

ORDINANCE NUMBER 1271

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS APPROVING GENERAL PLAN AMENDMENT 08-05-0023, SPECIFIC PLAN AMENDMENT 08-05-0024, ZONE CHANGE 09-03-0020, AND DEVELOPMENT AGREEMENT 10-04-0010 FOR SITE 3 OF THE SOUTH PERRIS INDUSTRIAL PROJECT, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the City of Perris has received an application for the First Park South 215 Distribution Center (Site 3) of the South Perris Industrial Project (the “Project”) to develop approximately 3,166,857 square feet of industrial warehouse space in four buildings on an approximately 215.7 acre site at the northeast corner of Redlands Avenue and Ellis Avenue; and

WHEREAS, the Project applicant has filed a General Plan Amendment, Specific Plan Amendment to the New Perris Specific Plan, and a Zone Change concerning the First Park South 215 Distribution Center (Site 3) of the South Perris Industrial Project in accordance with PMC Section 19.54.030; and

WHEREAS, the City of Perris also received an application for a Development Agreement concerning the First Park South 215 Distribution Center (Site 3) 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 3 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 General Plan Amendment 08-23-0023, Specific Plan Amendment 08-05-0024, Zone Change 09-03-0020 and Development Agreement 10-04-0010 for Site 3 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 (Resolution No. 4323) 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 General Plan Amendment 08-23-0023, Specific Plan Amendment 08-05-0024, Zone Change 09-03-0020 and Development Agreement 10-04-0010 for Site 3 of the 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 in accordance with the findings below for approval of General Plan Amendment 08-05-0023, as follows:

- 1) The proposed Project and General Plan Amendment is consistent with adopted General Plan's objectives, policies and programs (as amended).
- 2) The proposed Project and General Plan Amendment will not adversely affect the public health, safety and welfare.

Section 4. The City Council hereby finds and determines, based on the information contained in the staff report and other attached materials, and in accordance with the findings below for approval of Specific Plan Amendment 08-05-0024, as follows:

- 1) The proposed Project and Specific Plan Amendment is consistent with adopted General Plan's objectives, policies and programs (as amended).
- 2) The proposed Project and Specific Plan Amendment will not adversely affect the public health, safety and welfare.
- 3) The proposed Project and Specific Plan Amendment are consistent with City Zoning Code Section 19.54.040(B)(2) for the adoption of a Specific Plan; and
- 4) The Specific Plan Amendment provides adequate text and diagrams to adequately address the following issues in detail:
 - i) The distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.

ii) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses described in the Plan.

iii) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

iv) A program of implementation measures including regulation, programs, public works projects, and financing measures necessary to carry out the provisions contained in paragraphs *a*, *b* and *c* above.

Section 5. The City Council hereby finds and determines, based on the information contained in the staff report and other attached materials, and in accordance with the findings contained in PMC Code Section 19.54.040(A) for approval of Zone Change 09-03-0020, as follows:

- 1) The proposed Project and Zone Change will not result in a significant adverse effect on the environment and will not affect public health, safety, and welfare.
- 2) The proposed Project and Zone Change is consistent with the General Plan Land Use Map (as amended) and applicable General Plan objectives, policies and programs (as amended).
- 3) The proposed Project and Zone Change is compatible with adjacent land uses.
- 4) The proposed Project and Zone Change is a logical extension of the neighboring zoning.

Section 6. Based on the Findings above, the City Council hereby amends the General Plan for the City of Perris to change the land use designation of the subject site from Specific Plan to Light Industrial (LI); amends the New Perris Specific Plan by removing the subject parcels as described below and attendant land uses from the Specific Plan, thereby changing the configuration of the New Perris Specific Plan; and amends the Zoning Map by removing the Specific Plan designation and applying Light Industrial zoning to the subject site in conformance with the General Plan land use designation (as amended), as described below:

In the City of Perris, County of Riverside, State of California, the parcels known as Assessor's Parcel Numbers 310-170-006 through 310-170-008, and 310-220-050.

Section 7. 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 within the 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 8. Based on the findings above, the City Council hereby approves Development Agreement 10-04-0010 for Site 3 of the South Perris Industrial Project.

Section 9. 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 10. 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

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 1270, 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.