

**ORDINANCE NO. 799**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF ROHNERT PARK,  
CALIFORNIA AMENDING THE OFFICIAL ZONING MAP AND ADOPTING A  
FINAL DEVELOPMENT PLAN (STADIUM AREA MASTER PLAN) FOR  
PROPERTY LOCATED AT 5900 LABATH AVENUE; APN's 143-040-116 AND -  
117(part) FILE NO. PL2004-063RZ and PL2004-063PD  
(Redwood Equities, LLC)**

**WHEREAS**, the applicant, Redwood Equities, submitted an application for the Rezoning of a 29.8 acre site located generally on the north side of Hinebaugh Creek, east of Labath Avenue, west of Costco, and south of Business Park Drive APN's 143-040-116 and -117 (part);

**WHEREAS**, pursuant to California State Law and the Rohnert Park Municipal Code, public hearing notices were mailed to all property owners within an area exceeding a 300 foot radius of the subject property, public hearing notice signs were posted on the property, and a public hearing was published for a minimum of 10 days prior to the first public hearing in the Press Democrat;

**WHEREAS**, on June 10, 2008, the Council of the City of Rohnert Park held a public hearing at which time interested persons had an opportunity to provide public testimony either in support of or opposition to the proposal;

**WHEREAS**, the Council of the City of Rohnert Park reviewed and certified the Final Environmental Impact Report prepared for the project; and has otherwise carried out all requirements of the California Environmental Quality Act.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ROHNERT PARK DOES RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** That the above recitations are true and correct.

**Section 2.** Findings. The Council of the City of Rohnert Park in approving the application for rezoning PL2004-063RZ (Rezoning) and PL2004-063PD (Final Development Plan), makes the following findings in accordance with Rohnert Park Municipal Code Section 17.25.073:

Rezoning PL2004-063RZ

1. *That the proposed Rezoning is consistent with the General Plan.*

**Criteria Satisfied.** That the General Plan designations over the site as amended for the purpose of creating new housing with a park and regional commercial development will provide consistency as required by law.

2. *That the proposed Rezoning will be beneficial to and not detrimental to the public health, safety, or welfare.*

**Criteria Satisfied.** The Rezoning as depicted will allow the Stadium Area Master Plan to be implemented to meet the goals of the General Plan concerning this property. The ultimate development of the site will benefit the City by providing additional residential and commercial development in a pedestrian-friendly setting.

3. *That with the proposed Rezoning, adequate and available sites remain to mitigate the loss of any residential density on the subject property to accommodate the City's "Fair Share" regional housing needs used by the State Department of Housing and Development in determining compliance with Housing Element Law pursuant to Government Code Section 65863(b).*

**Criteria Satisfied.** The Rezoning will provide for future residential development on the site and will assist the City in meeting the Quantified Objectives listed in the City's Housing Element of the General Plan.

4. *That a duly noticed public hearing has been held to receive and consider public testimony regarding the proposed Rezoning.*

**Criteria Satisfied.** The Public Hearing was properly noticed in the local newspaper, by mail and two signs were physically erected on the site.

**Final Development Plan PL2004-063PD**

1. *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.** Future development will be guided by the Stadium Area Master Plan dated February 6, 2008. Each component of future development will be designed as independent units. Land uses will be consistent with the Stadium Area Master Plan and will not be detrimental to present and/or potential surrounding 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.** The Stadium Area Master Plan, dated February 6, 2008, identifies the design of each street and thoroughfare to meet the City of Rohnert Park's street design standards. Infrastructure phasing will be addressed upon request for entitlement for the first project.

3. *Any commercial component complements other uses in the development;*

**Criteria Satisfied.** The Stadium Area Master Plan, dated February 6, 2008, indicates that commercial development will be located on the southern portion of the site, approximately 15 acres in size. Commercial development in this area is a continuation of existing Regional Commercial development (e.g., Costco and Ashley Furniture).

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.** The Stadium Area Master Plan, dated February 6, 2008, indicates that high density residential development will be located on the northern portion of the site, approximately 13 acres in size. While no design has been submitted for review, future proposals will meet the City's density requirements and design standards.

5. *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 Stadium Area Master Plan, dated February 6, 2008, would potentially permit deviates in the parking standards. However, future developments will be required to perform detailed parking analyses to warrant any reduction.

6. *The P-D zoning district is consistent with the General Plan of the City of Rohnert Park.*

**Criteria Satisfied.** The Stadium Area Master Plan, dated February 6, 2008, is consistent with the General Plan designations that are proposed for the area and would generate additional new housing with park/open space and a regional commercial.

**Section 3. Environmental Clearance.** The Council of the City of Rohnert Park has reviewed and certified the Final EIR and has directed staff to file a Notice of Determination with the County Clerk.

**Section 4: Severability.** The City Council hereby declares that every section, paragraph, sentence. Clause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this article is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

**Section 5: Effective Date.** This ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

**NOW, THEREFORE BE IT RESOLVED,** that the Council of the City of Rohnert Park does hereby approve Application Nos. PL2004-063RZ and PL2004-063PD which Rezones 29.8 acres of property located at 5900 Labath Avenue and further described as APN's 143-040-116 and -117(part), to the "P-D" Zoning District and adopts the Stadium Area Master Plan as the Final Development Plan.

This ordinance was introduced by the Council of the City of Rohnert Park on the 10th day of June, 2008, and DULY AND REGULARLY ADOPTED this 24<sup>th</sup> day of June, 2008 by the following vote:

- AYES: Three (3) Council Members Stafford, Vidak-Martinez and Mayor Mackenzie
- NOES: One (1) Council Member Smith
- ABSENT: One (1) Council Member Breeze
- ABSTAIN: None (0)

CITY OF ROHNERT PARK

/s/ Jake Mackenzie  
Mayor

ATTEST:

/s/ Judy Hauff 6/25/08  
City Clerk

APPROVED AS TO FORM:

/s/ Michelle Marchetta Kenyon  
City Attorney