

ITEM 5.2: Development Agreement Amendment – 1701 Westbrook Bl. – Third Amendment to the Westpark Federico Development Agreement – PL20-0105

REQUEST

The applicant requests approval of the Third Amendment to the Westpark Federico Development Agreement for the Sierra Vista Specific Plan area to revise sections relating to development fees.

Applicant – John Tallman, Westpark Sierra Vista, LLC

Owner – Westpark Sierra Vista, LLC, as an assignee of Westpark Federico, LLC; Solaire Community Builders, LLC; Taylor Morrison of California, LLC; Tri Pointe Homes, Inc., Solaire – Roseville, L.P.

SUMMARY RECOMMENDATION

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

- A. Recommend the City Council approve the Development Agreement Amendment.

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 established the land use designations 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 includes an amendment to the Westpark Federico Development Agreement (DA), which is one of nine DAs governing development in the SVSP plan area. The Westpark Federico DA was originally entered into by the City of Roseville, and the Federico-Tyler Family (original landowners), Westpark-Federico, LLC (Westpark Communities) and Mourier Investments, LLC (JMC Homes). Westpark and JMC were to each develop different portions of the property covered by the DA.

The proposed project is the third amendment to the Westpark Federico DA. The first amendment to the Westpark Federico DA was approved by the City Council on December 20, 2017 as part of the SVSP Federico project (File #PL17-0024), which included a General Plan Amendment, Specific Plan Amendment, Rezone, and Tentative Subdivision Map in addition to the Development Agreement Amendment (DAA). The DAA included amendments to reflect the land use changes requested by that project, as well as to eliminate the landowner's ability to defer development fees, with the exception of 50-percent of the SPRTA Tier II Traffic fee. This amendment allowed the Westpark Federico DA to be consistent with other DAA requests in recent years regarding fee deferrals. The second amendment of the Westpark Federico DA was approved by 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 #17-0204). Similar to the first amendment, the project removed fee deferrals, with the exception of the SPRTA Tier II Traffic Fee and the City-wide Park Fee for the affected parcels.

The current request is a DAA affecting Lots, 1, 2, 4, 5, 6, 7, 10, 12, 14, 17 and 27 of the Sierra Vista Specific Plan area (Attachment 1). The following table identifies the lot numbers and their corresponding large lot parcel numbers as identified by the Specific Plan. Additionally, the table indicates the proposed modification to each lot as part of the proposed DAA. The intent of the DAA is to reinstate the landowner's ability to defer City-wide Park Fees, as well as remove the deferral for the Public Facilities Fee and Public

Benefit Fee for all affected parcels. This DAA will result in equitable fees and fee deferrals on all of the large lot parcels within the Federico portion of the SVSP.

Table 1 – Third Amendment Parcels and Proposed Modifications

Final Map Lot Number	SVSP Parcel Number	Proposed Modification (Third DAA)
Lot 1	FD-1	Remove Public Facilities Fee and Public Benefit Fee deferral.
Lot 2	FD-20, FD-20B	Reinstate City-wide Park Fee deferral.
Lot 4	FD-20, FD-20A	Reinstate City-wide Park Fee deferral.
Lot 5	FD-22, FD-22A	Reinstate City-wide Park Fee deferral.
Lot 6	FD-22, FD-22B	Reinstate City-wide Park Fee deferral..
Lot 7	FD-3	Reinstate City-wide Park Fee deferral.
Lot 10	FD-4	Reinstate City-wide Park Fee deferral.
Lot 12	FD-5	Remove Public Facilities Fee and Public Benefit Fee deferral.
Lot 14	FD-60, FD-34	Reinstate City-wide Park Fee deferral.
Lot 17	FD-2	Remove Public Facilities Fee and Public Benefit Fee deferral.
Lot 27	FD-9	Remove Public Facilities Fee and Public Benefit Fee deferral.

EVALUATION

Zoning Ordinance Section 19.84.040 specifies that the recommendations for approval or denial of a Development Agreement Amendment (DAA) shall include consideration of the following:

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

Development Agreements (DA) are binding contracts that set the terms, rules, conditions, regulations, entitlements, responsibilities, and other provisions relating to the development of the covered properties. If approved, the DAA alter the fee deferrals outlined in the current Agreement. City-wide park fee deferrals will be reinstated for Parcels 2, 4, 5, 6, 7, 10, 14 (as identified in the Sierra Vista Large Lot Final Map, Attachment 1). Deferrals for the Public Facilities Fee and Public Benefit Fee will be removed from Parcels 1, 12, 17, and 27, which were not modified by previous amendments (File #PL17-0024 and File #PL17-0204).

As proposed, the DAA would modify Section 3.17.1.2 (i) of the DA to allow fee deferrals, eligible to be paid with bond proceeds from future bond sales, for 50-percent of the SPRTA Tier II Traffic Fee, as well as 100-percent of the City-wide Park Fee that would otherwise be paid at the issuance of building permits for low, medium, and high density residential units. Additionally, the DAA adds language to Section 3.17.1.2 (i) of the DA to state that the deferral of payment until bond issuance is not applicable to the properties of the third DAA. In effect, this requires the Public Facilities and Public Benefit Fees be paid for each residential unit at the time of building permit issuance for all units within the parcels subject to this DAA.

A total of 953 residential units are impacted by the City-wide Park Fee deferral, including 583 low density lots (368 of which already have the deferral, as a part of a previous DAA), 198 medium density lots, and 172 high density lots. The deferrals for the Public Facilities Fee and Public Benefit Fee will be removed for an additional 368 units beyond what was approved by the previous DAAs. The proposed modification will allow the fee programs for the affected parcels in the Westpark Federico DA to be consistent with other DAs in the SVSP.

City staff has found the proposed DA to be consistent with the City's General Plan and the Zoning Ordinance. The DAA is in conformance with the needs of public health, safety, and welfare, and will not adversely affect the orderly development of the properties 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 the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received. A public notice of the Planning Commission hearing was published on July 10, 2020, and was distributed to all property owners within 300 feet of the project site. At the August 13, 2020 Planning Commission hearing, the project was continued to the August 27, 2020 meeting. To date, no comments have been received.

ENVIRONMENTAL DETERMINATION

The proposed project would modify text in an existing Development Agreement and amend fee sections to be consistent with previous agreements in the Specific Plan area. Therefore, the activity does not have the potential for causing a significant effect on the environment, and is not subject to the California Environmental Quality Act (CEQA) per Section 15061 (b)(3) of the CEQA Guidelines.

RECOMMENDATION

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

- A. Recommend the City Council approve the Development Agreement.

Attachments

1. Final Map for Sierra Vista Specific Plan

Exhibits

- A. Third Amendment to Westpark Federico Development Agreement

Note to Applicant and/or Developer: Please contact the 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.