

**RESOLUTION NUMBER 4517**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION (2293), GENERAL PLAN AMENDMENT 10-10-0010 AND TENTATIVE TRACT MAP 36343 (TTM 10-10-0009) TO FACILITATE THE CONSTRUCTION OF A 184-LOT RESIDENTIAL SUBDIVISION, A DETENTION BASIN, A 6-ACRE CITY PARK, AND A PARK ACCESS LOT, TOTALING 187 LOTS LOCATED AT THE NORTHWESTERLY CORNER OF GOETZ ROAD AND ETHANAC ROAD; AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, on October 20, 2010, Chris Mounts on behalf of KB Home Coastal Inc., filed applications for a General Plan Amendment to change the land use designation of approximately 36.21 acres of land from R-6,000 Residential to MFR-14 Residential, and another 6.40 acres of land from R-6,000 to Open Space to facilitate the construction of Tentative Tract Map 36343, a 184-lot residential subdivision, a detention basin, a 6-acre City Park, and a park access lot; and

**WHEREAS**, the properties proposed for a General Plan Amendment are more particularly described as Area Parcel Numbers 330-480-001 through 330-480-063, 330-481-001 through 330-481-010; 330-490-001 through 330-490-025; 330-491-001 through 330-491-006 and 330-492-001 through 330-492-032 for the residential tract and Area Parcel Numbers 330-130-028 and 330-130-036 for the City Park.

**WHEREAS**, as a mandatory element of a General Plan, 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**, General Plan Amendment No. 10-10-0010 constitutes the second amendments of the Land Use Element of the General Plan for 2012; and

**WHEREAS**, the proposed Tentative Tract Map 36343 (aka TM 10-10-0009) is consistent with the goals (*Goal 1.0*), and policies (*Policies 1.3 and 1.4*) of the General Plan to provide a variety of housing types to meet the changing demands of the City; and

**WHEREAS**, an initial study has been prepared for Tentative Tract Map (TTM) 36343 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 (2293) has been prepared; and

**WHEREAS**, on July 18, 2012, the Planning Commission conducted a legally noticed public hearing on General Plan Amendment No. 10-10-0010 and TTM 10-10-0009 and considered public testimony and materials in the staff reports and accompanying document, and made a split decision (3-3; 1 absent) on a recommendation to approve the project, subject to amending Planning Conditions No. 3 and 4 as noted in Bold and Strike-through below:

**Planning Conditions:**

3. Park Access Lot. Lot 185 shall be ~~maintained by the Homeowner's Association~~ **incorporated into the Landscape Maintenance District** and shall be used only for access to the adjacent City Park.
4. City Engineer. The proposed project shall adhere to the requirements of the City Engineer as indicated in the in the Conditions of Approval **dated December 12, 2011**.

**WHEREAS**, on August 28, 2012 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 (2293) 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 (2293) 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

- A. The proposed project will not result in a significant adverse effect on the environment and will not affect health, safety, and welfare as sufficient mitigation measures are in place to reduce any impact to a level of less than significant.
- B. The proposed project is consistent with the goals (*Goal 1.0*), and policies (*Policies 1.3 and 1.4*) of the General Plan to provide a variety of housing types to meet the changing demands of the City.
- C. The proposed project is compatible with the existing MFR-14 zoning designation of the property to east located in the Green Valley Specific Plan. In addition, although an MFR-14 designation is proposed the density per acre is still consistent with the density range permitted by the R-6,000 zone of 4 to 7 dwelling units per acre, as 5.6 units per acre is proposed.
- D. The proposed project is a logical extension of an existing zoning pattern, whereas the vacant property to the east of the site is zoned MFR-14; plus the density is still within the density range of 4 to 7 dwelling units per acre in the R-6,000 zone, as 5.6 units per acre is proposed.

Tentative Tract Map

- A. The proposed Tentative Tract Map will not result in a significant adverse effect on the environment.
- B. As conditioned, the design of the proposed Tentative Tract Map is consistent with the General Plan and the development standards of the MFR-14 zone (3,000 square foot minimum lot size).
- C. The project site is physically suitable for type and density of the approved Tentative Tract Map.
- D. As conditioned, the proposed Tentative Tract Map is consistent with City standards, ordinances, and policies.
- E. The proposed Tentative Tract Map is compatible with the surrounding land uses and zoning designations in the area.
- F. The proposed Tentative Tract Map will not have a negative affect on public health, safety, or general welfare.

- G. The proposed Tentative Tract Map is in compliance with the Subdivision Map Act.

**Section 4.** The City Council hereby adopts Mitigated Negative Declaration (2293), and approves General Plan Amendment 10-10-0010 and Tentative Tract Map 36343 (TTM 10-10-0009) based on the information and findings presented in the City Council Submittal Report dated August 28, 2012 and accompanying documents and exhibits; and

**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 August 2012.***

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney

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

I, Judy L. Haughney, duly elected CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 4517 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 28<sup>th</sup> day of August 2012, by the following vote:

AYES: LANDERS, ROGERS, YARBROUGH, BUSCH

NOES: NONE

ABSENT: EVANS

ABSTAIN: NONE

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Judy L. Haughney, City Clerk