ORDINANCE NUMBER 1116

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 AWARE DEVELOPMENT TO IMPLMENT TRACT 29425 LOCATED WEST OF DUNLAP ROAD, BETWEEN CITUS AVENUE AND NUEVO ROAD AND TRACT 30850 LOCATED WEST OF EVANS ROAD, BETWEEN ORANGE AND SUNSET AVENUES (DEVELOPMENT AGREEMENT NO. 03-0120)

WHEREAS, the applicant, Aware Development, has requested a Development Agreement to implement Tract 29425, a 93.39-acre site consisting of 381 single-family lots in the R-7 and R-4 zone, and Tract 30850 a proposed single-family home development on 158 acres with 495 lots in the R4 zone; and

WHEREAS, on April 7, 2003, the Planning Commission conducted a duly noticed public hearing and determined that "the provisions of the development agreement are consistent with the general plan" pursuant to California Government Code Section 65867.5(b) of the Planning and Zoning Law and, therefore, recommended approval of the proposed development agreement; and

WHEREAS, on April 15, 2003, the City Council conducted a duly noticed public hearing on the Development Agreement and considered testimony and materials in the staff report and accompanying document and exhibits; and

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

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

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

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

Section 2. 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 Initial Study and Negative Declaration (Neg. Dec. No. 2091 approved by the City Council on January 25, 2000) for Tract 29425, adequately addressed the impacts of the proposed project, and have been prepared in accordance with the California Environmental Quality Act, and Negative Declaration No. 2125 for Tract 30850 is complete and no

significant adverse environmental effects were identified, and will be considered for adoption on April 29, 2003, by the City Council in conjunction with second reading of this ordinance.

Section 3. The City Council ***HEREBY FINDS AND DETERMINES*** that:

A. The proposed Development Agreement is consistent with the applicable General Plan objectives, 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 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 Coudures Family Limited Partnership.

Section 6. 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.

Attachments:

Exhibit "A": Proposed Development Agreement

ADOPTED, SIGNED and ***APPROVED*** this 29th day of April, 2003.

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Mayor, Daryl R. Busch

ATTEST:

_____

City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1116, introduced at a special meeting of the City Council of the City of Perris held on the 15th day of April, 2003, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 29th day of April, 2003, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Rogers, Yarbrough, Busch
NOES:
ABSENT:
ABSTAIN:

_____
City Clerk, Margaret Rey