

**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE
REDEVELOPMENT AGENCY
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

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FROM: Redevelopment Agency

SUBMITTAL DATE:

July 14, 2005

SUBJECT: Adoption of Resolution No. 2005-31, Public Hearing and Approval of an Owner Participation and Disposition and Development Agreement with EMR Residential Properties, LLC

RECOMMENDED MOTION: That the Board of Directors:

1. Conduct a public hearing pursuant to Section 33431 of the Health and Safety Code;
2. Adopt Resolution No. 2005-31, which authorizes the approval of the proposed Owner Participation and Disposition and Development Agreement; and
3. Approve the attached Owner Participation and Disposition and Development Agreement between the Redevelopment Agency for the County of Riverside and EMR Residential Properties, LLC. and authorize the Chairman to sign the agreement.

Departmental Concurrence

BACKGROUND: Pursuant to a Board approved MOU between the Redevelopment Agency and EMR Residential Properties LLC, approved on February 24, 2004, Item 4.2, staff has negotiated an Owner Participation and Disposition and Development Agreement (DDA) with EMR Residential Properties, LLC. The proposed DDA is intended to implement the terms of the approved MOU which required that the parties cooperate and work together as co-applicants on a specific plan in the Rubidoux area. The proposed DDA also appears on today's Board of Supervisors agenda as part of today's joint public hearing with the County of Riverside. (Continued on next page)

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[Signature]
Robin Zimpfer
Interim Executive Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 5,000,000	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2005-2006

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: Yes

SOURCE OF FUNDS: Jurupa Valley Redevelopment Funds

Positions To Be Deleted Per A-30

Requires 4/5 Vote

C.E.O. RECOMMENDATION:

APPROVE

County Executive Office Signature

[Signature]
Rhonda King

Consent
 Policy
 Consent
 Policy
 Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.: 2/24/04, 4.2

District: 2

Agenda Number:

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Form 11rda (Rev 06/2003)

**ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD**

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Background (continued): The agreement specifies that the Redevelopment Agency will contribute not to exceed \$5,000,000 for off-site public improvements, including road improvements, ramp improvements to Highway 60 at Rubidoux Boulevard, storm drain improvements, and utility improvements. These improvements will benefit the Jurupa Valley Project Area by providing much needed infrastructure improvements and thereby stimulating further economic development, and the elimination of physical blighting conditions.

The specific plan is proposed to be located south of Highway 60, east of Rubidoux Boulevard, north of 34th Street, and west of the Santa Ana River. Staff has prepared a summary of the salient points of the proposed DDA below. All notice procedures required under the Rules Governing Participation and Preferences for Owners, Operators of Businesses and Tenants for the Jurupa Valley Redevelopment Project Area have been complied with. The DDA has been form approved by Agency Counsel, and as noted earlier, appears on the agenda of the Board of Supervisors. Today's public hearing has been advertised in accordance with section 33431 of the Health and Safety Code. A proof of publication is attached. Staff recommends approval of the motions in this form 11.

Summary of Salient Points of the Proposed Owner Participation and Development and Disposition Agreement with EMR Residential Properties, LLC:

- The Agency agrees to reimburse the developer not to exceed \$5,000,000 for off-site public improvements, including road improvements to Rubidoux Boulevard, ramp improvements to Highway 60 at Rubidoux Boulevard, storm drain improvements, and utility improvements.
- The Agency agrees to assist the developer with site assembly for the proposed Emerald Meadows Specific Plan by acquiring eight parcels within the proposed Specific Plan from private property owners. All acquisition costs will be paid for by the developer as spelled out in the proposed agreement and in the Board approved Reimbursement agreement on January 25, 2005, Item 4.4.
- Additionally, the Agency agrees to acquire four parcels from the Riverside County Flood Control and Water Conservation District and one parcel from the City of Riverside to assist with site assembly. All acquisition costs will be paid by the Developer.
- The developer shall complete construction of each phase of development within one year of commencement of construction of a particular phase.
- A Memorandum of Agreement Containing Covenants Affecting Interests in Real Property shall be recorded in favor of the Agency on the parcels owned by the developer within the proposed Emerald Meadows Specific Plan. These covenants will ensure that the developer has complied with the terms of the proposed agreement.

