

**RESOLUTION NUMBER 5556**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING COMMISSION, DENYING APPEAL # 19-05164 FOR CONDITIONAL USE PERMIT 19-05067, A PROPOSAL TO CONSTRUCT A 25' TALL, 100 SF, DOUBLE-FACED ILLUMINATED, ON-SITE, FREESTANDING FREEWAY SIGN LOCATED AT 820 W. RIDER STREET ON A 2.5-ACRE SITE WITHIN THE BUSINESS PROFESSIONAL OFFICE (BPO) ZONE OF THE PERRIS VALLEY COMMERCE SPECIFIC PLAN (APN: 317-170-033) AND MAKING FINDINGS IN SUPPORT THEREOF.***

***WHEREAS***, the applicant filed Conditional Use Permit 19-05067 (herein referred to as “the Project”) to allow for the construction of a 25’ tall, 100 SF, double-faced, internally illuminated freestanding freeway sign located adjacent to the I-215 Freeway at 820 W. Rider Street, within a Business Professional Office Zone in the Perris Valley Commerce Center Specific Plan (“sign” or “project”); and

***WHEREAS***, on June 19, 2019, the Planning Commission conducted a legally noticed public hearing on the Project (Conditional Use Permit 19-05067), and considered public testimony and materials in the staff reports and accompanying document and exhibit; and, at which time all interested persons were given full opportunity to be heard and to present evidence; and

***WHEREAS***, on June 19, 2019, the Planning Commission, at a legally noticed public hearing, considered the Project (Conditional Use Permit 19-05067), and voted to deny the Project, as follows:

1. The Strains business is within 225’ of the I-215 freeway and is adjacent to the I-215 East Frontage Road, which provides for clear, unobstructed view from the I-215 freeway to the business. Further, the location, color design, and orientation of the Strains Dispensary business provide for excellent visibility and allow the business to garner attention beyond the surrounding uses. As such, the business does not have physical barriers that would impede the visibility of the business from the I-215 freeway.
2. The location, color design, and orientation of the Strains Dispensary business currently provides for excellent visibility and allows the business to garner attention beyond the surrounding uses. The proposed digital display for the freeway sign is not a necessary public need for functional information. The height, structural design, and digital display and overall design would create

visual clutter and could undermine traffic safety by distracting commuters on the frequently congested I-215 freeway, which could negatively affect the health, public safety, and welfare of residents.

3. Strains dispensary already advertise on an existing static freeway billboard sign along the west of the I-215 Freeway and pay to advertise on an existing electronic billboard sign on a rotation basis along with the east side of the I-215 within nearby proximity to the proposed sign. The addition of the proposed sign to this area would create a proliferation of freeway signage in the area, resulting in unnecessary clutter and a potential distraction to commuters on the frequently congested I-215 freeway, which could negatively affect the health, public safety, and welfare of residents.

**WHEREAS**, on June 26, 2019, Quiel Signs, timely submitted an appeal application to the City Council to contest the June 19, 2019, Planning Commission's unanimous decision to deny the Project, (Conditional Use Permit #19-05067) to construct a 25' tall, 100 SF, double-faced illuminated, on-site, freestanding freeway sign located at 820 W. Rider Street on a 2.5-acre site within the Business Professional Office (BPO) Zone of the Perris Valley Commerce Center Specific Plan (PVCCP); and

**WHEREAS**, the property for the proposed Appeal #19-05164 is more particularly described as Assessor Parcel Number 317-170-033; and

**WHEREAS**, Appeal #19-05164 would deny the request for a Conditional Use Permit 19-05067 to construct a 25' tall, 100 SF, double-faced illuminated, on-site, freestanding freeway sign located at 820 W. Rider Street on a 2.5-acre site within the Business Professional Office (BPO) Zone of the Perris Valley Commerce Specific Plan (PVCCP); and

**WHEREAS**, on July 30, 2019, the City Council conducted a duly noticed public hearing on the project and the appeal, at which time all interested persons were given full opportunity to be heard to present evidence; and

**WHEREAS**, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data which constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all Project meetings and hearings; and

**WHEREAS**, all legal prerequisites for the adoption of this resolution have occurred; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Perris, as follows:

**Section 1.** The above recitals are all true and correct and incorporated herein by this reference.

**Section 2.** The City Council further finds and determines that the City has complied with the California Environmental Quality Act based upon the information and findings contained in this Resolution, the staff report and its supporting exhibits, and all written and oral testimony and presentations made at the public hearing, and this finding and determination reflects the independent judgment of the City.

**Section 3.** The City Council has determined that the project is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to Article 19 Section 15311 (Accessory Structures), Class 11(a) for on-premise signs.

**Section 4.** The City Council has reviewed and considered the Project and Appeal #19-05167, prior to taking action on the applications and in making the decision certification, the City Council finds that:

1. The proposed location of the conditional use is in accord with the objectives of this Title and the purposes of the zone in which the site is located.

The proposed location of the CUP is not in accord with the objectives of the Conditional Use Permit provisions of the City’s Zoning Code, Chapter 19.61, in that the proposed onsite freeway sign does not adequately protect the aesthetics and public, health and welfare of the community, because it would increase visual clutter and distract, obstruct or otherwise impede traffic circulation.

2. The proposed plan is consistent with the City's General Plan and conforms to the specific plan zoning standards, applicable subdivision requirements, and other ordinances and resolutions of the city.

The proposed CUP is inconsistent with the City’s General Plan, in that it does not meet the intent of the PVCCSP by providing necessary advertising for an existing use. Further, the appropriateness and overall visual appearance do not meet the intent of the City’s sign Regulations in that the type of sign would contribute to excessive signage, resulting in visual clutter.

3. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

The proposed location of the CUP and the conditions under which it will operate and be maintained could be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, in that the sign could potentially increase risks to traffic on the I-215 freeway, which experiences frequent congestion. Further, the proposed digital display for the freeway sign would not meet a public need for functional information about the associated business. The height, structural design, and digital display and overall design would create visual clutter and could undermine traffic safety by distracting commuters and travelers on nearby roadways, which may negatively affect the health, public safety and welfare of residents.

4. The architecture proposed is compatible with community standards and protects the character of adjacent development.

The architectural design of the proposed sign is not compatible with the intent of the PVCCP in that does not provide advertising for larger-scale, regional shopping center uses based on the need for increased visibility for multiple uses.

5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.

The proposed landscaping plan does not ensure visual relief and provides for an attractive backdrop for the sign structure.

**Section 5.** Based on the foregoing, the information contained in the agenda submittal and supporting exhibits and all oral and written presentations and testimony made by City Staff and members of the public, the City Council hereby denies Appeal # 19-05164, and the Project, CUP 19-05067, upholding the Planning Commission's unanimous vote of denial, based on the information and findings presented in the staff report.

**Section 6.** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution 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 Resolution shall remain in full force and effect.

**Section 7.** The Mayor shall sign this resolution, and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 30<sup>th</sup> day of July 2019.

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Michael M. Vargas, Mayor

ATTEST:

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City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 5556 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 30th day of July 2019, by the following called vote:

AYES: ROGERS, MAGAÑA, CORONA, RABB, VARGAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

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City Clerk, Nancy Salazar