

**ORDINANCE NO. 831**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PATTERSON  
APPROVING THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY  
OF PATTERSON AND KEYSTONE-SPERRY BUSINESS PARK, LLC**

**WHEREAS**, Keystone-Sperry Business Park, LLC (“Developer”) proposes to develop and construct buildings for uses consistent with the City of Patterson General Plan and the West Patterson Business Park Master Development Plan (the “Project”); and

**WHEREAS**, the City of Patterson (“City”) received an application for the Project, including a proposal to execute a Development Agreement by and between the City and Developer (“Development Agreement”); and

**WHEREAS**, the Project site consists of approximately 131.4 ± acres located at the southeast corner of Sperry Avenue and Baldwin Road in the City of Patterson, consisting of Stanislaus County Assessor’s Parcel Number 021-091-004 and 021-091-003; and

**WHEREAS**, to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the California Legislature adopted Government Code section 65864 *et seq.* (the “Development Agreement Statute”), which authorizes the City and an individual with an interest in real property to enter into a development agreement that establishes certain development rights in real property that is subject to a development agreement application; and

**WHEREAS**, the City and the Developer seek to enter into the Development Agreement pursuant to the Development Agreement Statute and all applicable local and state laws; and

**WHEREAS**, pursuant to Government Code section 65867, City and Developer may enter into a Development Agreement after notice of the Development Agreement has been provided and the City Planning Commission and City Council hold public hearings regarding the Development Agreement; and

**WHEREAS**, on November 15, 2018, the City Planning Commission held a duly noticed public hearing to consider Development Agreement; and

**WHEREAS**, at the conclusion of the November 15, 2018, public hearing, the City Planning Commission approved Resolution No. 2018-20 recommending the City Council approve the Development Agreement; and

**WHEREAS**, on December 4, 2018, the City Council held a duly noticed public hearing to introduce this Ordinance for first reading and consider public comment on the proposed action; and

**WHEREAS**, the Developer has reviewed and desires to enter into the Development Agreement pursuant to Government Code section 65867 and related provisions; and

**WHEREAS**, the City Council, based on its independent review and analysis of staff's recommendations, oral and written testimony, and the record as a whole, finds after due study, deliberation, and public hearing, and based on its independent judgment, that the following circumstances exist:

1. The Development Agreement is consistent with the goals, policies, and standards of the City of Patterson General Plan and all other applicable standards and ordinances of the City.
2. The Development Agreement is consistent with the goals, policies, and standards of the West Patterson Business Park Master Development Plan.
3. In accordance with state law, the City Council finds that the Development Agreement:
  - (a) Is consistent with the objectives, policies, general land uses, and programs specified in the Patterson General Plan;
  - (b) Will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor detrimental to the general welfare of the residents of the City as a whole;
  - (c) Will not adversely affect the orderly development of property or the preservation of property values;
  - (d) Is consistent with the provisions of Government Code sections 65864 through 65869.5; and
  - (e) Contains a legal description of the property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PATTERSON ORDAINS AS FOLLOWS:**

**SECTION 1.** The City Council approves the Development Agreement by and between the City and Developer for the development of the Project, and instructs the City Manager to execute the Development Agreement subject to final, technical revisions as required and approved by the City Attorney.

**SECTION 2.** The City shall review the Development Agreement for compliance with its terms and conditions not less than once every twelve (12) months from the effective date of the Development Agreement.

**SECTION 3.** Notice of the public hearing on the Ordinance was published in the Patterson Irrigator, a newspaper of general circulation; and notices of the public hearing on the proposed Development Agreement were mailed to all interested parties and property owners within 300 feet of the property, according to the most recent assessor's roll.

**SECTION 4.** Environmental impacts for the Project have been reviewed and assessed by the City pursuant to CEQA (Public Resources Code section 21000 et seq.; California Code of Regulations, title 14, section 15000 et seq.). On January 9, 2003, pursuant to CEQA, the City Council adopted the West Patterson Projects Final Environmental Impact Report ("EIR") pursuant to Resolution 2003-01. The EIR is a program level EIR encompassing the Project.

**SECTION 5.** If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

**SECTION 6.** This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, and publication of the Ordinance shall occur in a newspaper of general circulation at least fifteen (15) days prior to its effective date, or a summary of the Ordinance published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Patterson held on the 4<sup>th</sup> day of December, 2018, by Councilmember Farinha, who moved its introduction, which motion was duly seconded by Councilmember McCord. Said Ordinance was given a second reading and adopted at a regular meeting of the City Council held on the 18th, day of December, and after such reading, \_\_\_\_\_ moved its adoption, seconded by \_\_\_\_\_, and said Ordinance was thereupon adopted by the following roll call vote:

AYES:

NOES:

EXCUSED:

APPROVED:

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Deborah M. Novelli  
Mayor of the City of Patterson

ATTEST:

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Maricela L. Vela  
City Clerk of the City of Patterson