

**ORDINANCE NUMBER 1268**

***AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PERRIS AND MTC CONSOLIDATED LLC RELATED TO TENTATIVE TRACT MAP 34999, STREET VACATIONS 07-0112 AND 07-0113, AND DEVELOPMENT PLAN REVIEW 06-0337 FOR A COMMERCIAL PROJECT AT THE SOUTHEAST CORNER OF THE 215 FREEWAY AND ETHANAC ROAD.***

**WHEREAS**, the applicant, MTC Consolidated LLC, has requested a development agreement ("Development Agreement") to extend the time permitted for implementation of its prior approvals evidenced by final Environmental Impact Report (State Clearinghouse #2006101147), Tentative Map 34999, Street Vacation 07-0112 and 07-0113 and Development Plan Review 06-0337 (the "Prior Approvals"), which approvals provide for the subdivision of an existing, vacant 58.8 acres into five parcels plus four publically dedicated roadway lots to develop a 484,300 square-foot commercial retail shopping center with a mix of 19 tenants consisting of retail and dining uses; and

**WHEREAS**, the Prior Approvals, which are incorporated herein by this reference, were approved by the City Council on May 13, 2008; and

**WHEREAS**, on April 21, 2010, the Planning Commission conducted a duly noticed public hearing and determined that "the provisions of the development agreement are consistent with the general plan and applicable specific plan" pursuant to California Government Code Section 65867.5(b) , constituting part of the Planning and Zoning Law and, therefore, recommended approval of the proposed development agreement; and

**WHEREAS**, on April 27, 2010, the City Council conducted a duly noticed public hearing on the Development Agreement and considered testimony and materials in the staff report, the Prior Approvals and accompanying document and exhibits; and

**WHEREAS**, the City has complied with the California Environmental Quality Act; and,

**WHEREAS**, the City has duly noticed this Development Agreement; and

**WHEREAS**, all legal prerequisites for the adoption of this Ordinance have occurred;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Recitals. The above recitals are all true and correct.

**Section 2.** Environmental Review. The City Council has reviewed and considered the information and determined that the proposed Development Agreement will not have a significant adverse effect on the environment, in that the Addendum to Final EIR (State Clearinghouse No. 2006101147) prepared for the Development Agreement adequately address the fact that there will be no additional impacts from the proposed Development Agreement. The Development Agreement proposes no physical changes to the project from the Prior Approvals, including the final Environmental Impact Report, and has been prepared in accordance with the California Environmental Quality Act, and the Addendum to Final EIR is complete and hereby approved and no significant adverse environmental effects are identified.

**Section 3.** Findings. The City Council HEREBY FINDS AND DETERMINES based on the information presented herewith and the Prior Approvals that:

- A. The proposed Development Agreement is consistent with the applicable General Plan and specific plan, their objectives, their policies, general land uses, and programs.
- B. The proposed Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the general plan land use district and specific plan in which the real property is located.
- C. The proposed Development Agreement is in conformity with and will promote public convenience, general welfare and good land use practice.
- D. The proposed Development Agreement will not be detrimental to the health, safety and general welfare.
- E. The proposed Development Agreement will not adversely affect the orderly development of the property or the preservation of property values.
- F. The proposed Development Agreement will, promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.

**Section 4.** Approval. The Development Agreement, a copy of which is attached hereto as Exhibit "A", is hereby approved. The Mayor and City Clerk are authorized to execute and deliver the proposed Development Agreement on behalf of the City.

**Section 5. Recording.** Pursuant to California Code Section 65858.5, the City Clerk shall record with the County Recorder of the County of Riverside a copy of the Development Agreement within ten (10) days after the Agreement is executed on behalf of the City and the MTC Consolidated, LLC.

**Section 6. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that any one or more sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**Section 7. Effective Date.** The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

**ADOPTED, SIGNED and APPROVED** this 11<sup>th</sup> day of May, 2010.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney, C.M.C.

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) §  
CITY OF PERRIS )

I Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1268, introduced at a regular meeting of the City Council of the City of Perris held on the 27<sup>th</sup> day of April, 2010, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 11<sup>th</sup> day of May, 2010, by the following vote:

AYES: EVANS, LANDERS, YARBROUGH, BUSCH  
NOES: NONE  
ABSENT: ROGERS,  
ABSTAIN: NONE

\_\_\_\_\_  
City Clerk, Judy L. Haughney, C.M.C.

*ORDINANCE NUMBER 1268*

Exhibit "A"

PROPOSED DEVELOPMENT AGREEMENT

[See Attached]