

**RESOLUTION NUMBER 3222**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING NEGATIVE DECLARATION 2138 AND TENTATIVE TRACT MAP 31201 (03-0322) TO SUBDIVIDE 14.3 ACRES OF LAND ON THE NORTH SIDE OF ELLIS AVENUE, SOUTH OF MIDWAY AVENUE, BETWEEN THE RAILROAD RIGHT OF WAY AND PERRIS BOULEVARD INTO 95 SINGLE FAMILY LOTS AND ONE DETENTION BASIN LOT ON APPLICATION OF SUNWEST ENTERPRISES, BASED UPON FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, on September 16, 2003, an application was filed by Sunwest Enterprises for Tentative Tract Map 31201 (03-0322) to subdivide approximately 14.3 acres of vacant land into 95 single family lots on Ellis Avenue, south of Midway Avenue, between the railway right of way and Perris Boulevard; and,

**WHEREAS**, the Planning Commission considered the Initial Study, Mitigated Negative Declaration (2138), and Mitigation Monitoring Program for the proposed 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 March 17, 2004, the Planning Commission conducted a duly noticed public hearing on the proposed Tentative Tract Map 31201 (03-0322), considered testimony and materials in the staff report and accompanying documents, and unanimously recommended approval of the proposed project; 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 information for the project prior to taking action on the application. Based on the information and analysis contained in the Initial Study and the accompanying environmental information, the City Council finds that:

- A. The proposed project will not result in significant adverse environmental effects, and Mitigated Negative Declaration 2138 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 Council.

**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 provide for the development of a variety of high quality residential types and densities that are in balance with the needs and desires of the people of the community (Policy 1.4, Downtown Specific Plan).
- B. The proposed project is consistent with the applicable General Plan and Downtown Specific Plan objectives, policies, general land uses, and programs.
- 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 neighboring development.
- E. The proposed project is compatible with the existing dominant land uses and zoning designations in the area. The adjoining land use to the west and north is designated R7 within the Downtown Specific Plan and the product is detached single family homes, and the dominant land use to the east is multifamily within the R14 Zone of the Downtown Specific Plan.
- F. The project will not be detrimental to the public health, safety, and general welfare.

**Section 4.** The City Council hereby approves Resolution 3222 approving Tentative Tract Map 31201 (03-0322) based on the information and findings presented in the staff report, and subject to the attached Conditions of Approval.

**Section 5.** The City Council declares that should any provision, section, paragraph, sentence, or word of the 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 the 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.

Attachment: Exhibit A – Conditions of Approval

**ADOPTED, SIGNED** and **APPROVED** this 13<sup>th</sup> day of April, 2004.

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Mayor, Daryl R. Busch

ATTEST:

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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 3221 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 13<sup>th</sup> day of April, 2004, and that it was so adopted by the following called vote:

AYES:           Motte, Rogers, Yarbrough, Landers, Busch  
NOES:  
ABSENT:  
ABSTAIN:

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City Clerk, Margaret Rey

**EXHIBIT "A"**  
**(RESOLUTION NUMBER 3322)**

**CITY OF PERRIS**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**PLANNING DIVISION**

**CONDITIONS OF APPROVAL**

**TENTATIVE TRACT MAP 31201**

**Tentative Tract Map Case No. 03-0322**

**April 13, 2004**

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*PROJECT: Proposal to subdivide approximately 14.3 acres into 95 single-family residential lots within the R14 land use designation (14 dwelling units to the acre). The proposed development of single family homes will have average lot size of 4,007 square feet with an overall density of 6.6 Dwelling Units per Acre (10.2 Dwelling Units per net Acre). The proposed project is located north of Ellis Avenue and south of Midway Avenue, west of Perris Blvd. The applicant is John Reichel of Sunwest Enterprises.*

