

RESOLUTION NO. 2013-31-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL RECOMMENDING ADOPTION OF ORDINANCE NO. 1195 AND APPROVAL OF DEVELOPMENT AGREEMENT DA 2013-01 BETWEEN THE CITY OF BELL, THE BELL PUBLIC FINANCING AUTHORITY AND PI BELL, LLC FOR THE BELL BUSINESS CENTER PROJECT, A 840,390-SQUARE FOOT WAREHOUSE/DISTRIBUTION/LOGISTICS/LIGHT INDUSTRIAL DEVELOPMENT ON APPROXIMATELY 40.2 ACRES AND COMPRISED OF FOUR, NON-CONTIGUOUS BUILDING SITES LOCATED WEST OF EASTERN AVENUE ON RICKENBACKER ROAD, CITY OF BELL, CA 90201. (APN: PARCEL A: 6332-002-965; PARCEL F: 6332-002-948 and 6332-002-945; PARCEL G: 6332-002-949 and PARCEL H: 6332-002-946, 6332-002-950, 6332-002-952 and 6332-002-954)

WHEREAS, the Bell Public Financing Authority ("Authority") and the City of Bell ("City") are negotiating the sale and development of approximately 40.2 acres, comprising four, non-contiguous building sites located west of Eastern Avenue on Rickenbacker Road, City of Bell, CA 90201 (the "Properties") to and by PI Bell LLC ("Developer"), pursuant to the terms of a Stipulation for Settlement, entered into on June 10, 2013 (the "Stipulation") by and among the City, Authority, and Dexia Credit Local ("Dexia"); and

WHEREAS, the sale of the Properties pursuant to the Stipulation will fully satisfy obligations existing to Dexia under the Authority's \$35 million Taxable Lease Revenue Bonds, which were secured by certain portions of the Properties and for which the Authority was sued by Dexia on October 14, 2011, for default; and

WHEREAS, an application for Development Agreement DA 2013-01 between the City, the Authority, and the Developer, for the Bell Business Center Project, an 840,390 -square foot warehouse/distribution/logistics/light industrial development on the Properties, has been filed. Development Agreement DA 2013-01 is included as Exhibit 1; and

WHEREAS, pursuant to CEQA Guidelines Section 15025(c), when a planning agency is required to make a recommendation on a project, the commission must also review and consider the environmental document in its draft or final form. For the Bell Business Center Project DA 2013-01 and the related Agreement for Purchase and Sale of Real Property, the Bell Planning Commission will be required to consider the EIR prior to making a recommendation; and

WHEREAS, the Properties referenced in Development Agreement DA 2013-001 were publicly owned and are within the City of Bell; and

WHEREAS, in conjunction with approval of the Development Agreement DA 2013-01 between the City of Bell, the Bell Public Financing Authority and PI Bell, LLC for the Bell Business Center Project, anticipates the sale of the Properties; and,

WHEREAS, an Agreement for Purchase and Sale of the Properties between the City of Bell, the Bell Public Financing Authority and PI Bell, LLC is included as an Exhibit E to Development Agreement DA 2013-01; and

WHEREAS, Government Code Section 65402 requires the Planning Commission to review a proposed sale of publicly-owned property for consistency with the applicable general plan; and

WHEREAS, sale of the property, adoption of a development agreement and ultimately the development of the Bell Business Center Project is considered a "Project" as defined by the California Environmental Quality Act, Public Resources Code §21000 et seq. ("CEQA"); and

WHEREAS, the proposed Project may have one or more significant effects on the environment and preparation of an Environmental Impact Report ("EIR") is therefore warranted under Public Resources Code § 21080(d) and § 21082.2(d); and,

WHEREAS, the City circulated a Notice of Preparation from April 8, 2013 through May 8, 2013; and,

WHEREAS, the City conducted a public scoping meeting concerning the proposed project on April 25, 2013 in the Bell City Council Chambers; and,

WHEREAS, on April 18, 2013 the Community Development Director and City Engineer met with representatives from the East Yard Communities for Environmental Justice and Warehouse Workers United to discuss potential impacts that should be addressed in the environmental impact report; and,

