

RESOLUTION NUMBER 3259

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING NEGATIVE DECLARATION (2151); GENERAL PLAN AMENDMENT NO. 03-0364 TO CHANGE THE LAND USE DESIGNATION FROM R4 RESIDENTIAL (4 UNITS PER ACRE) TO R7 RESIDENTIAL (7 UNITS PER ACRE) ON 15.64 ACRES AT THE NORTHWEST CORNER OF DELINES DRIVE AND BOWEN ROAD; AND, TENTATIVE TRACT MAP 31650 (03-0366) TO SUBDIVIDE THE ENTIRE 15.64 ACRE SITE INTO 61 RESIDENTIAL PARCELS, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on October 23, 2003, 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 June 16, 2004 the Planning Commission conducted a duly noticed public hearing on the proposed General Plan Amendment and Tentative Tract Map, considered testimony and materials in the staff report and accompanying documents; and

WHEREAS, the project was modified by the Planning Commission at the regular meeting of June 16, 2004 to revise the City Engineer's conditions; and

WHEREAS, the Planning Commission voted 6 to 0 with one abstaining vote to recommend approval of the proposed project; based on the findings and subject to the Conditions of Approval attached as Exhibit A; and

WHEREAS, on July 13, 2004 the City Council conducted a duly noticed public hearing on the proposed General Plan Amendment and Tentative Tract Map, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, the City Council considered the Initial Study and Negative Declaration (2151) 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 (2151) 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 03-0364

1. All potentially significant environmental impacts can be mitigated to less than significant levels and a Negative Declaration (No. 2151) 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 31650 (03-0366)

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 Negative Declaration (2151), General Plan Amendment (GPA 03-0364), and Tentative Tract Map 31650 (03-0366), containing 61 residential lots, based on the information and findings presented in the staff report, and subject to the attached conditions of approval, dated July 13, 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 13th 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 3259 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 13th day of July, 2004, and that it was so adopted by the following vote:

AYES: Rogers, Yarbrough, Busch, Landers, Motte

NOES:

ABSENT:

ABSTAIN:

City Clerk, Margaret Rey