demand, and/or inability to obtain financing or other lack of funding to complete the work of on-site and off-site improvements shall not constitute grounds of enforced delay pursuant to this Section. Developer expressly assumes the risk of such adverse economic or market changes and/or financial inability, whether or not foreseeable as of the Effective Date.

8.7 Resolution of Disputes. With regard to any dispute involving the Project, the resolution of which is not provided for by this Agreement, the Purchase Agreement, or Applicable Law, Developer shall, at City's request, meet with City. The parties to any such meetings shall attempt in good faith to resolve any such disputes. Nothing in this Section shall in any way be interpreted as requiring that Developer and City and/or City's designee reach agreement with regard to those matters being addressed, nor shall the outcome of these meetings be binding in any way on City or Developer unless expressly agreed to by the parties to such meetings.

8.8 Termination. This Agreement shall terminate upon the earlier of (i) expiration of the Term, or (ii) when the Property has been fully developed and all of Developer's obligations have been fully satisfied as reasonably determined by City, or (iii) after all appeals have been exhausted before a final court of judgment, or issuance of a final court order directed to the City

to set aside, withdraw, or abrogate the City's approval of this Agreement or any material part thereof. Upon termination of this Agreement as to all of the Property, at the request of Developer, the City shall record a Notice of Termination for each affected parcel in a form satisfactory to the City Attorney in the Office of the Sonoma County Recorder. In the event this Agreement is terminated, neither party shall have any further rights or obligations hereunder, except for those obligations of Developer set forth in Sections 4.2 (Prevailing Wage), 7.5 (Cooperation in the Event of Legal Challenge), and 7.6 (Indemnity and Hold Harmless).

9. MORTGAGEE PROTECTION; CERTAIN RIGHTS OF CURE.

9.1 Mortgagee Protection. This Agreement shall be superior and senior to all liens placed upon the Property or any portion thereof after the date on which this Agreement or a memorandum thereof is recorded, including the lien of any deed of trust or mortgage ("**Mortgage**"). Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement shall be binding upon and effective against all persons and entities, including all deed of trust beneficiaries or mortgagees ("**Mortgagees**") who acquire title to the Property or any portion thereof by foreclosure, trustee's sale, deed in-lieu-of foreclosure, voluntary transfer or otherwise.

9.2 Mortgagee Obligations. City, upon receipt of a written request from a foreclosing Mortgagee, shall permit the Mortgagee to succeed to the rights and obligations of Developer under this Agreement and the Purchase Agreement, provided that all defaults by Developer hereunder that are reasonably susceptible of being cured are cured by the Mortgagee as soon as reasonably possible, provided, however, that in no event shall such Mortgagee personally be liable for any defaults or monetary obligations of Developer arising prior to acquisition of possession of such property by such Mortgagee. The foreclosing Mortgagee shall have the right to find a substitute developer to assume the obligations of Developer, which substitute shall be considered for approval by the City pursuant this Agreement. In any event, a Mortgagee shall not be entitled to devote the Property to any use except in full compliance with the Project Approvals nor to construct any improvements thereon or institute any uses other than those uses or improvements provided for or authorized by the Agreement or the Project Approvals.

9.3 Notice of Default to Mortgagee. If City receives notice from a Mortgagee requesting a copy of any notice of default given to Developer and specifying the address for service thereof, City shall endeavor to deliver to the Mortgagee, concurrently with service thereof to Developer, all notices given to Developer describing all claims by the City that Developer has defaulted hereunder. If City determines that Developer is not in compliance with this Agreement, City also shall endeavor to serve notice of noncompliance on the Mortgagee concurrently with service on Developer. Each Mortgagee shall have the right, but not the obligation, during the same period available to Developer to cure or remedy, or to commence to cure or remedy, the condition of default claimed or the areas of noncompliance set forth in City's notice.

10. ASSIGNABILITY.

10.1 Assignment by Developer. Developer may not convey, assign or transfer (“**Transfer**”) any of its interests, rights or obligations under this Agreement without the prior written consent of City, which consent shall not be unreasonably withheld or delayed. Any Transfer of all or a portion of this Agreement shall be documented by an Assignment and Assumption Agreement in a form reasonably acceptable to the City. In no event shall the obligations conferred upon Developer under this Agreement be transferred except through a transfer of all or a portion of the Property. Should Developer transfer any of its interests, rights or obligations under this Agreement in connection with a transfer by Developer of a portion of the Property (such Transfer, a “**Partial Assignment**”), such Partial Assignment shall be documented by an Assignment and Assumption Agreement in the form attached hereto as Exhibit C or such other form reasonably acceptable to the City. To the extent provided in the Assignment and Assumption Agreement, the transferee of such interests, rights or obligations under this Agreement (each, a “**Partial Transferee**”) shall only be liable for performance of the obligations of Developer under this Agreement (including, without limitation, indemnification obligations and the obligation to install public improvements and pay fees) related to the portion of the Property transferred to such Partial Transferee, and no Default by Developer or any other assignee who received a Partial Assignment hereunder shall constitute an event of Default hereunder by such Partial Transferee. Should Developer transfer any of its interests, rights or obligations under this Agreement, it shall nonetheless remain liable for performance of the obligations for installation of public improvements and payment of fees, unless the transferee agrees to be bound by the relevant terms of the Agreement, including the obligations for installation of public improvements and payment of fees. During the Term, Developer shall provide City with written notice of a request to Transfer any interest in this Agreement 90 days prior to any such contemplated Transfer. Any such request for a Transfer shall be accompanied by quantitative and qualitative information that substantiates, to the City’s satisfaction, that the proposed transferee has the capability to fulfill the rights and obligations of this Agreement. Within 45 days of such a request and delivery of information, the City Manager shall make a determination, in his or her sole discretion, as to whether the Transfer shall be permitted or whether such Transfer necessitates an Amendment to this Agreement, subject to approval by the City Council. Each successor in interest to Developer shall be bound by all of the terms and provisions applicable to the portion of the Property acquired. This Agreement shall be binding upon and inure to the benefit of the Parties’ successors, assigns and legal representatives. This Agreement shall be recorded by the City in the Sonoma County Recorder’s Office promptly upon execution by each of the Parties.

10.2 Covenants Run With The Land. All of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement and the Purchase Agreement incorporated herein by reference shall run with the land and shall be binding upon the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns, devisees, administrators, representatives, lessees and all other persons or entities acquiring the Property, any lot, parcel or any portion thereof and any interest therein, whether by sale, operation of law or other manner, and shall inure to the benefit of the Parties and their respective successors.

10.3 Pre-Approved Transfers. The following transfers shall not require approval by the City, and shall automatically, upon the satisfaction of the conditions in Section 9.1 above, result in the release of Developer of its obligations hereunder as they may relate specifically to the specific property or asset sold or transferred: (a) prior to the issuance of any Building Permits, sale or lease of the Property in its entirety to any corporation, limited liability company, partnership or other entity which is controlling of, controlled by or under common control with Developer and “control” for purposes of this definition means effective management and control of the other entity, subject only to major events requiring the consent or approval of the other members of such entity; and (b) a loan or mortgage pertaining to the Property.

10.4 Non-Assuming Transferees. Except as otherwise required by a transferor, the burdens, obligations and duties of such transferor under this Agreement shall not apply to any purchaser of any individual house offered for sale. The transferee in a transaction described above and the successors and assigns of such a transferee shall be deemed to have no obligations under this Agreement, but shall continue to benefit from the vested rights provided by this Agreement for the duration of the Term hereof. Nothing in this Section shall exempt any property transferred to a non-assuming transferee from payment of applicable fees, taxes and assessments or compliance with applicable conditions of approval.

10.5 Foreclosure. Nothing contained in this Section shall prevent a transfer of the Property, or any portion thereof, to a lender as a result of a foreclosure or deed in lieu of foreclosure, and any lender acquiring the Property, or any portion thereof, as a result of foreclosure or a deed in lieu of foreclosure shall take such Property subject to the rights and obligations of Developer under this Agreement; provided, however, in no event shall such lender be liable for any defaults or monetary obligations of Developer arising prior to acquisition of title to the Property by such lender, and provided further, in no event shall any such lender or its successors or assigns be entitled to a Building Permit or occupancy certificate until all fees due under this Agreement (relating to the portion of the Property acquired by such lender) have been paid to City.

11. GENERAL.

11.1 Controlling Law. This Agreement shall be governed by the laws of the State of California, without reference to choice of laws principles.

11.2 Construction of Agreement. The language in this Agreement in all cases shall be construed as a whole and in accordance with its fair meaning. Each reference in this Agreement to this Agreement or any of the Existing Project Approvals or Subsequent Ministerial or Discretionary Approvals shall be deemed to refer to the Agreement, Project Approval or Subsequent Ministerial or Discretionary Approval as it may be amended from time to time, whether or not the particular reference refers to such possible amendment. Section headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants or conditions of this Agreement. This Agreement has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement. Unless the context clearly requires otherwise, (i) the plural and singular numbers shall each be deemed to include the other; (ii) the masculine, feminine, and

neuter genders shall each be deemed to include the others; (iii) “shall,” “will,” or “agrees” are mandatory, and “may” is permissive; (iv) “or” is not exclusive; (v) “include,” “includes” and “including” are not limiting and shall be construed as if followed by the words “without limitation,” and (vi) “days” means calendar days unless specifically provided otherwise.

11.3 No Waiver. No delay or omission by the City or Developer in exercising any right or power accruing upon the other Party’s noncompliance or failure to perform under the provisions of this Agreement shall impair or be construed to waive any right or power. A waiver by City or Developer of any of the covenants or conditions to be performed by the other Party shall not be construed as a waiver of any succeeding breach of the same or other covenants and conditions.

11.4 Agreement is Entire Agreement. This Agreement and all exhibits attached hereto or documents incorporated herein by reference, including without limitation the Purchase Agreement, are the sole and entire agreement between the Parties concerning the Property. In the event of a conflict between this Agreement and the Purchase Agreement, the terms of this Agreement shall prevail. The Parties acknowledge and agree that they have not made any representation with respect to the subject matter of this Agreement or any representations inducing the execution and delivery, except representations set forth herein, and each Party acknowledges that it has relied on its own judgment in entering this Agreement. The Parties further acknowledge that all statements or representations that heretofore may have been made by either of them to the other are void and of no effect, and that neither of them has relied thereon in its dealings with the other.

11.5 Estoppel Certificate. City or Developer from time to time may deliver written notice to the other Party requesting written certification that, to the knowledge of the certifying Party, (i) this Agreement is in full force and effect and constitutes a binding obligation of the Parties, (ii) this Agreement has not been amended or modified either orally or in writing, or, if it has been amended or modified, specifying the nature of the amendments or modifications, and, (iii) the requesting Party does not have knowledge of default in the performance of its obligations under this Agreement, or if in known default, describing therein the nature and monetary amount, if any, of the default.

11.6 Further Documents. Each Party shall execute and deliver to the other all other instruments and documents as may be reasonably necessary to carry out this Agreement.

11.7 Time of Essence. Time is of the essence in the performance of each and every covenant and obligation to be performed by the Parties hereunder.

11.8 Construction. This Agreement has been reviewed and revised by legal counsel for both the City and Developer and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

11.9 Notices. Except as otherwise expressly provided herein, all notices and demands pursuant to this Agreement shall be in writing and delivered in person, by commercial courier or by first-class certified mail, postage prepaid. Except as otherwise expressly provided herein, notices shall be considered delivered when personally served, upon delivery if delivered by

commercial courier, or two (2) days after mailing if sent by mail. Notices shall be sent to the addresses below for the respective Parties; provided, however, that any Party may change its address for purposes of this Section by giving written notice to the other Parties. These addresses may be used for service of process:

City: City Clerk
City of Rohnert Park
130 Avram Avenue
Rohnert Park, California 94928

with copy to: Michelle Marchetta Kenyon
City Attorney
City of Rohnert Park
1901 Harrison Street, 9th Floor
Oakland, California 94612

Developer: Stadium RP Development Partners, LLC
c/o MJW Investments, LLC
1278 Glenneyre Street, Suite 439
Laguna Beach, CA 92651
Attention: Matthew J. Waken

with copy to: Palmieri, Tyler, Weiner, Wilhelm &
Waldron LLP
1900 Main Street, Suite 700
Irvine, California 92614
Attention: Stephen A. Scheck

The provisions of this Section shall be deemed directive only and shall not detract from the validity of any notice given in a manner that would be legally effective in the absence of this Section.

11.10 Developer is an Independent Contractor. Developer is not an agent or employee of City, but is an independent contractor with full rights to manage its employees subject to the requirements of the law. All persons employed or utilized by Developer in connection with this Agreement are employees or contractors of Developer and shall not be considered employees of City in any respect.

11.11 No Joint Venture. It is specifically understood and agreed that the Project is a private development. No partnership, joint venture or other association of any kind between City and Developer is formed by this Agreement.

11.12 Nondiscrimination. Developer shall not discriminate, in any way, against any person on the basis of race, color, national origin, gender, marital status, sexual orientation, age, creed, religion or disability in connection with or related to the performance of this Agreement.

