

ORDINANCE NO. 2016-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE
APPROVING A DEVELOPMENT AGREEMENT WITH TARPON PROPERTY
OWNERSHIP 2 LLC.**

THE CITY COUNCIL OF THE CITY OF EASTVALE ORDAINS AS FOLLOWS:

SECTION 1. The City Council finds:

WHEREAS, To strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 – 65869.5 (the "Development Agreement Statute"), which authorizes the City and any person having a legal or equitable interest in real property to enter into a development agreement and, among other things, establish certain development rights in property which is the subject of a development project application.

WHEREAS, City, a general law city, is authorized by the Development Agreement Statute to enter into development agreements with persons and entities having a legal or equitable interest in real property, for the purposes of establishing predictability for both the City and property owner in the development process. City enters into this Agreement pursuant to the provisions of the California Government Code, the City's General Plan (the "General Plan"), the Eastvale Municipal Code (the "City's Municipal Code"), and all applicable City policies.

WHEREAS, Landowner is the fee owner of the real property located within the City of Eastvale, County of Riverside, State of California, (the "Property"). The Property is bounded on the west by Hamner Avenue, on the south by Bellegrave Avenue, on the east by Interstate 15 (I-15), and on the north by Cantu-Galleano Ranch Road. The Assessor's parcel numbers ("APNs") for the Property are 160-020-005, 160-020-006, 160-020-023, 160-020-024, 160-020-025, 160-020-029, 160-020-030, 160-020-031, 160-020-032 and 160-020-036. Landowner desires to develop the Project in accordance with the City Approvals.

WHEREAS, Landowner proposes to enter into this statutory Development Agreement in order to vest its right to develop up to 2,983,400 square feet of commercial retail, light industrial, business park and other uses across the 205.4 acre Property (collectively, the "Project"). The Project was originally approved by the Eastvale City Council in November 2014 without a Development Agreement, and has since been the subject of subsequent amendments and modifications.

WHEREAS, As required by the Eastvale Zoning Code, on September 21, 2016, the Planning Commission conducted its duly noticed public hearing on the proposed Development Agreement and provided its recommendation to approve the Development Agreement; and

WHEREAS, On September 28, 2016, the City Council held a duly noticed public hearing at which it considered all public testimony pro and con as well as materials in the staff report and accompanying documents, all of which materials constitute the record of such hearing and finds that:

1. The proposed Development Agreement is consistent with the applicable General Plan objectives, policies and programs.
2. The proposed Development Agreement is compatible with all applicable Zoning, including the Goodman Commerce Center Specific Plan, and as amended, which implements the General Plan by allowing the development of the Project.
3. The proposed Development Agreement is in conformity with and will promote public convenience, general welfare and good land use practice.
4. The proposed Development Agreement will not be detrimental to the health, safety and general welfare within the City.
5. The proposed Development Agreement will not adversely affect the orderly development of the property or the preservation of property values.
6. The proposed Development Agreement will promote and encourage the development of the proposed Site by providing a greater degree of requisite certainty for the developer.
7. The proposed Development Agreement will provide local and regional public benefits to the City, including, without limitation:
 - a. Increased Tax Revenues. The Project is intended to result in increased real property and sales taxes and other revenues to the City.
 - b. Improve Jobs/Housing Ratio. The Project will enhance the jobs base in the City.
 - c. Pedestrian Mobility. The Project encourages pedestrian mobility through the provision of walking paths and through signage guiding pedestrians to nearby destinations to create pleasant environments that will encourage walking.
 - d. Reduced Traffic Congestion. The Project will include improvements and will contribute fees to improve local streets and the regional transportation network.
 - e. Provide Hotel Use. The Project is intended provide overnight accommodations for resident and business visitors.
8. The City Council specifically finds that the provisions of this Development Agreement are consistent with the City's general plan. The Council further finds that the underlying development is subject to full and proper environmental review under CEQA, resulting in Resolution No. 14-032, dated June 11, 2014, which certified Environmental Impact Report No.(SCH No. 2011111012) (the "Project EIR").

SECTION 2. The City Council approves the Development Agreement by and between the City of Eastvale and Tarpon Property Ownership 2 LLC, as set out in Exhibit "A", attached hereto and incorporated as if fully set forth herein and the Mayor is authorized to sign it on behalf of the City.

SECTION 3. Effective Date: This ordinance and the development agreement adopted by it shall take effect 30 days from the date of the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Eastvale this 9th day of November 2016.

Ike Bootsma, Mayor

ATTEST:

Steven D. Aguilar, Assistant City Clerk

Approved as to form:

John E. Cavanaugh, City Attorney

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

I, Steven D. Aguilar, Assistant City Clerk of the City of Eastvale, do hereby certify that the foregoing Ordinance No. 2016-06 was duly introduced and placed upon its first reading at a meeting of the City Council of the City of Eastvale on the 28th day of September, 2016, and that thereafter, said Ordinance was duly adopted by the City Council of the City of Eastvale at a meeting thereof held on the 9th day of November, 2016, by the following vote:

AYES: Councilmembers Lorimore, Simmons, Mayor Pro Tem Tessari, Mayor Bootsma

NOES: None

ABSTAIN: None

ABSENT: Councilmember Rush

Steven D. Aguilar, Assistant City Clerk