

**RESOLUTION NUMBER ~~N 45190.~~ \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION 2291, DEVELOPMENT PLAN REVIEW 11-07-0003, VARIANCE 12-06-0010 AND MINOR ADJUSTMENT 11-07-0005 FOR THE BELLA VISTA SENIOR APARTMENTS PROJECT LOCATED ON WEST SAN JACINTO AVENUE, EAST OF NAVAJO ROAD, AND MAKING FINDINGS IN SUPPORT THEREOF.**

**WHEREAS**, an Initial Study has been prepared for Zone Change 11-07-0004, Development Plan Review 11-07-0003, Variance 12-06-0010 and Minor Adjustment 11-07-0005 (the Bella Vista Senior Apartments), and based upon the environmental information staff finds that the project could not have significant effects on the environment because mitigation measures required of the project have been agreed to by the project proponent, therefore a Mitigated Negative Declaration (2291) has been prepared; and

**WHEREAS**, the Bella Vista Senior Apartments was filed by the applicant to construct a 492-unit senior apartment complex under the Senior Overlay provisions of Section 19.86 of the Zoning Code on July 7, 2011; and

**WHEREAS**, the Bella Vista Senior Apartments provides desirable senior housing in a quality environment and residents will have numerous recreational amenities and shuttle service to the local community including the Multi-Modal Transit Center in downtown Perris; and

**WHEREAS**, Variance 12-06-0010 would allow an increase in building height from 40 feet to 58 feet, and an increase in the number of stories from three to five for the project; and

**WHEREAS**, Minor Adjustment 11-07-0005 would allow a decrease in the project parking ratio from 1.15 stalls to 1.0 stalls per dwelling unit, and

**WHEREAS**, the project complies with all provisions of the Zoning Code, including the Senior Housing Overlay provisions of Section 19.86; and

**WHEREAS**, this Project has been duly noticed; and

**WHEREAS**, the Planning Commission public hearing was continued at the request of the applicant from the meetings of April 18, May 17, and June 20, 2012 to address environmental comments from responding agencies and organizations, and these issues were duly resolved; and

**WHEREAS**, a public hearing was held on July 18, 2012, which time all interested persons were given full opportunity to be heard and to present evidence, and the project was recommended to the City Council for approval by a 6-0-1 vote; and

**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 information included in the staff report and accompanying attachments prior to taking action on the applications for the proposed project and finds that base on the Initial Study prepared for the project, 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 2291 has been prepared.

The City Council further finds and determines that the City has complied with the California Environmental Quality Act and their determination reflects the independent judgment of the Council.

**Section 3.** Based on the information contained in the staff report and supporting exhibits and plans, the project complies with the provisions of Section 19.86, the Senior Housing Overlay, and the City Council finds as follows:

- 1) The proposed project at its specific location is necessary and desirable to provide a facility that will contribute to the general well-being of seniors as well as the local neighborhood, community, and region.
- 2) The location of the project and the mix of uses is not detrimental to the health, safety, or welfare of its residents, employees, or those working or residing in the area.
- 3) The proposed project will provide a superior community that will support the unique needs and lifestyles of seniors.
- 4) That the granting of this permit will not adversely affect the public welfare and will be consistent with the City's General Plan and any other relevant plans of any government agency.

**Section 4.** Based on the information contained in the staff report and supporting exhibits and plans, the City Council finds, regarding DPR 11-07-0003, as follows:

- 1) 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.
- 2) 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.
- 3) 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.

- 4) The architecture proposed is compatible with community standards and protects the character of adjacent development.
- 5) The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
- 6) The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

**Section 5.** Based on the information contained in the staff report and supporting exhibits and plans, the City Council finds, regarding Variance 12-06-0010, as follows:

- 1) There are unique physical circumstances applicable to the subject land, including size, shape, topography, location or surroundings. If the reviewing body finds that the physical circumstances are similar to other parcels in the zone, such circumstances are not unique and a variance shall not be granted.
- 2) 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.
- 3) The granting of the variance and any appropriate conditions of approval shall not constitute a grant of special privileges which other conforming property properties in the vicinity do not enjoy under identical zoning standards.
- 4) The granting of the variance will not adversely affect the objectives, policies, and programs contained in the City's General Plan.

**Section 6.** Based on the information contained in the staff report and supporting exhibits and plans, the City Council finds, regarding Minor Adjustment 11-07-0005, as follows:

- 1) The proposed adjustment does not adversely affect the adjoining property owners or uses.
- 2) The proposed adjustment is necessary for the effective operation of the use or associated facilities.
- 3) The necessity for the adjustment is adequately justified, including through the use of special studies.

**Section 7.** The City Council approves DPR 11-07-0003, Variance 12-06-0010 and Minor Adjustment 11-07-0005 for the Bella Vista Senior Apartment project, based on ~~the findings~~the findings and the information presented in the staff report staff report and supporting exhibits and plans.

**Section 8.** 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 9.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

**ADOPTED, SIGNED, and APPROVED** this 28<sup>th</sup> day of August 2012.

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Daryl R. Busch, Mayor

ATTEST:

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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 No. 4519\_\_\_\_\_ 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:

ABSENT: EVANS

ABSTAIN:

\_\_\_\_\_  
Judy L. Haughney, City Clerk

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