11.13 No Third Party Beneficiary. This Agreement shall not be construed or deemed to be an Agreement for the benefit of any third party or parties, and no third party or parties shall have any claim or right of action hereunder for any cause whatsoever.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, this Agreement has been entered into by and between the Parties as of the Effective Date.

CITY:

City of Rohnert Park, a
California municipal corporation

By: _____

Darrin W. Jenkins
City Manager

APPROVED AS TO FORM:

By: _____

Michelle Marchetta Kenyon
City Attorney

ATTEST:

By: _____

JoAnne Buergler
City Clerk

DEVELOPER:

**Stadium RP Development Partners,
LLC**, a California limited liability
company

By: _____

Name Matthew J. Waken,
Manager

EXHIBIT A

LEGAL DESCRIPTION

[to be inserted]

EXHIBIT B

DEPICTION OF MARTIN AVENUE IMPROVEMENTS

[to be inserted]

EXHIBIT C

**PARTIAL ASSIGNMENT AND ASSUMPTION OF
DEVELOPMENT AGREEMENT**

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Attention: _____

(Space Above For Recorder's Use)

**PARTIAL ASSIGNMENT AND ASSUMPTION
OF DEVELOPMENT AGREEMENT AND CONSENT OF CITY**

THIS PARTIAL ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT AND CONSENT OF CITY (this "**Assignment**") is made effective as of _____, 20__ (the "**Effective Date**"), by and between STADIUM RP DEVELOPMENT PARTNERS, LLC, a California limited liability company ("**Assignor**") and _____, a _____ ("**Assignee**"), with reference to the following:

RECITALS

A. That certain real property described in Exhibit A, attached hereto and incorporated herein by reference, (the "**Property**"), is subject to that certain development agreement entered by and between the City and Assignor, which was approved pursuant to Ordinance No. _____ and recorded _____ in the Official Records as Document No. _____ (the "**Development Agreement**").

B. Assignor has now entered into an _____ with Assignee, dated as of _____ (the "**Purchase Agreement**"), pursuant to which, among other things, Assignor has agreed to transfer and convey to Assignee all of Assignor's rights in and to the portion of the Property described in Exhibit B attached hereto (the "**Assigned Property**"), and cause Assignor to assign to Assignee certain rights, title and interest in and to the Development Agreement to the extent relating to the Property, as described below. Development of _____ on the Assigned Property in accordance with the Development Agreement and entitlements referred to therein is referred to herein as the "Project." That portion of the Property that is not the Assigned Property or has been otherwise assigned by Assignor in accordance with the Development Agreement is referred to herein as the "**Remaining Property**."

NOW, THEREFORE, Assignor and Assignee agree as follows:

1. Assignment. For and in consideration of the mutual covenants and agreements contained in this Assignment, and other good and valuable consideration, the receipt and adequacy of which is acknowledged, Assignor assigns to Assignee only the following rights and obligations (referred to herein as the “**Assigned Rights and Obligations**”) as these pertain to the Assigned Property:

- (a) [insert applicable sections of the DA]; and
- (b) [insert applicable sections of the DA], as to the Assigned Property_.

Assignee hereby acknowledges that the Assigned Rights and Obligations are subject to the timing and phasing of the development of the Property as set forth in the Development Agreement.

2. Remaining Obligations. Assignor acknowledges and agrees that it remains subject to all rights and obligations set forth in the Development Agreement, except the Assigned Rights and Obligations expressly set forth in Section 1 above (the “**Remaining Rights and Obligations**”). The Remaining Rights and Obligations include without limitation the following:

- (a) Sections [insert applicable sections of the DA]; and
- (b) Sections [insert applicable sections of the DA], as to the Remaining Property.

3. Acceptance and Assumption. Assignee hereby accepts the assignment of the Assigned Rights and Obligations from Assignor, and assumes and agrees to perform all of the Assigned Rights and Obligations.

4. Further Assurances. Assignor hereby covenants that it will, at any time and from time to time upon written request therefor, execute and deliver to Assignee, its nominees, successors and/or assigns, any new or confirmatory instruments and do and perform any other acts which Assignee or its nominees, successors and/or assigns may request in order to fully transfer possession and control of, and protect the rights of Assignee and its successors and/or assigns in, all the rights, benefits and privileges intended to be transferred and assigned hereby. Assignee hereby covenants that it will, at any time and from time to time upon written request therefor, execute and deliver to Assignor, its nominees, successors and/or assigns, any new or confirmatory instruments and do and perform any other acts which Assignor or its nominees, successors and/or assigns may request in order to fully confirm and vest in Assignor and its successors and/or assigns in, all the obligations, rights, benefits and privileges intended to be transferred by the acceptance and assumption herein.

5. Successors. This Assignment shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

6. Counterparts. This Assignment may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

7. Amendment. This Assignment may only be amended or modified by a written instrument executed by all of the parties hereto with the prior written consent of the City of Rohnert Park.

8. Governing Law. The validity, interpretation and performance of this Assignment shall be controlled by and construed under the laws of the State of California.

9. Attorneys' Fees. Should any dispute arise between the parties hereto or their legal representatives, successors or assigns concerning any provision of this Assignment or the rights and duties of any person in relation thereto, the party prevailing in such dispute shall be entitled, in addition to such other relief that may be granted, to receive from the other party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in connection with such dispute.

10. Entire Agreement. This Assignment, together with the Purchase Agreement, constitutes the entire agreement among the parties hereto with respect to the subject matter hereof, and supersedes all prior understandings or agreements. In the event of any conflict between this Assignment and the Purchase Agreement, the terms of the Purchase Agreement shall govern and control.

11. Severability. If any term, covenant, condition or provision of this Assignment, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction or otherwise by law rendered invalid, void or unenforceable, the remainder of the terms, covenants, conditions or provisions of this Assignment, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

12. Notices. All notices shall be in writing, and shall be given in the manner prescribed by Section 11.9 of the Development Agreement. Pursuant to Section 11.9 of the Development Agreement, the address for Assignee is: [to be inserted]

14. Authority. Each individual executing this Assignment on behalf of a corporation or other legal entity represents and warrants that: (a) he or she is duly authorized to execute and deliver this Assignment on behalf of said corporation or other legal entity in accordance with and without violating the provisions of its governing documents, and (b) this Assignment is binding upon and enforceable against said corporation or other legal entity in accordance with its terms. Any entity signing this Assignment on behalf of a corporation or other legal entity hereby represents and warrants in its own capacity that it has full authority to do so on behalf of the corporation or other legal entity.

IN WITNESS WHEREOF, the parties have entered into this Assignment as of the Effective Date.

ASSIGNOR:

STADIUM RP DEVELOPMENT
PARTNERS, LLC,
a California limited liability company

By: _____

Name: Matthew J. Waken

Its: Manager

ASSIGNEE:

_____,

a _____

By: _____

Name: _____

Its: _____

CONSENT OF CITY

The City hereby consents to the foregoing Partial Assignment and Assumption of Development Agreement, pursuant to Section 10.1 of the Development Agreement.

CITY:

City of Rohnert Park, a municipal
corporation

By: _____
City Manager

Approved as to Form:

By: _____
City Attorney

Attest:

By: _____
City Clerk

[The applicable Exhibit A and B will be inserted into execution version]

PLANNING COMMISSION RESOLUTION NO. 2016-34

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ROHNERT PARK, CALIFORNIA, RECOMMENDING APPROVAL BY THE
CITY COUNCIL OF A TENTATIVE MAP TO ALLOW THE SUBDIVISION OF
PROPERTY LOCATED AT 5900 LABATH AVENUE (APN 043-040-124) INTO FIVE
PARCELS**

WHEREAS, MJW Investments, LLC, filed Planning Application No. PLDV2016-0001 proposing a General Plan Amendment, amendment to the Stadium Area Master Plan (a Planned Development), adoption of a Final Development Plan (including a related Conditional Use Permit), and a Development Agreement and Planning Application No. PLEN 2016-0003 for the related certification of a Mitigated Negative Declaration (“MND”) and Planning Application No. PLSD2016-0001 proposing a Tentative Map for a proposed project on a 15.30 acre parcel located at 5900 Labath Avenue (APN 143-040-124) (the “Project”), in accordance with the City of Rohnert Park Municipal Code (“RPMC”); and

WHEREAS, the Planning Commission reviewed the MND for the Project; recommended approval by the City Council and has otherwise carried out all requirements for the Project pursuant to CEQA; and

WHEREAS, the Planning Commission reviewed the General Plan Amendment and SAMP Amendment for the Project; and recommended approval by the City Council. 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 December 8, 2016, the Planning Commission held a public hearing which was continued to December 22, at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in Planning Application No. PLDV2016-0001 for the proposed Tentative Map for the property.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the proposed Tentative Map for the property:

Section 1. The above recitations are true and correct.

Section 2. The Planning Commission has recommended the City Council approve the Mitigated Negative Declaration for this Project in Resolution No. 2016-30, approved on December 22, 2016 concurrently with the Planning Commission’s approval of this Resolution.

Section 3. Findings Regarding Tentative Map. The Planning Commission, in recommending to the City Council approval of Planning Application No. PLSD2016-0001 and hereby makes the following findings concerning the Tentative Map pursuant to Government code section 66474:

- 1. The proposed map, and its design and improvements, are consistent with the general plan and any applicable specific plan, any policy or guideline implementing the general plan (including the city's design guidelines), or other applicable provisions of this code.*

Criteria Satisfied. The proposed Tentative Map is consistent with the General Plan designations for the area, as well as the Stadium Area Master Plan that applies to the property, as recommended to be amended to the City Council. The proposed tentative map will implement the General Plan by providing regional commercial and retail services and increasing the City's existing housing stock.

The proposed tentative map is consistent with the Stadium Area Master Plan (SAMP) as recommended to be amended by the City Council. It proposes to subdivide the property according to the SAMP's requirements related to commercial development location, residential housing locations, public/institutional development locations, public park location, public improvements, and related amenities. The Tentative Map depicts the specific commercial, public institutional, public park and residential parcels consistent with those in the Stadium Area Master Plan, as recommended to be amended to the City Council.

- 2. The site is physically suitable for the type of development.*

Criteria Satisfied. The tentative map reflects the specific plan for this site, as recommended to be amended, which is physically suitable for the proposed development. No major geologic hazards have been reported on the site or other limited conditions that would render it unsuitable for commercial, residential and public development.

- 3. The site is physically suitable for the proposed density of development.*

Criteria Satisfied. The site is of sufficient size and shape and appropriately shown in the Stadium Area Master Plan, as recommended to be amended, to allow the proposed density of development. The subdivision has been designed to accommodate the future development of residential, commercial and public land uses, taking into consideration the shape and topography of the site. This development is consistent with the land use designations provided for in the Stadium Area Master Plan, as recommended to be amended.

- 4. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, absent a statement of overriding conditions.*

Criteria Satisfied. An Environmental Impact Report (EIR) for the Stadium Area Master Plan (State Clearinghouse Number 2005042111) was prepared and certified by the City Council on June 10, 2008 by Resolution 2008-086, which described potential impacts related to the development of the site with the proposed uses. The EIR concluded that the majority of the impacts of the project could be mitigated or substantially lessened with the adopted mitigation measures. However, cumulative impacts which require action by other agencies to fully mitigate are beyond the City's control and City Council adopted associated CEQA Findings, a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program. A subsequent Mitigated Negative Declaration been prepared and recommended for approval which concludes that any impacts that result from proposed changes to the project can be adequately mitigated and would not result in any significant effects not disclosed in the EIR.

5. *The design of the subdivision or the type of improvements will not cause serious public health problems.*

Criteria Satisfied. The design of the subdivision and all proposed improvements are consistent with the RPMC, the Final EIR and Mitigated Negative Declaration and the City's Manual of Standards. These standards promote the health and well-being of residents of and visitors to the project and the surrounding land uses. The design of the Tentative Map is in conformance with the City's General Plan, Zoning Ordinance, as recommended to be amended, and Subdivision Ordinance. The Tentative Map does not include improvements and further subdivision of the site would be required to develop this site, therefore public health problems would not occur with this map.

6. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property with the proposed subdivision, absent alternative, equivalent easements.*

Criteria Satisfied. The project site is not subject to any existing easements acquired by the public at large for access through will respect all existing easements, and any new easements required by the project have been made conditions of the map approval.

7. *Any proposed phases and their proposed sequence of construction are identified on the submitted map.*

Criteria Satisfied. The submitted map indicates two construction phases with the sequencing clearly indicated upon the map.

Section 4. A duly noticed public hearing on the proposed Tentative Map was held on December 8, 2016 which was continued to December 22, 2016 to allow for additional testimony.

Section 5. The Planning Commission does hereby recommend to the City Council approval of Application No. PLSD2016-0001 for a tentative map (**Exhibit 1**) to allow the subdivision of property located at 5900 Labath Avenue (APN 043-040-124), subject to the recommended conditions of approval in **Exhibit 2**.

