



REPORT TO COUNCIL

City of Sacramento

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915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

CONSENT
February 14, 2006

Honorable Mayor and
Members of the City Council

Subject: Natomas Field Development Agreement (P06-014)

Location/Council District: Southeast of Arena Boulevard and East Commerce Way.
APN: 225-0150-014, -018, -025, -027, -028, -030, -032, and -036. Council District 1.

Recommendation:

As required by Sacramento City Charter 32(c) Pass for Publication an Ordinance approving a Development Agreement between the City of Sacramento and Beazer Homes/Acacia Credit Fund 10-A, LLC and continue to February 28, 2006, for adoption.

Contact: Arwen Wacht, Associate Planner, 808-1964; Gregory Bitter, Senior Planner, 808-7816

Presenters: Arwen Wacht, Associate Planner

Department: Development Services Department

Division: Planning

Organization No: 4875

Summary:

On July 27, 2005, the City Council approved the project entitlements for the Natomas Field project (P04-236), including a Development Agreement between the City of Sacramento and Beazer Homes. The approved effective date on the Developed Agreement has expired, and the applicant is submitting a new application for the Development Agreement that requires approval by the City Council.

Background Information:

The Development Agreement approved by City Council on July 27, 2005, for Natomas Field (P04-236) stated that Beazer Homes was required to provide proof of title to the property covered by the Development Agreement within 90 days of the effective date of the ordinance. The Ordinance approving the Development Agreement became effective

on August 26, 2005. Ninety days from August 26, 2005 was November 25, 2005, and at that time, the City had not received a title report indicating Beazer's ownership of the property therefore, the Development Agreement expired.

The original Development Agreement approved by the City Council listed the applicant, Beazer Homes, as the eventual property owner and signatory of the Development Agreement. The title report provided by Beazer Homes, prior to the expiration of the Development Agreement, indicated that Acacia Credit Fund 10-A, LLC was the owner of the proposed project site. By the time the correct ownership was verified, there was not sufficient time for the applicant to request an extension of the Development Agreement effective date. Therefore, the Development Agreement has expired, and the applicant has submitted a new application for the Development Agreement (P06-014) that will need to be approved by the Planning Commission and City Council.

It should be noted that Acacia Credit Fund 10-A, LLC will be the owner of record and signatory of the Development Agreement. Acacia is Beazer Homes' land banker for all divisions nationwide. For many of Beazer Homes' larger projects Acacia closes escrow on property purchased by Beazer and holds the property until Beazer Homes calls out a release (either phases of development, blocks of lots, etc.). At that point in time, Beazer Homes acquires title to the property and constructs homes.

Financial Considerations:

This project has no fiscal considerations.

Environmental Considerations:

On July 27, 2005, the City Council approved a Mitigated Negative Declaration for the originally proposed project (P04-236). Potentially significant environmental issues regarding water, air quality, biological, hazards, noise, and cultural resources were discussed and mitigated in this document. The current request to establish a new Development Agreement for the same project does not result in any impacts over and above what was previously analyzed.

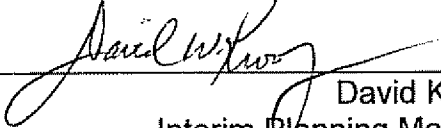
Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act Public Resources Code provides that an additional Negative Declaration (or Environmental Impact Report) need not be prepared unless subsequent changes are proposed in the project, substantial changes occur with respect to the project circumstances, or new information of substantial importance to the project becomes known or available. Thus, a previously adopted Negative Declaration is considered adequate for the subject proposal. The applicant has reviewed the previously adopted Mitigation Monitoring Plan and has signed a Mitigation Agreement in acceptance of the imposed mitigation measures.

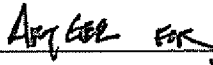
Policy Considerations:

The Natomas Field project has been determined to be consistent with applicable City policies, including the Inclusionary Housing Policy, the City's Smart Growth Principles, and the City's Strategic Plan.

Emerging Small Business Development (ESBD):

No goods or services are being purchased under this report.

