

**AMENDMENT TO DEVELOPMENT AGREEMENT
BY AND BETWEEN THE CITY OF ROSEVILLE AND THE
OWNERS OF OLYMPUS POINTE PARCEL 6 RELATIVE TO
THE NORTHEAST ROSEVILLE SPECIFIC PLAN**

This Amendment to Development Agreement is entered into this 19th day of June, 1995 by and between the City of Roseville, a municipal corporation ("City") and the current owner(s) of original Olympus Pointe Parcel 6. The current owners of Parcel 6 are listed on the signature page of this Amendment ("Landowners"). Parcel 6 is specifically described on Exhibit A attached hereto.

RECITALS

- A. The City and Landowners' predecessors in interest entered into a Development Agreement relative to the Northeast Roseville Specific Plan ("Specific Plan") recorded July 6, 1987 in Book 3221, Page 151 of Placer County Official Records ("Development Agreement");
- B. One of the current landowners of Northeast Roseville Specific Plan Parcel 6, Olympus Pointe Centre Associates, has requested an amendment to the Specific Plan and the Development Agreement to allow a greater diversity of uses on Parcel 6. The Specific Plan designates Parcel 6, and several other parcels in the Specific Plan, for "Business Park and Professional Offices";
- C. On November 10, 1994, the Planning Commission held a public hearing in compliance with California Government Code Section 65867 and recommended approval of an amendment of the permissible uses in all parcels designated Business Park and Professional Office designation of the Specific Plan and a corresponding amendment to the Development Agreement; and

D. On May 17, 1995, the City Council held a public hearing in compliance with Government Code Section 65867 and approved execution of this Amendment.

AGREEMENT

The parties agree as follows:

1. Section 1 (G)(2) of the Agreement is amended to read as follows:

(2) Business Park and Professional Offices. The purpose of this land use category is to provide for well designed and controlled groupings of office, service and assembly uses within an area containing high visual and operational amenities. Toward these ends rigid development standards are established with respect to setbacks, landscaping, building aesthetics and controls and other design characteristics.

The following listed uses will serve to describe the uses permitted in this area:

- a. Administrative, professional, and business offices
- b. Research and development uses
- c. Computer or related equipment design and assembly and software design and computer timeshare bureaus
- d. Professional uses, including medical offices
- e. Financial institutions
- f. Limited service commercial/retail uses incidental to permitted uses a-e above. All service commercial/retail uses combined shall not exceed 10% of the gross floor area for a building or complex. The list of service commercial/retail uses includes cafeterias/restaurants,

bakeries, day care, travel agencies, hair care, shoe repair, florists, dry cleaning and similar uses, which in the opinion of the Planning Director, are functionally compatible uses. "Incidental" shall be understood to mean "within, or as part of, the same building as uses a-e above."

- g. Dining establishments. Dining establishments may operate separate from other uses and shall not include facilities with drive-thru, take-out, and/or delivery service. Fast food establishments are not permitted. Dining establishments shall be included as part of the 10% allowance for commercial/retail uses in a complex.
- h. Similar and like uses, as approved by the Roseville Planning Commission.

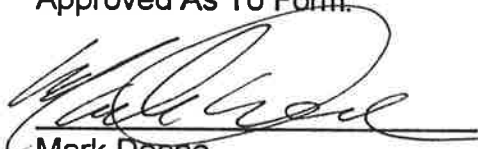
- 2. All other provisions of the Agreement shall remain in full force and effect.
- 3. This Agreement may be executed in counterparts.

CITY:

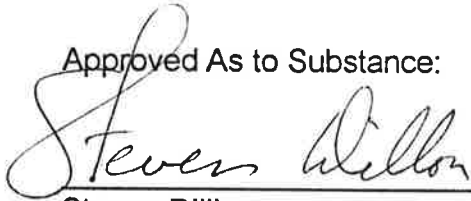
CITY OF ROSEVILLE, a municipal corporation

BY: 
Allen E. Johnson
City Manager


Approved As To Form:


Mark Doane
City Attorney

Approved As to Substance:



Steven Dillion

Attest:


Carolyn Parkinson
City Clerk

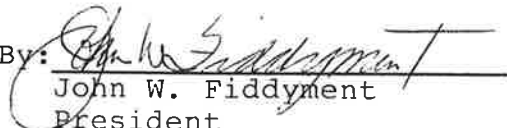
OWNER(S) OF PARCEL 6:

OLYMPUS CORPORATE CENTRE ASSOCIATES,
a California Limited Partnership

By: 
James B. Allen,
Project Manager

James B. Allen,
Project Manager

WALAIRE INC.
a California Corporation

By: 
John W. Fiddymont
President

CENTURY 21 SELECT REAL ESTATE, INC.

