

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DALY CITY AND THE JEFFERSON UNION HIGH SCHOOL DISTRICT
DECLARING THE URGENCY THEREOF

THE CITY COUNCIL OF THE CITY OF DALY CITY HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authority. This Ordinance is adopted pursuant to the provisions set forth in Government Code Section 36937(b), Government Code Sections 65864 *et seq.*, and pursuant to other applicable law.

SECTION 2. Findings.

- A. Pursuant to the police powers delegated to it by Article XI, Section 7 of the California Constitution, the City of Daly City (“City”) may make and enforce laws that promote the public health, safety and general welfare of its residents.
- B. California Government Code Section 65864 *et seq.* authorizes the City to enter into binding, long-term agreements (“Development Agreements”) with persons or entities having legal or equitable interests in real property, for the development of the property that will provide certainty, definition, and commitment to developers as well as necessary public improvements required by development.
- C. It is mutually beneficial to the City and the District to enter into a Development Agreement for the Project located at the Serramonte Del Rey campus in order to provide certainty and commitment to developers as well as to set forth the obligations of both Parties for the construction of the public improvements required by the development.
- D. The Development Agreement provides for the redevelopment of campus to include up to 1,235 units of affordable and market-rate housing, up to 14,000 square feet of neighborhood-serving retail/commercial uses, and a Head Start Childcare facility. The site would be divided into six development parcels and additional street parcels with public access easements. Build-out of the site is anticipated to be over a ten-year period.
- E. The Development Agreement provides deeper level of affordability than the City’s Inclusionary Housing Ordinance, with the construction of 150 affordable housing units ranging from 23% to 60% Area Median Income (“AMI”) and includes 24 units set aside for residents with Intellectual and Development Disabilities.
- F. The Affordable Housing construction under the Development Agreement exceeds the City’s Inclusionary Housing Ordinance by one hundred percent.
- G. City and Developer have reached mutual agreement and desire voluntarily to enter into the Development Agreement.

- H. On December 5, 2023, the Planning Commission, held a duly noticed public hearing to consider the proposed Development Agreement and recommended that the City Council approve the Development Agreement.
- I. The City Council considered the adoption of this urgency ordinance in accordance with Government Code § 36937 at a duly noticed public hearing on February 26, 2024, at which time it received and considered testimony from members of the public.
- J. Government Code section 36937(b) authorizes the adoption of an urgency ordinance to protect the public health, safety and welfare and to ensure the City is in compliance with state law and certification of the Housing Element.
- K. The City Council hereby determines that the proposed Development is necessary to protect the public against potential negative health, safety, and welfare impacts and to address the shortage of safe and affordable housing options for all income groups in the City.
- L. The findings of Ordinance No. 1471, amending the Daly City Zoning Map by rezoning the Serramonte Del Rey Campus to Planned Development Zone (PD-31B) and establishing planned development standards, are incorporated herein by this reference.

BE IT ORDAINED by the City Council of the City of Daly City as follows:

Approval of the Development Agreement between the City and the District to develop the Project at Serramonte Del Rey campus is hereby granted, subject to the terms, time, limits, conditions, and requirements of the “Development Agreement Between the City of Daly City and Jefferson Union High School District.”

SECTION 3. Urgency Declared. In accordance with the authority granted the City under Government Code section 36937(b), and pursuant to the findings stated herein, the City Council hereby finds (1) that there exists a current and immediate threat to the public health, safety, and welfare requiring this change in the City’s regulations governing loud and unruly gatherings, (2) that this ordinance is necessary for the immediate preservation of the public peace, health, and safety as set forth herein, and (3) that, therefore, this ordinance shall take effect immediately.

SECTION 4. General Plan Consistency. The Development Agreement is consistent with the General Plan of the City of Daly City.

SECTION 5. Severability. If any provision of this Ordinance is held by any court or by any Federal or State agency of competent jurisdiction, to be invalid as conflicting with any Federal or State law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision thereof which had previously been held invalid or modified is no longer in conflict with such law, rule or regulation, said provision shall thereupon return to full force and effect and shall thereafter be binding.

SECTION 6. Effective Date. This ordinance is an urgency ordinance enacted under California Government Code sections 36934 and 36937(b). This urgency ordinance is effective upon adoption by a four-fifths (4/5) vote of the City Council.

SECTION 7. Publication. The Mayor shall sign this ordinance and the City Clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish once in a newspaper of general circulation circulated within the City of Daly City. The City Clerk shall post at City Hall a copy of the full text of this Ordinance in accordance with Government Code Section 65858 and 75090.

SECTION 8. Recordation of Development Agreement Within ten (10) days after the date upon which the City Manager executes the Development Agreement on behalf of the City, the City Clerk shall record the Development Agreement and this Ordinance with the County Recorder of the County of San Mateo.

The foregoing urgency ordinance was introduced and duly adopted by a four-fifths vote of the City Council of the City of Daly City at a regular meeting of the City Council, held on the 26th day of February 2024, by the following vote:

AYES, Councilmembers: Daus-Magbial, DiGiovanni,
Sylvester, Manalo

NOES, Councilmembers: None

ABSENT, Councilmembers: None

K. Annette Manalo
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

Annette C. Manalo
MAYOR OF THE CITY OF DALY CITY