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- 1. Approval Period.** In accordance with the Subdivision Map Act, the recordation of the final map shall occur within two (2) years from the approval date unless an extension is granted. The applicant may apply for a maximum of five (5) one-year extensions, to permit additional time to record the final map. A written request for extension shall be submitted to the Planning Division of the Department of Community Development a minimum of thirty (30) days prior to the expiration date of Tentative Map approval.
- 2. Final Map Submittal.** A final map application shall be submitted to the Planning Division with payment of appropriate fees for review and approval concurrently with application to the City Engineer.
- 3. City Codes.** The project shall comply with all local requirements of the City of Perris Downtown Specific Plan, as applicable, all disabled access requirements, and Municipal Code Titles 18 and 19, including all of the following R14 zoning district regulations:

  - Minimum Lot Size: 3,000 square feet
  - Maximum Lot Coverage: 60 percent
  - Minimum Lot Width: 35 feet (45 feet at the front setback line for lots greater than 4,500 s.f.)
  - Minimum Lot Depth: 85 feet for lots less than 4,500 s.f., 100 feet for lots more than 4,500 s.f.
  - Minimum Lot Frontage: 35 feet for lots less than 4,500 s.f., 50 feet for lots more than 4,500 s.f.
  - Minimum Lot Frontage (cul-de-sac/knuckle): 35 feet

4. **City Engineer.** The proposed project shall adhere to the requirements of the City Engineer as indicated in the in the Conditions of Approval dated February 18, 2004 (revised).
5. **Sheriff's Department.** The proposed project shall adhere to any requirements of the Perris Police/Riverside County Sheriff's Department.
6. **Building Official/Fire Marshal.** The proposed project shall adhere to all requirements of the Building Official/Fire Marshal. Fire hydrants shall be located on the project site as required by the Building Official. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official.
7. **Southern California Edison.** Prior to issuance of building permits, the applicant shall contact the area service planner (909 928-8323, Art Alvarado) for Southern California Edison (SCE) to complete the required forms prior to commencement of construction.
8. **Payment of State of California Fish and Game Fees.** Within three (3) days of City Council approval, applicant shall submit a check to the Planning Division, payable to County of Riverside, in the amount of \$1,314.00 for payment of State Fish and Game fees and the County documentary handling fee. In accordance with Section 711.4 of the State Fish and Game Code, no project shall be operative, vested or final until the filing fees have been paid.
9. **Mitigation Monitoring Program.** The applicant for Tentative Tract Map 31201 shall implement all required mitigation measures, and comply with all requirements of the Mitigation Monitoring Program prepared in conjunction with the Initial Study for the project.
10. **Residential Use and Development Restrictions.** The physical development of all lots shall be reviewed and approved by the city. Any use, activity, and/or development occurring on the site without appropriate city approvals shall constitute a code violation and shall be treated as such. Placement of any sales trailer or a model home shall require separate review and approval by the City.
11. **Required Approvals.** Prior to recordation of the Final Map, the developer shall obtain the following clearances or approvals:
  - a. Verification from the Planning Division that all pertinent conditions of approval have been met, including any Administrative Development Plan Review approvals, as mandated by the Perris Municipal Code;
  - b. Planning Commission approval of all proposed street names; and,
  - c. Any other required approval from an outside agency.

- 12. Plans and CC&Rs.** Prior to recordation of the Final Map, the developer shall submit and obtain approvals on the following items:

