

RESOLUTION NUMBER 4536

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING A MODIFICATION OF CONDITIONS (MM 12-08-0007) TO REVISE ENGINEERING CONDITIONS OF APPROVAL, THEREBY AMENDING RESOLUTION NO. 4259, RELATED TO DEVELOPMENT PLAN REVIEW 06-0417 FOR TWO INDUSTRIAL/WAREHOUSING BUILDINGS, TOTALING APPROXIMATELY 2 MILLION SQUARE-FEET ON 96 VACANT ACRES, LOCATED BETWEEN PERRIS BOULEVARD AND INDIAN AVENUE, AND BETWEEN MORGAN STREET AND RIDER STREET

WHEREAS, the City of Perris, acting through the Planning Commission on July 15, 2009, and acting through the City Council on June 30, 2009, approved the construction of two industrial/warehouse buildings, totaling 2 million square feet on approximately 96-acres located between Perris Boulevard and Indian Avenue, and between Morgan Street and Rider Street, as laid out and delineated on the Site Plan attached hereto as Exhibit "A" for Development Plan Review No. 06-0417 and pursuant to City Planning Commission Resolution No. 09-12 and City Council Resolution No. 4259 (referred to herein as, the "Initial Approval"); and

WHEREAS, in addition to certain Planning Conditions of Approval, the Initial Approval was subject to certain Conditions of Approval, dated July 15, 2009, from the City Engineer ("Conditions of Approval") for the improvement of certain public streets, roads and facilities adjacent to and in the vicinity of the Project Site;

WHEREAS, the applicant has requested to amend the Conditions of Approval including Condition No. 6, to eliminate the requirement to remove power poles and require the undergrounding of cables along the project boundaries and to add the requirement to relocate utility poles along Rider Street and Indian Avenue behind the curb and to remove power poles along Perris Blvd. from Morgan Street to southerly side of Rider Street and underground cables, Condition No. 12, to eliminate the requirement for an 8-foot sidewalk on Perris Blvd. and add the requirements for a 6-foot meandering sidewalk on Perris Blvd. and a 6-inch wide curb adjacent sidewalk along Rider Ave. and Indian, Condition No. 13, to eliminate the requirement to construct Lateral H-1 and require the construction of Lateral H-1 and Line A-B along Rider Street from Indian Avenue and to connect the existing channel east of Redlands Ave. to Perris Valley Channel, Condition No. 17, to revise right-of-way widening improvements along Rider Street from Perris Blvd. to the intersection of Indian Ave., Condition No. 18 to revise street improvements on Perris Blvd. from Rider Street to Morgan Street, Condition No. 19 to revise street improvement requirements on Indian Avenue along both sides from Rider St. to Morgan St.; Condition No. 23 to revise eliminate intersection improvements at Harley Knox, with Patterson Ave. and to require intersection improvements (all legs) at Rider Ave. with Indian Ave and at Perris Blvd. with Rider and Morgan St. (all legs as needed); Condition No. 30 to add the requirements for a dedicated right turn lane at northeast and southeast corners of Perris Blvd. and Morgan Ave and southeast corner of Rider and Indian shall not be required due to conflict with existing onsite improvements; and to add Condition No. 33.

WHEREAS, the City has determined that traffic from this project and other projects in the vicinity of the Project Site will impact the transportation infrastructure within the City and has therefore conditioned, and intends to condition, other residential and non-residential development projects adjacent to the Harley Knox Improvements that will be served by or benefit from such improvements, to complete all or a portion of the Harley Knox Improvements, in addition to other circulation improvements, as conditions of their development approvals; and

WHEREAS, the City intends to cooperate with property owners and developers in the northern part of the City due to the extensive network of roads which need to be built there to ensure that to the extent practicable, such property owners and developers receive reimbursement for their eligible construction, design and engineering, environmental, and related costs for the major improvements, including but not limited to the Rider Ave., Perris Blvd., and Morgan St. Improvements, through the provisions of developer agreements, reimbursement agreements or similar agreements between the developers and the City and/or the establishment of a community facilities district, road and bridge district or other assessment district that will fund the costs of such construction; and

WHEREAS, a Final Environmental Impact Report ("FEIR") for the Project (State Clearinghouse #2007071134) was prepared, approved and certified for the Project, all pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, and the Mitigation and Monitoring Program has been approved by the City Council on July 15, 2009; and

WHEREAS, in connection with the Initial Approval, public hearings were held on July 15, 2009, which hearings included testimony on the FEIR and the adoption of Resolutions 4258 and 4259 following said hearings; and

WHEREAS, a public hearing was held on November 13, 2012 by the City Council, at which time all interested persons were given full opportunity to be heard and to present evidence in regards to the amended Engineering Conditions of Approval for Development Plan Review No. 06-0417; and

WHEREAS, this revised approval has been duly noticed; and

NOW THEREFORE, the City Council of the City of Perris does resolve as follows:

Section 1. The above recitals are all true and correct and incorporated herein.

Section 2. The City Council has reviewed and considered the environmental information discussed in the staff report and accompanying attachments prior to taking action on the application for the proposed revision and the Final EIR presented at the Initial Approval, and finds that the revisions to the Conditions of Approval could not have a significant impact on the environment as potential impacts were addressed in the Final EIR, and the requested revisions do not affect the conclusions or financings set forth in the Final EIR, the Initial Approvals or the Mitigation Monitoring Program.

Section 3. The City Council hereby adopts the Amended Conditions pursuant to this revised approval. Said Amended Conditions do not affect any findings made in the Initial Approval, which Initial Approval is incorporated herein by reference, all of which findings remain in full force and effect.

Section 4. The City Council hereby adjusts the Initial Approvals of the City Council in accordance with the changes reflected in this Resolution.

Section 5. Except as amended hereby to substitute and refer to the Amended Conditions, Resolution No. 4259 remain in full force and effect.

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 adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 13th day of November, 2012.

Mayor, Daryl R. Busch

ATTEST:

Judy L. Haughney, CMC, City Clerk

Attachments: Exhibit A Site Plan
 Exhibit B Original Engineering Conditions of Approval (July 15, 2009)
 Exhibit C Amended Engineering Conditions of Approval (November 13, 2012)

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 4536 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 13th day of November, 2012, by the following called vote:

AYES: EVANS, LANDERS, YARBROUGH, ROGERS, BUSCH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Judy L. Haughney, CMC, City Clerk