

RESOLUTION NUMBER 4238

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING: (1) TENTATIVE MAP AND STREET VACATION 05-0112 (COUNTY MAP NO. 33587) TO SUBDIVIDE 90.0 ACRES INTO FIVE PARCELS AT THE NORTHWEST CORNER OF PERRIS BOULEVARD AND MARKHAM STREET; AND (2) DEVELOPMENT PLAN REVIEW 05-0113 FOR THE PLOTTING AND BUILDING ARCHITECTURE OF SAID LIGHT INDUSTRIAL DEVELOPMENT.

WHEREAS, on March 23, 2005, the applicant, Industrial Development International, Inc., filed a formal planning application for: (1) Environmental Impact Report (State Clearinghouse #200611102) to assess the potential environmental impacts of the proposed project; (2) Tentative Map and Street Vacation 05-0112 (33587) to subdivide the 90.0 gross acre project site into five parcels and to vacate Nance Street between Perris Boulevard and Indian Avenue; and (3) Development Plan Review 05-0113 for the plotting and building architecture of said industrial development; and

WHEREAS, on February 1, 2006, the Planning Commission held a scoping meeting and workshop for the Environmental Impact Report (EIR) to discuss and hear from the public on the potential environmental impacts and plotting and building architecture of said industrial development; and

WHEREAS, from October 29, 2008, through December 15, 2008, the Draft Environmental Impact Report (Draft EIR) was available for public inspection and comment during the state-mandated 45-day public review period; and

WHEREAS, on May 11, 2009, the Final Environmental Impact Report (Final EIR) was distributed to the City of Perris City Council and Planning Commission, and to those agencies and persons that commented in writing on the Draft EIR; and

WHEREAS, the EIR was prepared for the project in accordance with Sections 21000 through 21177 of the California Public Resources Code (California Environmental Quality Act, CEQA) and Sections 15000 through 15387 of the California Code of Regulations (CEQA Guidelines); and

WHEREAS, the EIR identified several air quality impacts (project specific and cumulative) that would result in environmental impacts for which mitigation measures are not available to reduce the impacts to below levels of significance and a Statement of Overriding Consideration of Environmental Impact will need to be adopted prior to approval by the City Council; and

WHEREAS, the EIR identified all other potential environmental impacts as either not an impact, a less than significant impact, or a less than significant impact with mitigation and a Mitigation Monitoring Program has been prepared for those potential impacts requiring mitigation, which is part of the Final EIR; and

WHEREAS, Section 66411 of the California Government Code (Subdivision Map Act) vests in the legislative bodies of local agencies the regulation and control of the design and improvement of subdivisions; and

WHEREAS, Title 18 of the City of Perris Municipal Code (Subdivisions) implements the state Subdivision Map Act and authorizes the Planning Commission to act as an advisory agency to the City Council and authorizes the City Council to take action on a subdivision; and

WHEREAS, Chapter 19.54 of the City of Perris Municipal Code (Zoning Code, Authority and Review Procedures) authorizes the City to approve, conditionally approve, or deny requests for Development Plan Review; and

WHEREAS, on May 20, 2009, the Planning Commission conducted a duly noticed public hearing, considered public testimony and materials in the staff report and accompanying documents for: (1) the Statement of Overriding Consideration of Environmental Impact and the Final EIR (which includes the Draft EIR); (2) Tentative Map and Street Vacation 05-0112 (County Map No. 33587); and (3) Development Plan Review 01113; and adopted Resolution No. 09-16 recommending that the City Council approve the proposed project; and

WHEREAS, on June 30, 2009, the City Council conducted a duly noticed public hearing, considered public testimony and materials in the staff report and accompanying documents for: (1) the Statement of Overriding Consideration of Environmental Impact and the Final EIR (which includes the Draft EIR); (2) Tentative Map and Street Vacation 05-0112 (County Map No. 33587); and (3) Development Plan Review 01113; and adopted a Resolution certifying the EIR and adopting a Statement of Overriding Environmental Considerations.

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.

Section 2. The determinations reflect the independent judgment of the City.

Section 3. The City Council hereby approves Tentative Map and Street Vacation 05-0112 (County Map No. 33587) to subdivide 84.0 net acres, located at the northwest corner of Perris Boulevard and Markham Street, into five parcels and the vacation of Nance Street between Perris Boulevard and Indian Avenue, subject to the conditions of approval and finding that:

(a) The Tentative Map and Street Vacation are consistent with the General Plan land use designation of Light Industrial all other applicable General Plan policies, as amended; and

(b) The Tentative Map and Street Vacation are consistent with the Zoning designation of Light Industrial and all other applicable Zoning Code standards, as amended; and

(c) The Tentative Map and Street Vacation are in compliance with the Subdivision Map Act; and

(d) The site is physically suitable for the newly created lot sizes and the type of industrial development; and

(e) The design of the Tentative Map and Street Vacation and the type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, other than as addressed by the adopted Statement of Overriding Considerations of Environmental Impact; and

(f) The design of the Tentative Map and Street Vacation and the type of improvements are not likely to cause serious public health problems; and

(g) The design of the Tentative Map and Street Vacation and the type of improvements will not conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of property within the proposed subdivision.

Section 4. The City Council hereby approves Development Plan Review 05-0113 for the plotting and building architecture of said industrial development, subject to the conditions of approval and finding that:

(a) The Development Plan Review, including the location, size, design, density and intensity of the development and related improvements, is consistent with the General Plan land use designation of Light Industrial and all other applicable General Plan policies, as amended; and

(b) The Development Plan Review, including the location, size, design, density and intensity of the development and related improvements, is consistent with the Zoning designation of Light Industrial and all other applicable Zoning Code standards, as amended; and

(c) The site is physically suitable for the location, size, design, density, and intensity of the plotting and architectural design for the type of industrial development; and

(d) The Development Plan Review, including the location, size, design, density and intensity of the development and related improvements, is consistent with the Sustainable Community Element of the General Plan, in that the Project supports the City's

commitment to protect the environment, improve quality of life, and promote sustainable development by incorporating certain measures into the design, construction, and maintenance of the buildings and overall project development, as provided in the conditions of approval; and

(e) The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of light industrial development of Development Plan Review 05-0113; and

(f) The Development Plan Review and the conditions under which it would be operated or maintained is compatible with abutting properties and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity; and

(g) The architecture of the Development Plan Review is compatible with community standards and protects the character of other City industrial developments; and

(h) The landscaping plan of the Development Plan Review ensures visual relief and provides an attractive environment for the public's enjoyment; and

(i) The safeguards necessary to protect the public health, safety and general welfare have been required for the Development Plan Review.

Section 5. 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 6. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

Section 7. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 8. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED and **APPROVED** this 30th day of June 2009.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

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

I, JUDY L. HAUGHNEY, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4238 was duly and regularly adopted by the City Council of the City of Perris, at a regular meeting held the 30th day of June, 2009, by the following vote:

AYES:	COUNCILMEMBERS:	Rogers, Yarbrough, Landers, Evans, Busch
NOES:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

City Clerk, Judy L. Haughney