

ORDINANCE NUMBER 1269

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING DEVELOPMENT AGREEMENT 08-05-0027 FOR SITE 1 OF THE SOUTH PERRIS INDUSTRIAL PROJECT, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Perris has received an application for the Airport Distribution Center (Site 1) of the South Perris Industrial Project (the "Project") to develop approximately 783,700 square feet of industrial warehouse space in one building on an approximately 38 acre site on the northwest corner of Artlo Avenue and Goetz Road, south of Mountain Avenue; and

WHEREAS, the City of Perris also received an application for a Development Agreement concerning the Airport Distribution Center (Site 1) of the South Perris Industrial Project in accordance with PMC Section 18.19.010 *et seq.* and Government Code section 65864 *et seq.*, and the Project proponent desires to enter into said agreement with the City; and

WHEREAS, the City Council received a recommendation from the Planning Commission at the public hearing held June 16, 2010 to certify the Environmental Impact Report ("EIR") prepared for the entire South Perris Industrial Project, including Site 1 thereof; adopt the EIR Findings and Findings of Fact and Statement of Overriding Considerations; and adopt the EIR Mitigation and Monitoring Program; and

WHEREAS, the City Council also received a recommendation from the Planning Commission at the public hearing held June 16, 2010 to approve Development Agreement 08-05-0027 for Site 1 of the Project; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all Project meetings and hearings; and

WHEREAS, the City Council of the City of Perris, after due notice, held a public hearing on July 13, 2010 for the purpose of certifying the Final EIR and accompanying attachments for the proposed project; and

WHEREAS, the City Council of the City of Perris, at the July 13, 2010 public hearing also reviewed Development Agreement 08-05-0027 for the proposed project, and considered testimony and materials in the project report and accompanying documents and exhibits; and

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

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

Section 1. The above recitals are true and correct

Section 2. The City Council has reviewed and considered the environmental documentation and information referenced in Resolution 4323 prior to action on the application for the Development Agreement and finds and determines that the proposed use of the Site, based on the Findings of Fact, the Statement of Overriding Considerations, and the requirements of the Mitigation Monitoring Program fully address the potential environmental impacts, and that the Declarations reflect the independent judgment of the City.

Section 3. The City Council hereby finds and determines, based on the information contained in the staff report and other attached materials, and the findings required by PMC Section 18.19.100 for the approval of the proposed Development Agreement, as follows:

- 1) The Development Agreement complies with Government Code section 65867.5(b) in that the provisions of the Development Agreement are consistent with the objectives, policies, general land uses and programs City's General Plan.
- 2) The proposed Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located.
- 3) The proposed Development Agreement will not be detrimental to the health, safety and general welfare.
- 4) The proposed Development Agreement will not adversely affect the orderly development of the property or the preservation of property values.
- 5) The proposed Development Agreement will promote and encourage the development of the proposed Project by providing a greater degree of requisite certainty.

Section 4. Based on the findings above, the City Council hereby approves Development Agreement 08-05-0027 for Site 1 of the South Perris Industrial Project.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Ordinance shall remain in full force and effect.

Section 6. The Mayor of the City of Perris shall sign and the City Clerk shall certify passage and adoption of the 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 (30) days after its final passage.

ADOPTED, SIGNED, and APPROVED this 31st day of August 2010.

Mayor, Daryl R. Busch

Attest:

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

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

I Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1269, introduced at a regular meeting of the City Council of the City of Perris held on the 13th day of July, 2010, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 31st day of August, 2010, by the following vote:

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

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