

Recording Requested by: City of Roseville
When Recorded
Mail to and Mail Tax
Statements to:

City of Roseville
City Clerk's Department - BH
311 Vernon Street
Roseville, CA 95678

Exempt from recording fees
Pursuant to Govt. Code 27383



PLACER, County Recorder
RYAN RONCO
DOC- 2024-0030724-00

THURSDAY, JUN 13, 2024 10:14 AM
MIC \$0.00 | AUT \$0.00 | SBS \$0.00
ERD \$0.00 | SB2 \$0.00 | * \$0.00
ADD \$0.00

Ttl Pd \$0.00 Rcpt # 03325879
CLKGK8K8V3/JS/1-11

(THIS SPACE RESERVED FOR RECORDER'S USE)

FOURTH AMENDMENT OF DEVELOPMENT AGREEMENT (PARCEL WB-31)

**FOURTH AMENDMENT OF DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ROSEVILLE AND WESTPARK S.V. 400, LLC,
RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN
(Parcel WB-31)**

This Fourth Amendment of Development Agreement is entered into this 1 day of May, 2024, by and between the CITY OF ROSEVILLE, a municipal corporation ("City"), and PINE ISLAND APARTMENTS, LLC, an Indiana limited liability company ("Pine Island" or "Landowner"), as successor in interest to WESTPARK S.V. 400, LLC, a California limited liability company ("Westpark"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code.

RECITALS

A. Westpark and City entered into a Development Agreement (the "Development Agreement") which was approved by the City Council of City on June 20, 2012, and recorded on July 25, 2012, in the Official Records of Placer County as Document No. 2012-0066790-00. City and Westpark entered into the Development Agreement relative to development within a portion of the Sierra Vista Specific Plan ("Specific Plan", "SVSP", or "Plan Area"), as described in Exhibit "A" and shown in Exhibit "B" to the Development Agreement (the "Property"), and attached thereto.

B. On May 4, 2016, City approved the First Amendment to the Development Agreement (the "First Amendment") relative to development within a portion of the SVSP, as more precisely defined in Exhibits "A" and "B" attached to the First Amendment, which was recorded on May 11, 2016, as Document No. 2016-0035988-00, in the Official Records of Placer County.

C. Westpark assigned its interest for a portion of the Property to Pine Island pursuant to that certain Assignment and Assumption Agreement Relative to the Sierra Vista Specific Plan Development Agreement dated as of November 10, 2021, and recorded November 10, 2021, as Document No. 2021-0139629-00, in the Official Records of Placer County.

D. On February 2, 2022, City approved the Second Amendment to the Development Agreement (the "Second Amendment") relative to development within a portion of the Property, as more precisely defined in Exhibits "A" and "B" attached to

the Second Amendment, which was recorded on March 10, 2022, as Document No. 2022-0021197-00, in the Official Records of Placer County.

E. On October 4, 2023, City approved the Third Amendment to the Development Agreement (the "Third Amendment") relative to development within a portion of the Property, as more precisely defined in Exhibits "A" and "B" attached to the Third Amendment, which was recorded on November 17, 2023, as Document No. 2023-0063101-00, in the Official Records of Placer County.

F. This Fourth Amendment to the Development Agreement (the "Fourth Amendment") affects a certain portion of the Property commonly known as SVSP Parcel WB-31 (the "Fourth Amendment Property"), as described in Exhibit "A" and as shown in Exhibit "B" attached to this Fourth Amendment. This Fourth Amendment does not affect or apply in any manner with respect to the remainder of the Property described in the Development Agreement.

