

City of Sacramento

Legislation Details (With Text)

File #: 2019-01554 **Version:** 1 **Name:**
Type: Consent Item **Status:** Agenda Ready
File created: 10/11/2019 **In control:** City Council - 5PM
On agenda: 11/5/2019 **Final action:**
Title: (Pass for Publication) Parkview Project and Natomas Crossing Area 2 & 3 Project - Development Agreement Amendment (P19-050)
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Title:
(Pass for Publication) Parkview Project and Natomas Crossing Area 2 & 3 Project - Development Agreement Amendment (P19-050)

File ID: 2019-01554

Location: 2621 San Juan Road; 3575 Airport Road; 3949 Truxel Road; District 1

Recommendation:

1) Review a resolution adopting the Environmental Exemption (Per CEQA Guidelines Section 15061 (b)(3) - No Significant Effect); 2) review an ordinance to approve the third Amendment to City Agreement No. 97-100 (North Natomas Development Agreement) between the City of Sacramento and Alleghany Properties, LLC; 3) review an ordinance to approve the fourth Amendment to City Agreement No. 2002-041 (North Natomas Development Agreement) between the City of Sacramento and Alleghany Properties, LLC; and 4) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be adopted November 19, 2019.

Contact: Jose Quintanilla, Assistant Planner, (916) 808-5879; Teresa Haenggi, Senior Planner, (916) 808-7554, Community Development Department

Presenter: None

Attachments:

1-Description/Analysis
2-Background

3-Resolution: CEQA Exemption

4-Ordinance: Development Agreement No. 97-100 Third Amendment

5-Exhibit A: Third Amendment to City Agreement 97-100

6-Ordinance: Development Agreement No. 2002-041 Fourth Amendment

7-Exhibit A: Fourth Amendment to City Agreement 2002-041

8-Map of Parcels Impacted by Amendments to Agreements No. 97-100 and 2002-041

9-List of APNs Impacted by Amendments to Agreements No. 97-100 and 2002-041

Description/Analysis

Issue Detail: This is a request to amend City Agreement No. 97-100 (Natomas Crossing Area 2 & 3 Development Agreement) and City Agreement No. 2002-041 (Parkview Development Agreement) between the City of Sacramento and Alleghany Properties, LLC. The applicant is requesting to amend these agreements to vest the 2008 North Natomas Financing Plan Update and Process (Resolution No. 2009-341), which accomplished the following: established a new procedure for adjusting the amount of the Public Facilities Fee in North Natomas, revised procedures for changing the mix of public improvements financed by these fees, and limited the increase of the North Natomas Development Fee to a maximum of 15% per year.

Public/Neighborhood Outreach and Comments: As part of the application review process, the proposal was routed to Preservation Sacramento, Walk Sacramento, Sacramento Area Bicycle Advocates, Region Builders, Environmental Council of Sacramento (ECOS), Natomas Chamber of Commerce, North Natomas Community Association, Natomas Community Association, Witter Ranch Community Alliance, and North Natomas Community Coalition. Staff also mailed hearing notices to all property owners within 500 feet of the project site and posted the site prior to the public hearing. At the time of writing this report, staff has received no comments expressing support or opposition to this project.

Policy Considerations: The Parkview and Natomas Crossing Development Agreements were adopted when the 1988 General Plan was in place. The General Plan policies discussed below were in place in the 1988 General Plan and were carried over to the 2035 General Plan. Staff finds that the project is consistent with the following General Plan goals and policies:

North Natomas Community Plan

Goals and policies of the North Natomas Community Plan supported by this project:

Policy NN.LU 1.4 Financing Plan. The City shall ensure that the Financing Plan will provide assurance that all essential infrastructure and public facilities (necessary for public health, safety, welfare, and education) are in place and operational to serve each phase of development.

Policy NN.LU 1.5 Financing Plan. The City shall require all property owners in the Plan area to: 1)

participate equitably in the financing mechanisms necessary to finance the design, engineering, and construction of all library, fire, police, street, traffic, water, sewer, drainage improvements and all monitoring programs provided for in this Plan, and 2) pay an equitable share of all the costs incurred in the process of development of the Financing Plan. Guarantees for this shall be via development agreements or other means acceptable to the City staff. All property owners in North Natomas will be required to reimburse the City in an equitable manner for all planning expenses incurred in developing this Community Plan and related documents. The costs will be divided equally by each acre receiving urban land use designations by this Plan. Payment of this cost will be a condition of the development agreements.

These development agreements, No. 97-100 and No. 2002-041, were entered into between the City of Sacramento and the Landowner prior to the adoption of the 2008 North Natomas Financing Plan Update and Process. Amending this development agreement vests the procedures adopted by Council in 2009, and included in all standard North Natomas development agreements, which established a new procedure for adjusting the amount of the Public Facilities Fee in North Natomas, revised procedures for changing the mix of public improvements financed by these fees, and limited the increase of the North Natomas Development Fee to a maximum of 15%. This amendment is consistent with financing plan goals for North Natomas that pertain to the equitable participation in these financing mechanisms that fund essential infrastructure and requirements for these guarantees via development agreements. These amendments append these new mechanisms which are part of all current development agreements.

Economic Impacts: Not applicable.

Environmental Consideration: The current proposal requests amending the Development Agreements to incorporate new procedure for adjusting the amount of the Public Facilities Fees as approved by Council on May 26, 2009. The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that this is exempt from the California Environmental Quality Act (CEQA). The activity is covered by the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. "Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." (Cal. Code Regs., tit. 14, §15061(b)(3).)

200-Year Flood Protection: State Law (SB 5) and Planning and Development Code chapter 17.810 require that the City must make specific findings prior to approving certain entitlements for projects within a flood hazard zone. The purpose is to ensure that new development will have protection from a 200-year flood event or will achieve that protection by 2025. The project site is within a flood hazard zone and is an area covered by SAFCA's Improvements to the State Plan of Flood Control System, and specific findings related to the level of protection have been incorporated as part of this project. Even though the project site is within a flood hazard zone, the local flood management agency, SAFCA, has made adequate progress on the construction of a flood protection system that will

ensure protection from a 200-year flood event or will achieve that protection by 2025. This is based on the SAFCA Urban level of flood protection plan, adequate progress baseline report, and adequate progress toward an urban level of flood protection engineer's report that were accepted by City Council Resolution No. 2016-0226 on June 21, 2016 and the SAFCA 2019 Adequate Progress Annual Report accepted by City Council Resolution No.2019-0398 on October 22, 2019.

Sustainability: Not applicable.

Commission/Committee Action: On October 10, 2019, the Planning and Design Commission held a public hearing on the Parkview Project and Natomas Crossing Area 2 & 3 Project - Development Agreement Amendment project and passed a motion (10-0-2) to forward a recommendation of approval to City Council for all entitlements.

Rationale for Recommendation: Staff recommends approval for the subject amendments to these agreements between the City of Sacramento and Alleghany Properties, LLC. Staff finds that the proposed amendments are consistent with (1) the policies of the 1988 General Plan, the 2035 General Plan, and the North Natomas Community Plan; and (2) the provisions of the 2008 North Natomas Finance Plan update in that it ensures that developers benefit from changes made to the Finance Plan approved in 2009.

Financial Considerations: None.

Local Business Enterprise (LBE): No goods or services are being purchased under this report.