

ORDINANCE NO. 761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ROHNERT PARK, UNIVERSITY DISTRICT LLC, AND VAST OAK PROPERTIES L.P. FOR DEVELOPMENT OF THE PROPERTY LOCATED ON EACH SIDE OF HINEBAUGH CREEK, EAST OF THE CURRENT CITY LIMITS, SOUTH OF KEISER AVENUE, WEST OF PETALUMA HILL ROAD, AND NORTH OF COPELAND CREEK (APN 045-262-001 THROUGH -004, 047-131-019, AND 047-131-024 THROUGH -027)

WHEREAS, Government Code Sections 65864 and following authorize 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;

WHEREAS, University District, LLC, and Vast Oak Properties L.P. (collectively, "Developer") submitted applications to the City of Rohnert Park for a General Plan Amendment, Specific Plan, rezoning, tentative maps, development area plans, and annexation of certain properties consisting of approximately 258.75 acres, located on each side of Hinebaugh Creek, east of the current city limits, south of Keiser Avenue, west of Petaluma Hill Road, and north of Copeland Creek (the "Property");

WHEREAS, the proposed applications would allow development of the Property, which includes approximately 26 estate residential units, 320 low-density residential units, 537 medium-density residential units, 612 high-density residential units, 150 mixed use units, and 175,000 square feet of commercial space (the "Project");

WHEREAS, in connection with the Project, Developer and City staff have negotiated a proposed development agreement ("Development Agreement") in accordance with the requirements of Government Code Sections 65864 and following and Chapter 17.21, "Development Agreement Procedure," of the Rohnert Park Municipal Code, for the parcels described in Exhibits B-1 and B-2 of the Development Agreement (APN 045-262-001 through -004, 047-131-019, and 047-131-024 through -025)(the "Development Agreement Parcels");

WHEREAS, the Development Agreement, among other things, sets forth the effective date and term of the agreement; permitted uses of the Development Agreement Parcels; densities of uses; 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;

WHEREAS, in Resolution No. 2006-15, the Planning Commission recommended that the City Council approve the Development Agreement;

WHEREAS, in Resolution No. 2006-141, the City Council certified an Environmental Impact Report for the Project, including the Development Agreement;

WHEREAS, the City Council has voted to approve the General Plan Amendment, Specific Plan and Design Guidelines, and pre-zoning;

WHEREAS, the proposed Development Agreement is consistent with the General Plan Amendment, Specific Plan and Design Guidelines, and pre-zoning;

WHEREAS, a public hearing on the proposed Development Agreement was noticed as required by law; and

WHEREAS, the City Council held the public hearing on the Development Agreement on May 23, 2006 and on said date, the Public Hearing was opened, held and closed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, AS FOLLOWS:

Section 1. This Ordinance incorporates, and by this reference makes a part hereof, that certain Development Agreement, substantially in the form on file with the City Clerk, by and between the City of Rohnert Park, and Developer, relative to the Project.

Section 2. This Ordinance is adopted under the authority of the Government Code Section 65864, et seq. and pursuant to the provisions of the Chapter 17.21 of the Rohnert Park Municipal Code establishing procedures and requirements for consideration of development agreements pursuant to Government Code Section 65864, et seq.

Section 3. The City Council finds and determines that:

A. Duly noticed public hearings regarding the Development Agreement were held by the Planning Commission on April 13, 2006 and April 27, 2006, with the Planning Commission discussion continued to May 11, 2006.

B. A duly noticed public hearing regarding the Development Agreement was held by the City Council on May 23, 2006.

C. The proposed Development Agreement is consistent with both the City's General Plan and the University District Specific Plan and would direct the Project's development in an orderly manner that benefits the City.

D. The City Council has certified the Final Environmental Impact Report for the Project and has otherwise carried out all of the requirements of the California Environmental Quality Act at Pub. Res. Code Section 21080 and following.

Section 4. Based on the findings set forth in this Ordinance and the evidence in the staff report, the City Council hereby approves the Development Agreement, substantially in the form on file with the City Clerk, subject to minor and clarifying revisions approved by the City Attorney.

Section 5. The City Manager is hereby authorized and directed to execute the Development Agreement on behalf of the City of Rohnert Park.

Section 6. The City Manager or his or her designee is hereby authorized and directed to perform all acts required to be performed by the City in the administration and implementation of the Development Agreement, including, without limitation, reviewing the Development Agreement on annual basis, approving assignments and executing other agreements or documents necessary to carry out the purposes of the Development Agreement.

Section 7. This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk shall cause this Ordinance to be posted or published pursuant to the requirements of Government Code Section 36933.

Section 8. Within ten (10) days after the date upon which the City Manager executes the Development Agreement on behalf of the City, the City Clerk shall record the Development Agreement and this Ordinance with the County Recorder of the County of Sonoma.

Section 9. If any part of this Ordinance, or the Development Agreement which it approves, is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Agreement, and the City Council hereby declares that it would have passed the remainder of the Ordinance, or approved the remainder of the Redevelopment Agreement, if such invalid portion thereof had been deleted.

This ordinance was introduced on the 23rd day of May, 2006 and ***DULY AND REGULARLY ADOPTED*** this 25th day of July, 2006 **by the following vote:**

AYES: Five (5) Council Members Breeze, Flores, Mackenzie,
Vidak-Martinez and Mayor Smith

NOES: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

CITY OF ROHNERT PARK

/s/Mayor Tim Smith

ATTEST:

/s/City Clerk Judy Hauff

APPROVED AS TO FORM:

/s/Asst. City Attorney Gabrielle P. Whelan

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I hereby certify that the foregoing Ordinance No. 761 was introduced on May 23rd, 2006, and adopted at a regular meeting of the Rohnert Park City Council on July 25, 2006, by the following vote:

AYES: Five (5) COUNCIL MEMBERS: Breeze, Flores, Mackenzie, Vidak-Martinez and Mayor Smith

NOES: None (0)

ABSENT: None (0)

ABSTAIN: None (0)

/s/City Clerk Judy Hauff