G. City previously approved administratively a transfer of the affordable housing obligation for 6 High Density Residential units affordable to low income households, as defined by City, from Parcels WB-30 and WB-32 to Parcel WB-31. Concurrent with its consideration of this Fourth Amendment, City is processing a density bonus for SVSP Parcel FD-34 to allow development of an increase in High Density Residential units developed on SVSP Parcel FD-34 from the allocated 256 units, including a previously approved density bonus of 84 High Density Residential units, to a total of 304 allocated units, including an additional 48 High Density Residential units, with 256 of the 304 allocated units assigned to Parcel FD-34 to be affordable to very-low income households, as defined by City, earning no more than fifty percent (50%) of area median income, and 46 of the 304 allocated units assigned to Parcel FD-34 to be affordable to low income households, as defined by City, earning no more than sixty percent (60%) of area median income, and 2 market rate units as manager's units. The affordable housing obligation for 6 of those 302 affordable units is being transferred by this Fourth Amendment to Parcel FD-34 from Parcel WB-31 as part of the resulting 46 units affordable to low income households on Parcel FD-34, leaving 293 market rate High Density Residential units on Parcel WB-31. City and Landowner enter into this Fourth Amendment in order to memorialize the transfer of the affordable housing obligation from Parcel WB-31 to Parcel FD-34.

H. The Fourth Amendment is authorized by Section 1.4 of the Development Agreement.

NOW, THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. AMENDMENT OF DEVELOPMENT AGREEMENT. The following section of the Development Agreement is hereby amended as follows:

b. REVISED SECTION 2.6.2. Section 2.6.2 of the Development Agreement is revised in its entirety to read as follows:

"2.6.2. Multi Family Affordable Rental Units. Landowner agrees that five hundred and forty-one (541) affordable rental units for low income households shall be reserved within the Property, as follows:

Parcel	Total Units in Parcel incl. density bonus	Low Income Rental Units	Very Low Income Units
WB-30	355	351	0
WB-32	192	190	0
TOTAL	547	541	0

2. EXHIBITS. The exhibits attached to this Fourth Amendment are for this Fourth Amendment only, as follows:

Exhibit A - Legal Description of Fourth Amendment Property
Exhibit B -- Plat of Fourth Amendment Property

3. CONSISTENCY WITH GENERAL PLAN. The City Council has found and determined that this Fourth Amendment of the Development Agreement is consistent with the General Plan and the Sierra Vista Specific Plan.

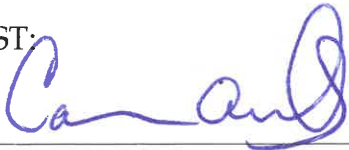
4. AMENDMENT. This Fourth Amendment amends, but does not replace or supersede, the Development Agreement, except as specified herein. As amended hereby, the Development Agreement remains in full force and effect.

5. FORM OF AGREEMENT. This Fourth Amendment is executed in two duplicate originals, each of which is deemed to be an original.


IN WITNESS WHEREOF, the City of Roseville, a municipal corporation, has authorized the execution of the Fourth Amendment in duplicate by its City Manager as attested to by its City Clerk under the authority of Ordinance No. 6812, adopted by the Council of the City of Roseville on the 1 day of May, 2024.

CITY OF ROSEVILLE,
a municipal corporation

By: 
Dominick Casey
City Manager

ATTEST:
By: 
Carmen Avalos
City Clerk

APPROVED AS TO FORM:


By: 
Michelle Sheidenberger
City Attorney

APPROVED AS TO SUBSTANCE:

By: 
Mike Isom
Development Services Director

LANDOWNER:

PINE ISLAND APARTMENTS, LLC
an Indiana limited liability company

By: 
Scott I. Canel
Manager

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of Illinois

County of Lake

On March 16, 2024, before me, Lori Ogarek, Notary Public
(insert name and title of the officer)

personally appeared Scott I. Canel,
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Illinois that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Lori Ogarek
Notary Public Signature



(Seal)

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Placer }
On June 5, 2024 before me, Blair Hutchison, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Dominick Casey
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Blair Hutchison
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

EXHIBIT "A"
LEGAL DESCRIPTION
WB-31
PAGE 1 OF 1

All that certain real property situate in the City of Roseville, County of Placer, State of California, more particularly described as follows:

Lot 3, as said lot is shown and so designated on that certain Final Map entitled, "Final Map of Westbrook – Phases 2 & 3 Large Lot Subdivision" filed in Book DD of Maps, Page 79, Placer County Records.