DULY AND REGULARLY ADOPTED on this 22nd day of December 2016 by the
City of Rohnert Park Planning Commission by the following vote:

AYES: ____ NOES: ____ ABSENT: ____ ABSTAIN: ____

ADAMS ____ BLANQUIE ____ BORBA ____ GIUDICE ____ HAYDON ____

John Borba, Chairperson, Rohnert Park Planning Commission

Attest: _____
Susan Azevedo, Recording Secretary

EXHIBIT 1

PROPOSED TENTATIVE MAP

EXHIBIT 2

RECOMMENDED CONDITIONS OF APPROVAL

RESIDENCES AT FIVE CREEK TENTATIVE MAP

ON-GOING CONDITIONS

The conditions below shall apply to the Tentative Map (TM) for the Residences at Five Creek project (Project) within the Stadium Area Master Plan (SAMP). The Project shall be developed in accordance with the General Plan (GP), the SAMP, Mitigation Measures identified in the Stadium Area Master Plan Environmental Impact Report (EIR) and subsequent Mitigated Negative Declaration (MND), the Development Agreement (DA) between the City and Stadium RP Development Partners LLC, the Rohnert Park Municipal Code (RPMC) and the Design and Construction Standards.

The Conditions of Approval as stated herein are the obligation of the applicant/developer and place no obligation either express or implied on the City. These Conditions of Approval run with this TM as approved regardless of ownership at time of recording.

The proposed map was reviewed and the following conditions of approval were developed based upon the Tentative Map, dated November 2016, prepared by Civil Design Consultants, Sheets 1-13.

General Requirements

- 1) The applicant shall comply with all documents approved by the City Council and adhere to all exhibits presented by the applicant at the Planning Commission and/or City Council meeting for approval of the SAMP and the Project unless subsequently revised by the City.
- 2) In case of conflict between the various documents, the following order shall prevail: General Plan as amended, Mitigation Measures for the Final Environmental Impact Report (FEIR) and the subsequent Mitigated Negative Declaration, the Stadium Area Master Plan and Final Development Plan including Conditions of Approval, Development Agreement (DA), Tentative Map and its Conditions of Approval, Rohnert Park Municipal Code (RPMC), and Design and Construction Standards.
- 3) The applicant shall comply with the EIR and the subsequent MND. In addition the applicant shall pay the cost to monitor the Mitigation Measures identified in the EIR and the subsequent MND on file in the Development Services Department. The requirements contained in the Mitigation Monitoring and Reporting Program (MMRP) shall be incorporated into these conditions and constructed in accordance with the MMRP.
- 4) The applicant agrees to indemnify, hold harmless and defend the City, its officers, agents, elected and appointed officials, and employees, from any and all liability or claims that may be brought against the City arising out of its approval of this Tentative Map and associated entitlements pertaining to the Residences at Five Creek project save and except that caused by the City's active negligence.
- 5) By accepting the benefits conferred under this TM, the applicant acknowledges all the conditions imposed and accepts this TM subject to those conditions with full awareness

of the provisions of the SAMP Planned Development, as may be amended from time to time, and the RPMC, as applicable.

- 6) The use of the property by the applicant/grantee for any activity authorized by this TM shall constitute acceptance of all of the conditions and obligations imposed by the City on this TM. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions.

Requirements for Final Map Submittal and Content

- 7) The final map shall be prepared by a licensed surveyor or civil engineer, showing all parcels, rights-of-way, and easement(s).
- 8) The final map shall be submitted with a completed Land Development Review Submittal Sheet, Final Map Completeness Checklist and Final Map Submittal Checklist as available on the City web-site and any and all applicable fees.
- 9) The final map submittal shall include a title report (within last 30 days), supporting documents, and calculations for City Engineer review. All calculated points within the map shall be based on one common set of coordinates. All information shown on the map shall be directly verifiable by information shown on the closure calculation printout. The point (s) of beginning shall be clearly defined. All lot acreages shall be shown on the map and shall be verifiable from information shown on the closure calculation printout.
- 10) The local agency sheet of the final map shall include the following note:
 - a. "Prior to the issuance of building permits, all applicable development impact fees shall be paid to the satisfaction of the Building Official and in accordance with City and local district ordinances."
- 11) The Owner's Statement and Acknowledgement shall include the following language:
 - a. "The undersigned further relinquishes to the City of Rohnert Park all interest in sub-surface water rights below 300 feet that they may have".
- 12) The final map shall provide that all property corners of lots within the subdivision shall be monumented in compliance with city standards.
- 13) The final map shall satisfy Rohnert Park Municipal Code section 16.14.010 D. 2. regarding dedication of rights-of-way and easements. The final map shall show dedication of the necessary right-of-way in fee title, sidewalk easements, public utility easements and other easements for public water, sewer, and storm drain, as shown on the tentative map or as needed per the final improvement design. Specifically but not exclusively:
 - a. the final map shall include the dedications necessary to widen Carlson Avenue to 68-foot width including all frontage improvements to the southerly side of Carlson Avenue (curb, gutter, 4.5 foot landscape parkway strip (measured from face of curb), 5-foot wide sidewalk
 - b. the final map shall include a public access easement and a public utility easement over the private extension of Martin Avenue in favor of the City of Rohnert Park.
- 14) Limits of the 100-year flood elevation, as determined by the City, shall be shown on the

final map and labeled as "Subject to Inundation". If any of the property shown on the final map is labeled "subject to inundation", a "Declaration of Restrictions" or equivalent instrument shall be approved by the City and recorded with the final map. The following notes shall also be provided:

- a. "Portions of lot(s) are located within the 100-year flood elevation as determined by the City of Rohnert Park. The lowest floor (as defined by the Federal Emergency Management Administration and local ordinance) of structures will be required to be constructed at a minimum of 1 foot above the 100-year flood elevations (as determined by the City). Nevertheless, flooding may be experienced on portions of these lot(s) in the event of a 100-year storm."
 - b. "A Declaration of Restrictions regarding Lot Nos. _____ is recorded with this map as Document No. _____."
- 15) All dedications offered on the map, which do not have their appurtenant improvements constructed within their respective areas at the time of the final map approval, if any, shall be accepted subject to improvement or rejected, pursuant to section 66477.1(a) of the Subdivision Map Act.

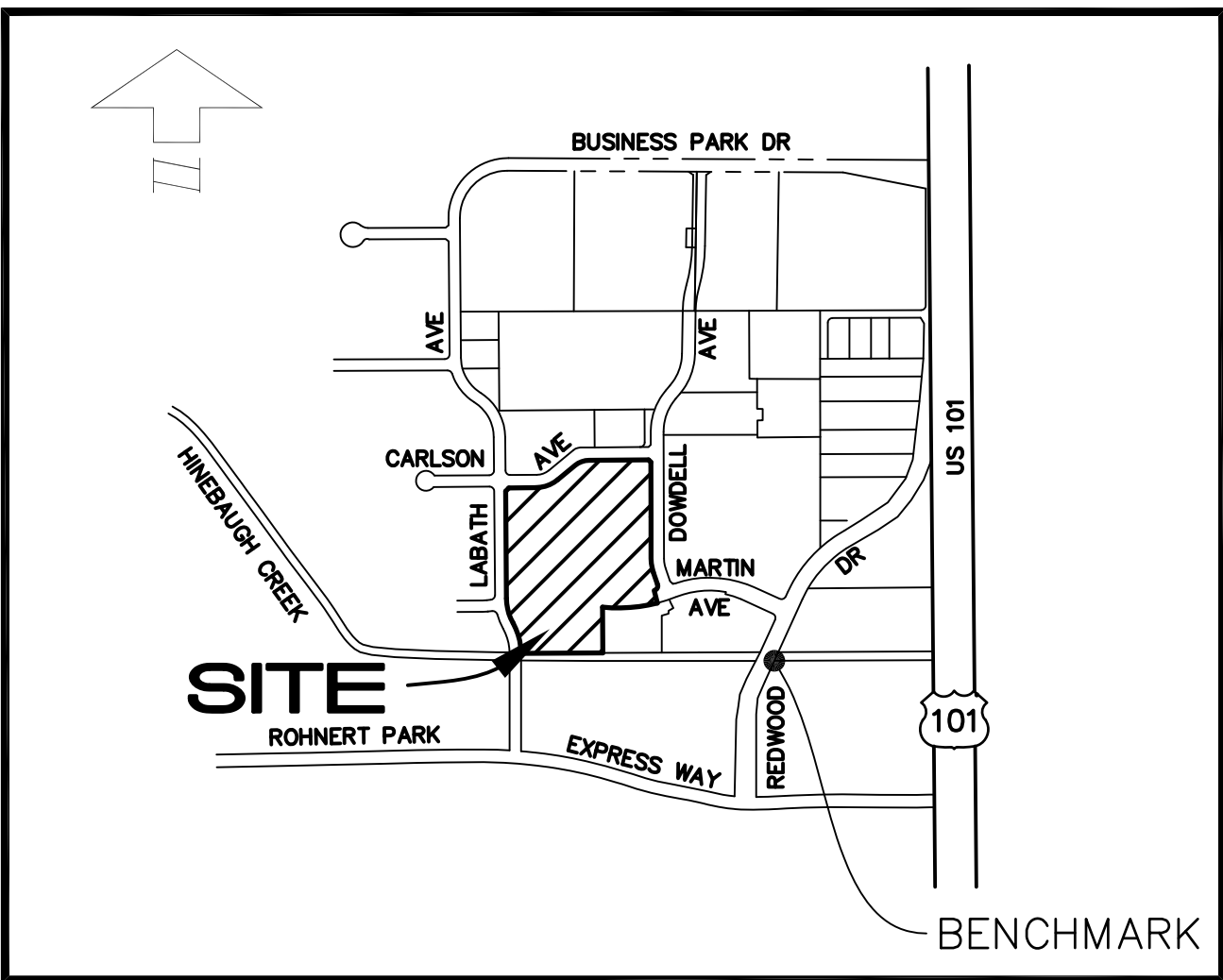
Prior to Approval of Final Map

- 16) Prior to the approval of the final map, the applicant shall provide evidence that its surveyor has been retained to set all monuments required by the map.
- 17) Prior to or concurrent with approval of the final map, the applicant shall enter into an Public Improvement and Termination and Supersession of Deferred Improvement Agreement to assure construction and completion of the public improvements shown on the map. Said agreement shall specify and be accompanied by the financial assurances required to ensure completion of the public improvements.
- 18) Prior to the approval of the final map, the applicant shall secure all necessary rights-of-way and easements for both onsite and offsite road, utility, and drainage facilities. Rights-of-way and easements shall be dedicated on the map or provided by grant deed. The developer shall prepare all necessary legal descriptions and deeds.

RESIDENCES AT FIVE CREEK

TENTATIVE MAP

LOT 1 OF PARCEL MAP 180
AND BEING PART OF THE
STADIUM AREA MASTER PLAN
ROHNERT PARK, CA



VICINITY MAP

BENCHMARK

BEING A SET 2" BRASS DISK IN THE SOUTHEAST HEADWALL OF THE REDWOOD DRIVE AND HINEBAUGH CREEK BRIDGE, BEING 3.1' NORTH OF THE SOUTH END OF THE HEADWALL. ELEVATION=95.81' NGVD 1929
THIS ELEVATION IS BASED ON NGS BENCHMARK B-107, DATED 1932.