BY: 
DANIEL C. JACUZZI
PRESIDENT

op/daamend.p6



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of Sacramento

On March 23, 1995 before me, Trace L. Stearns, Notary Public
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared James B. Allen
NAME(S) OF SIGNER(S)

personally known to me - OR - 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.



WITNESS my hand and official seal.

Trace L. Stearns
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER

TITLE(S)

- PARTNER(S) LIMITED
- ATTORNEY-IN-FACT GENERAL
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

Amendment to Development Agreement

TITLE OR TYPE OF DOCUMENT

7
NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

State of California

County of Placer

On 4/20/95 before me, Susan J Lynn
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared John W. Fieddement
NAME(S) OF SIGNER(S)

personally known to me - **OR** - 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.



WITNESS my hand and official seal.

Susan J Lynn
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
- CORPORATE OFFICER
President
TITLE(S)
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Amendment To Development Agreement
TITLE OR TYPE OF DOCUMENT

4
NUMBER OF PAGES

4/20/95
DATE OF DOCUMENT

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

SIGNER(S) OTHER THAN NAMED ABOVE

State of California
County of PLACER

Gary Charles Robbins

On APRIL 25 TH, 1995 before me, GARY CHARLES ROBBINS, NOTARY
personally appeared DANIEL C. JACUZZI

personally known to me (or 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.

WITNESS my hand and official seal.

Signature *Gary Charles Robbins*



STATE OF CALIFORNIA)
)
) ss.
COUNTY OF PLACER)

On this 20 day of June in the year of 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Allen E. Johnson personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose names 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.

WITNESS my hand and official seal.

Carolyn K. Parkinson
Notary Public in and for said State



THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AS FOLLOWS:

Title or Type of Document Olympus Pointe Parcel 6
Date of Document Approved by Council: 5-17-95

LEGAL DESCRIPTION

Parcels A, B, C, D, E, F and G, as shown on that certain Parcel Map filed March 1, 1994 in Book 27 of Parcel Maps, Page 157, Placer County Records.

EXCEPTING THEREFROM all oil, gas and other hydrocarbon substances, inert gases, minerals, and metals, lying below a depth of 500 feet from the surface of said land and real property, whether now known to exist or hereafter discovered, including but not limited to the rights to explore for, develop, and remove such oil, gas and other hydrocarbon substances, inert gases, minerals and metals without, however, any right to use the surface of such land and real property or any other portion thereof above a depth of 500 feet from the surface of such land and real property for any purpose whatsoever as reserved in Deed from Johnson Ranch Investors, et al, recorded December 31, 1987, in Book 3329, at page 670, Official Records.

APN: 048-020-081, 082, 083, 084, 085, 086, and 087

eg/ur/legal.425

ORDINANCE NO. 2889

AN ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE
ADOPTING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT
FOR THE NORTHEAST ROSEVILLE SPECIFIC PLAN WITH THE CURRENT OWNERS
OF NERSP PARCELS 6, 7A, 7B, 7C, 7D, 8, 10 AND 11,
AND AUTHORIZING THE CITY MANAGER
TO EXECUTE IT ON BEHALF OF THE CITY OF ROSEVILLE

THE CITY COUNCIL OF THE CITY OF ROSEVILLE DOES ORDAIN AS
FOLLOWS:

SECTION ONE. FINDINGS. The City Council of the City of Roseville has reviewed the findings of the Planning Commission regarding the Amendment to the Development Agreement for the Northeast Roseville Specific Plan ("Development Agreement") with the current owners of NERSP Parcels 6, 7A, 7B, 7C, 7D, 8, 10 and 11, on file in the City Clerks Department in conjunction with amending the specific plan land use designation on such parcels by allowing freestanding restaurants and limited service commercial/retail land uses:

1. The Amendment to the Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City of Roseville General Plan and any applicable Specific Plan;
2. The Amendment to the Development Agreement is compatible with the uses authorized in and the regulations prescribed for the land use district in which the real property is located as amended this date;
3. The Amendment to the Development Agreement is in conformity with public convenience, general welfare and good land use practice;
4. The Amendment to the Development Agreement will not be detrimental to the health, safety and general welfare of residents in the City of Roseville;
5. The Amendment to the Development Agreement will not adversely affect the orderly development of property or the preservation of property values; and
6. The development permitted by the Amendment to the Development Agreement will provide sufficient benefit to the City of Roseville to justify entering into the Amendment to the Development Agreement.

SECTION 2. The Amendment to the Development Agreement for the Northeast Roseville Specific Plan, by and between the current owners of NERSP Parcels 6, 7A, 7B, 7C,

7D, 8, 10 and 11, and the City of Roseville, as set forth on Exhibit "A" hereto is hereby approved and the City Manager is authorized to execute it on behalf of the City of Roseville.

SECTION 3. The City Clerk is directed to record the executed Amendment to Development Agreement 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 4. This ordinance shall be effective at the expiration of 30 days from the date of its adoption.