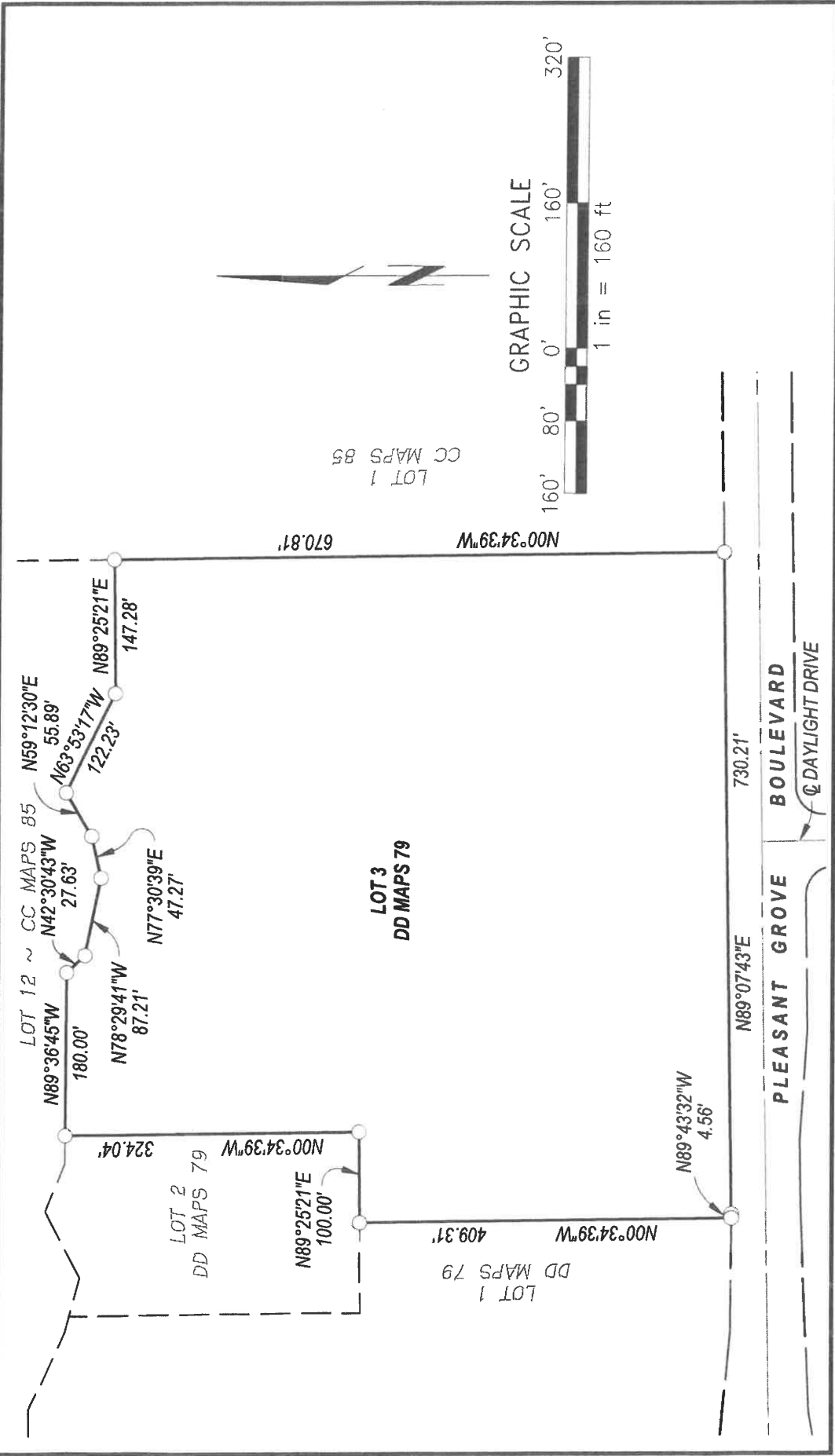


EXHIBIT "B"
WB-31 SITE
LOT 3
DD MAPS 79
 CITY OF ROSEVILLE, COUNTY OF PLACER, STATE OF CALIFORNIA

mp
MORTON & PITALO, INC.
 CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
 LANDSCAPE ARCHITECTURE • TRAFFIC ENGINEERING
 75 Iron Point Circle, Suite 120 • Folsom, CA 95630
 phone: 916.984.7621 • fax: 916.984.9617 • survey fax: 916.563.6770
 survey email: staking@mpenr.com • web: www.mpenr.com

DRAWN:	MJC	JOB NO:	210101
CHECKED:	MJC	DATE:	FEBRUARY 2024
SCALE:	1"=160'	SHEET:	1 of 1

ORDINANCE NO. 6812

ADOPTING A FOURTH AMENDMENT OF THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ROSEVILLE AND WESTPARK S.V. 400, LLC, RELATIVE TO THE SIERRA VISTA SPECIFIC PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF THE CITY OF ROSEVILLE

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. In accordance with Chapter 19.84 of Title 19 of the Roseville Municipal Code (the Zoning Ordinance) of the City of Roseville, the City Council has received the recommendation of the Planning Commission that the City of Roseville enter into a Fourth Amendment of the Development Agreement by and between the City of Roseville, and Pine Island Apartments, LLC, as successor in interest to Westpark S.V. 400, LLC, pertaining to property located within the Sierra Vista Specific Plan area.

SECTION 2. The Fourth Amendment to Development Agreement is exempt from environmental review pursuant to California Environmental Quality Act (CEQA) 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 (SCH #2008032115), certified by the City Council on May 5, 2010. The Development Agreement Amendment 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 Development Agreement. No additional environmental documentation is required.

SECTION 3. The Council of the City of Roseville has reviewed the findings of the Planning Commission recommending approval of the Fourth Amendment to Development Agreement, and makes the following findings:

1. The Fourth Amendment to the Development Agreement is consistent with the objectives, policies, programs and land use designations of the City of Roseville General Plan and the Sierra Vista Specific Plan;
2. The Fourth Amendment to the Development Agreement is consistent with the City of Roseville Zoning Ordinance;
3. The Fourth Amendment to the Development Agreement is in conformance with the public health, safety and welfare;
4. The Fourth Amendment to the Development Agreement will not adversely affect the orderly development of the property or the preservation of property values; and
5. The provisions of the Fourth Amendment to the Development Agreement will provide sufficient benefit to the City to justify entering into said Amendment.

SECTION 4. The Fourth Amendment to Development Agreement by and between the City of Roseville, Pine Island Apartments, LLC, as successor in interest to Westpark S.V. 400, LLC, a

copy of which is on file in the City Clerk's Department and incorporated herein by reference, is hereby approved and the City Manager is authorized to execute it on behalf of the City of Roseville.

SECTION 5. The City Clerk is directed to record the executed Development Agreement Amendment within ten (10) days of the execution of the agreement by the City Manager with the County Recorder's Office of the County of Placer.

SECTION 6. This ordinance shall be effective at the expiration of thirty (30) days from the date of its adoption.

SECTION 7. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville, this 1st day of May 2024, by the following vote on roll call:

AYES COUNCILMEMBERS: Houdesheldt, Bernasconi, Alvord, Roccucci, Mendonsa

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



MAYOR

ATTEST:



City Clerk

The foregoing instrument is a correct copy of the original on file in the City Clerks Department
Attest: _____

City Clerk of the City of Roseville, California



Deputy Clerk