INDEX OF DRAWINGS

| | |
|------|---|
| C1 | COVER SHEET, TYPICAL SECTIONS, LEGEND & ABBREVIATIONS |
| C2.1 | SITE PLAN - OVERALL |
| C2.2 | SITE PLAN - RESIDENTIAL |
| C2.3 | SITE PLAN - COMMERCIAL |
| C2.4 | SITE PLAN - HOTEL |
| C3.1 | GRADING PLAN - RESIDENTIAL |
| C3.2 | GRADING PLAN - COMMERCIAL |
| C3.3 | GRADING PLAN - HOTEL |
| C4.1 | UTILITY PLAN - RESIDENTIAL |
| C4.2 | UTILITY PLAN - COMMERCIAL |
| C4.3 | UTILITY PLAN - HOTEL |
| C5 | PROPOSED PARCEL LINES AND EASEMENTS |
| C6 | PARCEL 5 ACCESS EXHIBIT |

DEVELOPER

WALBERN DEVELOPMENT, USA, INC.
1278 GLENNEYRE STREET, SUITE 439
LAGUNA BEACH, CA 92651
(626) 710-6377

OWNER

CITY OF ROHNERT PARK
6750 COMMERCE BLVD.
ROHNERT PARK, CA 94928

CIVIL ENGINEER

CIVIL DESIGN CONSULTANTS, INC.
2200 RANGE AVENUE, SUITE 204
SANTA ROSA, CA 95403
(707) 542-4820

ARCHITECT

KTGY GROUP, INC.
17911 VON KARMAN AVE, SUITE 200
IRVINE, CA 92614
(949) 851-2133

LANDSCAPE ARCHITECT

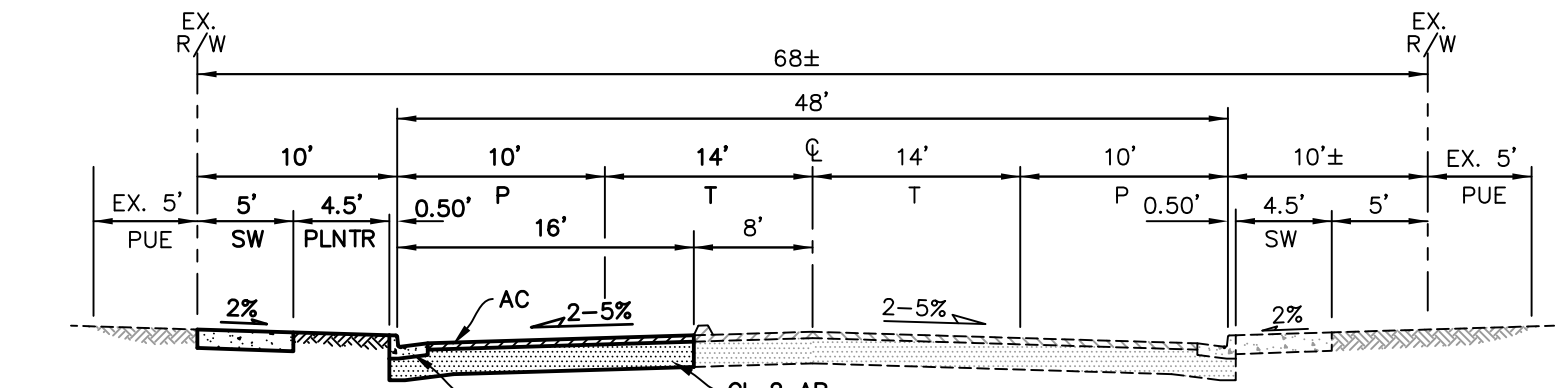
OWNI-MEANS, LTD.
943 RESERVE DRIVE, SUITE 100
ROSEVILLE, CA 676
(916) 782-8688

GEOTECHNICAL ENGINEER

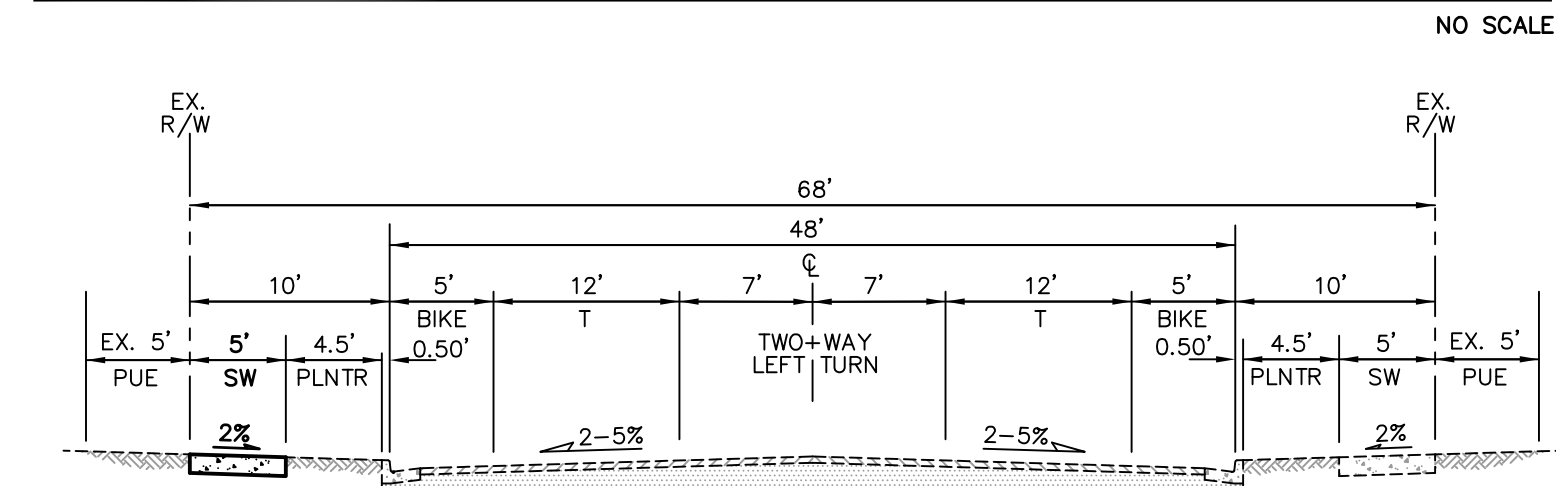
WALLACE KUHLMANN ASSOCIATES
3050 INDUSTRIAL BOULEVARD
WEST SACRAMENTO, CA 95691
(916) 372-1434

ABBREVIATIONS

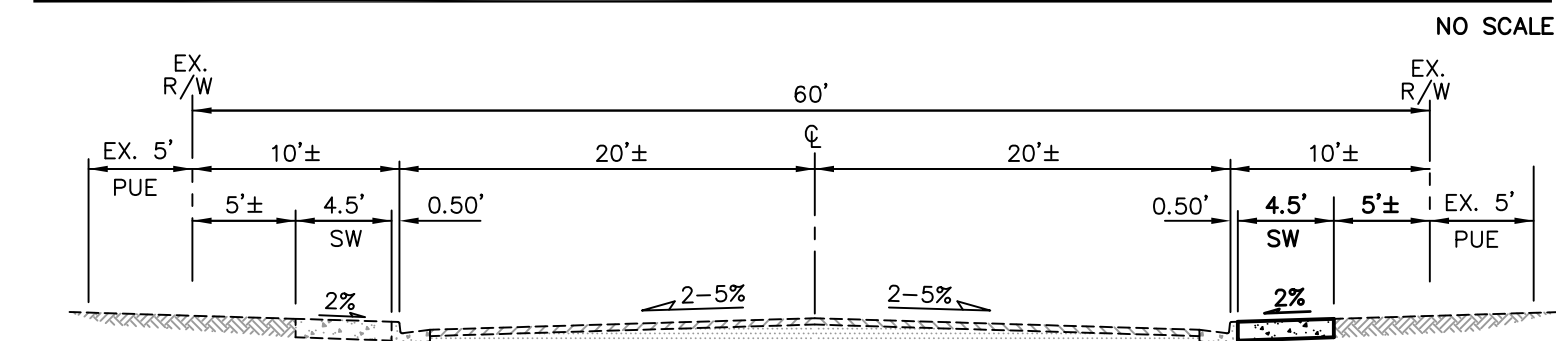
| | | | | | |
|------|--------------------------------|------|-------------------------------------|------|-----------------------------|
| AB | AGGREGATE BASE | GV | GATE VALVE | RWL | RECLAIMED WATER MAIN |
| AC | ASPHALT CONCRETE | HP | HIGH POINT | S | SLOPE |
| APN | ASSESSOR'S PARCEL NUMBER | IFO | IN FAVOR OF | SD | STORM DRAIN |
| BO | BLOWOFF | IFD | IN FAVOR OF | SDE | PUBLIC STORM DRAIN EASEMENT |
| BSW | BACK OF SIDEWALK | IRR | IRRIGATION | SDMH | STORM DRAIN MANHOLE |
| CB | CATCH BASIN | L | LENGTH | SL | STREET LIGHT |
| CL | CENTERLINE | LAT | LATERAL | SS | SANITARY SEWER |
| DCDA | DOUBLE CHECK DETECTOR ASSEMBLY | LP | LOW POINT | SSCO | SANITARY SEWER CLEANOUT |
| DI | DROP INLET | M | MEASURED | SSMH | SANITARY SEWER MANHOLE |
| DN | DOCUMENT NUMBER | MIN. | MINIMUM | SW | SIDEWALK |
| E | ELECTRIC OR EAST | P | PARKING | T | TRAVEL WAY OR TELEPHONE |
| EX | EXISTING | PAE | PRIVATE ACCESS EASEMENT | TB | TOP OF BOY |
| F | FIRE MAIN | PDE | PRIVATE DRAINAGE EASEMENT | TC | TOP OF CURB |
| FD | FIELD DRAIN | PSE | PRIVATE SANITARY SEWER EASEMENT | TG | TOP OF GRATE |
| FG | FINISHED GRADE | PUE | PUBLIC UTILITY EASEMENT | TYP | TYPICAL |
| FH | FIRE HYDRANT | R | RADIUS | W | WATER MAIN |
| FL | FLOWLINE | R/W | RIGHT OF WAY | WLE | PUBLIC WATER LINE EASEMENT |
| G | GAS | RPBP | REDUCED PRESSURE BACKFLOW PREVENTER | WM | WATER METER |
| GB | GRADE BREAK | | | | |



