

ORDINANCE NO. 0006-2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND, CALIFORNIA, ADOPTING AN UNCODIFIED ORDINANCE, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCFARLAND AND LEORA LLC FOR THE DEVELOPMENT OF TRACT 7393 AND 7394 LOCATED AT APN(060-090-29) SOUTHWEST OF INTERSECTION TAYLOR AVE/GARZOLI AVE

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, LeOra LLC (“Developer”) has filed a development agreement application with the City for development of Tract 7393 and 7394, in McFarland, CA, APN: 060-090-29, which is generally located Southwest of intersection Taylor Ave/Garzoli Ave. (the “Project Area” or “Property”) for the development of 350 single family homes, to be completed in 8 phases (the “Project”). The various entitlements are collectively referred to as “Project Approvals;” and

WHEREAS, on August 24th, 2021, the Planning Commission held a duly and properly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed development agreement and associated entitlements. In this meeting the Planning Commission recommended to the City Council of the City of McFarland to adopt this Ordinance related to the Development Agreement between the City of McFarland and LeOra LLC for the development of Tract 7393 and 7394; and

WHEREAS, the City Council conducted a duly noticed public hearing on August 26, 2021, at which time all interested parties were given an opportunity to be heard and present evidence regarding the proposed development agreement and associated project entitlements, and after which this Ordinance was introduced by the City Council; and

WHEREAS, the City Council considered this matter on September 9, 2021, at which time all interested parties were given another opportunity to be heard and present evidence regarding the proposed development agreement; and

WHEREAS, the City Council now desires to approve the proposed Development Agreement by adoption of this uncodified ordinance.

NOW, THEREFORE, the City Council of the City of McFarland does ordain as follows:

Section 1. The above recitals are true, correct and hereby incorporated by reference.

Section 2. The City Council determines that this project has already been environmentally assessed pursuant to the California Environmental Quality Act (CEQA) along with the approval of Tentative Parcel Map No. 12412. The city has adopted a Negative Declaration for the vesting tentative tract maps 7393 and 7394 along with finding the Tentative Parcel Map No. 12412 categorically exempt under CEQA Guidelines Sections 15315. As such, no further assessment is required.

Section 2. Pursuant to Government Code Sections 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 public hearing for this item, and in light of all evidence and testimony provided in connection with the CEQA hearings, and consistent with the findings and recommendations of the Planning Commission, the City Council makes the following findings regarding Development Agreement No. 2021-0001 (the "Development Agreement"):

- a. Finding 1: The proposed Development Agreement is consistent with the goals and policies of the General Plan, its purposes and applicable Specific Plan(s).

Evidence: The Council has reviewed the analysis and determined that the proposed Development Agreement is consistent with the planned land use for the General Plan. The proposed land use and the density are also compliant per this requirement. Additionally, the Development Agreement represents a productive use of site that is compatible with surrounding uses, and offers McFarland residents new residential opportunities. As such, the Development Agreement is therefore consistent with the General Plan.

- b. Finding 2: A water supply assessment is not required, and the Development Agreement does not include a subdivision as defined in Section 66473.7 of the Government Code.

Evidence: Government Code section 66473.7 requires a water supply assessment for subdivisions with more than 500 dwelling units, etc. Not only is this project not a "subdivision" for the purposes of the section, but an adequate water supply is available for the project.

- c. Finding 3: The project has adequate flood protection.

Evidence: The City has imposed conditions on development that will protect the property to the urban level of flood protection. As such, the site has adequate flood protection.

Section 3. The City Council finds the Development Agreement establishes mutual beneficial obligations and benefits for LeOra LLC, and the City.

Section 4. The City Council finds the Development Agreement complies with the requirements of California Government Code Sections 65865 through 65869.5.

Section 5. The City Council finds the Development Agreement will not be detrimental, or cause adverse effects, to adjacent property owners, residents, or the general public, since the Project will be developed in accordance with the City's ordinances, laws, regulations, and entitlements for the Project.

Section 6. For the foregoing reasons, and based on the information contained in any staff report, supporting documentation, minutes and other records of the proceedings, including any and all public comments received related to the Development Agreement, all of which are incorporated herein by this reference, the City Council hereby adopts this Ordinance and approves the proposed Development Agreement By And Between The City Of McFarland, A Municipal Corporation, And LeOra LLC, which is attached hereto as Exhibit "A" and incorporated herein by this reference. The Development Agreement will not become effective or recorded until Final Map for Tentative Parcel Map (TPM) 12412 is approved by the City Council and recorded with the Kern County Recorder.

Section 7. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, 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. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

Section 8. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, Section 36933, or as otherwise required by law.

Section 9. This ordinance shall take effect and be in full force and effect from and after thirty (30) days after its final passage and adoption.

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I HEREBY CERTIFY that the foregoing Ordinance was introduced by the City Council of the City of McFarland after waiving reading, except by Title, at a regular meeting thereof held on the 26 day of August 2021, and adopted the Ordinance after the second reading at a regular meeting held on the 16 day of September, 2021, by the following roll call vote:

AYES: Gonzalez (Mayor), Pérez, Ayon, Cano

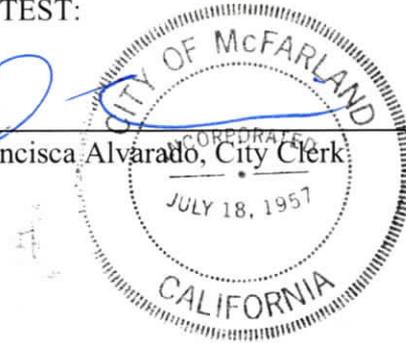
NOES: None

ABSTAIN: None

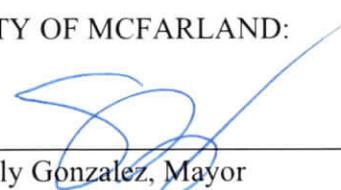
ABSENT: Santillano

ATTEST:


Francisca Alvarado, City Clerk



CITY OF MCFARLAND:


Sally Gonzalez, Mayor

Attachments: Development Agreement by and Between the City of McFarland, a Municipal Corporation, and LeOra LLC.

I, F. Alvarado, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing is a true and accurate copy of the Ordinance passed and adopted by the City Council of the City of McFarland on the date and by the vote indicated herein.