

**RESOLUTION NUMBER 4319**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING THE DEVELOPMENT PLAN REVIEW 10-01-0008, TENTATIVE TRACT MAP 36266 (10-01-0009) CONDITIONAL USE PERMIT 10-04-0001, TO CONSTRUCT A 48,778 SQUARE FOOT RETAIL SHOPPING CENTER AND SUBDIVIDE A 4.97 ACRE SITE INTO SIX PARCELS AT THE SOUTHWEST CORNER OF REDLANDS AVENUE AND SAN JACINTO AVENUE, SUBJECT TO CONDITIONS OF APPROVAL AND THE FINDINGS NOTED HEREIN.***

***WHEREAS***, on January 28, 2009 a Development Plan Review (DPR 10-01-0008) application package was submitted for a 48,778 square foot retail shopping center located at the southwest corner of Redlands Avenue and San Jacinto Road; and

***WHEREAS***, the application package included a Tentative Tract Map 36266 (10-01-0009) to subdivide a 4.97 acre site into six parcels to facilitate commercial development; and

***WHEREAS***, the application package included a Conditional Use Permit application (CUP 10-04-0001) to allow a drive through restaurant; 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 City Council to take action on the Tentative Tract Map; and

***WHEREAS***, Section 19.54.30(3) of the City of Perris Municipal Code (*Zoning Code, Authority and Review Procedures*) provides that where multiple applications related to a project are concurrently processed and the project contains an application which requires review and determination by the City Council, as is the case with the Tentative Parcel Map, all applications and associated environmental review shall be reviewed by the Planning Commission and referred to the City Council for a determination; and

***WHEREAS***, the proposed location is in accordance with the objectives of the Zoning Ordinance and the purpose of the CC (Commercial Community) zoning district; and

***WHEREAS***, the proposed project is consistent with the City's General Plan and conforms to all zoning standards and other Ordinances and Resolutions of the City; and

***WHEREAS***, the proposed project has been duly noticed; and

**WHEREAS**, a public hearing was held on June 29, 2010, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**NOW, THEREFORE, BE IT RESOLVED**, after due deliberation, study and public hearing that the City Council of the City of Perris hereby approves the findings as follows:

**Section 1.** The above recitals are all true and correct.

**Section 2.** The City Council has reviewed and considered the environmental documentation for the project prior to taking action on the applications. Based on the analysis contained in the Initial Study and the accompanying environmental information, the City Council finds that any impact caused by the proposed project can be mitigated to less than significant levels and a Negative Declaration (2284) has been prepared. The City Council further finds that the City has complied with the California Environmental Quality Act (CEQA) and that determinations of the City Council reflect the independent judgment of the City.

**Section 3.** Based on the information contained in the staff report and supporting exhibits and plans for the Tentative Tract Map, the City Council hereby finds:

- (a) Tentative Tract Map 36266 will not result in a significant adverse effect on the environment.
- (b) As conditioned, the design of Tentative Tract Map 36266 is consistent with the General Plan and the development standards of the CC (Community Commercial) zone.
- (c) The project site is physically suitable for the type and density of Tentative Tract Map 36266.
- (d) As conditioned, Tentative Tract Map 36266 is consistent with City standards, ordinances, and policies.
- (e) Tentative Tract Map 36266 is compatible with the surrounding land uses and zoning designations in the area.
- (f) Tentative Tract Map 36266 will not have a negative affect on public health, safety, or general welfare.
- (g) Tentative Tract Map 36266 is in compliance with the Subdivision Map Act.

**Section 4.** Based on the information contained in the staff report and supporting exhibits and plans for the Conditional Use Permit and Development Plan Review the City Council hereby finds:

- (a) The location size, design, density of the proposed development and improvements are consistent with the City's General Plan, the

purposes of the Zone in which the site is located, and the development policies and standards of the City.

- (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 development proposed.
- (c) The proposed development 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.
- (d) The architecture proposed is compatible with the community standards and protects the character of adjacent development.
- (e). The landscaping plans ensure visual relief and provides an attractive environment for the public's enjoyment.
- (f). The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

**Section 5.** The City Council hereby adopts Negative Declaration (2284) and approves Tentative Tract Map (36266) 10-01-0009, Development Plan Review 10-01-0008 and Conditional Use Permit 10-04-0001 based on the information and findings presented in the staff report dated May 19, 2010.

**Section 6.** 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 adoption of this Resolution.

**ADOPTED, SIGNED** and **APPROVED** this 29<sup>th</sup> day of June 2010.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney, CMC

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

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4319 was duly adopted by the City Council of the City of Perris at a regular meeting held on the 29<sup>th</sup> day of June 2010, by the following vote:

AYES: YARBROUGH, LANDERS, EVANS, ROGERS, BUSCH  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Judy L. Haughney, C.M.C., City Clerk

Attachment 1: Planning Conditions of Approval  
Attachment 2: Engineering Conditions of Approval