

RESOLUTION NUMBER 3287

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION (2152); GENERAL PLAN AMENDMENT NO. 04-0039 TO CHANGE THE LAND USE DESIGNATION FROM R4 RESIDENTIAL (4 UNITS PER ACRE) TO R7 RESIDENTIAL (7 UNITS PER ACRE) ON 12.55 ACRES LOCATED APPROXIMATELY 300 FEET EAST AND SOUTH OF THE SOUTHEAST CORNER OF NUEVO ROAD AND WILSON AVENUE; AND, TENTATIVE TRACT MAP 316510 (04-0041) TO SUBDIVIDE THE ENTIRE 12.55 ACRE SITE INTO 57 RESIDENTIAL PARCELS, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on January 27, 2004, the applicant applied to amend the General Plan Land Use Element and subdivide the property; and,

WHEREAS, the City Council of the City of Perris adopted a General Plan to guide development throughout the City and a Zoning Ordinance to implement the vision set forth in the General Plan; and,

WHEREAS, State Law limits amendments to the Land Use Element to four times a year; howsoever, a number of changes may be made at one time; and,

WHEREAS, this amendment, coupled with other proposals considered on this date, constitutes the second time in 2004 that the City has amended the Land Use Element of the General Plan; and,

WHEREAS, on July 7, 2004, the Planning Commission conducted a duly noticed public hearing on the proposed General Plan Amendment, Zone Change, and Tentative Tract Map, considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed project to the City Council; and,

WHEREAS, on July 27, 2004, the City Council conducted a duly noticed public hearing on the proposed General Plan Amendment, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, the City Council considered the Initial Study and Mitigated Negative Declaration (2152) for the project, finding that these documents adequately addressed the impacts of the proposed project, were prepared in accordance with the California Environmental Quality Act, and reflected the independent judgment of the City; and,

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

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 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:

- A. There is no substantial evidence of potentially significant environmental impacts and a Negative Declaration (2152) has been prepared.
- B. The City has complied with the California Environmental Quality Act (CEQA).
- C. Determinations of the City Council reflect the independent judgment of the City.

Section 3. Based on the information contained within the Project Report and the accompanying attachments and exhibits, the City Council hereby finds that:

General Plan Amendment 04-0039

1. All potentially significant environmental impacts can be mitigated to less than significant levels and a Negative Declaration (No. 2152) has been prepared, the City has complied with the California Environmental Quality Act (CEQA), and the determinations of the Planning Commission reflect the independent judgment of the City.
2. The proposed project is consistent with General Plan objectives, policies and programs.
3. The proposed project will not adversely affect the public health, safety and welfare.

Tentative Tract Map 31651 (04-0041)

1. The proposed tract map is consistent with applicable general and specific plans.

2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans.
3. The site is physically suitable for the type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or the type of improvements will not cause serious public health problems.
7. The design of the subdivision or 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.
8. All requirements of California Environmental Quality Act (CEQA) have been met.
9. The discharge of waste from the proposed subdivision 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 4. The City Council hereby approves Mitigated Negative Declaration (2152), General Plan Amendment (GPA 04-0039), and Tentative Tract Map 31651 (04-0041), containing 57 residential lots, based on the information and findings presented in the staff report, and subject to the attached conditions of approval, dated July 7, 2004.

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.

ADOPTED, SIGNED and **APPROVED** this 27th day of July, 2004.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3287 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 27th day of July, 2004, and that it was so adopted by the following called vote:

AYES: Busch, Rogers, Yarbrough, Motte, Landers

NOES:

ABSENT:

ABSTAIN:

City Clerk, Margaret Rey