

**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.

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 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)

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for Robin Zimpfer
Interim Assistant County Executive Officer/EDA

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 DIRECTORS AGENDA: Yes

SOURCE OF FUNDS: Jurupa Valley Redevelopment Funds

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input type="checkbox"/>

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

County Executive Office Signature

Bronda King

Policy

Consent

Dept't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: NA

District: 2

Agenda Number:

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 34th 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.

**RESOLUTION NO. 2005-338
FINDINGS TO APPROVE AN OWNER PARTICIPATION AND DEVELOPMENT AND
DISPOSITION AGREEMENT WITH EMR RESIDENTIAL PROPERTIES, LLC (Second
Supervisory 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, on July 5, 1989, the Board of Supervisors of the County adopted Ordinance No. 675 approving a redevelopment plan for a portion of an area within the County commonly known as the Jurupa Valley; and

WHEREAS, on July 9, 1996, the Board of Supervisors of the County adopted Ordinances Nos. 762 and 763 approving 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 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 or has entered into purchase agreements and
15 option agreements to acquire in excess of 80 separate parcels within the Site
16 (collectively, the "EMR Parcels") and proposes to acquire the remaining parcel or
17 parcels within the Site (the "Agency Parcel(s)") from the Agency; and

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

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

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

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

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

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

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

21 **NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** by the
22 Board of Supervisors of the County of Riverside, State of California, in regular session
23 assembled on October 4, 2005, as follows:

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

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

27 **B.** That the Board of Supervisors has received and heard all oral and written
28 objections to the proposed OP/DDA and to the proposed redevelopment of the

1 Site in connection therewith and to any other matters pertaining to this
2 transaction, and that all such oral and written objections are hereby overruled.

3 **C.** That the off-Site improvements to be constructed in conjunction with the
4 Project are of benefit to the Project Area and are necessary to effectuate the
5 purposes of the Redevelopment Plan. This finding is based upon the record of
6 the public hearing on the OP/DDA, the record of the joint public hearings for the
7 adoption of Redevelopment Plan, the reasons expressed herein, and upon the
8 fact that the off-Site improvements are necessary for improving traffic circulation
9 and access as well as flood control and utility deficiencies, thereby encouraging
10 further redevelopment of the Project Area. The improvements are not ones
11 which the Developer would otherwise be obliged to provide in connection with the
12 Project, and the Agency will reimburse the costs therefor.

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

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

27 **F.** That the environmental impacts of the Project and the OP/DDA, a
28 reasonable range of feasible alternatives, and mitigation measures that will

1 reduce the Project's impacts on the environment, have been adequately
2 addressed in Environmental Impact Report ("EIR") 00473, which was certified by
3 the Board of Supervisors on September 13, 2005, and in the EIR for the
4 Redevelopment Plan, both in compliance with applicable provisions of the
5 California Environmental Quality Act (California Public Resources Code Section
6 21000 et seq. ("CEQA")) and the State CEQA Guidelines (California Code of
7 Regulations, title 14, Section 15000 et seq.). The Board of Supervisors has
8 reviewed and considered all of the information and environmental documentation
9 in said EIRs relating to the proposed Project and the OP/DDA and finds (1) that
10 said EIRs represent the Board's independent judgment; (2) that the Project is
11 within the scope of the activities approved in said EIRs; and (3) that said EIRs
12 adequately describe the Project for the purposes of CEQA.

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

16 **Section 3.** The Clerk of the Board shall certify to the adoption of this
17 Resolution.

18 **Section 4.** The effective date of this Resolution shall be the date of its
19 adoption.

20 **PASSED and ADOPTED** by the Board of Supervisors of the County of Riverside
21 this 4th day of October, 2005.

22
23 ATTEST:

APPROVED AS TO FORM:

24
25
26 By: _____
Clerk of the Board

By: Lee A. Innocent
County Counsel