

**RESOLUTION NO. 2017-010**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK,  
CALIFORNIA, APPROVING 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 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 reviewed and considered the information contained in the proposed SAMP Amendment, Final Development Plan and Conditional Use Permit; and

**WHEREAS**, the Planning Commission voted 4-0 to recommend approval of the proposed SAMP Amendment, Final Development Plan, and Conditional Use Permit; and

**WHEREAS**, on January 10, 2017, the City Council held a public hearing at which time interested persons had an opportunity testify either in support or opposition to the proposed SAMP Amendment, Final Development Plan, and Conditional Use Permit; and

**WHEREAS**, the City Council has reviewed and considered the information contained in the proposed SAMP Amendment, Final Development Plan, and Conditional Use Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rohnert Park makes the following findings, determinations and recommendations with respect to the proposed SAMP Amendment, Final Development Plan, and Conditional Use Permit:

**Section 1.** The above recitations are true and correct.

**Section 2.** The City Council approved the Mitigated Negative Declaration for this Project concurrently with the City Council's approval of this Resolution.

**Section 3.** Findings Regarding Proposed SAMP Amendment. City Council 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 January 10, 2017.

**Section 4.** Findings Regarding the Final Development Plan. The City Council 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 Regarding the Conditional Use Permit. The City Council 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.*

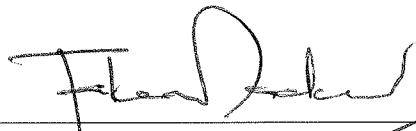
**Criteria Satisfied.** Conditions are attached to the Conditional Use Permit to assure that it complies with each applicable provision of Title 17 (Zoning).

**Section 6.** The City Council adopts the Findings hereinabove; adopts and approves Application No. PLDV2016-0001, amending the Stadium Area Master Plan **Exhibit 1**, adopts the Final Development Plan **Exhibit 2**, approves the Conditional Use Permit, and adopts the attached Conditions of Approval pertaining to the Final Development Plan and Conditional Use Permit **Exhibit 3**.

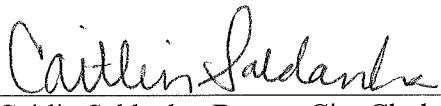
**Section 7.** This resolution is effective upon the effective date of the Ordinance approving the Development Agreement for the Residences at Five Creek project.

**DULY AND REGULARLY ADOPTED** on this 10th day of January, 2017.

**CITY OF ROHNERT PARK**

  
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Jake Mackenzie, Mayor

**ATTEST:**

  
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Caitlin Saldanha, Deputy City Clerk

Attachments: Exhibit 1, Exhibit 2 and Exhibit 3

AHANOTU: Aye BELFORTE: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )

**Due to the large file sizes,  
Exhibit(s) to this Resolution  
are available upon request  
at the City Clerk's Office.**

**Please call 707-588-2227 or  
email [cityclerk@rpcity.org](mailto:cityclerk@rpcity.org)  
if you would like to obtain  
these attachments.**

**Thank you**