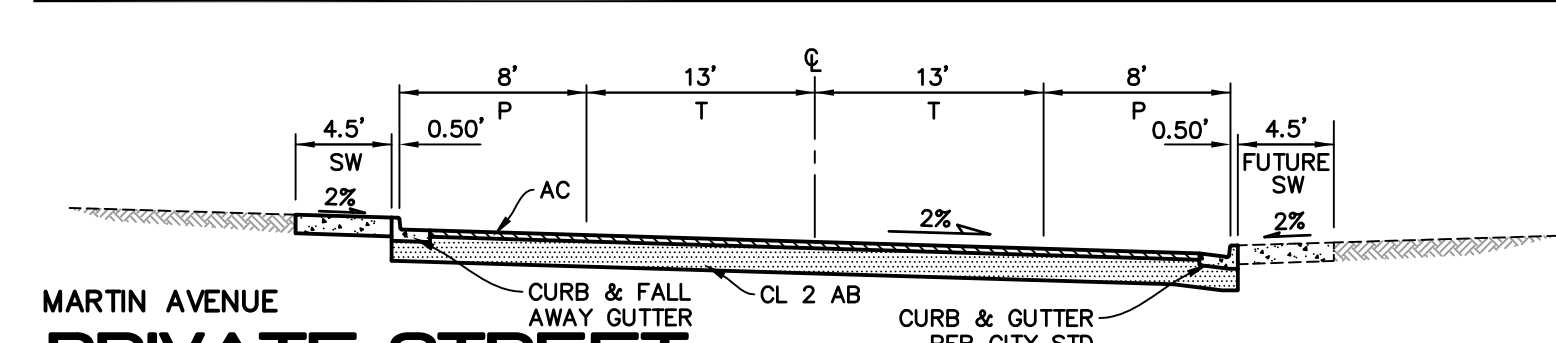
CARLSON AVENUE INDUSTRIAL STREET



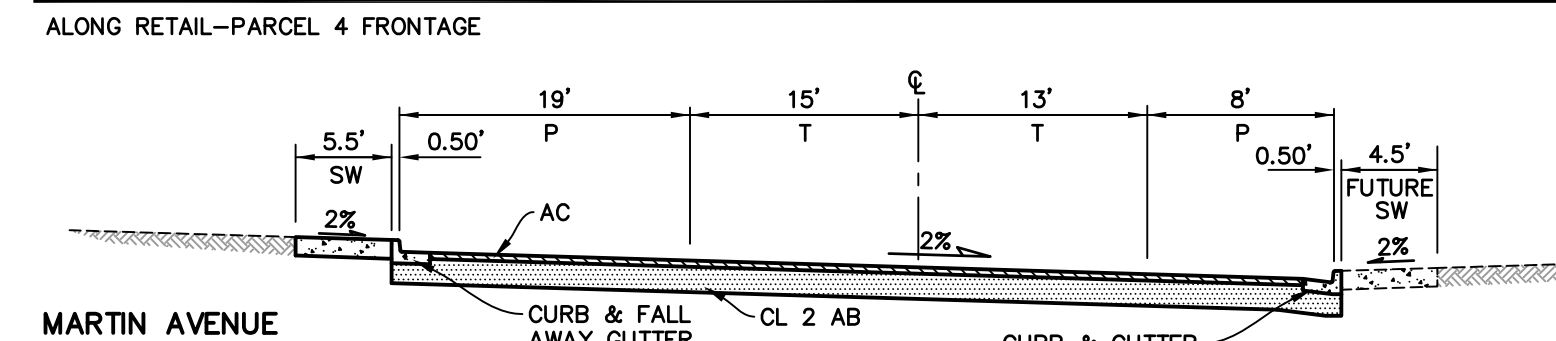
DOWELL AVENUE PUBLIC AVENUE



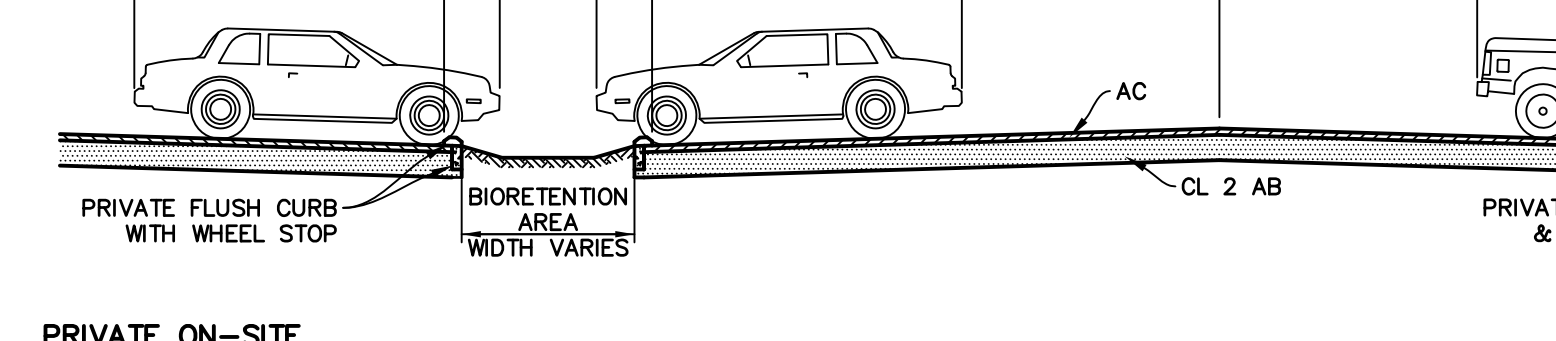
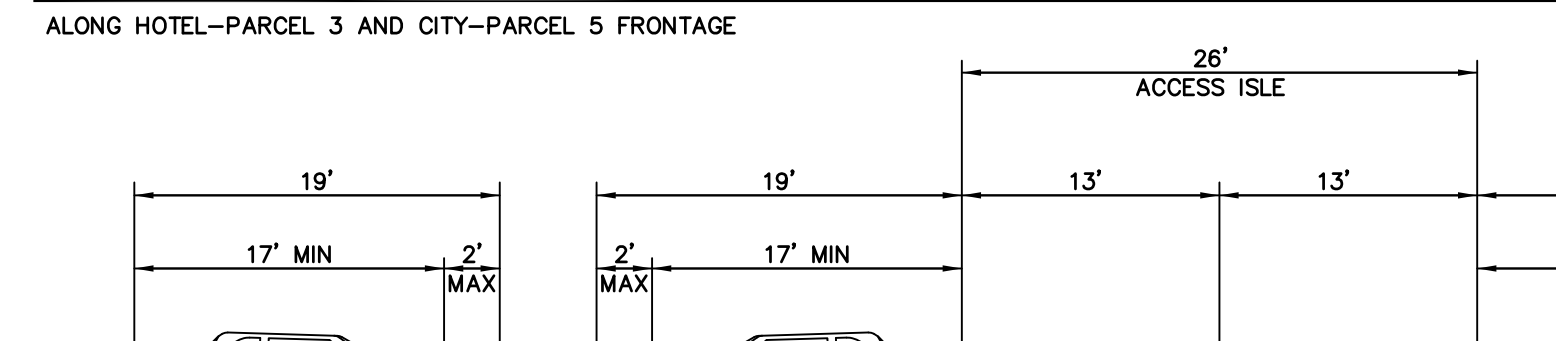
LABATH AVENUE PUBLIC AVENUE



MARTIN AVENUE PRIVATE STREET



MARTIN AVENUE PRIVATE STREET



PRIVATE ON-SITE PARKING DETAILS

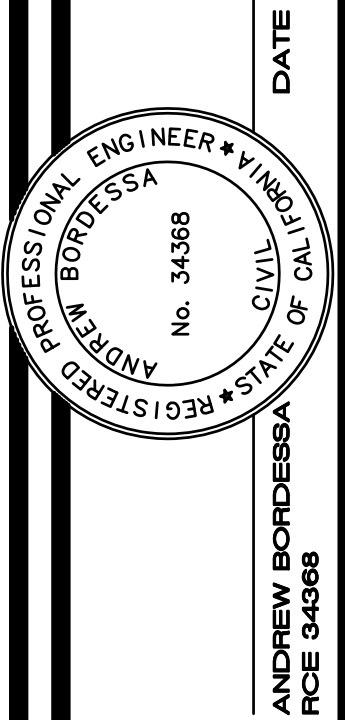


GENERAL NOTES

- PRESENT AND PROPOSED ZONING IS PLANNED DEVELOPMENT (PD) PER THE APPROVED STADIUM AREA MASTER PLAN.
- THE GENERAL PLAN DESIGNATION IS REGIONAL COMMERCIAL.
- THIS TENTATIVE MAP PROPOSES TO SUBDIVIDE LOT 1 OF THE STADIUM LANDS INTO 5 PARCELS.
- DEVELOPMENT OF CITY PARCEL 5 WILL BE AT THE DISCRETION OF THE CITY OF ROHNERT PARK. DEVELOPMENT OF THE FOUR REMAINING PARCELS WILL BE PHASED AS FOLLOWS:
PHASE 1 - PARCELS 1, 2 & 3
PHASE 2 - PARCEL 4
- PROPOSED LOT AREAS:
PARK-PARCEL 1 (SMALLEST) 0.65 ACRES
RESIDENTIAL-PARCEL 2 (LARGEST) 6.09 ACRES
HOTEL-PARCEL 3 2.28 ACRES
RETAIL-PARCEL 4 3.30 ACRES
CITY-PARCEL 5 2.93 ACRES
- NO AREAS OF THIS SITE ARE SUBJECT TO INUNDATION. NO HAZARDOUS MATERIALS ARE KNOWN TO EXIST ON THIS SITE.
- SITE SOILS APPEAR SUITABLE FOR RESIDENTIAL DEVELOPMENT.
- THERE ARE NO PROPOSED DEED RESTRICTIONS.
- SCHOOL DISTRICT:
COTATI - ROHNERT PARK UNIFIED SCHOOL DISTRICT
7165 BURTON AVENUE
ROHNERT PARK, CA 94928

LEGEND

| | | |
|---|----------|-----|
| CENTERLINE MONUMENT | EXISTING | NEW |
| STREET LIGHT | EXISTING | NEW |
| SEWER MAIN, MANHOLE & CLEANOUT | EXISTING | NEW |
| WATER MAIN, GATE VALVE, FIRE HYDRANT, BLOWOFF & SERVICES | EXISTING | NEW |
| RECLAIMED WATER MAIN, GATE VALVE, BLOWOFF & IRRIGATION SERVICES | EXISTING | NEW |
| STORM DRAIN, MANHOLE, CATCH BASIN & DRAINAGE INLET | EXISTING | NEW |
| CURB, GUTTER & SIDEWALK | EXISTING | NEW |
| CURB RAMP | EXISTING | NEW |
| PROJECT BOUNDARY | EXISTING | NEW |
| RIGHT OF WAY | EXISTING | NEW |
| EXISTING CONTOURS (1' INTERVAL) | EXISTING | NEW |
| DRAINAGE FLOW ARROW WITH GRADE | EXISTING | NEW |
| FENCE | EXISTING | NEW |
| OVERHEAD UTILITIES | EXISTING | NEW |
| GAS LINE | EXISTING | NEW |
| ELECTRIC | EXISTING | NEW |
| JOINT TRENCH | EXISTING | NEW |
| EXISTING WELL (TO BE ABANDONED) | EXISTING | NEW |
| UTILITY BOXES | EXISTING | NEW |
| TREE | EXISTING | NEW |



CIVIL DESIGN CONSULTANTS, INC.

2200 Range Avenue, Suite 204
Santa Rosa, CA 95403
(707) 542-4820

TENTATIVE MAP

RESIDENCES AT FIVE CREEK

LOT 1 OF STADIUM LANDS
ROHNERT PARK, CALIFORNIA

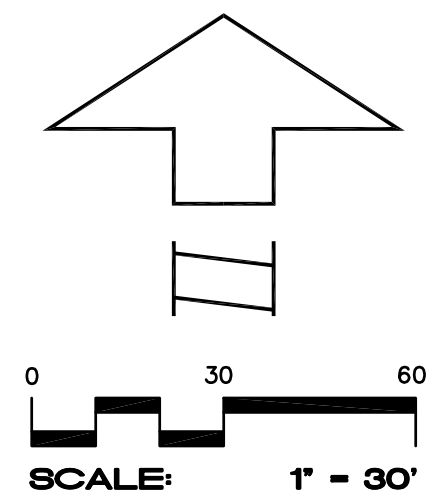
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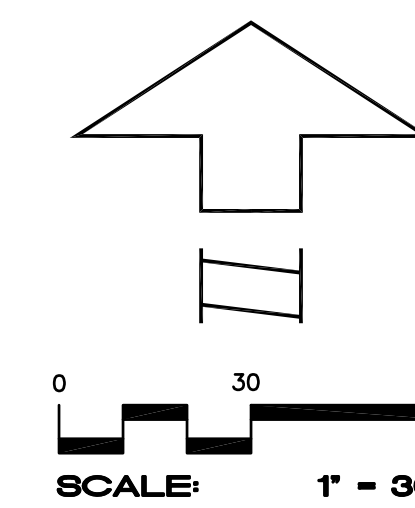
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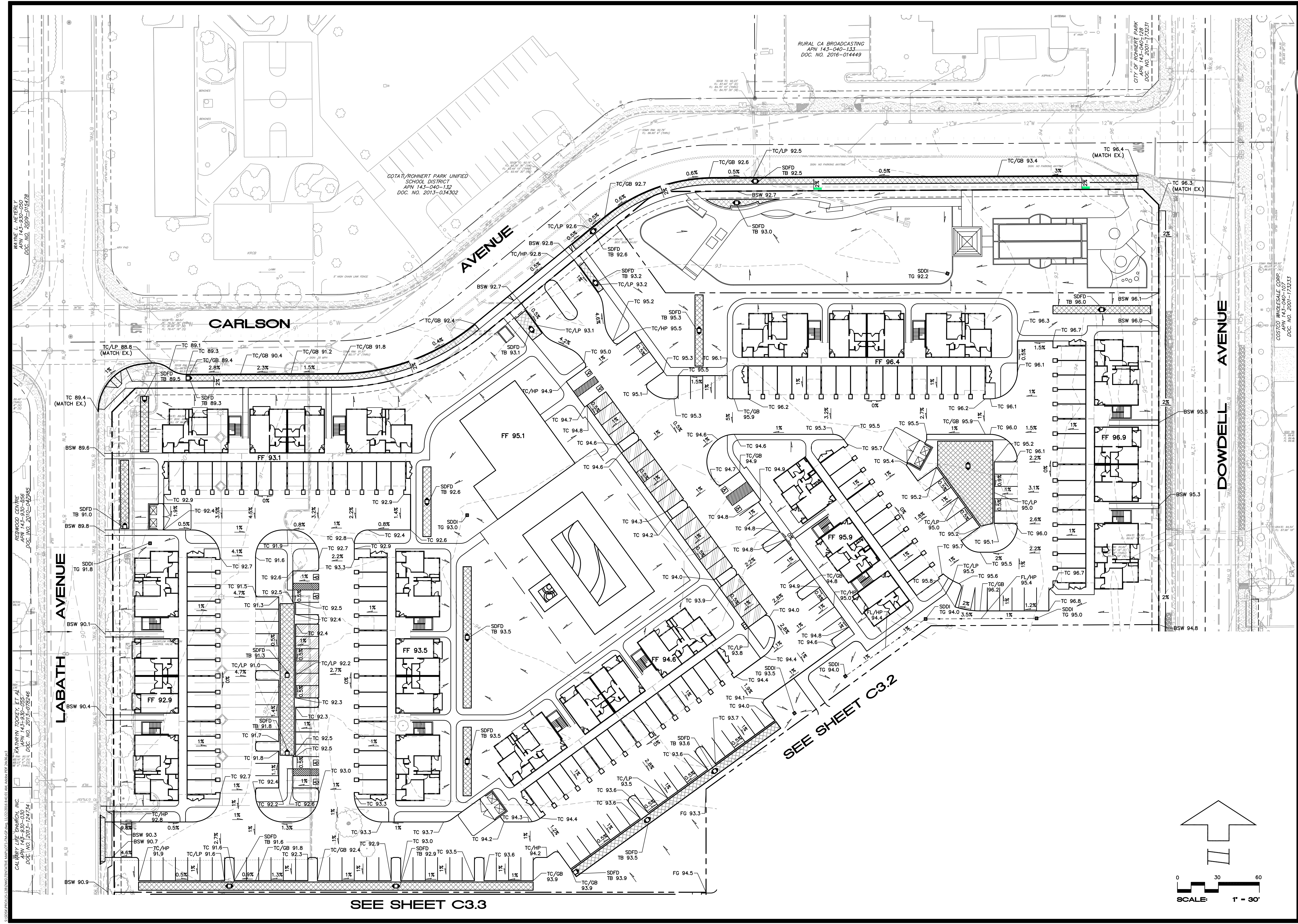
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C1

OF 13 SHEETS







WAYNE L. HEERLY
APN 143-040-128
DOC. NO. 2001-172231

REDWOOD CENTRE
APN 143-030-056
DOC. NO. 2012-04598

KATHRYN TOCKEY ET AL
APN 143-030-055
DOC. NO. 2012-02546

CALVARY LIFE CHURCH, INC.
APN 143-030-030
DOC. NO. 2005-12474

CIVIL DESIGN CONSULTANTS, INC.
2200 Range Avenue, Suite 204
Santa Ana, CA 92705
(714) 542-4820

