

CITY OF EL MONTE

Community & Economic Development Department



DEVELOPMENT AGREEMENTS

PART I. PROPERTY LOCATION:

Street Address or Assessor Parcel Nos. (APNs)

PART II. PROJECT INFORMATION:

1. Project Description: Provide a brief project description and why the proposed Development Agreement is necessary.

2. Parties Involved: Identify all the parties involved in the Development Agreement:

3. Duration: Provide the proposed duration of the Development Agreement, including any options to extend the duration period.

4. Legal or Equitable Interest: Provide the nature of the applicant's legal or equitable interest in the real property constituting such person as a qualified applicant.

PART III. SUMMARY OF GUARANTEES AND BENEFITS:

1. Complete the following table. Attach additional sheets if necessary.

#	<i>List of Applicant Guarantees</i>	<i>List of Public Benefits</i>
	Project approvals for the freeway digital billboard shall be valid for XX number of years.	A minimum XX dollars or XX percent of advertisement revenues, whichever is greater, shall be collected annually for the City's General Fund.
1		
2		
3		
4		
5		

PART III. DEVELOPMENT AGREEMENT CONTENTS:

The Development Agreement (“Agreement”) shall be organized in compliance with State law (California Government Code Section 65864-65869.5). The applicant shall work closely with the City Manager, City Attorney and Community Development Director in establishing project guarantees and public benefits. The City may provide a template of an agreement as a starting point. A working draft of the Agreement, incorporating the contents listed below, should be submitted when the rest of the application is submitted. The Agreement contents can then be finalized while staff is reviewing the overall application for completeness.

1. Recitals: This includes key project information, a summary of other required entitlements and the dates of all public hearings.
2. Definitions and Exhibits: This includes definitions of important terms within the Development Agreement (e.g. developer, development, development approvals, effective date, etc.). This may also include exhibits such as maps, project plans and legal descriptions.
3. General Provisions: This includes the binding effect of the Agreement and the terms of the Agreement.
4. Development of Property: This includes the right to develop the property, project description, site improvements, building improvements, design standards, necessary CC&Rs, project phasing and any proposed/required public improvements.
5. Public Benefits: This includes a description of all proposed public benefits. This should also include the financing of any proposed public improvements, such as roadway and infrastructure improvements. If any benefits are ongoing, it may include annual audits.
6. Review for Compliance: This includes a program and criteria for regular periodic review of the Agreement. This should occur a minimum of once each year.
7. Default and Remedies: This includes options to terminate the Agreement.
8. Litigation: This includes any indemnifications and exceptions.
9. Mortgage Protection: This includes the applicant’s ability to encumber its interest in the property and the City’s acknowledgement that lenders providing financing may require certain interpretations and modifications of the Agreement.
10. Miscellaneous Provisions: This includes the recordation requirements of the Agreement, the procedures to interpretate the Agreement and the process to amend the Agreement.

Refer to Chapter 17.129 (Development Agreements) of the Zoning Code for additional information.

(complete the findings on the following page)

DEVELOPMENT AGREEMENT FINDINGS:

Street Address or Assessor Parcel Nos. (APNs)

PART IV. FINDINGS:

Before a Development Agreement approval may be granted, all of the following findings must be made in the affirmative:

1. The Development Agreement will not be detrimental to the public health, safety or welfare or injurious to the City:

2. The Development Agreement will be just, reasonable, fair and equitable under the circumstances facing the City:

3. The Development Agreement will have a positive effect on the orderly development of property or the preservation of neighboring property values:

4. The Development Agreement will provide sufficient benefits to the community to justify entering into the agreement:

5. The Development Agreement is consistent with the purpose, goals and policies of the City's General Plan, and any applicable Specific Plan:

Additional finding required for new billboards as outlined in Chapter 17.82 (Billboard Overlay Zone) of the Zoning Code:

6. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area:

7. The proposed billboard will not create a traffic or safety problem, including problems associated with onsite access, circulation or visibility:

8. The proposed billboard will not interfere with onsite parking or landscaping required by the Zoning Code:

Refer to <https://www.elmonteca.gov/266/Planning-Documents> (Planning Documents) for access to the City's General Plan.

PART VI. SIGNATURE:

By signing this application form, I hereby acknowledge that the information contained herein, or subsequently submitted, is true and correct to my knowledge.

Signature

Date

Name (print)

Phone No. or E-mail Address