

# Attachment 3

## Ordinance Development Agreement

**UNCODIFIED ORDINANCE NO. \_\_\_\_\_**

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE TO 1) MAKE FINDINGS CONSISTENT WITH AND PURSUANT TO GOVERNMENT CODE SECTION 65867.5 TO APPROVE AND ADOPT A DEVELOPMENT AGREEMENT NO. 20-XXX BETWEEN THE CITY OF COMMERCE AND CITY VENTURES HOMEBUILDING, LLC; AND 2) ALLOW FOR A HOUSING DEVELOPMENT ON THE PROPERTIES ADDRESSED 5550 HARBOR STREET, 5625 JILLSON STREET AND 5555 JILLSON STREET; AND 3) MAKE FINDINGS APPROVING AND ADOPTING A CEQA ENVIRONMENTAL DETERMINATION**

**WHEREAS**, the State of California enacted California Government Code Sections 65864 et seq. ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction;

**WHEREAS**, the purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the Applicant, and to meet certain public purposes of the local government;

**WHEREAS**, as authorized by the Development Agreement Statutes, the City of Commerce ("City") has adopted Resolution No. 18-50 ("A Resolution of the City Council of the City of Commerce Approving Procedures and Requirements for the Processing of Development Agreements") establishing the procedures and requirements for the consideration of development agreements with the City;

**WHEREAS**, Kim Prijatel, representing City Ventures, filed an application with the City for the construction of 133 single-family attached residential units on three parcels to be known as Rosewood Village. The Project will be built in three phases. The Project includes the following discretionary approvals as follows: 1) Plot Plan Review for a new Multi-Family Housing project, 2) Tentative Tract Map 82890 – creating one (1) lot for 37 residential units; 3) Tentative Tract Map 82891 – creating one (1) lot for 31 residential units; 4) Tentative Tract Map 82892 – creating one (1) lot for 65 residential units; 5) Demolition – demolition of all existing structures on the three sites, and 6) to acknowledge and recommend to the City Council for the approval of the Development Agreement – covering the details of the City's sell of the land known as Assessor's Parcel Numbers (APN) 6335-025- 902, 903, 905, and 906, to City Ventures for the development of 133 single-family attached dwelling units; and

**WHEREAS**, a Plot Plan review is required for the proposed housing development within the Housing Opportunity Overlay (HOO) zoning district; and

**WHEREAS**, on October 10, 2020 the City gave public notice of its intention to adopt a Development Agreement and has conducted a public hearing thereon pursuant to California Government Code §65867; specifically, pursuant to California Government Code Sections 65867 and 65090, and published legal notice in the Los Cerritos News of City Council's consideration of this proposed Development Agreement and mailed out notice to property owners located within

500 feet of the Project Site, indicating the public hearing to be held by the City of Commerce City Council on October 20, 2020; and

**WHEREAS**, all other legal prerequisites to the approval and adoption of this Ordinance approving and adopting this Development Agreement have occurred.

**NOW, THEREFORE**, the City Council of the City of Commerce does ORDAIN as follows:

**SECTION 1 RECITALS**: That based upon staff reports, presentations, public testimony, and all other matters presented during the public hearing on this item, the City Council hereby finds and declares that the foregoing recitals are true and correct and incorporates them herein as findings and as a substantive part of this Ordinance.

**SECTION 2: ADDITIONAL FINDINGS**. Pursuant to the Government Section Code 65864 through 65869.5 and in light of the record before it including the staff report (and all attachments), and all evidence and testimony heard at the duly noticed public hearing on October 20, 2020 for this item, and in light of all evidence and testimony provided in connection with this Project, the City Council makes the following FINDINGS pertaining to the Development Agreement as related to the proposed disposition of the Site for purposes of the Project:

**Finding** : The proposed Development Agreement is consistent with the goals and policies of the General Plan,

**Evidence**: The proposed use is consistent with the objectives, policies, general, uses, and programs of the Commerce General Plan. This project is consistent with the General Plan in that it contributes to help establish an orderly pattern of development, by providing housing in area that was previously set aside for such uses. The Project implements the following policies of the General Plan:

- a) **Community Development Policy 5.1**. The city of Commerce will promote the development of new housing for all income groups.
- b) **Community Development Policy 5.2**. The city of Commerce will continue to explore new opportunities for housing and services to meet the needs of the labor force, and as a means to attract new business and industry to the city.
- c) **Housing Policy 1.1**. The city of Commerce will strive to provide a diverse inventory of housing that meets the needs of those who desire to reside in the city.
- d) **Housing Policy 1.2**. The city of Commerce will promote the development of a wide range of housing by location, type, and price to meet the existing and future needs of the city.
- e) **Housing Policy 1.5**. The city of Commerce will explore opportunities for new residential development within those areas of the city occupied by vacant, obsolete commercial and industrial uses.

**SECTION 3: INCORPORATION, APPROVAL AND EXECUTION OF DEVELOPMENT AGREEMENT.** Based upon the findings outlined hereinabove, the City Council of the City of Commerce hereby approves Development Agreement 20-XXX, and inclusive of exhibits thereof, incorporated herein by this reference, between the City of Commerce and City Ventures Homebuilding, LLC, and authorizes the Mayor to execute the Development Agreement subject to final and technical revisions as required and approved by the City Attorney.

**SECTION 4: SEVERABILITY.** If any section, subsection, line, sentence, clause, phrase, word, part, provision, or portion of this Ordinance, or its application to any individual, entity, or circumstance, for any reason, is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and shall continue in full force and effect. To this end, any section, subsection, line, sentence, clause, phrase, word, part, provision, or portion of this Ordinance is severable. The City Council of the City of Commerce declares that this Ordinance would have been adopted by the City Council of the fact that any section, subsection, line, sentence, clause, phrase, word, part, provision, or portion thereof, might be declared to be invalid or unconstitutional.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall take effect on the thirty-first (31<sup>st</sup>) day after its adoption.

PASSED, APPROVED AND ADOPTED this 20<sup>th</sup> day of October 2020.

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Ivan Altamirano  
Mayor

ATTEST:

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Lena Shumway  
City Clerk