

RESOLUTION NUMBER 4557

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION 2295 FOR GENERAL PLAN AMENDMENT 12-07-0010 AND DEVELOPMENT PLAN REVIEW 12-07-0011 FOR A 12,406 SQUARE FOOT RETAIL STORE WITH ASSOCIATED PARKING, LANDSCAPING AND PUBLIC IMPROVEMENTS ON 1.43 ACRES ON 4TH STREET, WEST OF PARK AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF. (APN 313-143-009) APPLICANT: JON TANURY, DYNAMIC DEVELOPMENT

WHEREAS, the applicant applied for a General Plan Amendment and Development Plan Review to develop a 12,406 square foot retail store on an undeveloped 1.43-acre site on 4th Street, west of Park Avenue, and

WHEREAS, the General Plan Amendment will change the General Plan R-10,000 land use designation of the subject parcel and seven adjacent additional parcels on 4th Street to Community Commercial for consistency with the Zoning Map, which identifies all eight parcels (313-143-006 through 313-143-010; 313-153-014 and 313-153-017) as Community Commercial; and

WHEREAS, the Development Plan Review establishes the project to be in full compliance with the Zoning Code development standards for the CC Zone; and

WHEREAS, the City has met with the Pechanga and Soboba Bands of Luiseno Indians in compliance with SB 18 consultation requirements of the State of California regarding General Plan Amendment 12-07-0010; and

WHEREAS, this General Plan Amendment and Development Plan Review have been duly noticed; and

WHEREAS, a public hearing was held on December 5, 2012, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, the Planning Commission on December 5, 2012 voted to recommend approval of the proposed General Plan Amendment and Development Plan Review to the City Council by a 6-0-1 vote.

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 accompanying environmental information, the City Council finds that:

- A. No potentially significant environmental impacts were identified and a Negative Declaration (2295) 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 upon the information contained within the staff report and accompanying attachments, with respect to General Plan Amendment 12-07-0010, the City Council finds that:

- A. The proposed General Plan land use designation is consistent with the applicable General Plan objectives, policies, and programs.
- B. The proposed General Plan land use designation is compatible with adjoining uses.
- C. The proposed General Plan land use designation is a logical extension of the existing pattern.

Section 4. Based upon the information contained within the staff report and accompanying attachments, with respect to Development Plan Review 12-07-0011, the City Council finds that:

- A. The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, any applicable Specific Plans, the purposes and provisions of this Title, 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 community standards and protects the character of adjacent development.
- E. The landscaping plan ensures 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. That for the foregoing reasons the City Council hereby approves General Plan Amendment 12-07-0010 and Development Plan Review 12-07-0011 for the development of a 12,406 square foot retail building, based on the information and findings presented in the staff report and subject to the attached Conditions of Approval (Exhibit A) and the Mitigation Monitoring and Reporting Plan.

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 and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 29th day of January 2013.

Daryl R. Busch, Mayor

ATTEST:

Judy L. Haughney, City Clerk

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 4557 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 29th day of January 2013, by the following vote:

AYES: RODRIGUEZ, ROGERS, YARBROUGH, BUSCH
NOES: NONE
ABSENT: LANDERS
ABSTAIN: NONE

Judy L. Haughney, City Clerk

