

Agenda

Item: 6A

Date: 8-13-12

**CITY OF SIMI VALLEY
MEMORANDUM**

August 13, 2012

TO: City Council

FROM: City Clerk's Office

SUBJECT: SECOND READING OF ORDINANCE NO. 1197 APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT (DA-04-01, AMD #1) TO EXTEND THE TERM FIVE YEARS AND APPROVING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE RUNKLE CANYON PROJECT

RECOMMENDATION

It is recommended that the City Council adopt Ordinance No. 1197.

BACKGROUND

This ordinance was introduced for first reading at the City Council meeting of July 16, 2012 without modification.



Ky Spangler
Interim Assistant City Clerk

ORDINANCE NO. 1197

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT (DA-04-01, AMD #1) TO EXTEND THE TERM FIVE YEARS AND APPROVING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE RUNKLE CANYON PROJECT

WHEREAS, pursuant to Government Code Section 65868 and the 2004 Simi Valley Municipal Code Section 9-9.12, the applicant, Runkle Canyon, LLC, has requested approval of an amendment to the Runkle Canyon Development Agreement (DA-04-01, AMD #1) to modify Section 3 to extend the term for five years to facilitate construction of the approximate 1,595-acre Runkle Canyon Project, located at the south terminus of Sequoia Avenue, known as Ventura County Assessor's Parcel Nos. 634-0-010-49, 685-0-051-22 & 23, 685-0-040-07, 09, 10, 14, 16, 19-22, 24, & 25, and 685-0-130-16 & 18, and by the legal description attached hereto as Exhibit A; and,

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an Environmental Impact Report was certified for the Runkle Canyon Project on April 26, 2004; and

WHEREAS, pursuant to Section 15164(a) of the CEQA Guidelines, an Addendum to the Environmental Impact Report was prepared for the Runkle Canyon Development Agreement Amendment (DA-04-01, AMD #1); and

WHEREAS, on June 20, 2012, the Planning Commission of the City of Simi Valley heard the matters of the Runkle Canyon Development Agreement Amendment (DA-04-01, AMD #1) and the Addendum to the Runkle Canyon Environmental Impact Report, and recommended to the City Council approval of DA-04-01, AMD #1, to extend the term five years and the Addendum to the Runkle Canyon Environmental Impact Report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. The CEQA Findings of Fact for the Addendum to the Runkle Canyon Environmental Impact Report and the Development Agreement Amendment (DA-04-01, AMD #1), contained in Exhibit 2 of the Planning Commission Staff Report dated May 23, 2012, and incorporated herein by reference, are approved.

SECTION 2. The Addendum to the Runkle Canyon Environmental Impact Report contained in Exhibit 4, and incorporated herein by reference, is approved.

SECTION 3. The findings, for approval of the amendment to the Runkle Canyon Development Agreement (DA-04-01, AMD #1), contained in the Planning Commission staff report dated May 23, 2012, and incorporated herein by reference, are hereby approved.

SECTION 4. The Amendment to the Runkle Canyon Development Agreement (DA-04-01, AMD #1), to modify Section 3 to extend the term five years, is hereby approved.

SECTION 5. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 6. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this

Attest:

Ky Spangler
Interim Assistant City Clerk

Robert O. Huber, Mayor of the City of
Simi Valley, California

Approved as to Form:

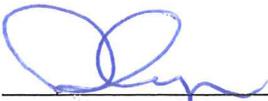


Marjorie Baxter, City Attorney

Approved as to Content:



Laura Behjan, City Manager



Peter Lyons, Director
Department of Environmental Services

EXHIBIT A

LEGAL DESCRIPTION

Real property in the City of Simi Valley, County of Ventura, State of California, described as follows:

Parcels 1, 2, 3, 4, 5, 6, 7 and 8 of Parcel Map No. LD-S-616, in the City of Simi Valley, County of Ventura, State of California, as per map filed in Book 64, Pages 65 to 70 of Parcel Maps, in the office of the County Recorder of said County.

Except as to an undivided 50% interest of all oil, gas, minerals and other hydrocarbon substances in and under said land, without, however, any right to enter on the surface or within 500 feet beneath the surface thereof, as reserved by John H. Runkle, Gena T. Runkle, Ralph W. Runkle, James V. Runkle, Easter I. Runkle, Mary A. Heflin, as Executrix of the Will of Cowan A. Heflin, deceased, Mattie B. Runkle, Dewey R. Runkle, Marjorie E. Brown, Barbara C. Kelley, Beverly A. Speight, Robert E. Lane, Stanley P. Carter and Keith D. Lane, in deed recorded December 3, 1979, in Book 5553, Pages 1 and 27 of Official Records.

Except from a portion of said land an undivided 50% of all oil, gas, minerals and other hydrocarbon substances in and under said land, without, however, any right to enter on the surface or within 500 feet beneath the surface thereof, as reserved by John H. Runkle, Gena T. Runkle, Ralph W. Runkle, James V. Runkle, Easter I. Runkle, Mary A. Heflin, Henry L. Gates, Irene R. Gates, Mary A. Heflin, as Executrix of the Will of Cowan A. Heflin, deceased, Mattie B. Runkle, Dewey R. Runkle, Marjorie E. Brown, Barbara C. Kelley, Beverly A. Speight, Robert E. Lane, Robert T. Lane, Stanley P. Carter and Keith D. Lane, in deed recorded December 6, 1979 in Book 5555, Page 211 of Official Records.