RESIDENCES AT FIVE CREEK
LOT 1 OF STADIUM LANDS
ROHNERT PARK, CALIFORNIA

NOVEMBER 2016

APN: 143-040-124

TENTATIVE MAP - GRADING PLAN - RESIDENTIAL

JOB NO.
15-128

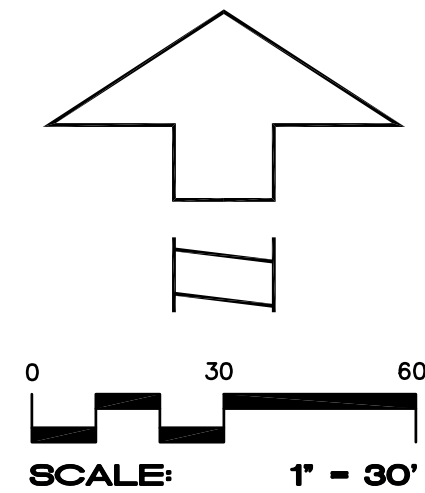
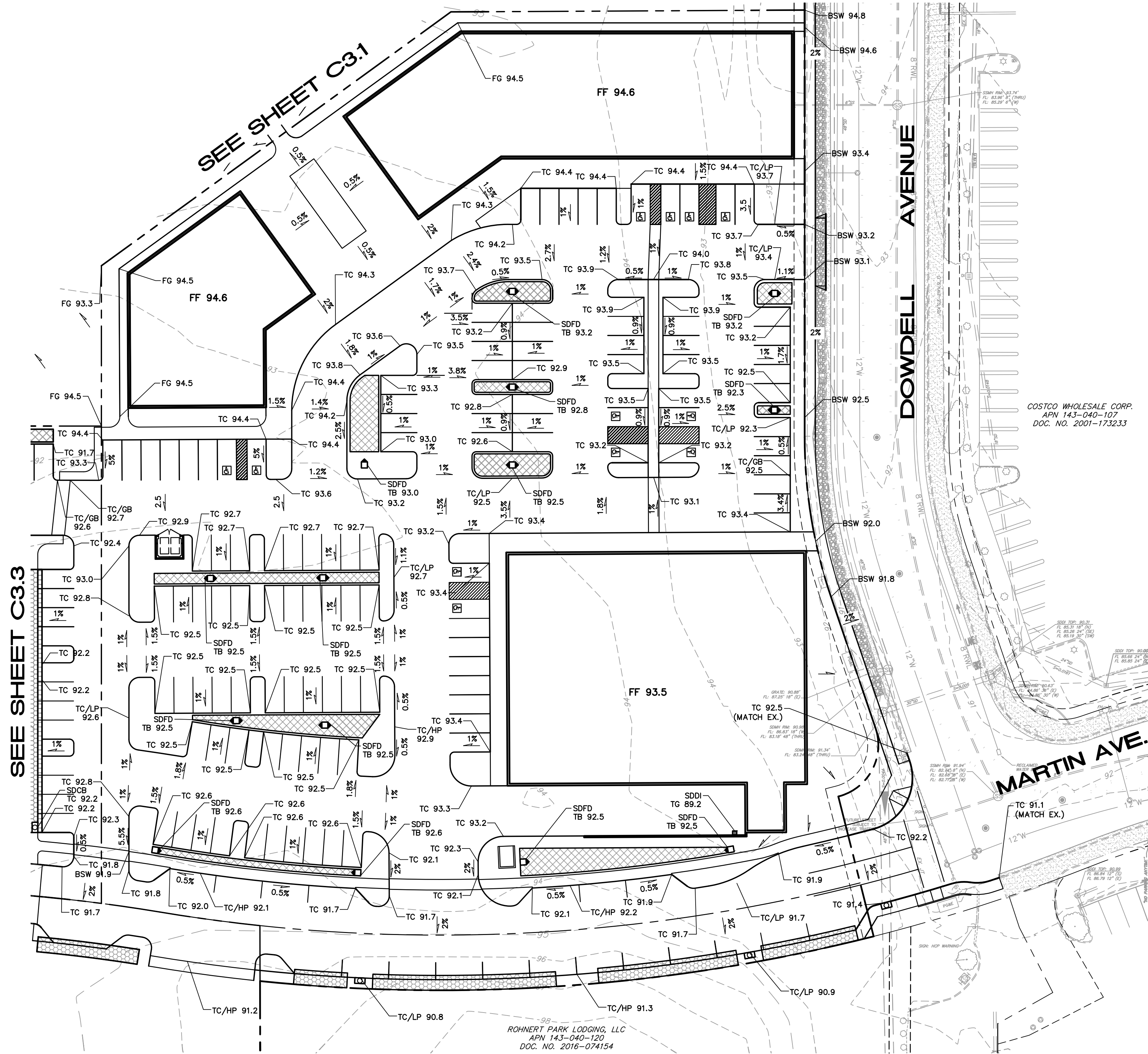
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OF 13 SHEETS

PROFESSIONAL ENGINEER
BORTESSA
No. 34368
CIVIL
ANDREW BORDESSA
RCE 94368

DATE

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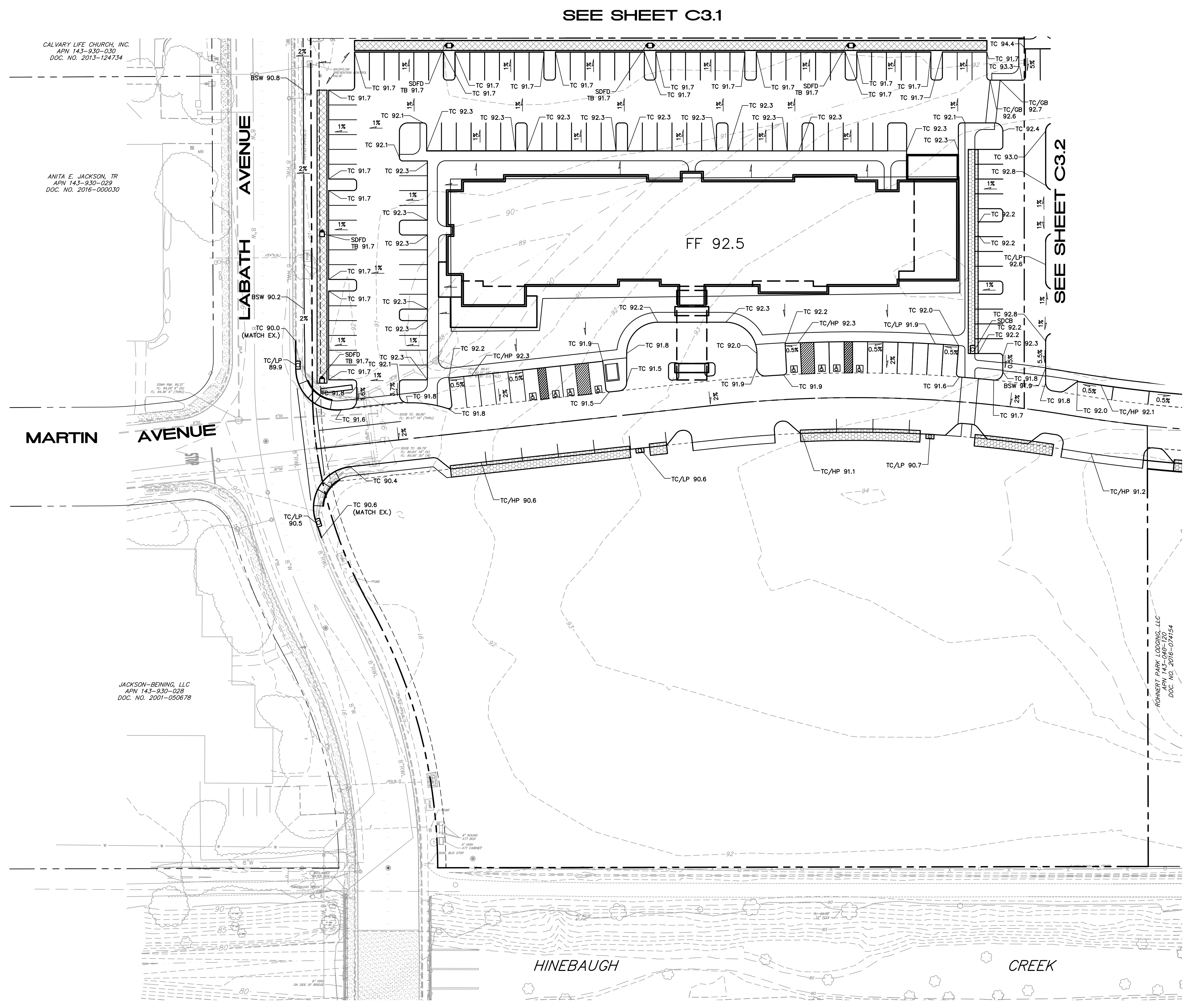
TENTATIVE MAP - GRADING PLAN - RETAIL
RESIDENCES AT FIVE CREEK
LOT 1 OF STADIUM LANDS
ROHNERT PARK, CALIFORNIA
NOVEMBER 2016
APN: 143-040-124

JOB NO.
15-128
SHEET NO.

C3.2
OF 13 SHEETS

CIVIL DESIGN CONSULTANTS, INC.
2200 Range Avenue, Suite 204
San Jose, CA 95128
(408) 542-4820