WHEREAS, upon completion of the Draft EIR, the City provided notice of completion to the State Office of Planning and Research on May 21, 2013, as required under CEQA Guidelines § 15085 and provided notice of availability of the Draft EIR, as required under CEQA Guidelines § 15087; and,

WHEREAS, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days commencing on May 21, 2013 and closing on July 5, 2013 in accordance with CEQA Guidelines § 15105(a); and,

WHEREAS, before the close of the public comment period the City received eight comments on the Draft EIR, the South Coast Air Quality Management District requested additional time to review the Draft EIR and submitted their comments on July 11, 2013. A ninth letter was received from Southern California Edison on August 5, 2013. It was read into the record at the Joint Public Hearing of the Planning Commission, City Council and the Authority on August 7, 2013; and

WHEREAS, in an effort to better understand the comments of various organizations, staff contacted representatives from same and offered to meet with them; and,

WHEREAS, staff met on several occasions with various organizations who submitted comment letters. In particular, staff and the applicant have met with representatives from East Yard Communities for Environmental Justice on several occasions including April 18, 2013, July

22, 2013, July 24, 2013 and August 5, 2013. Where possible, suggestions discussed at the meetings were incorporated into the Final EIR; and,

WHEREAS, the representative from CARD refused to meet with City staff unless staff would agree to specific conditions. Because staff did not have the authority to adopt the specific conditions proposed by the CARD representative, no meeting took place; and,

WHEREAS, recognizing that potential traffic impacts could affect City of Commerce, Bell City staff tried to arrange a meeting prior to circulation of the EIR. Commerce staff was present at the EIR scoping meeting on April 25, 2013, and a meeting was held with Bell and Commerce City staff on May 30, 2013 and on August 1, 2013. In addition, various staff members conversed via email and telephone on numerous occasions; and,

WHEREAS, the Bell Business Center Project EIR consists of the following documents included as Exhibit 2 to this Resolution: Bell Business Center, Draft Environmental Impact Report, State Clearinghouse Number 2013041025, May 2013; Bell Business Center Final Environmental Impact Report, August, 2013; Bell Business Center Environmental Impact Report Findings of Fact and Statement of Overriding Considerations; and Bell Business Center Project Mitigation Monitoring Program; and,

WHEREAS, this EIR, as authorized under CEQA Guidelines § 15150, incorporates by reference the City of Bell General Plan, Zoning Ordinance, the environmental analysis prepared for the General Plan; and,

WHEREAS, on July 26, 2013, pursuant to Public Resources Section 21092.5(a), written responses to comments were distributed to all public agencies who commented on the Bell Business Center Project Draft EIR; and,

WHEREAS, pursuant to California Government Code Sections 65867 and 65091, on July 26, 2012, the City of Bell mailed a public hearing notice to each property owner within a 300-foot radius of the project site indicating that two joint public hearings would be held by the Bell City Council, the Bell Public Financing Authority and the Bell City Planning Commission on August 7, 2013. The first joint public hearing would hear testimony on the Bell Business Center Project Draft EIR. The second joint public would hear testimony on the Development Agreement 2013-01 (Ordinance 1195) a development agreement between the City of Bell, the Bell Public Financing Authority and PI Bell LLC; and

WHEREAS, pursuant to California Government Code Sections 65867 and 65090, the City of Bell on July 28, 2012, published a legal notice indicating that two joint public hearings would be held by the Bell City Council, the Bell Public Financing Authority and the Bell City Planning Commission on August 7, 2013. The first joint public hearing would hear testimony on the Bell Business Center Project Draft EIR. The second joint public would hear testimony on the Development Agreement 2013-01 (Ordinance 1195) a development agreement between the City of Bell, the Bell Public Financing Authority and PI Bell LLC; and

WHEREAS, the Bell City Council, Bell Public Financing Authority, and Bell City Planning Commission conducted a duly noticed joint public hearing on the Draft EIR on August 7, 2013, at which they received public testimony and at which time the Planning Commission considered the environmental impacts as analyzed in the Final EIR for the proposed project pursuant to CEQA Guidelines Section; and