SECTION 5. 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 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 17th day of May, 1995 by the following vote on roll call:

AYES COUNCILMEMBERS: Harry Crabb, Jr., Claudia Gamar, Randolph Graham,
Pauline Rocucci, Mel Hamel

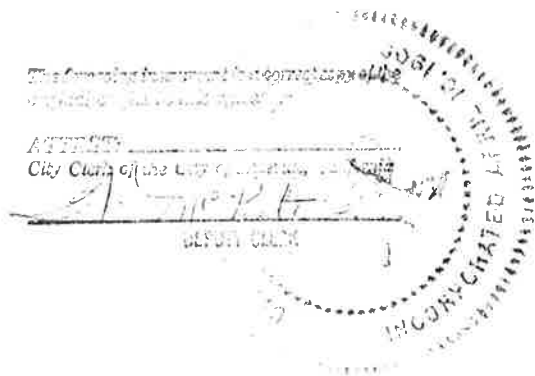
NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None

Mel Hamel
MAYOR

ATTEST:

Carolee Anderson
CITY CLERK



Ord 3559
pg 2
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CHAPTER V (d)
BUSINESS PARK & PROFESSIONAL OFFICE
COMPONENT

Description:

The location of the Business Park use is a function of city policy (offices fronting on Douglas), topography, geology, vegetative habitat (grassland) and market opportunity. The plan includes a 227 acre area for development of office and business park uses. The purpose of this category is to provide for well designed and controlled groupings of offices and service uses within an area containing high visual and operational amenities. Toward these ends rigid development standards are established with respect to setback landscaping, building aesthetics and other design considerations. The plan contemplates two major types of development. The first element is the single user or major tenant type office. The second type, or business park, will feature multi-tenant uses, generally in one and two story building configurations. Traditionally, such a use will not only mix users in a single building, but will also mix uses on a single site.

Goals:

1. Ensure well defined business park and office districts, with associated service and retail uses, incorporating superior development and landscape design.
2. Develop business and office parks within the plan area that complement the development occurring along the south side of Douglas Boulevard.
3. Evaluate individual projects within this land use category for consistency with the Development Agreement, this Northeast Roseville Specific Plan, and the Project EIR.

Goal 1: Ensure well defined business park and office districts, with associated service and retail uses, incorporating superior development and landscape design.

Plan Policy:

1. Limit the utilization of the business park and professional offices areas to compatible uses.

Implementation:

- i. The following listed uses will serve to describe the uses permitted in this area:
 - a. Administrative, professional, and business offices
 - b. Research and development uses
 - c. Computer or related equipment design and assembly and software design and computer timeshare bureaus
 - d. Professional uses, including medical offices
 - e. Financial institutions
 - f. Limited service commercial/retail uses incidental to permitted uses a-e above. All service commercial/retail uses combined shall not exceed 10% of the gross floor area for a building or complex. The list of service commercial/retail uses includes cafeterias/restaurants, bakeries, day care, travel agencies, hair care, shoe repair,

florists, dry cleaning and similar uses, which in the opinion of the Planning Director, are functionally compatible uses. "Incidental" shall be understood to mean "within, or as part of, the same building as uses a-e above."

- g. Dining establishments. Dining establishments may operate separate from other uses and shall not include facilities with drive-thru, take-out, and/or delivery service. Fast food establishments are not permitted. Dining establishments shall be included as part of the 10% allowance for commercial/retail uses in a complex.
- h. Similar and like uses, as approved by the Roseville Planning Commission.

2. Establish standards to ensure high quality design.

Implementation:

- i. All projects within the plan area are required to go through the City review process. In addition to those standards listed below, business and professional projects shall be consistent with the development, landscaping, and signage guidelines contained in Chapter VII of this document, as well as the accompanying landscape guideline document, and any subsequently adopted standards related to this plan.
- ii. Comprehensive development plans shall be established for a parcel proposing development. This will include the development of design guidelines for future phases of development. The design guidelines shall include standards for (at a minimum) building architecture and materials, landscaping, parking, ingress/egress, and circulation.
- iii. Freestanding dining establishments shall be developed such that project design and building architecture, materials, and colors for freestanding restaurants identified in 1.i.g above shall be architecturally compatible with the associated professional office development.
- iv. Limited service commercial/retail uses shall maintain the business/professional design or character of the building(s) within which they are associated.

v. Standards

a. Setbacks:

- 1. A minimum 50 feet from back of curb and interior property lines between projects.
- 2. Building, parking and paved areas are not permitted to encroach upon the setback area unless to preserve a natural feature approved by the City.

b. Lot Coverage: Shall be calculated as the building footprint exclusive of overhangs and balconies and shall not exceed 40% of the gross lot area for a single story structure and 35% of the gross lot area for a multiple story structure.

c. Landscape Coverage: Shall be calculated inclusive of landscape buffers required along all roadways and shall be 20% of lot area.

- d. Building Height . Shall not exceed three stories.
- e. Parking Requirements: Uses i.a-e above shall provide one parking space per 250 net leasable square feet of floor area. Net leasable area excludes areas such as common area halls, entries, and foyers. Medical offices shall provide one parking space per 150 gross square feet of building area. Additional uses shall provide parking in accordance with the requirements of the Roseville Zoning Ordinance.
- f. Roof Treatment: Buildings of three stories or less shall have sloped roofs or parapets for elevations visible from streets, freeways or adjacent properties. Roof planes shall be broken up with pediments or other architectural elements. Roof mounted mechanical equipment shall be screened so as not to be visible from streets, freeways or at finished grade of adjacent properties.
- g. Storage: No outside unenclosed storage permitted.
- h. Access: Each project should have at least one primary and one secondary access point. Shared access between projects is encouraged to minimize curb cuts.

Goal 2: Develop business and office parks within the plan area that complement the development occurring along the south side of Douglas Boulevard.

Plan Policy:

- 3. Development of uses on the north side of Douglas Blvd shall mirror to the extent possible the landscape and pedestrian improvements planned for the south side of Douglas.

Implementation:

- i. Uses fronting on Douglas Boulevard east of Rocky Ridge Road shall be predominately composed of office uses.
- ii. The landscape design plan and pedestrian walkways therein shall be in substantial compliance with the plans for the south side of Douglas (see Chapter VII of this document and the accompanying landscape guideline document).

Goal 3: Evaluate individual projects within this land use category for consistency with the Development Agreement, this Northeast Roseville Specific Plan, and the Project EIR.

Plan Policy:

- 4. Monitor the intensity of utilization of the Business Park and Professional offices areas.

Implementation:

- i. Evaluate each project within the business and professional land use for consistency with the Development Agreement, this Northeast Roseville Specific Plan and the Project EIR.

florists, dry cleaning and similar uses, which in the opinion of the Planning Director, are functionally compatible uses. "Incidental" shall be understood to mean "within, or as part of, the same building as uses a-e above."

- g. Dining establishments. Dining establishments may operate separate from other uses and shall not include facilities with drive-thru, take-out, and/or delivery service. Fast food establishments are not permitted. Dining establishments shall be included as part of the 10% allowance for commercial/retail uses in a complex.
- h. Similar and like uses, as approved by the Roseville Planning Commission.

2. Establish standards to ensure high quality design.

Implementation:

- i. All projects within the plan area are required to go through the City review process. In addition to those standards listed below, business and professional projects shall be consistent with the development, landscaping, and signage guidelines contained in Chapter VII of this document, as well as the accompanying landscape guideline document, and any subsequently adopted standards related to this plan.
- ii. Comprehensive development plans shall be established for a parcel proposing development. This will include the development of design guidelines for future phases of development. The design guidelines shall include standards for (at a minimum) building architecture and materials, landscaping, parking, ingress/egress, and circulation.
- iii. Freestanding dining establishments shall be developed such that project design and building architecture, materials, and colors for freestanding restaurants identified in 1.i.g above shall be architecturally compatible with the associated professional office development.
- iv. Limited service commercial/retail uses shall maintain the business/professional design or character of the building(s) within which they are associated.

v. Standards

a. Setbacks:

- 1. A minimum 50 feet from back of curb and interior property lines between projects.
- 2. Building, parking and paved areas are not permitted to encroach upon the setback area unless to preserve a natural feature approved by the City.

b. Lot Coverage: Shall be calculated as the building footprint exclusive of overhangs and balconies and shall not exceed 40% of the gross lot area for a single story structure and 35% of the gross lot area for a multiple story structure.

c. Landscape Coverage: Shall be calculated inclusive of landscape buffers required along all roadways and shall be 20% of lot area.

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Ord 21199
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- d. Building Height: Shall not exceed three stories.
- e. Parking Requirements: Uses i.a-e above shall provide one parking space per 250 net leasable square feet of floor area. Net leasable area excludes areas such as common area halls, entries, and foyers. Medical offices shall provide one parking space per 150 gross square feet of building area. Additional uses shall provide parking in accordance with the requirements of the Roseville Zoning Ordinance.
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- i. Uses fronting on Douglas Boulevard east of Rocky Ridge Road shall be predominately composed of office uses.
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Goal 3: Evaluate individual projects within this land use category for consistency with the Development Agreement, this Northeast Roseville Specific Plan, and the Project EIR.

Plan Policy:

- 4. Monitor the intensity of utilization of the Business Park and Professional offices areas.

Implementation:

- i. Evaluate each project within the business and professional land use for consistency with the Development Agreement, this Northeast Roseville Specific Plan and the Project EIR.

