

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

375



**FROM:** Economic Development Agency

**SUBMITTAL DATE:**  
July 14, 2005

**SUBJECT:** Adoption of Resolution No. 2005-338, Public Hearing and Findings for Approval of an Owner Participation and Disposition and Development Agreement with EMR Residential Properties, LLC

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Conduct a public hearing in accordance with Section 33431 of the Health and Safety Code; and
2. Adopt Resolution No. 2005-338, which makes the mandatory Section 33445 findings to approve the Owner Participation and Disposition and Development Agreement with EMR Residential Properties, LLC.

**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 Redevelopment Agency agenda as part of today's joint public hearing with the Redevelopment Agency. 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. (Continued on next page)

Departmental Concurrence

RZ:DL:TE:BB

S:\RDACOM\DIS2\Rubidoux\Emerald Meadows\EMR DDA BOS f11.doc

*for*   
Robin Zimpfer  
Interim Assistant County Executive Officer/EDA

<b>FINANCIAL DATA</b>	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 DIRECTORS AGENDA:** Yes

<b>SOURCE OF FUNDS:</b> Jurupa Valley Redevelopment Funds	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** **APPROVE**

**County Executive Office Signature** *Bronda King*

- Policy
- Policy
- Consent
- Consent
- Dept't Recomm.:
- Per Exec. Ofc.:

<b>Prev. Agn. Ref.:</b> NA	<b>District:</b> 2	<b>Agenda Number:</b>
----------------------------	--------------------	-----------------------

Background (continued): 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 34<sup>th</sup> Street, and west of the Santa Ana River. Section 33445 of Redevelopment Law requires that the Legislative Body make certain findings whenever the Redevelopment Agency proposes to pay for the cost of public improvements within or outside a redevelopment area. 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 Redevelopment Agency. 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.

2 **RESOLUTION NO. 2005-338**  
3 **FINDINGS TO APPROVE AN OWNER PARTICIPATION AND DEVELOPMENT AND**  
4 **DISPOSITION AGREEMENT WITH EMR RESIDENTIAL PROPERTIES, LLC (Second**  
5 **Supervisory District)**

6 **WHEREAS**, the Redevelopment Agency for the County of Riverside (the  
7 "Agency"), a public body, corporate and politic, established pursuant to and existing  
8 under the California Community Redevelopment Law (Health and Safety Code Section  
9 33000 *et seq.*), was created on July 30, 1985, by Ordinance No. 612 of the Board of  
10 Supervisors of the County Riverside (the "County"); and

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

14 **WHEREAS**, the Board of Supervisors of the County adopted Ordinances Nos.  
15 762 and 763, on July 9, 1996, adopted a redevelopment plan (the "Redevelopment  
16 Plan") that merged the original redevelopment project area with two other  
17 redevelopment project areas in the County and added territory thereto, and which is  
18 now collectively referred to as the Jurupa Valley Redevelopment Project Area (the  
19 "Project Area") which is comprised of portions of the communities of Mira Loma, Pedley,  
20 Rubidoux, Sunnyslope, and Glen Avon; and

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

25 **WHEREAS**, the Site is located south of State Highway 60, east of Rubidoux  
26 Boulevard, north of 34<sup>th</sup> Street, and west of the Santa Ana River; and

27 **WHEREAS**, the proposed Specific Plan will result in the construction of off-Site  
28 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 or the immediate  
8 neighborhood in which the project is located, (ii) that no other reasonable means of  
9 financing such facilities and improvements are available to the community, and (iii) that  
10 the payment of funds for the costs of such facilities or improvements will assist in the  
11 alleviation of one or more blighting conditions inside the project area and is consistent  
12 with the implementation plan adopted pursuant to Section 33490 of the Community  
13 Redevelopment Law; and

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

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

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

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

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

28

1           **WHEREAS**, on July 26, 2005, the Agency Board and Board of Supervisors held  
2 a public hearing on the proposed OP/DDA, at which time the Agency reviewed and  
3 evaluated the proposed OP/DDA; the benefit to the Project Area to be derived from the  
4 proposed OP/DDA; whether other reasonable means of financing the public  
5 improvements to be provided by the Agency pursuant to the terms of the OP/DDA were  
6 available; whether the payment of funds for the costs of such public improvements  
7 would assist in the alleviation of one or more blighting conditions inside the Project Area  
8 and is consistent with the Agency's adopted Implementation Plan; staff reports prepared  
9 on this matter; and all of the information, testimony, and evidence presented during the  
10 public hearing; and

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

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

18           **NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the  
19 Board of Supervisors of the County of Riverside, State of California, in regular session  
20 assembled on July 26, 2005, as follows:

21           **Section 1.** The Board of Supervisors hereby finds and determines, based  
22 upon substantial evidence provided in the record before it:

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

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

1           **C.**     That the off-Site improvements to be constructed in conjunction with the  
2 Project are of benefit to the Project Area and are necessary to effectuate the  
3 purposes of the Redevelopment Plan. This finding is based upon the record of  
4 the public hearing on the OP/DDA, the record of the joint public hearings for the  
5 adoption of Redevelopment Plan, the reasons expressed herein, and upon the  
6 fact that the off-Site improvements are necessary for improving traffic circulation  
7 and access as well as flood control and utility deficiencies, thereby encouraging  
8 further redevelopment of the Project Area.

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

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

23           **F.**     That timing issues unique to EMR's Site assembly efforts make it  
24 infeasible to run CEQA review for the Specific Plan concurrently with the  
25 approval of the OP/DDA; therefore, in order to satisfy the requirements of CEQA  
26 (California Public Resources Code Section 21000 *et seq.*: "CEQA") and the  
27 State CEQA Guidelines (Title 14, California Code of Regulations Section 15000  
28 *et seq.*), the approval of the OP/DDA is expressly conditioned upon the Board of

1 Supervisors subsequently approving the proposed Specific Plan and certifying  
2 the final Environmental Impact Report No. 473 ("EIR") prepared in connection  
3 therewith, and pursuant to State CEQA Guidelines Section 15004(b)(2)(B), the  
4 Agency finds that its conditional approval of the OP/DDA will not have a  
5 significant adverse environmental effect nor foreclose alternatives or mitigation  
6 measures that would ordinarily be part of the CEQA review process.

7 **Section 2.** The Board consents to and approves the execution of the OP/DDA  
8 by the Agency's Chairman, and a copy of the OP/DDA when executed by the Chairman  
9 shall be placed on file in the office of the Clerk of the Board.

10 **Section 3.** The Clerk of the Board shall certify to the adoption of this  
11 Resolution.

12 **Section 4.** The effective date of this Resolution shall be the date of its  
13 adoption.

14 **PASSED and ADOPTED** by the Board of Supervisors of the County of Riverside  
15 this \_\_\_\_ day of July, 2005.

16  
17  
18  
19 APPROVED AS TO FORM:

20  
21 By:   
22 County Counsel

23 S:\RDACOM\DIS2\Rubidoux\EmeraldMeadows\EMR BOS OP-DDA resolution.doc  
24  
25  
26  
27  
28