

ORDINANCE NO. 13-2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, APPROVING ADOPTING AN UNCODIFIED ORDINANCE, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCFARLAND AND OTC MCFARLAND, LLC AND GUADALUPE F. GARCIA DIAZ FOR THE DEVELOPMENT OF A COMMERCIAL CANNABIS BUSINESS AT 981 FRONTAGE ROAD, MCFARLAND CA.

Section 1. Recitals

WHEREAS, Sections 65864-65869.5 of the California Government Code authorize the City of McFarland (“City”) to enter into development agreements and requires the planning agency of the City to find the proposed development agreement to be consistent with the policies and programs of the General Plan and any applicable specific plan, which the Planning Commission has done; and

WHEREAS, Government Code section 65865 authorizes the City to enter into development agreements with any person having a legal or equitable interest in real property; and

WHEREAS, OTC McFarland LLC (“Developer”) has filed the a commercial cannabis permit application with the City for development of 981 Frontage Road, in McFarland , California, APN: 201-031-03-00-0, (“Property”) for the development of commercial cannabis business under Chapter 19.04 of the McFarland Municipal Code (the “Project”); and

WHEREAS, the City performed a preliminary environmental assessment pursuant to the requirements of the California Environmental Quality Act (California Public Resources Code section 21000, *et seq.*) and the Guidelines thereunder (14 California Code of Regulations section 15000, *et seq.*) (collectively, “CEQA”), and determined the Project Approvals were subject to exemptions pursuant to CEQA Guidelines Section 15061(b)(3) and 15301 (Existing Facilities); and

WHEREAS, On December 12, 2023 at a duly noticed public meeting and after due review and consideration of (i) the report of City staff on the Project Applications, (ii) all other evidence heard and submitted at the public hearing, and (iii) all other appropriate documentation and circumstances, the Planning Commission of the City adopted resolutions recommending that the City Council: (1) adopt the exemption pursuant to CEQA Guidelines Sections 15061(b)(3) and 15301(Existing Facilities) in compliance with CEQA; and (3) approve this Development Agreement

WHEREAS, On December 14, 2023, at a duly noticed public meeting and after introduction of the ordinance due review and consideration of (i) the report of City staff on the Project Applications, (ii) the recommendations of the Planning Commission, (iii) all other evidence heard and submitted at the duly noticed public hearing conducted and closed, and (iv) all other appropriate documentation and circumstances.

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

1. The above recitals are true, correct and hereby incorporated by reference.
2. The City Council adopts the exemption pursuant to CEQA Guidelines Sections 15061(b)(3) and 15301(Existing Facilities) in compliance with CEQA and adopt any attendant findings required by CEQA;
3. The City Council approves the Development Agreement by and between The City Of McFarland and OTC McFarland LLC and Guadalupe F. Garcia Diaz as an uncodified ordinance attached hereto as Exhibit “A,”
3. Direct the Mayor or the City Manager or his/her designee to finalize and execute this Agreement on behalf of the City.
4. This Ordinance shall take effect and be in full force and effect from and after thirty (30) calendar days after its final passage and adoption.

INTRODUCED, at a regular meeting of the City Council of the City of McFarland, California on 12/14/2023, by the following vote:

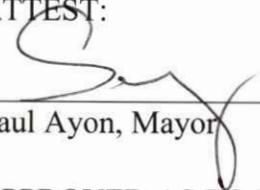
PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on 1/11/2024 by the following vote: 5/0

	Aye	Nae	Abstain	Absent
Saul Ayon	X			
Ricardo Cano	X			
Amador Ayon	X			
Anita Gonzalez	X			
María T. Pérez	X			

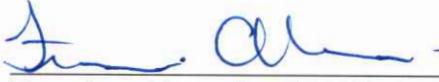

Francisca Alvarado, City Clerk

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on January 11, 2024.

ATTEST:


Saul Ayon, Mayor

APPROVED AS TO FORM:


Francisca Alvarado, City Clerk

Posted: January 17, 2024

