

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE REPEALING ORDINANCE NO. 731, WHICH APPROVED AND ADOPTED DEVELOPMENT AGREEMENT NO. 18-032 BETWEEN THE CITY OF COMMERCE AND CITADEL HOLDINGS GROUP, LLC FOR THE IMPROVEMENT AND EXPANSION OF THE CITADEL SHOPPING OUTLET CENTER; MADE FINDINGS CONSISTENT WITH AND PURSUANT TO GOVERNMENT CODE SECTION 65867.5; AND MADE FINDINGS OF A CEQA ENVIRONMENTAL IMPACT REPORT

WHEREAS, on July 2, 2019, City Council approved the first reading of two (2) ordinances approving two development agreements concerning the expansion of the Citadel Shopping Outlet Center (Ordinance No. 731), and for the development of a ten acre parcel at the corner of Washington Boulevard and Telegraph Road (Ordinance No. 732) in the City (hereinafter also, "Ordinance" or collectively, "Ordinances");

WHEREAS, on July 16, 2019, City Council approved the second reading and adoptions of Ordinances Nos. 731 and 732, which would become effective after 30 days from the date of adoption. Two qualified (2) Referendum Petitions challenging Ordinances No. 731 and 732 were timely filed and have been verified;

WHEREAS, on August 5, 2019, the City received two (2) citizen-sponsored referendum petitions (hereinafter, collectively the "Referendum Petitions") seeking rescission of two (2) ordinances: Ordinance No. 731 approving a development agreement concerning the expansion of the Citadel Shopping Outlet Center, and Ordinance No. 732, approving a development agreement for the development of a ten acre parcel at the corner of Washington Boulevard and Telegraph Road;

WHEREAS, on August 5, 2019, the City Clerk undertook a "prima facie" count of the signatures of the Referendum Petitions to ensure each were signed by not less than ten percent (10%) of the registered voters in the City. According to the Los Angeles County Registrar, Recorder and County Clerk (hereinafter, "County Clerk"), as of February 2019, its last official report of registration indicates the number of registered voters in the City is 6,790;

WHEREAS, the prima facie count of signatures established that the Referendum Petitions had more than the required minimum number of signatures of 679; specifically, 988 signatures for Ordinance No. 731, and 996 for Ordinance No. 732. Accordingly, the timely filing of the Referendum Petitions was accepted by the City;

WHEREAS, the City Clerk further examined the Referendum Petitions and confirmed they were in substantial and technical compliance with the Elections Code, including the form of the Referendum Petitions was proper; the text of the Ordinance(s), or the portion of the ordinance that is subject of the referendum, with the inclusion of documents incorporated by Ordinance Nos. 731 and 732 was part of the Referendum Petitions and circulated, and had the required declarations of the petition circulator;

WHEREAS, the City Clerk forwarded the Referendum Petitions to the County Clerk on Monday, August 12, 2019 to validate the signatures to verify whether the Referendum Petitions were signed by the requisite number of voters;

WHEREAS, on August 26, 2019, the County Clerk deemed both Referendum Petitions sufficient. Specifically, the County Clerk has determined that the Referendum Petition proponents secured the requisite number of valid signatures to qualify the Referendum Petitions. As to the Referendum Petition seeking the rescission of Ordinance No. 731, 992 signatures were obtained in total, and 934 of the signatures were verified and validated. As to the Referendum Petition seeking the rescission of Ordinance No. 732, 992 signatures were obtained in total, and 916 of the signatures were verified and validated;

WHEREAS, on September 3, 2019, the City Council adopted both Resolutions to certify the results of the verification of signatures and certified the Referendum Petitions as sufficient, as required by the Elections Code;

WHEREAS, since the Referendum Petitions qualify, Elections Code Section 9241 directs the City Council receiving a certified referendum petition to either repeal the Ordinance(s) against which the Referendum Petitions were filed; or submit the Ordinance(s) to the voters, either at the next regular municipal election after the City Council's order, occurring not less than 88 days after the City Council's order; or a special election called for this purpose, not less than 88 days after the City Council's order.

THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The City Council finds and declares that the recitals set forth above are incorporated herein and by this reference are made part of the City Council's findings.

SECTION 2: The purpose of this Ordinance is to repeal Ordinance No. 731 in response to the Referendum Petition submitted on August 5, 2019 to the City Clerk and certified by the City Council of the City of Commerce by Resolution on September 3, 2019.

SECTION 3: The City's approval of Ordinance No. 731 is hereby repealed in its entirety, including repealing and rescinding the approval of Development Agreement No. 18-032 between the City of Commerce and Citadel Holdings Group, LLC.

SECTION 4: This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer, employee, or agent thereof, a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5: If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 6: City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 7: This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted as required by law.

Introduced and read at a regular meeting of the City Council of the City of Commerce the _____ day of _____, 2020, and adopted at a regular meeting thereof held on the _____ day of _____, 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

John Soria
Mayor

ATTEST:

City Clerk