WHEREAS, pursuant to Government Code Section 65867, Bell City Council, Bell Public Financing Authority, and Bell City Planning Commission conducted a duly noticed joint public hearing on the proposed project on August 7, 2013, at which they received public testimony on the Development Agreement DA2013-01 (Ordinance 1195); and

NOW, THEREFORE, the Planning Commission of the City of Bell does hereby resolve, determine and ordain as follows:

Section 1: All Evidence Considered. The Planning Commission, in light of the whole record before it including but not limited to the City's local CEQA Guidelines and Thresholds of Significance, the proposed Bell Business Center Project EIR and documents incorporated therein by reference, any written comments received and responses provided, the proposed Mitigation Monitoring and Reporting Program, Findings of Fact and Statement of Overriding Considerations and other substantial evidence (within the meaning of Public Resources Code § 21082.1 and 21082.2) within the record and/or provided at the public hearing, hereby finds and determines as follows:

Bell Business Center Project EIR Finding 1: That the Planning Commission in their deliberations on the Bell Business Center Project and in formulating a recommendation on the Development Agreement DA 2013-01 and the related Agreement for Purchase and Sale of Real Property reviewed and considered the Bell Business Center Project EIR pursuant to CEQA Guidelines 15025(c).

Evidence: A Joint Public Hearing on the Bell Business Center Project EIR was held on August 7, 2013. The minutes of that meeting reflect the staff presentation, public testimony presented and agency discussion on the EIR.

Section 2. The Development Agreement Is Consistent With The General Plan. Pursuant to the Government Section Code 65864 through 65869.5 and in light of the record before it including the staff report dated August 7, 2013, and all evidence and testimony heard at the public hearing for this item, the Planning Commission makes the following findings pertaining to the Development Agreement DA 2013-01 (Ordinance No. 1195) and related conditions of approval:

DA 2013-01 Finding 1: That the Site for the proposed is consistent with the general plan and all applicable specific or area plans; and

Evidence: Located within an existing industrial area, the Development Agreement was drafted to promote a signature industrial/warehousing/logistics project that would trigger additional investment in the area. Consistent with this goal, properties included in the proposed Development Agreement are designated Industrial (I) on the City of Bell General Plan Land Use Map and zoned Commercial Manufacturing (CM) on the Zoning Map. Ultimate build-out of the proposed Development Agreement DA 2013-01 could provide up to 840,390 sf of warehousing, distribution, logistics and light industrial uses with ancillary offices. These uses are consistent with the Bell General Plan. Individual projects will be reviewed for consistency with the Basic Design Concepts and

Development Standards outlined in the Scope of Development. These In addition, the subject sites are not within any adopted specific plans or areas plans.

Section 3. The Purchase And Sale Agreement Is Consistent With The General Plan.

Pursuant to the Government Section Code 65402 and in light of the record before it including the staff report dated August 7, 2013, the Bell Business Center Project EIR, the Bell Business Center Project Development Agreement DA 2013-01, the Bell General Plan and all pertinent evidence and testimony heard at the public hearings on the Bell Business Center Project EIR and DA 2013-01, the Planning Commission make the following findings pertaining to the Bell Business Center Agreement for Purchase and Sale:

Bell Business Center Agreement for Purchase and Sale Finding 1: The Agreement for Purchase and Sale is consistent with the Bell General Plan.

Evidence: The developer has committed in the Development Agreement to develop the property consistent with the defined eligible uses for the properties offered for sale in this Agreement. The uses include warehousing, distribution, light industrial and logistics as well as all the uses permitted in the CM (Commercial Manufacturing) and M (Manufacturing) zoning districts. The site is designated Industrial (I) on the Bell General Plan Land Use Map. This designation is generally consistent with the proposed uses.

Section 4. The Project Accomplishes Important Environmental Goals. Pursuant to the Bell Business Center Project EIR, the Bell Business Center Project Development Agreement DA 2013-01 Development Agreement, and the Bell Business Center Agreement for Purchase and Sale, and in accordance with the environmental goals under local, state and federal law, the Planning Commission makes the following findings:

DA 2013-01 Finding 2: The proposed project should be encouraged in order to meet important economic, social, environmental or planning goals of the City;

Evidence: The development of the Site in accordance with the terms of this Agreement will result in increased real property and sales taxes and other revenues to the City. In addition, the Project entails a land use and infrastructure plan that will support the creation of a major job center in the City and significantly improve the City's jobs to housing balance. The Project is proposed to provide substantial economic and employment opportunities for the community, with a goal of generating up to 542 new jobs.

