

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A REZONING REQUEST TO ALLOW A MODIFICATION TO THE COURTSIDE VILLAGE POLICY STATEMENT TO ALLOW A DENSITY TRANSFER FOR THE DEVELOPMENT OF THE PARK LANE II APARTMENTS, LOCATED AT 1001 DOUBLES DRIVE, ASSESSOR'S PARCEL NO. 035-690-103, FILE NO. MJP14-010

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the revised language of the Courtside Village Policy Statement, which will allow a density transfer within the Courtside Village Development Plan area, effectively increasing the allowable density from 18 to 24 units per acre on Assessor's Parcel No. 035-690-103 for the development of Park Lane II Apartments is appropriate.

The Council further finds and determines that:

- A. The proposed Rezoning to modify the Courtside Village Policy Statement is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan, in that the General Plan allows for increased densities when compatible with existing neighborhoods (Reference General Plan Policy H-A-2), and the development of the Park Lane II Apartments, a 24-unit apartment building, will help meet the housing needs of Santa Rosa residents; and
- B. The proposed Rezoning to modify the Courtside Village Policy Statement would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that in that the proposed project is located within in area zoned for residential uses and the applicant has worked with staff and neighbors to revise the plans to minimize impacts to surrounding residents and future occupants; and
- C. The proposed Rezoning to modify the Courtside Village Policy Statement has been reviewed in compliance with the California Environmental Quality Act (CEQA) in that an Initial Study was conducted, which resulted in a Mitigated Negative Declaration, dated March 17, 2017. The Mitigated Negative Declaration was then circulated for a period of 30 days, commencing April 21, 2017, and was adopted by the Planning Commission on June 22, 2016 by its Resolution No. 11833; and
- D. The proposed Rezoning to modify the Courtside Village Policy Statement is internally consistent with other applicable provisions of this Zoning Code in that the Policy Statement, which was adopted by the City Council, Ordinance No. 3181, dated March 28, 1995, allowed density transfers between the land use categories within the Courtside Village Development Plan area, and states "densities on individual parcels shall not be restricted as long as the maximum number of units for the Courtside Village PC District is not exceeded." A density analysis was prepared by BKF Engineers, dated September 2015, which considered both developed sites and approved projects that have not been developed within the Courtside Village Development Plan area. The density analysis concluded that there is adequate density available within the Courtside Village Development Plan area to allow the development of the Park Lane II Apartments project; and

E. The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments.

Section 2. All conditions required by law have been satisfied and all findings with relation thereto have been made. The Courtside Village Policy Statement is amended to allow an increased density on Assessor's Parcel No. 035-690-103 to 24 units per acre for the development of Park Lane II Apartments, City File No. MJP14-010.

Section 3. In addition to any other conditions that are deemed appropriate or necessary at the time a Conditional Use Permit or other development permit is applied for, any development approval for this property shall be expressly conditioned to require the applicant to fulfill the following condition:

Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time that the building permit(s) for this development, or any part thereof, are issued.

Section 4. Environmental Determination. The Council has read, reviewed and considered the Mitigated Negative Declaration, has determined that the Mitigated Negative Declaration adequately describes and analyzes the rezonings set forth herein, and finds that the adoption and implementation of this ordinance will not have a significant impact on the environment as shown by said Mitigated Negative Declaration.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on August 15, 2017.

IN COUNCIL DULY PASSED AND ADOPTED this _____ day of August, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney