

ORDINANCE NUMBER 1289

A SECOND READING OF ORDINANCE NO. 1289 OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION (2293) AND ZONE CHANGE 10-10-0011 TO CHANGE THE ZONING 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, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, on October 20, 2010, Chris Mounts on behalf of KB Home Coastal Inc., filed an application for a Zone Change 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; and

WHEREAS, the properties proposed for a Zone Change 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 MFR-14 Residential designation and Area Parcel Numbers 330-130-028 and 330-130-036 for the Open Space designation; and,

WHEREAS, the City Council adopted a Zoning Ordinance establishing zoning designations and development standards for the City of Perris; and,

WHEREAS, said proposal is consistent with the goals (*Goal 1.0 and 4.0*), and policies (*Policies 1.3, 1.4 and 4.A*) of the General Plan to provide a variety of housing types to meet the changing demands of the City and to provide community parks for Perris residents; and

WHEREAS, on July 18, 2012, the Planning Commission conducted a legally noticed public hearing on Zone Change 10-10-0011 and considered public testimony and materials in the staff reports and accompanying document, and made a split decision (3-3; 1 absent) on a motion recommending approval of the project, as no further motion was made to approve the project under a separate set of conditions or project denial, therefore the project is being forwarded to the City Council, as the Planning Commission is only the recommending body.

WHEREAS, on August 28, 2012 the City Council conducted a duly noticed public hearing on the proposed projects, 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 reflected the independent judgment of the City; and,

WHEREAS, on August 28, 2012, the City Council conducted a duly noticed public hearing introducing the first reading of Ordinance Number 1289 to amend 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 based on the information and findings presented herein; and,

WHEREAS, all legal prerequisites for the adoption of this Ordinance 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 (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:

- 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 (*Goals 1.0 and 4.0*), and polices (*Policies 1.3, 1.4 and 4.A*) of the General Plan to provide a variety of housing types to meet the changing demands of the City and to provide community parks for Perris residents.

- 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.

Section 4. The City Council hereby adopts the second reading of Ordinance Number 1289 to approve Mitigated Negative Declaration 2293 and Zone Change 10-10-0011 amend 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 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 Ordinance shall remain in full force and effect.

Section 6. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED and APPROVED this 25th day of September 2012.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

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

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1289 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 25th day of September 2012, by the following called vote:

AYES: LANDERS, EVANS, ROGERS, YARBROUGH, BUSCH

NOES:

ABSENT:

ABSTAIN:

City Clerk, Judy L. Haughney