The developer has also agreed to construct a plaque or piece of public art to commemorate the Sleepy Lagoon incident.

DA 2013-01 Finding 3: The developer has made commitments to a very high standard of quality and/or agreed to development limitations beyond that required by existing City Zoning Code; and

Evidence: The Developer will, to the extent reasonably feasible, include sustainable design for commercial and industrial uses and green building standards for residential construction. The Project shall maintain highest standards of development as

demonstrated by LEED (Leaders in Energy and Environmental Design) Gold Certification or the design equivalent, strict adherence to building codes, best practices for environmental protection, energy efficiency, water conservation, and reduced greenhouse gas emissions. It shall be the Developer's responsibility to demonstrate compliance with LEED Gold Certification standards.

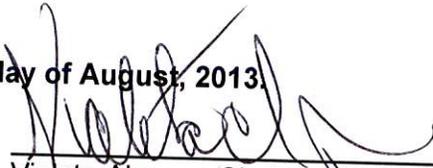
DA 2013-01 Finding 4: The developer will incur substantial costs in order to provide public improvements, facilities, services or jobs from which the public will benefit;

Evidence: The developer has committed in the Development Agreement to provide \$1.34 million of public improvements. Given the City's prime location for a logistics and manufacturing uses, the City believes that these improvements will encourage development of other vacant and underutilized properties in the area.

Section 5. Action Of The Planning Commission. Based upon the findings outlined in Section 2 above, the Planning Commission of the City of Bell hereby takes the action on the following items:

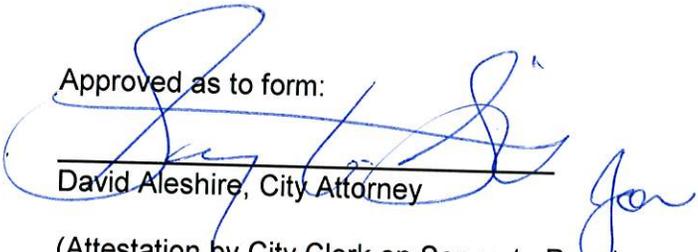
- a) Development Agreement DA 2013-01 (Ordinance 1195): Forward to the City Council a recommendation to approve the Development Agreement between the City of Bell, the Bell Public Financing Authority, and PI Bell, LLC and related conditions of approval.
- b) Agreement of Purchase and Sale: Forward to the City Council a finding of consistency with the general plan for the Bell Business Center Agreement of Purchase and Sale.
- c) Certification of EIR: Forward to the City Council a recommendation to certify the EIR.

PASSED, APPROVED AND ADOPTED this 7th day of August, 2013.



Violeta Alvarez, Chairman

Approved as to form:



David Aleshire, City Attorney

(Attestation by City Clerk on Separate Page)

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Janet Martinez, Interim City Clerk of the City of Bell, hereby attest to and certify that the foregoing resolution is the original Resolution No. 2013-31-PC adopted by the Bell City Planning Commission at its regular meeting held on the 7th day of August, 2013, by the following vote:

AYES: Commissioners Romero, Saleh, Valencia, Vice Chair Quintana and Chair Alvarez

NOES: None

ABSENT: None

ABSTAIN: None



Janet Martinez, Interim City Clerk

LIST OF EXHIBITS

Exhibit 1 Development Agreement DA 2013-01 between the City of Bell, the Bell Public Financing Authority and PI Bell, LLC (Included under separate cover)

Exhibit 2 Bell Business Center Project Environmental Impact Report (Included under separate cover)

- Bell Business Center Project Draft Environmental Impact Report, State Clearinghouse Number 2013041025, May 2013;
- Bell Business Center Final Environmental Impact Report, August, 2013;
- Bell Business Center Environmental Impact Report Findings of Fact and Statement of Overriding Considerations; and
- Bell Business Center Project Mitigation Monitoring Program