

RESOLUTION NUMBER 3337

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING NEGATIVE DECLARATION 2165; AND APPROVING GENERAL PLAN AMENDMENT 04-0312 FROM CC COMMERCIAL COMMUNITY TO R22 RESIDENTIAL ON AN 4.42 ACRE SITE AND DEVELOPMENT PLAN REVIEW 04-0314 TO CONSTRUCT A 92-UNIT APARTMENT DEVELOPMENT WITH RECREATIONAL AMENDITIES FOR PROPERTY LOCATED ON THE NORTH SIDE OF NUEVO ROAD BETWEEN WILSON STREET AND MURRIETA ROAD, AND MAKING FINDINGS IN SUPPORT THERETO

WHEREAS, the applicant has applied to amend the City's General Plan Land Use Element and Development Plan Review to construct an apartment development on 4.42 acre site lots; 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 (4) times a year; 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 October 6, 2004, and November 3, 2004, the Planning Commission conducted a duly noticed public hearing on the proposed General Plan Amendment, Zone Change, and Development Plan Review, considered testimony and materials in the staff report and accompanying documents and exhibits; and,

WHEREAS, on November 30, 2004, the City Council conducted a duly noticed public hearing on the proposed General Plan Amendment and Development Plan Review, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, the City Council considered the Initial Study and Negative Declaration 2165 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, California, 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 (2161) 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:

- A. Airport Land Use Commission (ALUC)
 - 1. The proposed project promotes the overall goals and objectives of the California airport noise standards and prevents the creation of new noise and safety problems.
 - 2. The proposed project protects the public health, safety, and welfare by minimizing the public's exposure to excessive noise and safety hazards in areas around public airports.
- B. General Plan Amendment
 - 1. The proposed general plan land use designation is consistent with the applicable General Plan objectives, policies, and programs.

2. The proposed general plan land use designation is compatible with adjoining uses.
3. The proposed general plan land use designation is a logical extension of the existing pattern.

C. Development Plan Review

1. The location, size, design, density, and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of Title 19, the purposes of the R22 Residential 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 4. The City Council hereby adopts Negative Declaration 2165 and approves General Plan Amendment 04-0276 and Development Plan Review 04-314 subject to conditions of approval based on the information and findings presented in the staff report.

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 City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 30th day of November, 2004.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

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 3337 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 30th day of November, 2004, and that it was so adopted by the following called vote:

AYES: Rogers, Yarbrough, Landers, Motte, Busch

NOES:

ABSENT:

ABSTAIN:

City Clerk, Margaret Rey