**RESOLUTION NO. 2005-31
AUTHORIZATION TO APPROVE AN OWNER PARTICIPATION AND
DEVELOPMENT AND DISPOSITION AGREEMENT WITH EMR RESIDENTIAL
PROPERTIES, LLC (Second Supervisorial District)**

WHEREAS, the Redevelopment Agency for the County of Riverside (the "Agency"), a public body, corporate and politic, established pursuant to and existing under the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*), was created on July 30, 1985, by Ordinance No. 612 of the Board of Supervisors of the County Riverside (the "County"); and

WHEREAS, the Board of Supervisors of the County adopted, by Ordinance No. 675, on July 5, 1989, a redevelopment plan for a portion of an area within the County commonly known as the Jurupa Valley; and

WHEREAS, the Board of Supervisors of the County adopted Ordinances Nos. 762 and 763, on July 9, 1996, adopted a redevelopment plan (the "Redevelopment Plan") that merged the original redevelopment project area with two other redevelopment project areas in the County and added territory thereto, and which is now collectively referred to the Jurupa Valley Redevelopment Project Area (the "Project Area") which is comprised of portions of the communities of Mira Loma, Pedley, Rubidoux, Sunnyslope, and Glen Avon; and

WHEREAS, EMR Residential Properties, LLC, a Nevada limited liability company ("EMR"), proposes to develop the Emerald Meadows Specific Plan (the "Specific Plan") in an approximately 245 acre portion of the Project Area (the "Site") within the unincorporated community of Rubidoux; and

WHEREAS, the Site is located south of State Highway 60, east of Rubidoux Boulevard, north of 34th Street, and west of the Santa Ana River; and

WHEREAS, the proposed Specific Plan will result in the construction of off-Site public improvements that will benefit the Project Area and immediately surrounding vicinity and will include road improvements to Rubidoux Boulevard, ramp improvements

1 to State Highway 60 at Rubidoux Boulevard, storm drain improvements, and utility
2 improvements; and

3 **WHEREAS**, pursuant to Section 33445 of the Community Redevelopment Law,
4 the Agency is authorized to pay for all or part of the land for and the cost of the
5 installation of any public facility or improvement either within or without a particular
6 project area upon a determination of the Board of Supervisors and Agency that (i) the
7 facilities or improvements are of benefit to the project area, (ii) that no other reasonable
8 means of financing such facilities and improvements are available to the community,
9 and (iii) that the payment of funds for the costs of such facilities or improvements will
10 assist in the alleviation of one or more blighting conditions inside the project area and is
11 consistent with the implementation plan adopted pursuant to Section 33490 of the
12 Community Redevelopment Law; and

13 **WHEREAS**, EMR currently owns portions of the Site and proposes to acquire
14 within the Site certain parcels (the "Parcels") from the Agency; and

15 **WHEREAS**, pursuant to Sections 33430 and 33431 of the Community
16 Redevelopment Law, the Agency may, for purposes of redevelopment and after a public
17 hearing, sell the Parcels to EMR without public bidding; and

18 **WHEREAS**, pursuant to Section 312 of the Redevelopment Plan, the Agency
19 can require EMR, as a property owner within the Project Area desiring to acquire and
20 develop property, to enter into a participation agreement with the Agency; and

21 **WHEREAS**, in compliance with Section 312, EMR has submitted to the Agency
22 originals of that certain *Owner Participation and Disposition and Development*
23 *Agreement* (the "OP/DDA") signed by EMR's authorized representative; and

24 **WHEREAS**, the Agency proposes to enter into the OP/DDA with EMR in order to
25 carry out and implement the Redevelopment Plan by facilitating the redevelopment of
26 the Site in accordance therewith (the "Project"); and

27 **WHEREAS**, on July 26, 2005, the Agency Board and Board of Supervisors held
28 a public hearing on the proposed OP/DDA, at which time the Agency reviewed and

1 evaluated the proposed OP/DDA; the benefit to the Project Area to be derived from the
2 proposed OP/DDA; whether other reasonable means of financing the public
3 improvements to be provided by the Agency pursuant to the terms of the OP/DDA were
4 available; whether the payment of funds for the costs of such public improvements
5 would assist in the alleviation of one or more blighting conditions inside the Project Area
6 and is consistent with the Agency's adopted Implementation Plan; staff reports prepared
7 on this matter; and all of the information, testimony, and evidence presented during the
8 public hearing; and

9 **WHEREAS**, all actions required by all applicable law with respect to the
10 proposed OP/DDA have been taken in an appropriate and timely manner; and

11 **WHEREAS**, the Agency has duly considered all terms and conditions of the
12 proposed OP/DDA and believes that the redevelopment of the Site pursuant thereto is
13 in the best interests of the County of Riverside and the health, safety, and welfare of its
14 residents, and in accord with the public purposes and provisions of applicable state and
15 local laws and requirements.

