

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, APPROVING THE DEVELOPMENT AGREEMENT FOR THE HYATT HOTEL PROJECT LOCATED AT 3750 NORTH LAUGHLIN ROAD, SANTA ROSA, CALIFORNIA, APN 059-370-033.

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. **Purpose and Findings.** This ordinance is adopted to approve the Hyatt Hotel Project development agreement pursuant to Government Code sections 65864 through 65869.5 and Article 100 of Chapter 26 of the Sonoma County Code, beginning with section 26-100-010. The Board finds and declares the following:

1. Project Description. The applicant, Landmark Hotels, Inc., on behalf of property owner Royal Oak Development Co., filed an application with the Sonoma County Permit and Resource Management Department for a project to construct a 165-room, six story hotel with a 176-seat rooftop restaurant at 3750 North Laughlin Road, Santa Rosa, California on a 3.52-acre vacant parcel (APN 059-370-033) located west of US Route 101 and east of the Charles M Schulz Airport and application for a development agreement (“Hyatt Hotel Project”).
2. Project Review History.
 - A. The Federal Aviation Administration (FAA) conducted an aeronautical study under the provisions of 49 U.S.C. Section 44718 and Title 14 of the Code of Federal Regulations, part 77, and on August 7, 2020 the FAA issued a determination that the Hyatt Hotel Project would present no hazard to air navigation.
 - B. On June 14, 2021, the Design Review Committee held a duly noticed public hearing regarding the Amendment to the Airport Industrial Area Specific Plan and Use Permit for the Hyatt Hotel Project and approved the preliminary design.
 - C. On June 18, 2021, the Airport Land Use Commission held a duly noticed public hearing and reviewed the proposed Specific Plan Amendment, Use Permit and Design Review for the Hyatt Hotel Project and made a determination that the proposed amendment to the Airport Industrial Specific Plan is consistent with the Comprehensive Airport Land Use Plan and consistent with the General Plan. The proposed amendments would allow flexibility in design standards.

- D. On March 10, 2022, the Planning Commission held a duly noticed public hearing to consider the Revised Mitigated Negative Declaration, the Specific Plan Amendment specific to the project site, the Development Agreement, and the Design Review and Use Permit with Conditions and recommended the Board of Supervisors approve the Hyatt Hotel Project.
3. CEQA Findings. The Hyatt Hotel Project, including the Specific Plan Amendment, Development Agreement, Design Review and Use Permit with Conditions, has undergone environmental review pursuant to a Revised Mitigated Negative Declaration dated February 7, 2022, SCH #2022020175. The Planning Commission recommended the MND, a Mitigation Monitoring and Reporting Program and CEQA findings, and conditions on the project requiring compliance with the MMRP, all as reflected in the Resolution passed by the Sonoma County Planning Commission on March 10, 2022. The Board of Supervisors adopts and approves the Revised Mitigated Negative Declaration. The Board of Supervisors hereby adopts the Revised Mitigated Negative Declaration and the Mitigation Monitoring Program set forth in the Conditions of Approval. The Board certifies that the Revised Mitigated Negative Declaration has been completed, reviewed and considered, together with comments received during the public review process, in compliance with CEQA and State and County CEQA Guidelines, and finds that the revised Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors. This Board adopts the findings and conclusions of the MND for the reasons stated therein, and concludes that, in light of the whole record, there is no substantial evidence of a fair argument that the Hyatt Hotel project will have a significant effect on the environment. The Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 575 Administration Drive, Room 100-A, Santa Rosa, CA 95043.
4. General Plan Consistency and Airport Industrial Specific Plan Amendment. The Development Agreement will provide public benefits consisting of dedication of right of way and maintenance of public improvements, and funding for a fire engine. The proposed development project, including the right of way improvements and maintenance, is consistent with the General Plan for the reasons discussed in the revised MND and in the Resolution approved by the Sonoma County Board of Supervisors on May 3, 2022. The contribution towards a fire engine will promote fire protection and public safety. Accordingly, the Development Agreement is consistent with the goals, policies and programs of the General Plan. The amendment to add a parcel specific policy to the Airport Industrial Specific Plan is in the public's interest because it would introduce the flexibility necessary to

adapt to current markets and allow design to evolve to reflect contemporary practices, while ensuring air travel and air safety are not negatively impacted. The unique attributes of the parcel at 3750 N. Laughlin, including its size, the fact that it remains undeveloped, its location proximate to the airport, its direct access to the airport, and the fact that that site is already or can easily be served by utilities and other infrastructure, makes it appropriate to establish the parcel-specific policies enacted by this Specific Plan amendment.

5. Zoning Consistency. The Hyatt Hotel Project is consistent with the Sonoma County zoning ordinance, based on the reasoning and analysis set forth in the staff report to the Planning Commission. The processing and content of the Development Agreement comply with all applicable requirements of Article 100 of Chapter 26 (Zoning) of the Sonoma County Code, including the processing and content requirements applicable to development agreements.
6. Development Agreement Findings. The Board makes the following findings pursuant to Sonoma County Code section 26-100-080:
 - (a) The provisions of the Development Agreement are consistent with the objectives, policies, and program specified in the General Plan, and the Airport Industrial Specific Plan as amended by the Hyatt Hotel Project.
 - (b) The Development Agreement does not include a proposed subdivision as defined by Government Code Section 66473.7.
 - (c) The Development Agreement is in the public interest in that (i) it will strengthen the planning process, promote private participation in comprehensive planning and reduce the economic risk of development, all as envisioned and promoted by Government Code sections 65864 and following and (ii) it will ensure provision of the public benefits described in the Development Agreement.
 - (d) The Development Agreement provides public improvements and benefits consisting of funding towards a fire truck, funding for future improvements to the Airport Boulevard and North Laughlin Road intersection and Sonoma County Airport entranceway, and dedication of public right of way and maintenance of public improvements, that would not otherwise be obtained through other applicable development approval processes.
 - (e) The Development Agreement is consistent with the provisions of Article 100 of Chapter 26 the Sonoma County Code and Government Code sections 65864 through 65869.5 governing development agreements.
 - (f) The Development Agreement has been approved as to form by County Counsel and executed by the applicant and by all persons having a legal or equitable interest in the property that is the subject of the development agreement. Execution by owners of easements is not necessary.

Section II. **Approval of Development Agreement.** The Board of Supervisors hereby approves the Development Agreement attached hereto as Exhibit “A” and incorporated by reference. The Board of Supervisors authorizes the Director of the Permit & Resource Management Department, or his designee, to make such clerical changes as are needed to make the Development Agreement complete and continue to monitor compliance, authorizes the Chair of the Board to execute the Agreement, and authorizes the Clerk of the Board to record the agreement pursuant to Sonoma County Code section 26-100-100.

Section III. **Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section IV. **Effective Date.** This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. The Development Agreement shall be in effect as specified in that agreement. This Ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and adopted this 3rd day of May, 2022, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Hopkins: Gore:

Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors