



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Grant Yates, City Manager

Prepared by: Justin Kirk, Assistant Community Development Director

Date: October 8, 2019

Subject: **Development Agreement 2019-02:** A development agreement for Tentative Tract Map 32129, commonly known as Rosetta View Estates, consisting of 27 single family residential lots, 6 open space lots, and a water quality basin

Recommendation

Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR TENTATIVE TRACT MAP 32129, COMMONLY KNOWN AS ROSETTA VIEW ESTATES.

Background

On October 12, 2004, the City Council approved Mitigated Negative Declaration (MND) No. 2004-05, Zone Change No. 2004-01 and Tentative Tract Map (TTM) No. 32129 for the subdivision of approximately 10 acres into 27 residential lots and seven (7) open space lots.

On October 24, 2006, the City Council approved a two (2) year extension of time for TTM 32129 to October 12, 2008.

Between July 2008 and July 2013, the California Legislature adopted Senate Bill 1185, Assembly Bill 333, Assembly Bill 208, and Assembly Bill 116, all automatically extending the life of TTM 32129 for an additional seven (7) years to October 12, 2015.

On October 13, 2015 the City Council approved a one-year extension of time for TTM 32129 to October 12, 2016.

On March 28, 2017, the City Council approved a three-year extension of time for TTM 32129 to October 12, 2019.

On October 1, 2019, the Planning Commission acted to unanimously recommend approval of the subject development agreement.

Discussion

Tentative Tract Map (TTM) No. 32129 is a subdivision of approximately 10.66 acres into 27 single family residential lots, 6 open space lots, and a water quality basin (Project). The Project is located approximately two miles northeast of the Interstate 15/State Highway 74 (Central Avenue) interchange, at the southern end of Trellis Lane, south of Sharon Street (Assessor Parcel Numbers 347-110-021 and 347-581-008).

The proposed development agreement would vest the development rights under TTM 32129 for a seven (7) year term from and after the Effective Date, unless the agreement is terminated, modified, or extended upon mutual written consent. The proposed agreement amongst other items would memorialize the following:

- **Vested Rights:** The development agreement provides certainty in the development process by providing a vested right in the existing entitlements (Tentative Tract Map 32129) and in the applicability of the City's existing land use regulations to the development of the Project. During the term of the agreement, the Project will be exempt from newly adopted City land use regulations and fees.
- **Existing Development Impact Fees:** During the initial five years, the City shall impose and the Owner shall be required to pay only existing development impact fees at the rate in effect as of the date of the agreement. During the 6th and 7th years of the term, the owner will pay existing development impact fees subject to a three percent (3%) annual increase.
- **Non-Vested Fees.,** The Owner will be required to pay development permit application processing fees and charges, storm drain fees, TUMF, MSHCP, SKR and impact fees, exactions, assessments or fair share charges or other similar fees or charges imposed by other governmental entities regardless of whether the City is required to collect or assess such fees (e.g., school district impact fees pursuant to Government Code Section 65995) at the prevailing rate at the time such fees are due.
- **Payment of a Development Agreement Fee.** Within 30 days of the effective date of the agreement, the Owner shall pay the City an Initial Development Agreement Fee of \$13,500. An additional \$5,700/unit Development Agreement Fee shall be paid upon issuance each residential building permit.

Analysis

The proposed Development Agreement is an instrumental document in the facilitation of the development of TTM No. 32129 and will provide development agreement fees of approximately \$167,400 for construction of future capital facilities. The proposed development agreement was prepared by the City Attorney and is consistent with and meets all legal requirements of State Government Code Sections 65864 through 65869.5 and the Lake Elsinore Municipal Code Chapter 19.12 regulating development agreements.

Environmental Determination

The environmental documentation prepared and adopted/approved by the City, as lead agency, for TTM No. 32129 pursuant to CEQA adequately addresses the potential environmental impacts under this Agreement. In particular, there are no substantial changes to the Property or the circumstances under which the Property is to be regulated and developed under this Agreement when viewed against the Existing Land Use Regulations, and there is no new information of substantial importance which would require preparation of another CEQA document pursuant to CEQA Guidelines Section 15162. The vesting of the Existing Land Use Regulations, including the General Plan and Zoning through this Agreement is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because there is no possibility that this Agreement will have any significant direct, indirect, or cumulative environmental impacts apart from or beyond those already analyzed, addressed, and mitigated as stated in the environmental documentation prepared and adopted/approved for TTM No. 32129 pursuant to CEQA.

Exhibits:

- A. DA Resolution
- B. DA
- C. Vicinity Map
- D. Aerial Map
- E. Tract Map