Respectfully Submitted by:  _____
David Kwong
Interim Planning Manager

Approved by:  _____
William A. Thomas
Director of Development Services

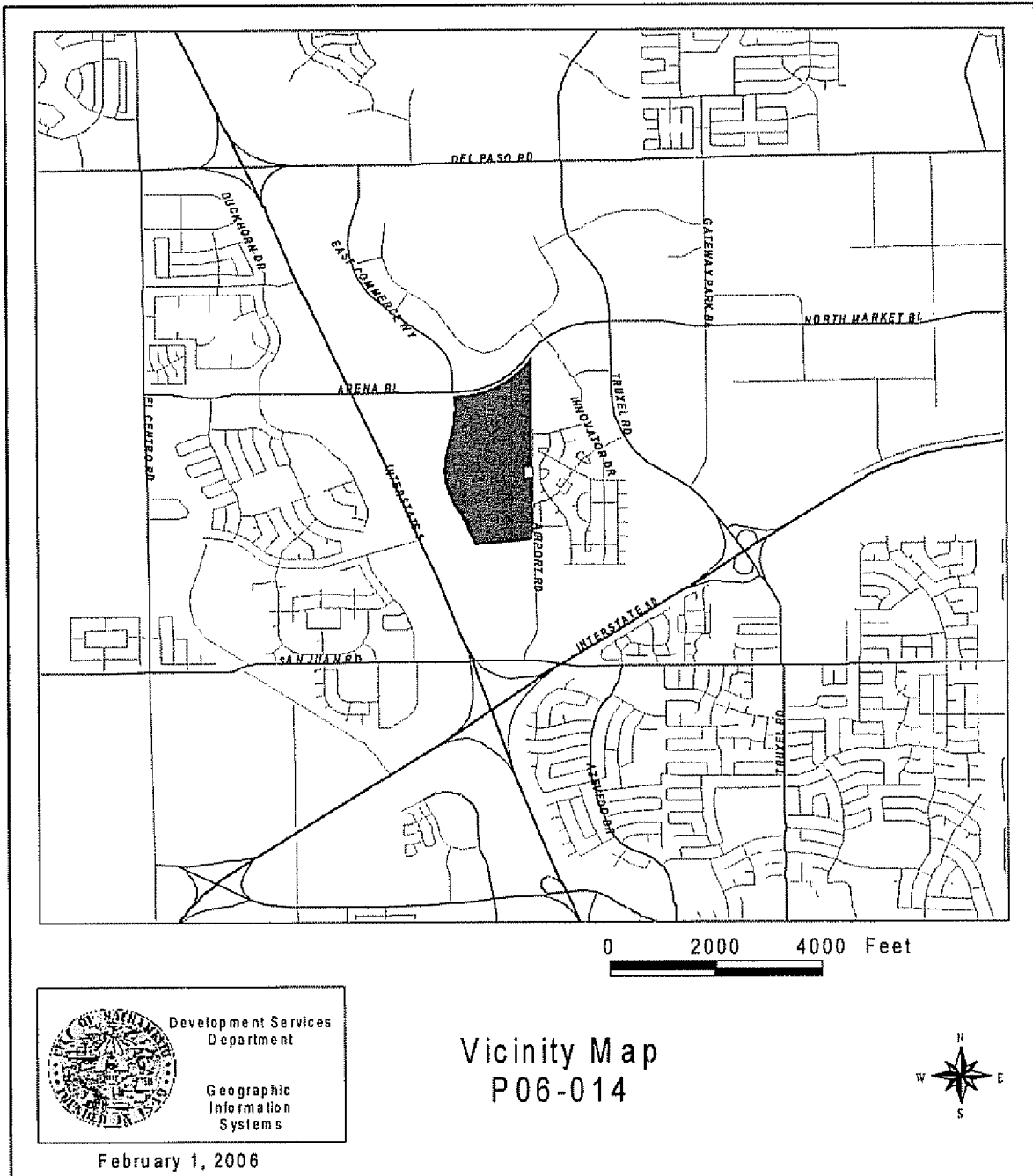
Recommendation Approved:

 _____
RAY KERRIDGE
Interim City Manager

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Vicinity Map



ORDINANCE NO. 2005-XXXX

Adopted by the Sacramento City Council

Date

AN ORDINANCE RELATING TO THE APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SACRAMENTO AND BEAZER HOMES/ACACIA CREDIT FUND 10-A, LLC, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ARENA BOULEVARD AND EAST COMMERCE WAY. (APN: 225-0150-014, -018, -025, -027, -028, -030, -032, and -036) (P06-014)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

SECTION 1

This Ordinance incorporates, and by this reference makes part hereof, that certain Development Agreement, by and between the City of Sacramento and Beazer Homes/Acacia Credit Fund 10-A, LLC, a copy of which is attached hereto.

SECTION 2

The City Council finds:

1. The agreement is consistent with the city general plan and the goals, policies, standards and objectives of any applicable specific or community plan;
2. The project should be encouraged in order to meet important economic, social, environmental or planning goals of any applicable specific or community plan;
3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement;
4. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;
5. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required

under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;

6. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations.

SECTION 3

The Development Agreement attached hereto is hereby approved, and the Mayor is authorized to execute after the effective date of this Ordinance said Development Agreement on behalf of the City of Sacramento. This approval and authorization is based upon the Mitigated Negative Declaration and Mitigation Monitoring Plan which is the subject of a separate resolution adopted by City Council prior to or concurrent with the adoption of this Ordinance.

A copy of the Development Agreement
is available for Review at:

City of Sacramento
Development Services Department
New City Hall
915 I Street, 3rd Floor
Sacramento, CA 95814
(916) 808-5381

8 a.m. - 5 p.m.
Monday through Friday