

RESOLUTION NO. 2017-011

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ROHNERT PARK, CALIFORNIA, APPROVING 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 Project; and

WHEREAS, the Planning Commission reviewed and considered the information contained in Planning Application No. PLDV2016-0001 for the proposed Tentative Map for the Project; and

WHEREAS, the Planning Commission voted 4-0, to recommend approval of the proposed Tentative Map and the Conditions of Approval; 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 Tentative Map; and

WHEREAS, the City Council has reviewed and considered the information contained in the proposed Tentative Map application for the Project.

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 Tentative Map for the property:

Section 1. The above recitations are true and correct.

Section 2. The City Council approved the Mitigated Negative Declaration for this Project on January 10, 2017, concurrently with the City Council's approval of this Resolution.

Section 3. Findings Regarding Tentative Map. The City Council makes the following findings concerning the Tentative Map Application No. PLSD2016-0001 pursuant to Government Code § 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.*

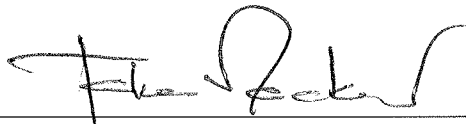
Criteria Satisfied. The submitted map indicates two construction phases with the sequencing clearly indicated upon the map.

Section 4. The City Council adopts the Findings hereinabove; and adopts and approves 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), attached as Exhibit 1, and the Conditions of Approval, attached as Exhibit 2.

Section 5. 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



Jake Mackenzie, Mayor

ATTEST:



Caitlin Saldanha, Deputy City Clerk

Attachments: Exhibit 1 and Exhibit 2

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
if you would like to obtain
these attachments.**

Thank you