

RESOLUTION NUMBER 3320

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A NEGATIVE DECLARATION (2160), TENTATIVE TRACT MAP 31683 (03-0269), AND VARIANCE 04-0387 TO SUBDIVIDE 2.3 ACRES OF LAND INTO 15 LOTS FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT, THREE OF WHICH HAVE LESS THAN THE REQUIRED LOT DEPTH, ON CANDLESTICK WAY SOUTH OF ORANGE AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on August 14, 2003, the applicant file an application to develop 2.3 acres of land on Candlestick Way, south of Orange Avenue; and,

WHEREAS, on September 1, 2004, the Planning Commission conducted a duly noticed public hearing on the proposed Tentative Tract Map and Variance, considered testimony and materials in the staff report and accompanying documents, and unanimously recommended approval of the proposed project; and,

WHEREAS, on October 12, 2004, the City Council conducted a duly noticed public hearing on the proposed Tentative Tract Map, 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 (2160) 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 any impact caused by the proposed project will result in less than significant environmental effects and a Mitigated Negative Declaration (2160) has been prepared. The City Council further finds that the City has complied with the California Environmental Quality Act (CEQA) and that 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, with respect to the Tentative Tract Map and Variance, the City Council hereby finds the following:

Tentative Tract Map

- A. The proposed project will not create significant environmental effects, and a Negative Declaration has been prepared.
- B. The proposed project is consistent with the goals and policies of the Land Use Element of the General Plan in that the project design is consistent with the neighboring single-family lots.
- C. The proposed project and design, as conditioned, is in compliance with the applicable zoning ordinances and Subdivision Map Act.
- D. The proposed project and design, as conditioned, is consistent with city standards, ordinances, and policies in that it is consistent with the neighboring tracts, and that the variance for lot depth is within the city's governing code because of unique physical limitations surrounding the property.
- E. The proposed project is compatible with the existing dominant land uses and zoning designations in the area, whereas the adjoining land uses are currently designated R14 to the east and north, and whereas the product type to the east and north are detached single-family homes.
- F. The project will not affect health, safety, and welfare.

Variance

- A. There are unique physical circumstances applicable to the subject land due to the existing developed tract to the south, which has required the street design to be skewed in order to align with the existing Candlestick Way.
- B. The granting of the variance does not constitute a grant of special privilege in that there are limitations surrounding the property that would make it not viable due to the requirement to align with the existing Candlestick Way.
- C. The granting of the variance will not adversely affect the objectives, policies, and programs of the City's General Plan in that the General Plan identifies single-family homes as an appropriate product in the R14 zone, and the lots are dimensioned to fully allow single-family homes, which are greater than the minimum lot sizes (Land Use Element Oct. 14, 1991, Perris General Plan, pg. 16).

Section

4. The City Council hereby approves Tentative Tract Map 31683 (03-0269) containing 15 residential lots and Variance 04-0387, based on the information and findings presented in the staff report, and subject to the attached conditions of approval, dated October 12, 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 Ordinance 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 12th day of October, 2004.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

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

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, DO HEREBY CERTIFY that the foregoing Resolution Number 3320 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 12th day of October 2004, and that it was so adopted by the following called vote:

AYES:

Yarbrough, Landers, Motte, Rogers, Busch

NOES:

ABSENT:

ABSTAIN:

City Clerk, Margaret Rey