

ORDINANCE NUMBER 1360

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE DEVELOPMENT AGREEMENT WITH PARKWEST ASSOCIATES AND EAST WEST PROPERTIES

WHEREAS, the ParkWest Specific Plan and Tentative Tract Map 31157 are subject to a Development Agreement (“Agreement”) between the City of Perris and ParkWest Associates and East West Properties. The Agreement is dated March 28, 2007 and was recorded in the Official Records of Riverside County on April 5, 2007 as Document No. 2007-230751; and

WHEREAS, the Agreement provides that with respect to Phase I, the Agreement will expire on March 27, 2017, or ten (10) years after the Effective Date of the Agreement; and

WHEREAS, various market forces and permit requirements have prevented the developer from commencing construction prior to expiration of the Agreement. The developer has requested an extension to provide time for a possible amendment of the Specific Plan. Through an administrative process, the City previously granted short extensions to consider possible changes to the Specific Plan and Agreement. The proposed Amendment No. 1 (“Amendment”) would include a formal extension of the Agreement until January 27, 2028; and

WHEREAS, in exchange for the City granting the extension, the developer has agreed to dedicate right of way and contribute a \$2,000,000 Public Benefit Fee that may be used for improvements to Nuevo Road and the Nuevo Crossing over the Perris Valley Storm Channel; and

WHEREAS, Mitigated Negative Declaration (“MND”) No. 2220 was adopted for the Agreement pursuant to the California Environmental Quality Act (“CEQA”). The Amendment does not include changes to the Specific Plan nor does it trigger changes to the previously adopted MND No. 2220; as such, no further CEQA action is required for the proposed Amendment; and

WHEREAS, on January 3, 2018, the Planning Commission conducted a duly noticed public hearing on the proposed Amendment, considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed Amendment to the City Council; and

WHEREAS, on January 30, 2018 the City Council conducted a duly noticed public hearing on the proposed Amendment, and considered testimony and materials in the staff report, accompanying documents and exhibits; and

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

THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals Incorporated. The foregoing Recitals are incorporated herein as if set forth in full.

Section 2. CEQA. The City Council has reviewed and considered the information included in the staff report and accompanying attachments prior to taking action on the proposed Amendment and finds the City has complied with the California Environmental Quality Act, and this determination reflects the independent judgment of the City.

Section 3. Findings. Based on the information contained within the staff report and the accompanying attachments and exhibits, the City Council hereby finds that the provisions of the Amendment are consistent with City's General Plan and ParkWest Specific Plan, the requirements of Development Agreement Law and Perris Zoning Ordinance Chapter 19.54.

Section 3. Approval. The City Council hereby approves Amendment No. 1 to the Development Agreement. The Amendment is attached hereto as Exhibit "A."

Section 4. Effective Date. This Ordinance shall take effect 30 days after its adoption. The Amendment shall be effective upon the Effective Date of this Ordinance.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

Section 6. Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

Section 7. Execution of Amendment. The City Council hereby authorizes and directs the Mayor and City Clerk to execute the Amendment on behalf of the City upon adoption of this Ordinance.

ADOPTED, SIGNED and APPROVED this 13th day of February, 2018.

MAYOR, MICHAEL M. VARGAS

ATTEST:

City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Ordinance Number 1360 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council on the 30th day of January, 2018 and duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 13th day of February, 2018, and that it was so adopted by the following vote:

AYES: RABB, ROGERS, BURKE, CORONA, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar

Exhibit "A"

Amendment No. 1 to Development Agreement

[Attached]

Exhibit A