

ORDINANCE 928B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINCOLN APPROVING THE ADOPTION OF THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF LINCOLN, A MUNICIPAL CORPORATION AND LINCOLN LAND HOLDINGS, LLC

Recitals

WHEREAS, Section 65864, et seq. of the California Government Code provides for preparation and adoption of amendments to development agreements; and

WHEREAS, the City of Lincoln ("City") and Lincoln Land Holdings, LLC ("Developer") entered into a Development Agreement concerning the development known as Lewis Property on August 23, 2013, recorded on October 18, 2013, in the Official Records of Placer County, as Document number 2013-0099597-00 ("Development Agreement"); and

WHEREAS, the Development Agreement vests the following entitlements: a General Plan Amendment, Resolution No. 2010-096, dated June 8, 2010; Village 7 Specific Plan, Resolution No. 2010-097, dated June 8, 2010; Rezoning, Ordinance No. 846B, dated June 8, 2010; General Development Plan, Ordinance No. 847B, dated June 8, 2010; Large Lot Vesting Tentative Parcel Map, Resolution No. 2010-098, dated June 8, 2010; and

WHEREAS, Developer seeks to modify the General Plan, Specific Plan, and General Development Plan (collectively referred to as "Specific Plan Amendments") to consolidate residential and park uses within Phase 1 of the Specific Plan Area while maintaining a consistent number of dwelling units in the Specific Plan; and

WHEREAS, the City's Community Development Director has determined that the Specific Plan Amendments are substantial amendments pursuant to section 1.8(b) of the Development Agreement and require the parties to execute a First Amendment to the Development Agreement ("First Amendment"); and

WHEREAS, notice describing the proposed First Amendment was sent to neighboring property owners pursuant to Section 18.80.30 of the Lincoln Municipal Code and Government Code section 65091(a); and

WHEREAS, the City certified the Village 7 Specific Plan Environmental Impact Report ("EIR") in June, 2010 (SCH No. 2005062001) and the proposed First Amendment will not result in any new significant impacts or increase the severity of any impacts identified in the Village 7 EIR; and

WHEREAS, the Planning Commission has reviewed the First Amendment to the Development Agreement, conducted a public hearing, and recommended approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LINCOLN DOES HEREBY APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH LINCOLN LAND HOLDINGS, LLC, AS FOLLOWS:

Section 1. Incorporation. This Ordinance incorporates, and by this reference makes a part hereof, that certain First Amendment to the Development Agreement by and between the City of Lincoln and Lincoln Land Holdings, LLC, relative to the development of Lewis Property on certain real property consisting of approximately 514.6 acres located in the City of Lincoln, in the area generally west of State Highway 65, south of Auburn Ravine.

Section 2. Development Agreement Findings. Pursuant to Section 18.84.070 of the City of Lincoln Municipal Code, the City Council finds and determines as follows:

a. The First Amendment to the Development Agreement is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan. The land uses shown on the Land Use Diagram of the First Amendment maintain open space and buffer areas (Policy LU-1.4) between development projects and significant water courses, riparian vegetation, and wetlands and promotes the use of development patterns that are relatively compact (Policy LU-1.8) and use space in an efficient but aesthetic manner to promote more walking and biking. The Land Use Diagram provides a variety of residential land designations to meet the current needs of the City, consistent with Policy LU-2.6 and includes a range of residential densities. It provide residents the option of walking and bicycling along Ingram Slough and open space areas or using transit along Ferrari Ranch Road or Central Boulevard consistent with General Plan policies LU 1.6, Goal T-5, and related policies. The Development Agreement promotes the retention of natural open spaces, greenbelts, and the provision of adequate parks, and the First Amendment retains these elements.

