

ITEM 5.3: Development Agreement Amendment – 4250 Upland Drive – SVSP PCL JM-21 – Second Amendment to the Mourier & Wealth Properties Development Agreement – File # PL20-0138

REQUEST

The applicant requests approval of the Second Amendment of the Development Agreement by and between the City of Roseville, Mourier Investments, LLC, and John Mourier Construction, Inc. (“Mourier & Wealth Properties”) relative to the Sierra Vista Specific Plan. The purpose of the Development Agreement Amendment (DAA) is to revise development obligations with respect to construction of frontage improvements for Fiddymont Road, groundwater production wells and recycled water facilities, and update the evaluation of water conservation goals.

Applicant – Ryan Biziewski, JMC Homes
Property Owner – Ryan Biziewski, Mourier Investments LLC

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following action:

- A. Recommend the City Council approve the Second Amendment of the Mourier & Wealth Properties Development Agreement.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request.

BACKGROUND

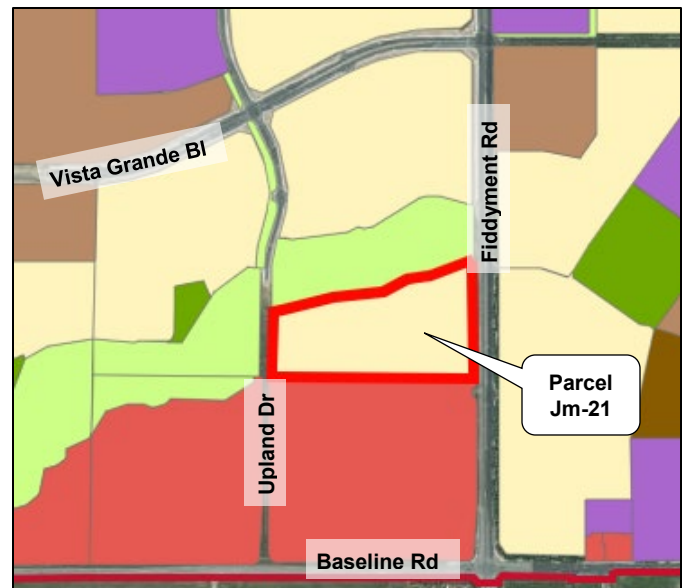
The project area is located within the Sierra Vista Specific Plan (SVSP). The SVSP is the guiding document for development of the plan area and establishes the land use designations and zoning standards for parcels within the SVSP. The SVSP was adopted in 2010 and amended in 2012 to include the Westbrook land use amendments. The proposed project is an amendment to the Mourier & Wealth Properties Development Agreement (DA), which is one of nine DAs governing development in the SVSP plan area. The Mourier & Wealth Properties DA was originally entered into by the City of Roseville, Mourier Investments, LLC, and Wealth Properties, Inc. in May 2010.

The proposed project is the second amendment of the Mourier & Wealth Properties DA. The first amendment to the Mourier & Wealth Properties DA was approved by the City Council on February 19, 2020 as part of the SVSP Parcel JM-1, JM-20, JM-21, FD-6, FD-7, FD-24 – JMC Tentative Map 2 project (File #PL17-0204), which included a General Plan Amendment, Specific Plan Amendment, Tentative Subdivision Map, and Design Review for Residential Subdivision, in addition to the Development Agreement Amendment (DAA). The first DAA, which was entered into by the City of Roseville, Mourier Investments, LLC, and John Mourier Construction, Inc. (JMC Homes), included amendments to reflect the land use changes requested by the project and removed fee deferrals, with the exception of the SPRTA Tier II Traffic Fee and the City-wide Park Fee for the affected parcels. The first amendment allowed the Mourier & Wealth Properties DA to be consistent with other DAA requests in recent years regarding fee deferrals.

The current request is a DAA affecting Parcel JM-21 (Lot 26) of the SVSP. Parcel JM-21 is a Low Density Residential parcel located at 4250 Upland Drive, west of Fiddymment Road (see Figure 1). The Tentative Subdivision Map for Parcel JM-21 was approved with the JMC Tentative Map 2 project (File #PL17-0204), which established 95 lots on this parcel. The City is currently processing a Minor Tentative Subdivision Map Modification and Administrative Permit for a Unit Transfer to reduce the number of units on Parcel JM-21 from 95 to 80 units (File #PL20-0191).

The proposed DAA includes a request to revise development obligations with respect to construction of frontage improvements for Fiddymment Road, revise development obligations with respect to groundwater production wells and recycled water facilities, and update the evaluation of water conservation goals. The proposed revisions relating to the frontage improvements are similar to the language included in the First Amendment of the Development Agreement by and between the City of Roseville and DF Properties, Inc. (File #PL20-0098) relating to the construction of the southern segment of Fiddymment Road, which the Planning Commission recommended the City Council approve on November 12, 2020.