ANDREW BORDESSA
REGISTERED PROFESSIONAL ENGINEER
No. 34368
CIVIL
STATE OF CALIFORNIA
DATE

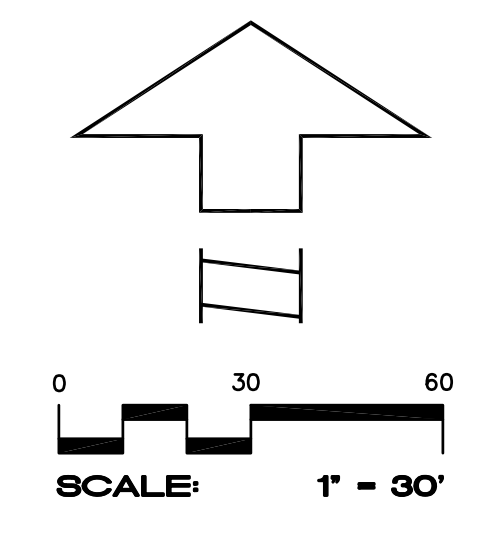


CALVARY LIFE CHURCH, INC.
APN 143-930-030
DOC. NO. 2013-124734

ANITA E. JACKSON, TR
APN 143-930-029
DOC. NO. 2016-000030

JACKSON-BEINING, LLC
APN 143-930-028
DOC. NO. 2001-050678

FOHNETT PARK, LLC
APN 143-040-120
DOC. NO. 2016-074154



SEE SHEET C3.1

SEE SHEET C3.2

NOVEMBER 2016

JOB NO.
15-128

SHEET NO.
C3.3

OF 13 SHEETS

TENTATIVE MAP - GRADING PLAN - HOTEL
RESIDENCES AT FIVE CREEK

LOT 1 OF STADIUM LANDS
FOHNETT PARK, CALIFORNIA

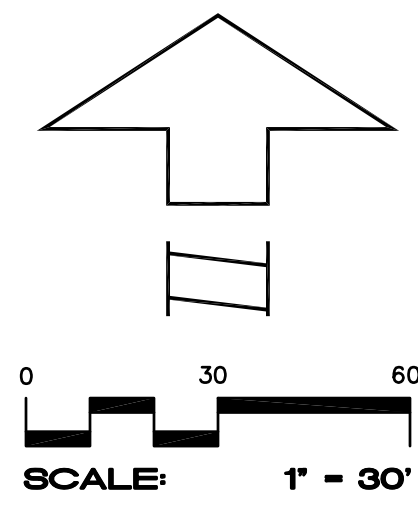
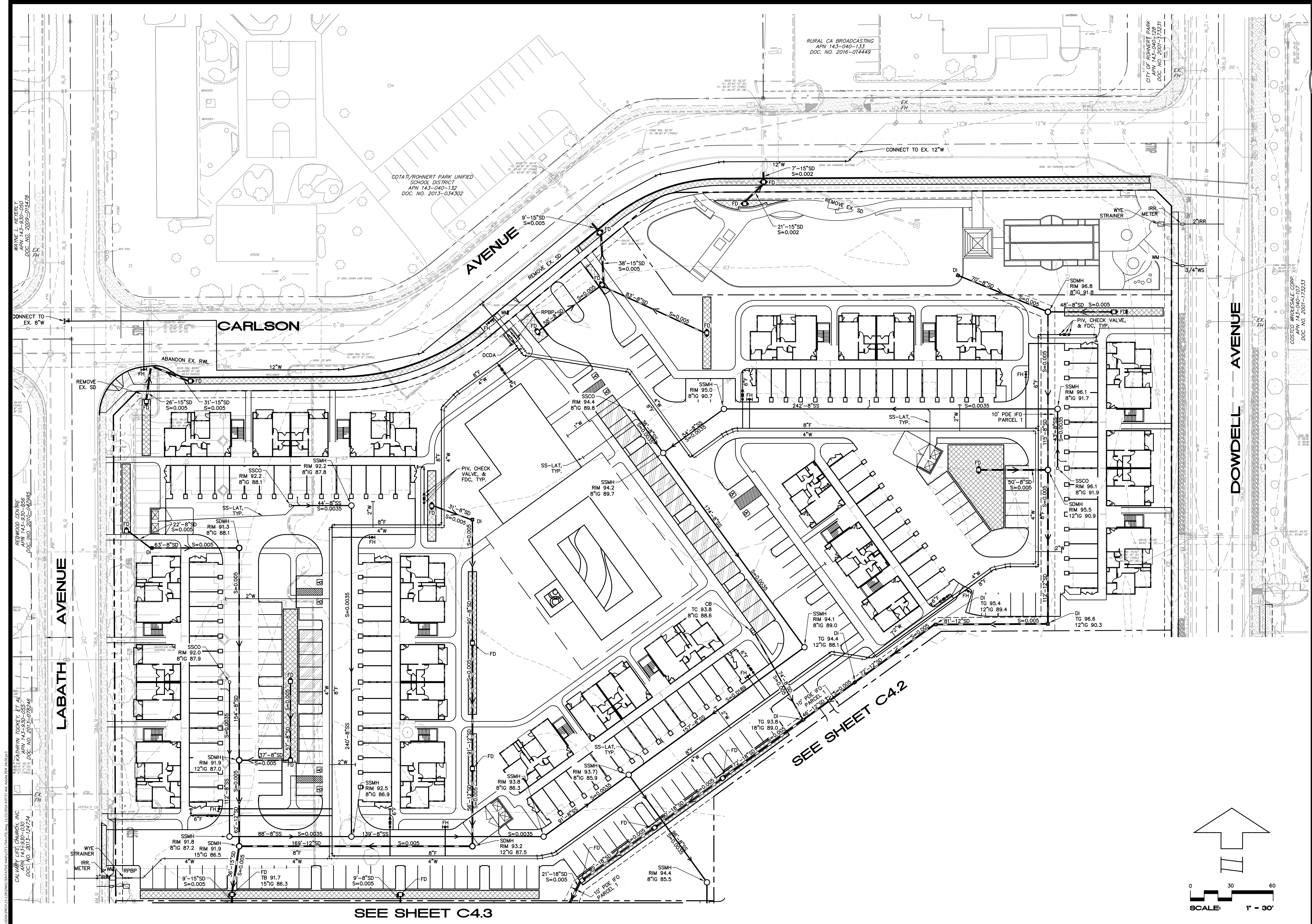
APN: 143-040-124

CIVIL DESIGN CONSULTANTS, INC.

2200 Range Avenue, Suite 204
Santa Clara, CA 95053
(707) 542-4820

ANDREW BORDESSA
REGISTERED PROFESSIONAL ENGINEER - CIVIL
No. 34388
RCE 94368

DATE



WAYNE L. MEYER
APN 143-040-050
DOC. NO. 2001-173231

REDWOOD CENTRE
APN 143-040-056
DOC. NO. 2012-04965

KATHRYN TOOMEY, ET AL
APN 143-040-055
DOC. NO. 2013-12714

CALVARY LIFE CHURCH, INC.
APN 143-040-030
DOC. NO. 2013-12714

COTATI/ROHNERT PARK UNIFIED
SCHOOL DISTRICT
APN 143-040-132
DOC. NO. 2013-034302

RURAL CA BROADCASTING
APN 143-040-133
DOC. NO. 2016-014449

CITY OF ROHNERT PARK
APN 143-040-128
DOC. NO. 2001-173231

COSTA MOUNTAIN CORP.
APN 143-040-101
DOC. NO. 2001-173233

SEE SHEET C4.2

SEE SHEET C4.3

CIVIL DESIGN CONSULTANTS, INC.
2200 Range Avenue, Suite 204
Santa Rosa, CA 95403
(707) 542-4820

APN 143-040-124

NOVEMBER 2016

TENTATIVE MAP - UTILITY PLAN - RESIDENTIAL

RESIDENCES AT FIVE CREEK

LOT 1 OF STADIUM LANDS
ROHNERT PARK, CALIFORNIA

JOB NO.
15-128

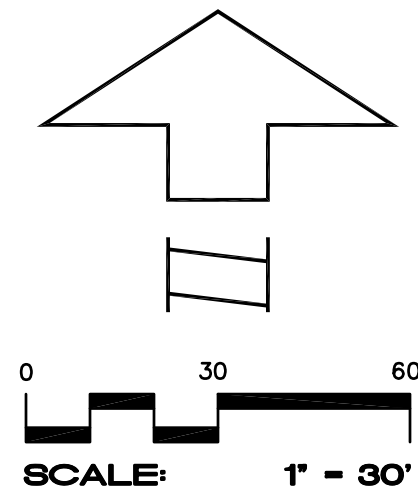
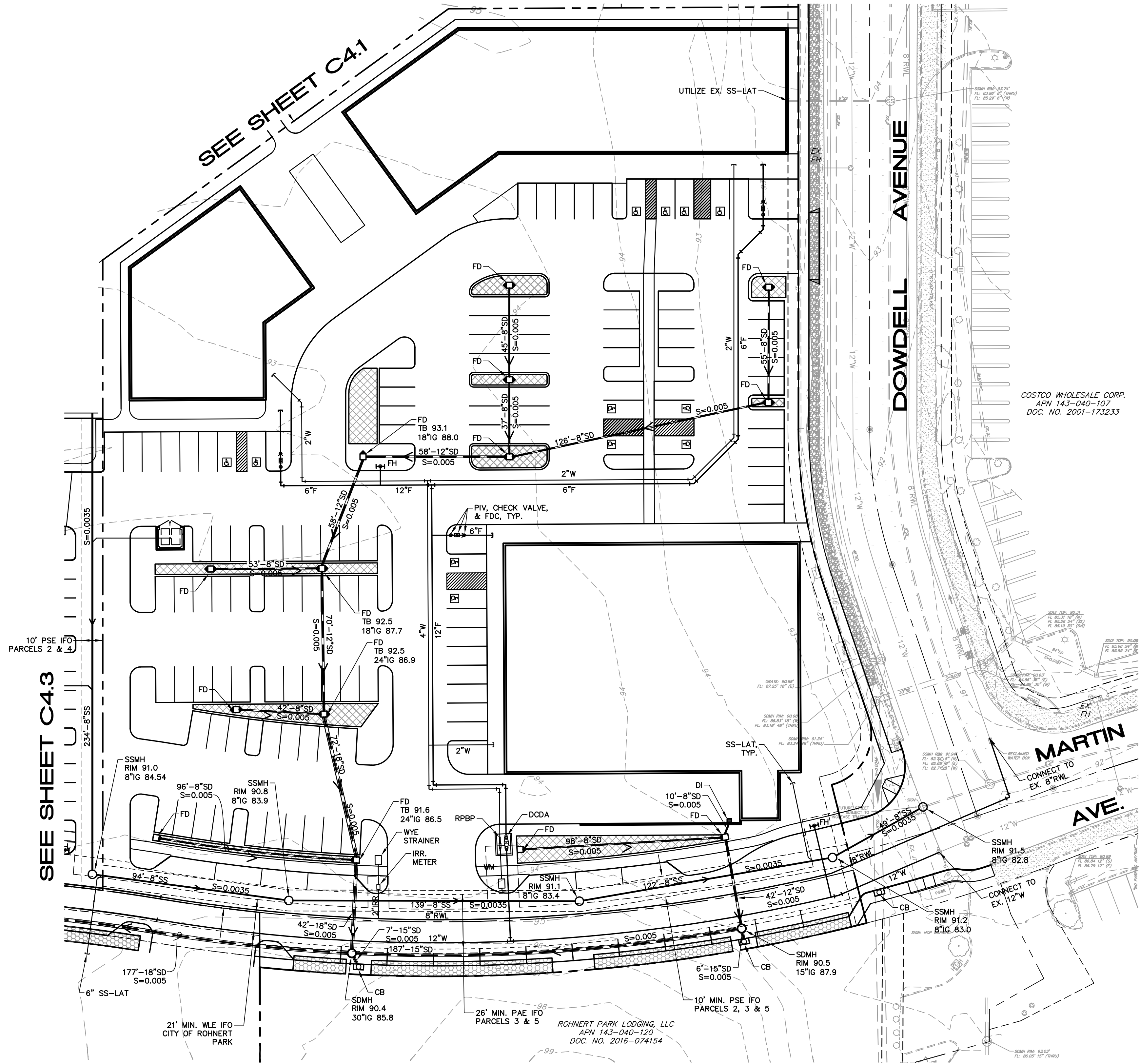
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C4.1

OF 13 SHEETS

ANDREW BORDESSA
REGISTERED PROFESSIONAL ENGINEER - CIVIL
No. 34388
PCE 94568

DATE

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TENTATIVE MAP - UTILITY PLAN - RETAIL
RESIDENCES AT FIVE CREEK

JOB NO.
15-128

SHEET NO.

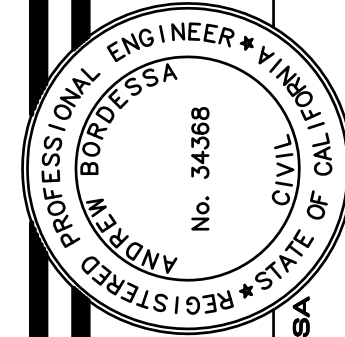
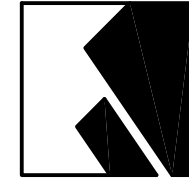
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OF 13 SHEETS

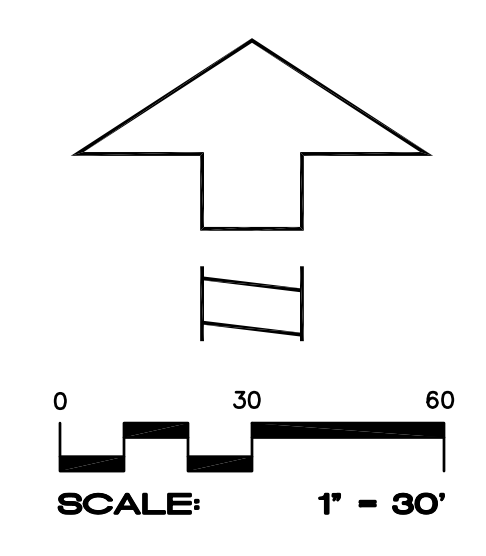
NOVEMBER 2016
LOT 1 OF STADIUM LANDS
ROHNERT PARK, CALIFORNIA
APN 143-040-124

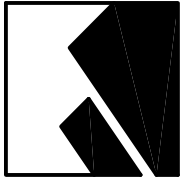
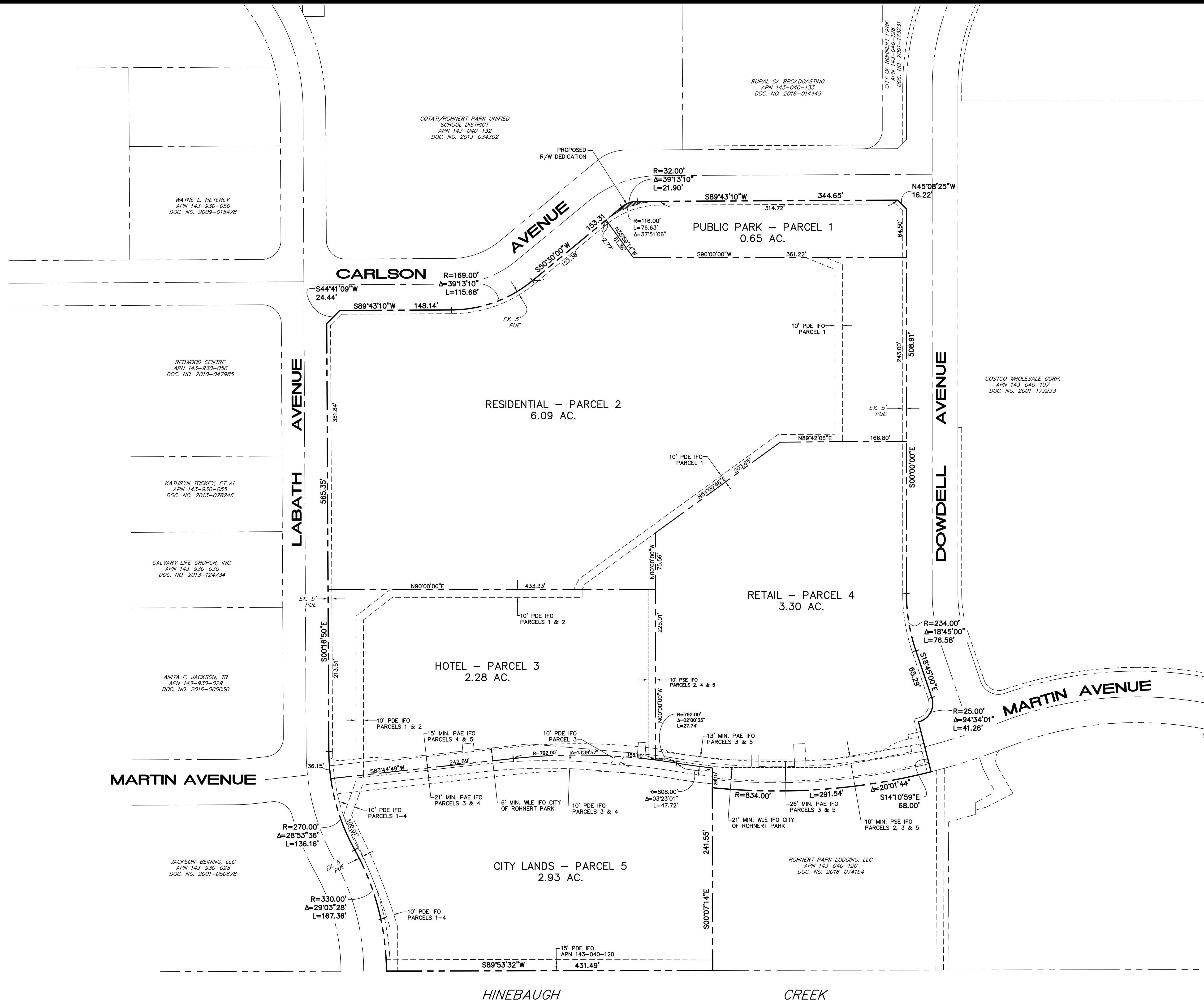
CIVIL DESIGN CONSULTANTS, INC.

