

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH MAYA CINEMAS OF NORTH AMERICA FOR THE SALE, OPTION AND DEVELOPMENT OF CITY OWNED VEHICLE PARKING DISTRICT LOTS 6 AND 7, THE GIST BUILDING PROPERTY AND APPROVING A DEVELOPMENT OVERSIGHT AND DELIVERY AGREEMENT FOR THE DEVELOPMENT OF A PARKING GARAGE ON VEHICLE PARKING DISTRICT LOT 10

WHEREAS, the City of Pomona desires to enter into a Disposition and Development Agreement ("DDA"), for the sale, option and development of Vehicle Parking District ("VPD") Lots 6 and 7, the Gist Building Property and vacant VPD land for theater and commercial purposes ("Developer Project").

WHEREAS, the City of Pomona desires to enter into a Development Oversight and Delivery Agreement for the development of a City-owned parking garage on VPD Lot 10.

WHEREAS, the properties will be developed as a multi-plex theater, commercial/retail and a City-owned parking garage structure.

WHEREAS, on August 6, 2018 the City Council conducted a public meeting to consider the sale, option and development of the properties, and the development of a City-owned parking garage on VPD Lot 10.

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

SECTION 1. The City Council finds that the VPD Lots 6 and 7 and the vacant VPD land located north of VPD Lot 6 are not needed for vehicle parking spaces. The City Council further finds that the construction of the parking garage on VPD Lot 10 will provide additional new VPD parking spaces in excess of any parking spaces which may be lost in this transaction.

SECTION 2. The terms and conditions of the Disposition and Development Agreement have been reviewed and the City Council hereby determines that entering into the Agreement will benefit the City of Pomona and that the properties are being sold for not less than fair market value.

SECTION 3. The terms and conditions of the Development Oversight and Delivery Agreement have been reviewed and the City Council hereby determines that entering into the Agreement will benefit the City of Pomona. The DODA provides an efficient and cost effective manner of development of the parking garage structure.

SECTION 4. The City Council finds that the Developer Project meets the requirements for a Class 32 Categorical Exemption pursuant to 14 CCR 15332 as an infill development. The Developer Project is consistent with the applicable general plan designation, Downtown Specific Plan and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value, as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site can be adequately served by all required utilities and public services. Therefore, no further CEQA review is required for the Developer Project. The Development of VPD Lot 6 and the Gist Building Property are subject to an Option for future development, which Option may or may not be exercised. The City Project will likely be developed at a future date and will require its own separate entitlements. Full and complete California Environmental Quality Act ("CEQA") analysis, noticing, documentation and public review will be undertaken by the appropriate lead agency prior to approval of the land use and zoning entitlements for VPD Lot 6, the Gist Building Property and the City-owned parking garage structure. The approval of this Disposition and Development Agreement shall not limit the scope of CEQA analysis for VPD Lot 6, the Gist Building Property and the City-owned parking garage structure including project mitigation measures and the consideration of project alternatives, including a no-project alternative. The provisions of this Section 4 shall not in any way limit, hinder or affect the discretion of the lead agency to review CEQA documents and impose mitigation measures, alter the VPD Lot 6, the Gist Building Property and the City-owned parking garage structure projects or deny the projects in consideration of adverse environmental impacts.

SECTION 5. The Disposition and Development Agreement between the City and Maya Cinemas North America is hereby approved in substantially the form as submitted and attached hereto as Exhibit "A".

SECTION 6. The Development Oversight and Delivery Agreement between the City and Maya Cinemas North America is hereby approved in substantially the form as submitted and attached hereto as Exhibit "B".

SECTION 7. The City Manager, or her designee, is hereby authorized to execute, on behalf of the City the DDA and DODA in substantially the forms attached hereto as Exhibit "A" and "B" and all necessary documents related to the Disposition and Development Agreement and the Development and Oversight Agreement, and the City Clerk is directed to attest to the same.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

APPROVED AND ADOPTED this _____ day of ____, 2018.

CITY OF POMONA

ATTEST:

Marie Michel Macias, Interim City Clerk

Tim Sandoval, Mayor/Chairperson

APPROVED AS TO FORM:

Arnold Alvarez-Glasman
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

I, MARIE MICHEL MACIAS, INTERIM CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was adopted at a Regular Meeting of the City Council of the City of Pomona held on the ____day of _____ 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this ____day of _____ 2018.