

RESOLUTION NUMBER 4112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING: (1) TENTATIVE MAP 34999 TO SUBDIVIDE 58.8 ACRES INTO FIVE PARCELS PLUS FOUR PUBLICLY DEDICATED ROADWAY LOTS LOCATED AT THE SOUTHEAST CORNER OF THE 215 FREEWAY AND ETHANAC ROAD; (2) STREET VACATIONS 07-0112 AND 07-0113 TO VACATE ENCANTO DRIVE BETWEEN THE NEW "A" STREET AND ETHANAC ROAD AND TO VACATE TRUMBLE ROAD BETWEEN THE NEW "A" STREET AND THE HOMELAND-ROMOLAND DRAINAGE CHANNEL; AND (3) DEVELOPMENT PLAN REVIEW 06-0337 FOR THE PLOTTING AND BUILDING ARCHITECTURE OF SAID COMMERCIAL DEVELOPMENT, SUBJECT TO THE CONDITIONS OF APPROVAL.

WHEREAS, on August 4, 2006, the applicant MTC Consolidated, LLC, filed a formal planning application for: (1) Environmental Impact Report (State Clearinghouse #2006101147) to assess the potential environmental impacts of the proposed project; (2) Tentative Map 34999 to subdivide the 58.8 acre project site into five parcels plus four publicly dedicated roadway lots; (3) Street Vacations 07-0112 and 07-0113 to vacate Encanto Drive between the new "A" Street (created by the Tentative Map) and Ethanac Road and to vacate Trumble Road between the new "A" Street and the Homeland-Romoland drainage channel; and (4) Development Plan Review 06-0337 for the plotting and building architecture of the proposed commercial development (together, the "Project"); and

WHEREAS, the Project, which will include up to 484,300 square feet of retail commercial space on approximately 58.8 acres, is located in the City of Perris, within the County of Riverside; and

WHEREAS, on November 15, 2006, the Planning Commission held a workshop for Development Plan Review 06-0337 and provided design comments to the applicant; and

WHEREAS, pursuant to the California Environmental Quality Act (Public Res. Code, §§ 21000 et seq.) ("CEQA"), and the State CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et seq.) the City determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all potential adverse environmental impacts of the Project; and

WHEREAS, on or about December 21, 2007, the City initiated a 45-day public review period by filing a Notice of Completion and Availability (NOC) with the State Office of Planning and Research and releasing the Draft EIR for public review and comment; and

WHEREAS, the City prepared the Final EIR (the "Final EIR") including responses to the eight (8) written comment letters received on the Draft EIR. Pursuant to Public

Resources Code Section 21092.5, the City provided copies of the Final EIR to all commenting agencies and persons requesting copies of the Final EIR. Copies of the Final EIR were available at the City's Department of Planning and Community Development and the Cesar Chavez Public Library. Copies were available to the public free of charge, in both hard copy and electronic copy on CD in .pdf format; and

WHEREAS, on February 21, 2008, the Planning Commission ad hoc subcommittee met with the applicant and staff to refine certain design details of the proposed project; and

WHEREAS, the Planning Commission of the City of Perris (the "Planning Commission"), at its regularly scheduled public meeting on April 16, 2008, held a public hearing to consider the Final EIR and the Project. As a result of the City Planning Commission's deliberations at this public hearing, the Planning Commission adopted Resolution No. 08-12 unanimously recommending that the City Council certify the Final EIR, adopt a Statement of Overriding Considerations of Environmental Impact, and review, make findings in support thereof, and approve the Project, subject to the Project conditions of approval; and

WHEREAS, the City Council of the City of Perris (the "City Council"), at its regularly scheduled public meeting on May 13, 2008, held a public hearing to consider the Final EIR and the Project; and

WHEREAS, the City Council, at its regularly scheduled public meeting on May 13, 2008, adopted Resolution No. ____ certifying the Final EIR (State Clearinghouse #2006101147), adopting environmental findings pursuant to CEQA, adopting a Statement of Overriding Considerations of Environmental Impact, and adopting a Mitigation Monitoring and Reporting Program for: (1) Tentative Map 34999 to subdivide 58.8 acres into five parcels plus four publicly dedicated roadway lots located at the southeast corner of the 215 Freeway and Ethanac Road; (2) Street Vacations 07-0112 and 07-0113 to vacate Encanto Drive between the new "A" Street and Ethanac Road and to vacate Trumble Road between the new "A" street and the Homeland-Romoland drainage channel; and (3) Development Plan Review 06-0337 for the plotting and building architecture of said commercial development; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, all of the findings and conclusions made by the City Council pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on the information provided in this Resolution; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Final EIR and the Project and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, that the above recitals are true and correct, the determinations reflect the independent judgment of the City Council , and as follows:

Section I. Tentative Map 34999 and Street Vacations 07-0112 and 07-0113.
The City Council approves Tentative Map 34999 to subdivide 58.8 acres into five parcels plus four publicly dedicated roadway lots located at the southeast corner of the 215 Freeway and Ethanac Road and Street Vacations 07-0112 and 07-0113 to vacate Encanto Drive between the new "A" Street and Ethanac Road and to vacate Trumble Road between the new "A" Street and the Homeland-Romoland drainage channel, subject to the conditions of approval and finding that:

A. Tentative Map 34999 and Street Vacations 07-0112 and 07-0113 are consistent with the General Plan land use designation of Community Commercial and all other applicable general plan policies, as amended; and

B. The design and improvements of Tentative Map 34999 and Street Vacations 07-0112 and 07-0113 are consistent with applicable General Plan policies; and

C. Tentative Map 34999 and Street Vacations 07-0112 and 07-0113 are consistent with the Zoning designation of Community Commercial and all other applicable Zoning Code standards, as amended; and

D. Tentative Map 34999 is in compliance with the Subdivision Map Act; and

E. All requirements of the California Environmental Quality Act have been met; and

F. The site is physically suitable for the type of development; and

G. The site is physically suitable for the density of development; and

H. The design of Tentative Map 34999, Street Vacations 07-0112 and 07-0113, and the 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

I. The design of Tentative Map 34999, Street Vacations 07-0112 and 07-0113, and the type of improvements are not likely to cause serious public health problems; and

J. The design of Tentative Map 34999 and Street Vacations 07-0112 and 07-0113, 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; and

K. The discharge of waste from implementation of Tentative Map 34999, Street Vacations 07-0112 and 07-0113, and improvements into an existing community sewer system will not result in violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

Section 2. Development Plan Review 06-0337. The City Council approves Development Plan Review 06-0337 for the plotting and building architecture of said commercial development, subject to the conditions of approval and finding that:

A. The location, size, design, density and intensity of Development Plan Review 06-0337 and related improvements are consistent with the City's General Plan, as amended, the purposes and provisions of the Zoning Code, as amended, the Commercial Community zoning district in which the project site is located, and the development policies and standards of the City; and

B. 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 commercial development of Development Plan Review 06-0337; and

C. Development Plan Review 06-0337 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

D. The architecture of Development Plan Review 06-0337 is compatible with community standards and protects the character of other City commercial developments; and

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

F. The safeguards necessary to protect the public health, safety and general welfare have been required for Development Plan Review 06-0337.

Section 3. 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 4. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

Section 5. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 6. This Resolution shall take effect immediately upon its adoption.

ADOPTED, SIGNED and **APPROVED** this 13th day of May 2008.

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 4112 was duly and regularly adopted by the City Council of the City of Perris, at a regular meeting held the 13th day of May 2008, by the following vote:

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

City Clerk, Judy L. Haughney

Attachment: Planning Conditions of Approval
Engineering Conditions of Approval