

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GLENDALE AUTHORIZING THE EXECUTION OF A
DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY
OF GLENDALE AND PACIFIC TOWN CENTER DEVELOPMENT, INC.
(COLORADO GARDENS - 124 WEST COLORADO STREET AND 203 WEST ELK AVENUE)**

WHEREAS, on October 24, 2011, the Planning Commission of the City of Glendale considered and recommended that the Glendale City Council approve a Development Agreement by and between the City of Glendale ("City") and Pacific Town Center Development, Inc., ("Developer"), which Development Agreement is hereby incorporated by reference into this Ordinance; and

WHEREAS, the Developer proposes to construct a five-story, 50 unit multi-family residential building on an approximately 21,900 square foot lot located at 124 West Colorado Street and 203 West Elk Avenue in Glendale, California (the "Project"); and

WHEREAS, on September 11, 2007, the City Council adopted a Development Impact Fee Ordinance and Fee Schedule that required the Impact Fee payment be calculated based on the rate schedule in effect at the time of permit issuance; and

WHEREAS, on July 19, 2011, the City Council directed staff to process Development Agreements that would permit projects to pay and pre-pay the full Development Impact Fee payment at the time of plan check submission prior to December 31, 2011 at the then applicable rates in exchange for the Developer forgoing the right to request a refund in the event the project is abandoned or cannot be constructed (the "Development Impact Fee early payment program"); and

WHEREAS, Developer requested the City process a Development Agreement to participate in the Development Impact Fee early payment program; and

WHEREAS, after due notice, the Planning Commission and the City Council conducted public hearings on this matter; and

FileNet
DEC 09 2011

7 A /

1 WHEREAS, pursuant to Government Code Section 65864 et seq., the City Planning
2 Commission has transmitted its findings and recommendations to the City Council; and

3 WHEREAS, the City Council has reviewed and considered the Development Agreement and
4 the findings and recommendations of the City Planning Commission; and

5 WHEREAS, a Negative Declaration was prepared in connection with the Project pursuant to
6 the requirements of the California Environmental Quality Act ("CEQA"); and

7 WHEREAS, the City has duly considered all terms and conditions of the Development
8 Agreement and believes that implementation of the Development Agreement is consistent with the
9 City's General Plan and Downtown Specific Plan, and is in the best interests of the City and the
10 health, safety, and welfare of its residents, and in accord with the public purposes and provisions of
11 applicable state and local law.
12

13 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE,
14 CALIFORNIA:

15 1. The City Council hereby finds and determines as follows:

16 (a) The City has complied with the applicable requirements of the California
17 Environmental Quality Act.

18 (b) The Development Agreement is consistent with the City's General Plan and with the
19 Downtown Specific Plan.

20 (c) The Development Agreement fully complies with all currently applicable provisions of
21 the Glendale Municipal Code.

22 (d) The Development Agreement will not be detrimental to the public health, safety and
23 general welfare because it encourages the construction of a project which is desirable and
24 beneficial to the public.

25 (e) The Development Agreement is compatible with the orderly development of property
26 in the surrounding area.
27

1 (f) The Development Agreement constitutes a lawful present exercise of the City's police
2 power and complies with all applicable City and State regulations governing Development
3 Agreements.

4 (g) The Development Agreement is necessary to strengthen the public planning process
5 and to reduce the public and private costs of development uncertainty.


6 (h) The development, construction, ownership, and operation of the Project is consistent
7 with the Development Agreement.

8
9 2. The City Council hereby approves the Development Agreement and authorizes and
10 directs the City Manager to execute said Development Agreement on behalf of the City of Glendale,
11 subject to the review and approval as to form by the City Attorney, and further directs the City Clerk
12 to record the Agreement and this Ordinance with the County Recorder within ten (10) days of its
13 execution.

14 3. The City Clerk shall certify as to the passage of this Ordinance and cause the same
15 to be published in the Glendale News-Press, consistent with requirements of applicable State and
16 local law.

17 4. This Ordinance shall be effective 30 days after the date of adoption.

18 Adopted this 29th day of November, 2011.

19
20
21 
22 _____
Mayor

23
24 ATTEST:

25 
26 _____
City Clerk

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES) SS

3
4
5 I, ARDASHES KASSAKHIAN, City Clerk of the City of Glendale, certify that the foregoing
6 Ordinance No. 5758 was adopted by the Council of the City of Glendale, California, at a regular
7 meeting of the City Council held on the 29th day of November, 2011, and that
8 same was adopted by the following vote:

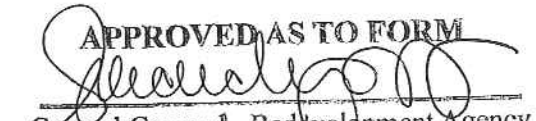
9
10 Ayes: Najarian, Quintero, Weaver, Friedman

11 Noes: Manoukian

12 Absent: None

13 Abstain: None
14

15
16 
17 City Clerk

18
19
20
21
22 **APPROVED AS TO FORM**
23 
24 General Counsel - Redevelopment Agency
25 Date: 11/10/11
26
27