

ORDINANCE NO. 2024-06-1548

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIGNAL HILL, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SIGNAL HILL AND EDCO, FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF SIGNAL HILL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ.

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 et seq. (the "Development Agreement Statute"), which authorizes cities to enter into agreements for the development of real property with any person having a legal or equitable interest in such property in order to establish certain development rights in such property; and

WHEREAS, pursuant to the Development Agreement Statute, the City of Signal Hill ("City") is authorized to enter into development agreements providing for the development of land under terms and conditions set forth therein; and

WHEREAS, EDCO Transport Services, LLC ("EDCO") has been servicing the City since 1986 for the collection and disposal of refuse from commercial and residential customers in the City; and

WHEREAS, on or around February 17, 2009, and in accordance with the Development Agreement Statute, the City Council approved a development agreement ("Development Agreement") between the City and EDCO vesting and defining EDCO's rights and obligations to develop a Material Recovery Facility and Transfer Station ("MRF/TS") to collect and dispose of refuse in the City (collectively, the "Project"); and

WHEREAS, since initial approval of the Development Agreement, the Project has been developed on a ± 3.57-acre site located at Patterson Street and

California Avenue and an approximate 6,500 square foot lot located at 859 Patterson Street, Signal Hill, California within the City's General Industrial Specific Plan area ("Specific Plan Area"); and

WHEREAS, Section 10.1 of the Development Agreement expressly authorizes either City or EDCO to propose amendments to this Agreement; and

WHEREAS, the City and EDCO have reached mutual agreement and desire to execute an amended and restated version of the Development Agreement ("Amended and Restated Development Agreement"), attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, this Amended and Restated Development Agreement is intended to amend the provisions of the Development Agreement to adjust the host fees paid to the City, increase the MRF/TS's processing capacity, reflect the increase in the passenger car equivalent due to the increased processing capacity, facilitate the continued operation of the Project, and incorporate necessary updates to reflect the current status of development and operations, along with any other minor adjustments to align with the parties' current understandings; and

WHEREAS, with this Amended and Restated Development Agreement, the City continues to receive the benefits conferred through the Development Agreement, including host fees for waste material processed, local jobs, diversification and expansion of the City's revenue base, revitalization of a blighted area, improved compliance with State-mandated waste reduction requirements, and promotion of recycling and refuse rate stability for residents and businesses; and

WHEREAS, the City Council conducted a duly-noticed public hearing on June 11, 2024, pursuant to Government Code Section 65857 and the Signal Hill Municipal Code to consider the Amended and Restated Development Agreement; and

WHEREAS, after carefully considering all pertinent testimony and information presented at the public hearing, the City Council now desires to approve the Restated and Amended Development Agreement through the approval of this Ordinance; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

Section 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

Section 2. The City Council hereby finds that the Environmental Impact Report for the Project, SCH # 2008081009, by Resolution No. 631-02-09 adopted on February 17, 2009, and the Addendum to the Environmental Impact Report prepared to address new changes to the Project, adopted by the City Council pursuant to a public hearing on June 11, 2024, and attached to as Exhibit A to Resolution No. 2024-XX-XXX and incorporated herein by reference, fully and completely address any and all environmental impacts associated with the modified Project, including this Amended and Restated Development Agreement, and that no further environmental review is required.

Section 3. Pursuant to California Government Code Section 65867.5(b), and based on the entire record before the City Council, including all written and oral evidence presented to the City Council, the City Council hereby finds that the Amended and Restated Development Agreement is consistent with the goals, policies, and objectives of the General Plan, General Industrial Specific Plan, and related official policies of the City based on the following:

- A. The Agreement complies with Policy 1.11 of the Land Use Element because the MRF/TS provides community waste hauling services while promoting recycling and refuse rate stability for residents and businesses within the community.
- B. The Agreement complies with Policy 3.1 of the Land Use Element because it incorporates traffic control measures, such as designated truck routes and set operating hours, and imposes stringent noise standards to mitigate impacts on residential areas and sensitive receptors.
- C. The Agreement complies with Policy 3.6 of the Land Use Element because the Project's operations have been designed to avoid proximity to schools and residential neighborhoods while incorporating stringent monitoring and safety protocols to avoid industrial accidents and ensure community safety.

- D. The Agreement complies with Policy 3.10 of the Land Use Element because it furthers the revitalization of a blighted industrial area within the City.
- E. The Agreement complies with Policy 4.1 of the Land Use Element because the Project has been evaluated in accordance with all applicable General Plan goals and policies to ensure consistency with other elements and overall plan coherence.
- F. The Agreement complies with Policy 4.2 because the Project adheres to the established land use designations, zoning regulations, and Municipal Code standards.
- G. The Amended and Restated Development Agreement is consistent with the General Industrial Specific Plan because the continued operation of the MRF/TS facility will continue encourage the development of privately sponsored, job producing industrial activities in furtherance of the Specific Plan's goal of enhancing the City's employment opportunities. Moreover, as a condition of continued operation of the MRF/TS, EDCO is required to maintain the landscaping at the site in an attractive and professional manner, thereby preserving the quality and appearance of the Specific Plan area through quality landscaping and continued maintenance. Additionally, the Project ensures the secure operation of industrial facilities with adequate infrastructure improvements by mandating advanced emission control systems aimed at protecting residents from environmental impacts, such as traffic congestion.

Section 4. The City Council of the City of Signal Hill makes the following additional findings:

- A. The proposed amendments would not materially change or expand the scope of the development allowable under the original project approvals.
- B. The Agreement does not change the types of uses or the general location of uses previously approved by the City Council in association with the Project, which were previously found to be compatible with the applicable land use district. Thus, the uses contemplated by this Amended and Restated Development Agreement remain compatible with the applicable land use district.
- C. The Agreement will not be detrimental to the public health, safety, and general welfare. The City Council previously determined that the Development Agreement would not be detrimental to the public health, safety, and general welfare. Moreover, this Amended and Restated Development Agreement solely increases the host fees already contemplated and reviewed by the City Council, increases the passenger car equivalent measurements for the operations, and incorporates necessary updates to reflect the current status of development and construction. Accordingly, the City Council's previous finding of no detriment to health, safety, and general welfare, remains applicable through this Amended and Restated Development Agreement.

Section 5. Pursuant to Government Code Section 65868, the City Council does hereby approve and adopt the Amended and Restated Development Agreement attached hereto as Exhibit "A" for the continued operation of the MRF/TS. The City Manager is hereby authorized to execute and perform all acts necessary for the administration of this Agreement on behalf of the City of Signal Hill.

Section 6. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person, or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Signal Hill hereby declares that it would have adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 7. This Ordinance shall become effective thirty (30) days following its adoption.

Section 8. The record of proceedings on which the City Council's decision is based is located at City Hall for the City of Signal Hill, located at 2175 Cherry Ave, Signal Hill, California and the custodian of record of proceedings is the City Clerk.

Section 9. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Signal Hill, California, at a regular meeting of the City Council held on the ____ day of _____, 2024.

LORI Y. WOODS
MAYOR

ATTEST:

DARITZA GONZALEZ
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SIGNAL HILL)

I, DARITZA GONZALEZ, City Clerk of the City of Signal Hill, California, hereby certify that Ordinance No. 2024-XX-XXX was introduced at a regular meeting of the City Council of the City of Signal Hill held on the 11th day of June, 2024, and adopted at a regular meeting of the City Council held on the ____ day of ____ 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

DARITZA GONZALEZ
CITY CLERK