Figure 1: Project Location



EVALUATION

Section 19.84.040 of the City of Roseville Zoning Ordinance specifies that recommendations for approval or denial of a Development Agreement (DA), including Amendments, shall include consideration of the following:

- 1. Consistency with the objectives, policies, general land uses and programs specified in the General Plan and the Sierra Vista Specific Plan;***
- 2. Consistency with the provisions of the City of Roseville Zoning Ordinance;***
- 3. Conformity with the public health, safety and general welfare;***
- 4. The effect on the orderly development of the property or the preservation of property values; and***
- 5. Whether the provisions of the Agreement shall provide sufficient benefit to the City to justify entering into the Agreement.***

Development Agreements are binding contracts that set the terms, rules, conditions, regulations, entitlements, responsibilities, and other provisions relating to the development of the covered properties. The proposed second amendment of the Mourier & Wealth Properties DA is included as Exhibit A. The key items addressed in the proposed DAA include frontage improvements, groundwater wells, water conservation goals, and recycled water facilities. Each item is listed and discussed below. Items that are not addressed in this amendment are subject to the terms of the original DA and the 1st Amendment.

Frontage Improvements: The DAA modifies the requirements and responsibilities for frontage improvements along Fiddymment Road. The revisions prescribe a more specific construction obligation beyond what was previously required by the original DA, and includes timings for the development of each segment. The proposed DAA modifies the phasing for the Fiddymment Road frontage improvements

from two to three phases, and notes that the northern segment (Segment 1) has already been constructed. The revised language notes that construction of the middle segment (adjacent to Parcel JM-85 and Parcel JM-21, identified as Segment 2 in Exhibit H of the DAA) will be triggered with the development of Parcel JM-21. As part of the middle segment, a traffic signal will be required at the intersection of Fiddymment Road and Westlake Drive in accordance with the revised Exhibit K of the DAA. In the event that the developer of JM-21 has not commenced construction of the middle segment by November 2021, the developer of JM-21 will be required to enter into a Deferred Improvement Agreement (DIA) with the City within four years of recordation of the DAA. In addition, five years from the recordation of the DAA, the City may require the developer of JM-21 to construct the middle segment of Fiddymment Road frontage improvements.

Groundwater Wells: Section 3.7.2 of the original DA requires the Landowner to dedicate to the City Parcels JM-60 and FD-63 for two groundwater wells. The City is responsible for the construction of monitoring wells for determining water production and quality and the topside improvements. The Landowner is responsible for drilling and completing the production wells, but not the above ground well improvements such as pumping and treatment facilities. The requested DAA maintains this language but adds that if the City adopts a revised water connection fee which is uniformly applied on a City-wide basis and encompasses the costs of the well construction requirements, the Landowner shall be relieved of the well construction requirements as long as the Landowner pays the applicable water connection fee.

Water Conservation Goals: The proposed DAA includes an amendment to Section 3.7.4, which pertains to the City's periodic evaluation of available water supply and water conservation goals. The original DA requires the review of water demands, the achievement of water conservation goals and sources of water once construction of the dwelling units in the Plan area cumulatively utilize 25% of the projected potable water usage at buildout of the SVSP, and then every three years thereafter during the term of the DA. The DAA will replace this language and clarify the City has the ability to monitor potable water consumption on a near real term basis with the implementation of the City's Advanced Metering Infrastructure ("AMI") system.

Recycled Water Facilities: The DAA will amend Section 3.9 of the original DA regarding development obligations for construction of recycled water facilities. Similar to Section 3.2.2 discussed above, the DAA adds language that if the City adopts a revised water connection fee that is uniformly applied on a City-wide basis and encompasses the estimated cost for construction of the recycled water facilities, the Landowner shall not be responsible for the payment of the pro-rata share of the cost of the recycled water facilities, as long as the Landowner pays the applicable recycled water connection fee or revised water connection fee, or any special benefit fees as may be applicable to fund the recycled water facilities.

In summary, City staff has found the proposed DAA to be consistent with the General Plan, SVSP, and the Zoning Ordinance. The DAA is in conformance with the public health, safety, and welfare, and will not adversely affect the orderly development of the property or the preservation of property values. Therefore, the proposed DAA is consistent with items 1-5 above.

PUBLIC OUTREACH

The proposed project was distributed to all internal and external agencies and departments who have requested such notice, and all comments or recommended conditions of approval have been incorporated into the project, as appropriate. A notice of the public hearing was published in the Sacramento Bee on November 27, 2020 and a notice of the hearing was also distributed to all property owners within 300 feet of the site, and to the Roseville Coalition of Neighborhood Associations. To date, no comments have been received.

ENVIRONMENTAL DETERMINATION

This project is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15061(b)(3) (General Rule) and Section 305 of the City of Roseville CEQA Implementing Procedures. The Planning Manager has determined that this project is substantially consistent with the previously certified Sierra Vista Specific Plan EIR, certified by the City Council on May 5, 2010 (SCH #2008032115), and that the DAA does not result in any physical changes to the environment or changes to environmental impacts previously considered in connection with the approval of the existing DA. As such, no additional environmental documentation is required.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following action:

- A. Recommend the City Council approve the **DEVELOPMENT AGREEMENT AMENDMENT – 4250 UPLAND DRIVE – SVSP PCL JM-21 – SECOND AMENDMENT TO THE MOURIER & WEALTH PROPERTIES DEVELOPMENT AGREEMENT – FILE #PL20-0138.**

EXHIBIT

- A. Second Amendment of the Mourier & Wealth Properties Development Agreement

Note to Applicant and/or Developer: Please contact Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.