b. The First Amendment to the Development Agreement is consistent with the objectives, policies, general land uses, and programs specified in the Village 7 Specific Plan ("Specific Plan") because it retains the major design elements of the Specific Plan relationship to preserved wetlands and natural resources, the Village Center, defined residential neighborhoods, open space and public/civic spaces. The First Amendment does not alter the total number of dwellings within the Specific Plan; retains all major pedestrian and bicycle facilities envisioned within the Village 7 Specific Plan; supports the transit services that are anticipated for Ferrari Ranch Road and Central Boulevard; places parks at neighborhood entrances and to place parks in close proximity to all residents; does not modify public facilities such as water, sewer, drainage, and other utilities; and will be essentially unaffected by the proposed project.

c. The First Amendment to the Development Agreement is compatible with the uses authorized by the Village 7 General Development Plan ("GDP") because the proposed project retains the features of "traditional neighborhood design" identified in the GDP, the mobility features of the GDP, the parks and open space features of the GDP, generally retains the Village Center as described in the GDP and retains the overall configuration of Neighborhoods within the GDP.

d. The First Amendment to the Development Agreement conforms to public convenience, general welfare, and good land use practices in furtherance of orderly planning efforts.

e. The First Amendment to the Development Agreement will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole.

f. The First Amendment will not adversely affect the orderly development of property or the preservation of property values. The Development Agreement as amended by the First Amendment will promote the orderly development of the Lewis Property through a flexible phasing plan which is tied to the provision of supporting infrastructure capacity and the construction of off-site infrastructure improvements, consistent with the General Plan Public Facilities Element. The Development Agreement as amended provides for the construction of roadways to provide improved access to the Project and adjacent properties, and the extension of utilities and infrastructure such as water, sanitary sewer and storm drain facilities necessary to accommodate the Project. The Development Agreement as amended is expected to increase the general value of the Lewis Property and surrounding properties by providing for the development of its designated land uses and public amenities, consistent with the General Plan and General Development Plan for Lewis Ranch.

g. The Development Agreement as amended by the First Amendment is consistent with the provisions of Government Code sections 65864 through 65869.5 because it will vest development rights and assurances to Lincoln Land Holdings, LLC which has a legal and equitable interest in the Lewis Property, and will ensure that Lincoln Land Holdings, LLC will be able to proceed with the development of the Lewis Property in accordance with the City's rules, regulations, and official policies in effect on the effective date of the Development Agreement, subject to the conditions of approval. The Development Agreement as amended by the First Amendment will assist Lincoln Land Holdings, LLC in the development of the Lewis Property by reducing economic costs of development.

Section 3. Approval. Based on the findings set forth in this ordinance, and the evidence in the Staff Report and accompanying documents, Planning Commission recommendations, and public testimony, the City Council approves the First Amendment to the Development Agreement, substantially in the form on file with the City, subject to such language and clarifying changes consistent with the terms thereof as may be approved by the City Attorney prior to execution thereof.

Section 4. CEQA. In accordance with California Environmental Quality Act ("CEQA"), the City certified the Village 7 Specific Plan EIR in June, 2010 (SCH No. 2005062001) and the proposed First Amendment will not result in any new significant impacts or increase the severity of any impacts identified in the Village 7 EIR and therefore is exempt from further environmental review pursuant to Government Code section 65453, Public Resources Code section 21166; CEQA Guidelines sections 15182 and 15162; and

Section 5. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of this ordinance. The City Council of the City hereby declares that it would have passed this ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

Section 6. Effective Date and Publication. This ordinance shall take effect thirty (30) days after the adoption, and shall be published once within fifteen (15) days of its passage in the *Lincoln News Messenger*, a newspaper of general circulation, published and circulated in the City of Lincoln, County of Placer and thenceforth and thereafter shall be in full force and effect.

PASSED AND ADOPTED this 10th day of January, 2017 by the following roll call vote:

Ayes: Councilmembers: Karleskint, Hydrick, Nader, Gilbert

Noes: Councilmembers: None

Recuse: Councilmembers: Joiner

Signed: Peter Gilbert, Mayor

Attest: Gwen Scanlon, City Clerk