

RESOLUTION NUMBER 4784

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION 2309, REVISED TENTATIVE TRACT MAP 34260 (12-02-0019) AND VARIANCE 13-05-0008 TO AMEND A PREVIOUSLY APPROVED TENTATIVE TRACT MAP TO INCREASE THE NUMBER OF RESIDENTIAL LOTS FROM 15 TO 22 LOTS AND TO ALLOW UP TO A 22% REDUCTION IN MINIMUM LOT FRONTAGE FOR THREE KNUCKLE LOTS ON A PARCEL LOCATED ON THE NORTH SIDE FLAME AVENUE APPROXIMATELY 250-FEET WEST OF REDLANDS AVENUE; AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, Tentative Tract Map 34260 (12-02-0019) and Variance 13-05-0008 were filed by the applicant to subdivide 3.06 acres of vacant land into 22 residential lots in the MFR-14 zoning and to allow up to a 22% reduction in minimum lot frontage for three knuckle lots located on a 3-acre parcel located on the north side of Flame Avenue approximately 250-feet west of Redlands Avenue; and

WHEREAS, an initial study has been prepared for Tentative Tract Map 34260 (12-02-0019) and Variance 13-05-0008 and based upon the environmental information staff finds that the project could not have significant effects on the environment because mitigation measures applied to the project have been agreed to by the project proponent, therefore a Mitigated Negative Declaration has been prepared; and

WHEREAS, on October 1, 2014, the Planning Commission conducted a legally noticed public hearing on Revised Tentative Tract Map 12-02-0019 and Variance 13-05-0008 and considered public testimony and materials in the staff reports and accompanying document, and approve the project (6-0-1 absent), subject to amending Planning Conditions No. 4 and deleting Condition No. 15 as noted in Bold and Strike-through below:

Planning Conditions:

4. *Administrative Development Plan Review. Homes for Tentative Tract Map 34260 will be subject to review and approval of the Planning Division through the Administrative Development Plan Review process **and presented before the Planning Commission as a consent calendar item for informational purposes prior to final approval.** The three Variance lots (i.e. lots 6, 7 & 8) in particular will be subject to an increase front yard setback of 20-feet instead of the minimum 15-feet. Also, all garage doors will need to include decorative glass window and architectural enhancement trims over the garage doors to dress the elevation appearance.*
15. ~~*Plans and CC&Rs. Prior to recordation of the Final Map, the developer shall submit*~~

and obtain approvals on the following items:

- a. Public improvement plans to the City Engineer. These plans shall include but not be limited to street, drainage, utility improvements, and dedications in accordance with Municipal Code Title 18.*
- b. Any Covenants, Conditions, and Restrictions (CC&Rs) to the Planning Division and the City Attorney's office. Approved CC&Rs shall be recorded with the final map.*
- c. Grading plans to the City Engineer, demonstrating compliance with National Pollution Discharge Elimination System requirements. The plans shall include a Storm Water Pollution Prevention Plan detailing water quality management controls and identifying Best Management Practices (BMPs) to control pollutant runoff. The applicant shall identify measures specified in Supplement A of the Riverside County Drainage Area Management Plans New Development Guidelines or other equally effective standard for implementing project BMPs, assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, lessee, etc.) and shall reference the location(s) of structural BMPs.*

WHEREAS, on October 28, 2014 the City Council conducted a duly noticed public hearing on the proposed project, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, the City Council considered and approved the Initial Study and Mitigated Negative Declaration (2309) 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 reflects the independent judgment of the City Council; 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, subject to mitigation, and a Mitigated Negative Declaration (2309) 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:

Tentative Tract Map 34260 (12-02-0019)

- A. That the granting of the Tentative Tract Map will not be detrimental to the public health or welfare, or injurious to the property or improvements in such zone or vicinity.
- B. The proposed project will not result in a significant adverse effect on the environment.
- C. The proposed project is consistent with the existing land uses, and zoning designations in the area.
- D. The proposed project has been found to be consistent with city standards, ordinances, and policies.
- E. The proposed project is consistent with the General Plan.
- F. The proposed project is consistent with the MFR-14 Zone.

Variance 13-05-0008

- A. There are unique physical circumstances applicable to the subject land, including size, shape, topography, location or surroundings due to the L shaped street configuration of the tract and due to the location of these lots on a knuckle street. Although the frontage is narrower than required, the rear lot width for lots 6, 7 and 8 reaches up to 70-feet wide. As well, an additional front setback shall be required in order to allow for adequate side building setbacks.
- B. The strict application of zoning standards deprives the property of the right to use the land in manner enjoyed by other conforming property in the vicinity under identical zoning standards as the minimum lot size of 4,000 square feet is larger the typical lot size of 3,600 square feet for the surrounding area.

- C. The granting of the variance with the conditions of approval does not constitute a grant of special privileges which other conforming property properties in the vicinity do not enjoy under identical zoning standards.
- D. The granting of the variance will not adversely affect the objectives, policies, and programs contained in the City's General Plan as the development is in line with density range permitted by code.

Section 4. The City Council hereby adopts Mitigated Negative Declaration 2309, and approves Tentative Tract Map 34260 (TTM 12-02-0019) and Variance 13-05-0008 based on the information and findings presented in the City Council Submittal Report dated October 28, 2014 with the addition of the following Planning Condition:

30. Dog Park in Detention Basin. *City staff will evaluate the viability of a dog park in one of the two detention basins. If the a dog park is a viable, then a plan will be developed to include amenities such as a dog run, benches, doggie crawl, etc.*

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 passage and adoption of this Resolution.

ADOPTED, SIGNED and APPROVED this 28th day of October 2014.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Nancy Salazar

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

I, **Nancy Salazar**, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4784 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 28th day of October 2014, by the following called vote:

AYES: ROGERS, YARBROUGH, LANDERS, RODRIGUEZ, BUSCH

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

City Clerk, Nancy Salazar

Attachment: Conditions of Approval