

ORDINANCE NUMBER 1151

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PERRIS AND JOHN REICHEL, YH ELLIS LLC, AND YH PERRIS 31114 LLC, TO IMPLEMENT THE DEVELOPMENT OF TENTATIVE TRACT MAP 31114 LOCATED WEST OF REDLANDS AVENUE, BETWEEN METZ CHANNEL AND JARVIS STREET, AND TENTATIVE TRACT MAP 31201 LOCATED EAST OF THE SANTA FE RAILROAD BETWEEN MIDWAY STREET AND ELLIS STREET

WHEREAS, John Reichel, the applicant, originally requested approval of a Development Agreement to implement Tentative Tract 31114, a 12.6-acre site consisting of 103 single-family homes in the R-14 zone located west of Redlands Avenue, between Metz Channel and Jarvis Street; and, Tentative Tract 31201, a 14.3-acre site containing 95 single-family homes located east of the Santa Fe Railroad between Midway Street and Ellis Avenue in the Downtown Specific Plan; and

WHEREAS, on March 25, 2003, the City Council conducted a legally noticed public hearing and approved said Development Agreement 03-0049; and,

WHEREAS, City and the developers (John Reichel, YH Ellis LLC, and YH Perris 31114 LLC) now desire to amend said Development Agreement to provide additional flexibility with respect to the City's use of the park impact fees and in-lieu fees upon the terms and conditions set forth in the First Amendment (attached); and,

WHEREAS, on February 2, 2005, the Planning Commission conducted a legally noticed public hearing and recommended approval of the proposed First Amendment to Development Agreement 03-0049; and

WHEREAS, on February 22, 2005, the City Council conducted a legally noticed public hearing and determined that the provisions of the proposed First Amendment to Development Agreement 03-0049 are consistent with the City's General Plan and the Downtown Specific Plan pursuant to California Government Code Section 65867.5.(b) of the Planning and Zoning Law; 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 HEREBY ORDAINS 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 First Amendment to Development Agreement 03-0049 will not have a significant adverse effect on the environment and is Categorically Exempt from CEQA. Therefore, pursuant to Section 15305 of the California Environmental Quality Act Guidelines, the project does not require an Initial Study or further environmental review.

Section 3. Based on the information contained within the City Council Submittal and the accompanying attachments and exhibits, the Council hereby finds that:

- A. The proposed First Amendment to Development Agreement 03-0049 is consistent with the applicable General Plan objectives, policies, general land uses, and programs.
- B. The proposed First Amendment to Development Agreement 03-0049 is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.
- C. The proposed First Amendment to Development Agreement 03-0049 is in conformity with and will promote public convenience, general welfare and good land use practice.
- D. The proposed First Amendment to Development Agreement 03-0049 will not be detrimental to the health, safety and general welfare.
- E. The proposed First Amendment to Development Agreement 03-0049 will not adversely affect the orderly development of the property or the preservation of property values.
- F. The proposed First Amendment to Development Agreement 03-0049 will promote and encourage the development of the proposed project by providing a greater degree of requisite certainty.

Section 4. The City Council hereby approves the proposed First Amendment to Development Agreement 03-0049, based on the information and findings presented in the City Council Submittal, dated February 22, 2005.

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 shall sign this Ordinance and the City Clerk shall certify to the adoption of this Ordinance.

ADOPTED, SIGNED and **APPROVED** this 8th day of March, 2005.

Mayor, Daryl R. Busch

ATTEST:

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 1151, introduced at a regular meeting of the City Council of the City of Perris held on the 22nd day of February, 2005, was duly and regularly adopted by the City Council at a regular meeting thereof held on the 8th day of March, 2005, and that it was so adopted by the following called vote:

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

City Clerk, Margaret Rey