

ORDINANCE No. 006-2017 – ATTACHMENT #1

AN ORDINANCE OF THE CITY OF RIO VISTA APPROVING THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT DATED 8/1/1991 AND 3/22/2001 FOR DEVELOPMENT KNOWN AS GIBBS RANCH/LIBERTY AND RECOMMENDING APPROVAL OF THE SAME BY THE CITY COUNCIL

WHEREAS, an Application has been filed by Encore Liberty, LLC., 1 Letterman Drive, Building C, Suite 3800, San Francisco, CA 94129, to amend the provisions of the Gibbs Ranch Development Agreement; and

WHEREAS, the Development Agreement was entered into on August 1, 1991 and the 1st Amendment to the Development Agreement was entered into on March 22, 2001; and

WHEREAS, the Planning Commission conducted a public hearing on the subject matter at a Special Meeting on July 5, 2017, notice of time, place, and address, was duly published; and

WHEREAS, the City Council conducted a public hearing on the subject matter at a Regular Meeting on August 15, 2017, notice of time, place, and address, was duly published; and

WHEREAS, members of the public were given the opportunity to speak on the application, and a report by the City staff was presented and made part of the record; and

WHEREAS, the City Council hereby finds that the environmental impacts of the project are within the scope of the EIR certified by the City Council on April 19, 1990, for the Gibbs Ranch Development Agreement, PUD Permit and Rezoning and on July 18, 1991, the EIR and an addendum thereto were affirmed by the City Council, and therefore, no additional environmental review is required; and

WHEREAS, the City Council has determined, based on their independent judgment, that no subsequent EIR or other environmental documentation is required for the Second Amendment pursuant to CEQA Guideline Section 15162 given its independent determination, based upon the evidence in the record, that no substantial changes to the Project are proposed by the requested Development Agreement Amendments; and

WHEREAS, there are no substantial changes to the circumstances surrounding the Project that would require major revisions to the EIR as a result of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, nor is there any new information of substantial importance; and

WHEREAS, all mitigation measures previously identified and imposed pursuant to the EIR shall remain in full force and effect; and

WHEREAS, the Gibbs Ranch Development Agreement, as amended, together with the PUD Regulations, will govern all development within the subject property;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO VISTA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Findings – The City Council of the City of Rio Vista does hereby find as follows:

1. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan, as amended by the Project Approvals as described in the original Development Agreement, dated 8/1/1991.
2. The Development Agreement is compatible with the uses authorized in and the regulations prescribed for the land use district in which the Property is located, as amended by the Project Approvals.
3. The Development Agreement is in conformity with public convenience, general welfare and good land use practices.
4. The Development Agreement will not be detrimental to the health, safety and general welfare of the City or the region surrounding the City.
5. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values within the City.
6. The Development Agreement will promote and encourage the development of the Project by providing a greater degree of certainty with respect thereto.

SECTION 2: Amendments – The City Council of the City of Rio Vista does hereby Amend the Development Agreement as follows:

- A. Section 4.03 (b) iv of the Original Development Agreement dated 8/1/1991 be amended to read as follows:

The maximum size of residential homes, related structures and other buildings and structures shall be the applicable maximum size set forth in the Specific Plan and PUD permit, including any provisions of the City zoning ordinance or other laws referred to or incorporated by reference (which were in effect on the Effective Date), except that the overall maximum lot coverage for 5,000 square foot lots shall be sixty-five percent (65%) for Senior Units, sixty percent (60%) for Unrestricted Unit residences and an overall maximum lot coverage for other structures equal to the applicable limit set forth in the City's zoning ordinances as in effect on the Effective Date;

- B. Section 4.21 (b) (ii) of the 1st Amendment to the Development Agreement dated 3/22/2001 be amended as follows:

A Master clubhouse facility (one) or multiple facilities for the Senior Unit project on those areas within the Project Site Developer chooses, provided that Developer constructs the equivalent of at least 3,000 square feet of clubhouse facility per 400 Senior Units. Further provided that all gas well sites and related clear areas designated on the VTM and Exhibit G (subpart G-1 through G-3, G-4) be developed as common open space containing at a minimum, simple landscaping such as turf and trees. If a well site is utilized for drilling after open space development, Developer shall restore the previously developed open space, amenities and landscaping after drilling is complete, subject to the Accommodation Agreement.

Effective Date and Publication. This ordinance shall take effect thirty (30) days after its adoption. The City Clerk is hereby directed to publish a summary of this ordinance within fifteen (15) days after its passage in an adjudicated, published newspaper of general circulation serving the city of Rio Vista residents.

I, ANNA OLEA-MOGER, CITY CLERK OF THE CITY OF RIO VISTA, HEREBY CERTIFY this ordinance was **introduced** at a regular meeting of the Rio Vista City Council on **August 15, 2017** and **PASSED and ADOPTED** by the City Council of the City of Rio Vista at a regular meeting on _____, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

Norman M. Richardson, Mayor

ATTEST:

Anna Olea-Moger, CMC, City Clerk