16 **NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the
17 Board of Directors of the Redevelopment Agency for the County of Riverside, State of
18 California, in regular session assembled on July 26, 2005, as follows:

19 **Section 1.** The Agency hereby finds and determines, based upon substantial
20 evidence provided in the record before it:

21 **A.** That the foregoing recitals are true and correct.

22 **B.** That the Agency has received and heard all oral and written objections to
23 the proposed OP/DDA and to the proposed redevelopment of the Site in
24 connection therewith and to any other matters pertaining to this transaction, and
25 that all such oral and written objections are hereby overruled.

26 **C.** That the off-Site improvements to be constructed in conjunction with the
27 Project are of benefit to the Project Area and are necessary to effectuate the
28 purposes of the Redevelopment Plan. This finding is based upon the record of

1 the public hearing on the OP/DDA, the record of the joint public hearings for the
2 adoption of Redevelopment Plan, the reasons expressed herein, and upon the
3 fact that the off-Site improvements are necessary for improving traffic circulation
4 and access as well as flood control and utility deficiencies, thereby encouraging
5 further redevelopment of the Project Area. The Agency therefore requests the
6 County to make the finding pursuant to Section 33421.1 of the Community
7 Redevelopment Law.

8 **D.** That there are no other reasonable means of financing the off-Site public
9 improvements to be provided by the Agency available to the community other
10 than Agency financing. This finding is based upon the record of the public
11 hearing on the OP/DDA, the reasons expressed herein, and upon the fact that
12 County general fund revenues are required and necessary for vital public
13 services and that Agency financing is necessary to pay for the cost of the off-Site
14 public improvements.

15 **E.** That the payment of funds for the costs of the off-Site public
16 improvements will assist in the alleviation of one or more blighting conditions
17 inside the Project Area and is consistent with the Agency's adopted
18 Implementation Plan. This finding is based upon the record of the public hearing
19 on the OP/DDA, the reasons expressed herein, and upon the fact that the off-Site
20 public improvements will materially assist in accomplishing certain stated goals
21 and objectives of the Implementation Plan.

22 **F.** That in accordance with Section 33426.5 of the Community
23 Redevelopment Law, the Agency is not providing under the terms of the OP/DDA
24 any form of direct assistance to EMR's redevelopment of the Site. This finding is
25 based upon the record of the public hearing on the OP/DDA, the reasons
26 expressed herein, and upon the fact that the OP/DDA obligates EMR to purchase
27 the Parcels for 100% of the Agency's acquisition costs, and the Agency is not
28 providing any economic or other assistance for EMR's development of the Site.

1 **G.** That timing issues unique to EMR's Site assembly efforts make it
2 infeasible to run CEQA review for the Specific Plan concurrently with the
3 approval of the OP/DDA; therefore, in order to satisfy the requirements of CEQA
4 (California Public Resources Code Section 21000 *et seq.*: "CEQA") and the
5 State CEQA Guidelines (Title 14, California Code of Regulations Section 15000
6 *et seq.*), the approval of the OP/DDA is expressly conditioned upon the Board of
7 Supervisors subsequently approving the proposed Specific Plan and certifying
8 the final Environmental Impact Report No. 473 ("EIR") prepared in connection
9 therewith, and pursuant to State CEQA Guidelines Section 15004(b)(2)(B), the
10 Agency finds that its conditional approval of the OP/DDA will not have a
11 significant adverse environmental effect nor foreclose alternatives or mitigation
12 measures that would ordinarily be part of the CEQA review process.

13 **Section 2.** The Agency's Chairman is hereby authorized to execute the
14 OP/DDA on behalf of the Agency. A copy of the OP/DDA, when executed by the
15 Agency, shall be placed on file in the office of the Agency Clerk.

16 **Section 3.** Upon execution of the OP/DDA on the Agency's behalf, and
17 provided that the Board of Supervisors approves the Specific Plan and certifies the EIR,
18 the Agency's Executive Director (or designee) is authorized, on behalf of the Agency, to
19 approve and/or sign all documents necessary and appropriate to carry out and
20 implement the OP/DDA and to administer the Agency's obligations, responsibilities and
21 duties to be performed under the OP/DDA and related documents.

22 **Section 4.** The Agency Clerk shall certify to the adoption of this Resolution.

23 **Section 5.** The effective date of this Resolution shall be the date of its
24 adoption.

25 **PASSED and ADOPTED** by the Board of Directors of the Redevelopment
26 Agency for the County of Riverside this ____ day of July, 2005.

1 APPROVED AS TO FORM:

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By: 
Agency Counsel

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