

ORDINANCE NO. 653

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA, AMENDING CUDAHY MUNICIPAL CODE CHAPTER 20.28 (DEVELOPMENT AGREEMENTS) OF TITLE 20 (ZONING) REGARDING DEVELOPMENT AGREEMENTS

WHEREAS: the State Development Agreement Law (California Government Code section 65864 et seq.) provides that a city may enter into an agreement with any person having a legal or equitable interest in real property for the development of the property; and

WHEREAS: California Government Code section 65867.5 states that a development agreement is a legislative act that shall be approved by ordinance; and

WHEREAS: the State Development Agreement Law authorizes cities to establish procedures and requirements for application, review, and approval of development agreements; and

WHEREAS: the City's Development Agreement Ordinance is set forth in Chapter 20.28 of the Cudahy zoning ordinance; and

WHEREAS: in furtherance of the planning process that provides certain assurances to development project applicants that projects may rely on existing policies, rules and regulations, the City desires to strengthen and clarify its Development Agreement Ordinance; and

WHEREAS: on August 17, 2015, following proper notice and public hearing, the City Planning Commission adopted Resolution No. 653, recommending that the City Council adopt an ordinance amending Cudahy Municipal Code Chapter 20.28 regarding development agreements; and

WHEREAS, the City Council has considered evidence presented by the Planning Commission, City Staff and the public at a duly noticed public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUDAHY, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1: Subpart (2) of Cudahy Municipal Code Section 20.28.030 (Initiation of and requirement of hearing) is amended as follows (underlining denotes additions):

(2) Upon the filing of a completed application, the community development director shall set a date for a noticed public hearing before the planning commission and shall give notice as required by CMC 20.48.020. The application for a development agreement shall be processed and scheduled for public hearing concurrently with all project-related applications.

SECTION 2: Subpart (2) of Cudahy Municipal Code Section 20.28.050 (Contents) is amended as follows (underlining denotes additions):

(2) In addition to the required terms, a development agreement may include any of the following provisions:

- (a) The specified time for construction to commence.
- (b) The specified time for the project, or any phase of the project, to be completed.
- (c) Terms and conditions relating to applicant financing of necessary public facilities, and subsequent reimbursement, if any.
- (d) Conditions, terms, restrictions, and requirements for subsequent discretionary actions by the city, provided these shall not prevent development of the land for the uses and to the density or intensity set forth in the agreement.
- (e) Director sign-off for minor modifications to the development project, with criteria to determine a minor modification.
- (g) Any other terms, conditions and requirements the city council deems proper.

SECTION 3: Cudahy Municipal Code Section 20.28.060 (Approval of development agreement) is amended as follows (strikethrough denotes deletions; underlining denotes additions):

~~A development agreement shall be approved by resolution. The city council shall not approve a development agreement unless it finds that its provisions are consistent with the general plan and applicable specific plans.~~

(1) Following a public hearing, the city council shall approve, conditionally approve, or deny the development agreement and associated applications. If the city council proposes substantial modification to the development agreement that was not considered by the planning commission, the modification shall be referred back to the planning commission for its recommendation. Failure of the planning commission to report back to the city council within forty days after the referral, or a longer time set by the city council, shall be deemed a recommendation for approval of the proposed modification.

(2) If the city council approves or conditionally approves the application, it shall direct the preparation of a development agreement that reflects the conditions and terms as approved, and an ordinance authorizing execution of the development agreement by the city council. The ordinance shall contain the following findings:

- (a) The development agreement is in the best interests of the city and promotes the public interest and welfare.
- (b) The development agreement is consistent with the General Plan, any applicable specific plan, and the city zoning code.

SECTION 4: In accordance with Municipal Code section 20.16.100, the City Council finds that the amendment is consistent with the objectives of the zoning code and the City of Cudahy General Plan. The amendment implements state law governing development agreements, which allows cities and developers to enter into contracts to lock in regulations and policies governing the property. The amendment requires that the proposed development agreement is consistent with the General Plan and the zoning code. Development agreements benefit the city and its residents by specifying the developer's responsibilities, such as public improvements and payment of fees, while providing assurance to the applicant regarding the applicable rules. The amendment is consistent with the objective of the General Plan to promote opportunities for growth and development, and the policy to "encourage development that complements and enhances the community." (Land Use Element Policy 1.2.)

SECTION 5: Adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (Cal. Code Regs. title 14) section 15061(b)(3) (certain to have no significant effect on the environment), because the ordinance implements State law and policy, and there can be no meaningful analysis of environmental impacts because it is not reasonably foreseeable what projects might be proposed. (Id. § 15064(d).) Specific development agreements will each be subject to CEQA.

SECTION 6: This ordinance shall supersede any inconsistent provision of the Municipal Code to the extent of such inconsistency and no further.

SECTION 7: Should any provision of this ordinance be determined to be invalid or unconstitutional, all other provisions shall remain in full force and effect as approved.

SECTION 8: This ordinance shall take effect 30 days after its passage pursuant to California Government Code section 36937.

SECTION 9: The City Clerk shall attest to the adoption of this ordinance and shall cause the same to be published in the manner prescribed by law.

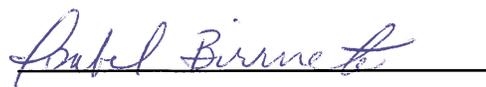
PASSED, APPROVED AND ADOPTED this 26th day of October, 2015.


Cristian Markovich
Mayor

ATTEST:


Laura Valdivia
Interim City Clerk

APPROVED AS TO FORM:


Isabel Birrueta
Assistant City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CUDAHY)

I, Laura Valdivia, Interim City Clerk of the City of Cudahy, hereby certify that the foregoing Ordinance No. 653 was passed and adopted by the City Council of the City of Cudahy, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 26th day of October, 2015, and that said Ordinance was adopted by the following vote, to-wit:

AYES: Guerrero, Hernandez, Markovich

NOES: None

ABSTAIN: None

ABSENT: Garcia



Laura Valdivia
Interim City Clerk