2200 Range Avenue, Suite 204
Santa Rosa, CA 95403
(707) 542-4820



DATE





CIVIL DESIGN CONSULTANTS, INC.

2200 Range Avenue, Suite 204
Santa Rosa, CA 95403
(707) 542-4820

TENTATIVE MAP - PROPOSED PARCELS AND EASEMENTS

RESIDENCES AT FIVE CREEK

LOT 1 OF STADIUM LANDS
ROHNERT PARK, CALIFORNIA
APN 143-040-124

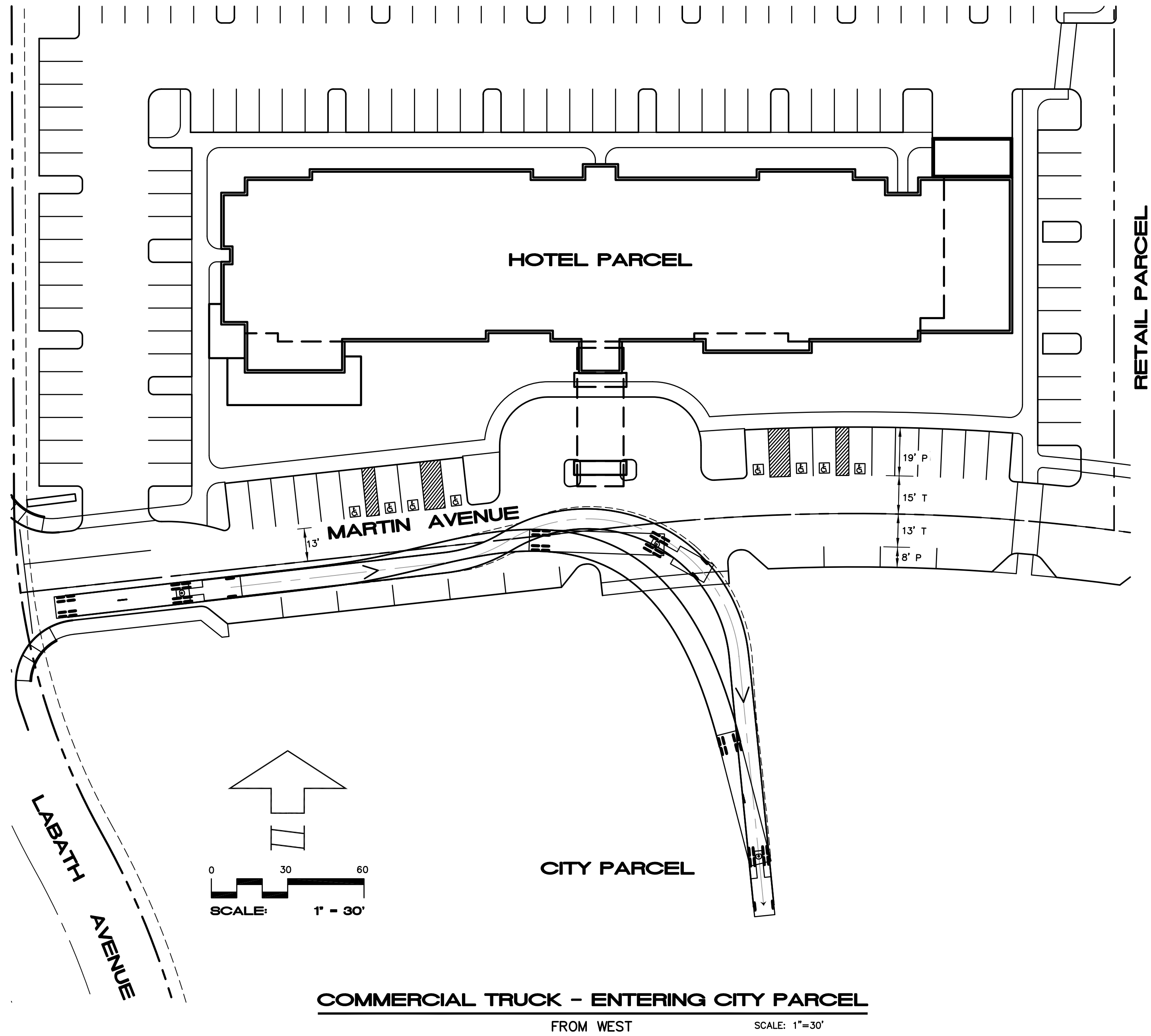
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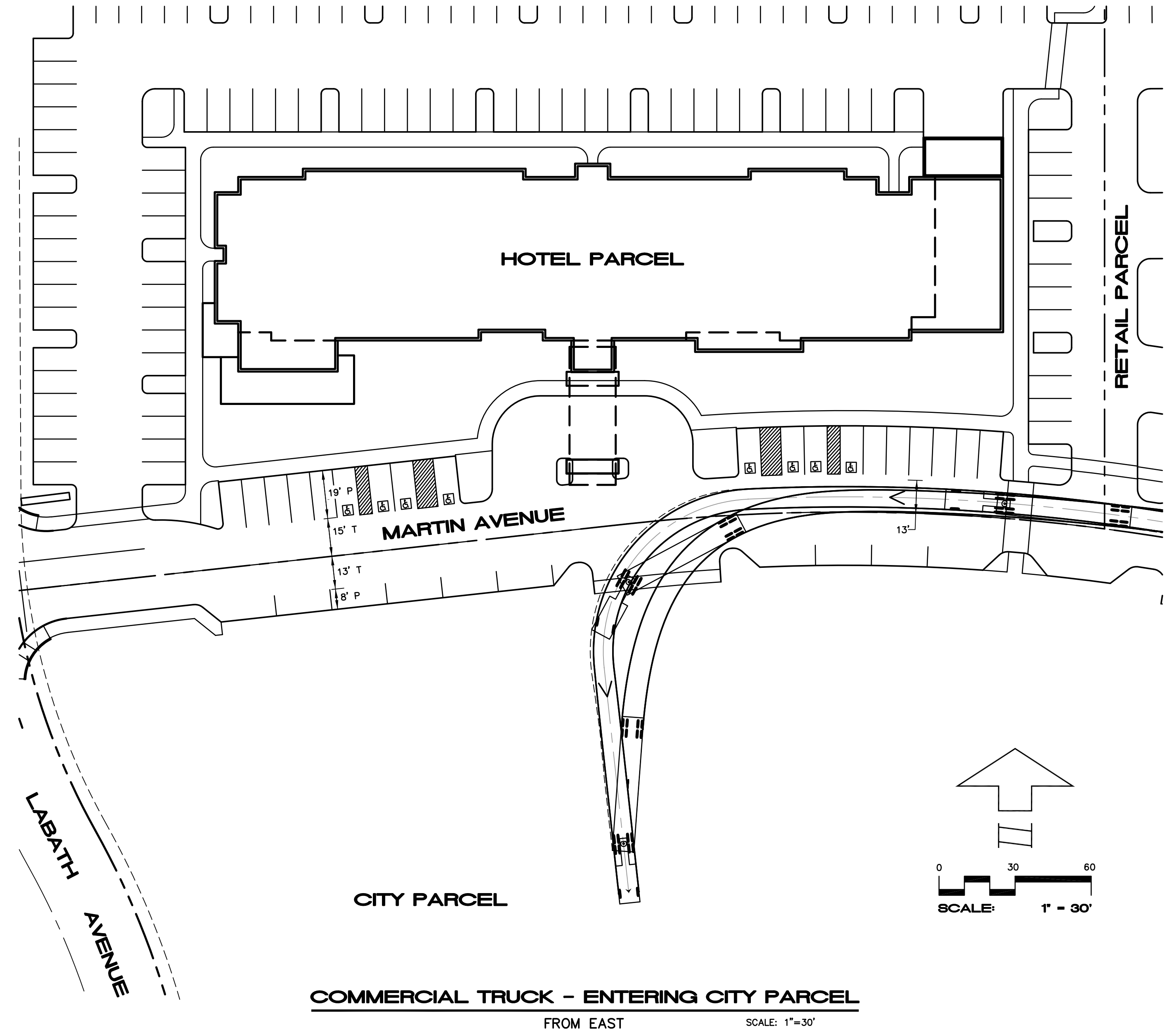
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OF 13 SHEETS

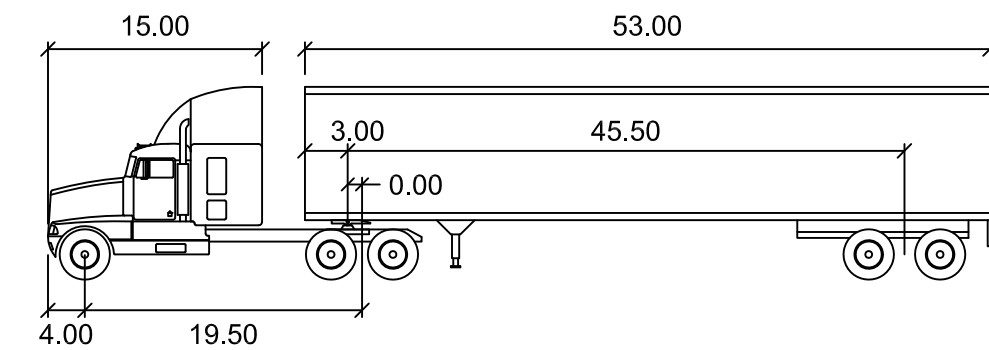
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COMMERCIAL TRUCK - ENTERING CITY PARCEL
FROM WEST SCALE: 1"=30'



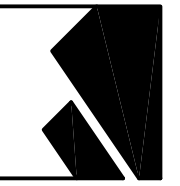
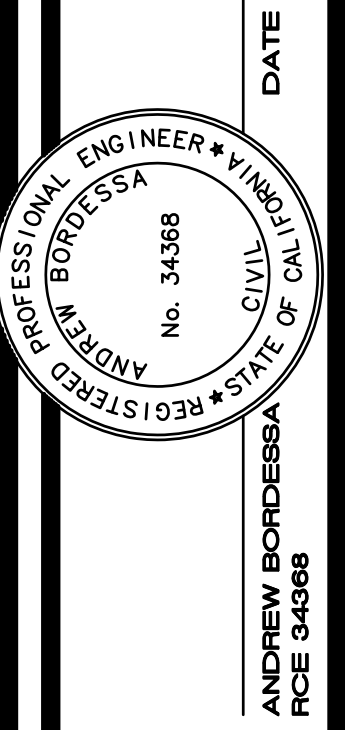
COMMERCIAL TRUCK - ENTERING CITY PARCEL
FROM EAST SCALE: 1"=30'



| WB-67 | | feet | | feet |
|---------------|--------|--------------------------|---|------|
| Tractor Width | : 8.00 | Lock to Lock Time | : | 6.0 |
| Trailer Width | : 8.50 | Steering Angle | : | 28.4 |
| Tractor Track | : 8.00 | Articulating Angle | : | 75.0 |
| Trailer Track | : 8.50 | CL Turning Radius Design | : | 60.0 |
| | | Min. CL Turning Radius | : | 41.0 |

DESIGN VEHICLE

| LEGEND | |
|--------|-----------------------|
| | TIRE PATH |
| | CENTERLINE OF VEHICLE |
| | VEHICLE BODY |
| | TRAVEL WAY |
| | PARKING STALL |



CIVIL DESIGN CONSULTANTS, INC.

2200 Range Avenue, Suite 204
Santa Rosa, CA 95403
(707) 542-4820

TENTATIVE MAP - PARCEL 5 ACCESS EXHIBIT

RESIDENCES AT FIVE CREEK

NOVEMBER 2016 LOT 1 OF STADIUM LANDS RICHERT PARK, CALIFORNIA APN: 143-040-124

JOB NO.
15-128

SHEET NO.

C6

OF 13 SHEETS