  - a. Public improvement plans to the City Engineer. These plans shall include but not be limited to street, drainage, utility improvements, and dedications in accordance with Municipal Code Title 18.
  - b. Any Covenants, Conditions, and Restrictions (CC&Rs) to the Planning Division, Department of Community Development and the City Attorney's office. Approved CC&Rs shall be recorded with the final map.
  - c. Grading plans shall be submitted to the City Engineer, demonstrating compliance with National Pollution Discharge Elimination System requirements. The plans shall include a Storm Water Pollution Prevention Plan detailing water quality controls and identifying Best Management Practices (BMPs) to control pollutant runoff. The applicant shall identify measures specified in Supplement A of the Riverside County Drainage Area Management Plans New Development Guidelines or other equally effective standard for implementing project BMPs, assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, lessee, etc.) and shall reference the location(s) of structural BMPs.
- 13. Water Resources Control Board.** Prior to issuance of building permits, the applicant shall submit a copy of the State Water Resources Control Board permit letter with the WDID number.
- 14. Grading Plan.** Four (4) sets of grading plan shall be submitted to the Planning Division for use in conjunction with the review and approval of landscape and fencing plans.
- 15. Landscaping.** Prior to issuance of building permits, the developer shall submit four (4) copies of construction level Landscape and Irrigation Plans to the Planning Division accompanied by the appropriate filing fee. The plans shall be prepared by a registered landscape architect and include the location, number, genus species, and container size of the plants. Plants shall be consistent with Section 19.70 of the Perris Municipal Code. The cover page shall identify the total square footage of the landscaped area and note that it shall maintained in accordance with Section 19.70 of the City Code. Use of water efficient fixtures and drought tolerant plants is encouraged. For model home complexes at least one of the models should be landscaped utilizing xeriscape concepts. Additional landscape requirements include that front-yard landscaping and irrigation shall be provided for all lots, and landscaping, irrigation, and street trees along all arterial and collector road abutting the project.. All slopes greater than two (2) feet in height shall be landscaped and irrigated.
- 16. Landscaping of Detention Basin Facilities.** The grading, fencing, plant material, irrigation, and other aspects of landscape design shall positively integrate the detention basin into the residential neighborhood. Fencing shall consist of high-quality tubular

steel or decorative wrought iron that does not obstruct views into or through these facilities. Fencing shall maintain a streetscape that is consistent with single-family residential neighborhoods (10-20 foot setbacks) and provide adequate transitions to individual dwellings. Plant material shall incorporate species used in front-yards throughout the project to further integrate these facilities into the design. The final design of this facility shall be subject to approval from the Director of Community Development.

**17. Landscape Inspections.** The project applicant shall be aware and inform the on-site project or construction manager and the landscape contractor of their responsibility to call for landscape inspections. A minimum of three (3) landscape inspections are required in the following order, and the landscape inspection card shall be signed by the City's landscape inspector to signify approval at the following stages of landscape installation:

- a. At installation of irrigation equipment, when the trenches are still open;
- b. After soil preparation, when plant materials are positioned and ready to plant; and,
- c. At final inspection, when all plant materials are installed and the irrigation system is fully operational.

**18. Walls and Fences.** Prior to issuance of building permits, the developer shall submit a wall and fencing plan to the Planning Division for approval. At a minimum, this plan shall include the following items:

- a. A minimum seven-foot high decorative block wall shall be provided along the west project boundary to contribute to noise attenuation from the adjacent railroad. A six to seven foot decorative block wall shall be provided around the balance of the project perimeter. Pilasters shall be provided approximately every 120 to 150 feet coincident with interior lot corners along perimeter walls adjacent to collector and arterial streets. Types of block and colors shall be coordinated with other block walls along the same street.
- b. A six-foot high combination decorative block and wrought iron wall shall be provided on the west and south lot lines of the detention basin (Lot A). A solid six foot decorative block wall shall be provided along the east and north lot lines of the detention basin.
- c. A six-foot high white PVC fence shall be provided on all interior side and rear property lines throughout the project.

**19. Fees.** The developer shall pay the following fees according to the timeline noted herein:

- a. Prior to the issuance of building permits, the applicant shall pay Stephen's Kangaroo Rat Mitigation Fees of \$500.00 per acre;
- b. Prior to the issuance of building permits, the applicant shall pay City Development Impact Fees in effect at the time of development, except as may be



modified by Development Agreement No. 03-0049;

c. Prior to the issuance of building permits, the applicant shall pay Multi-Species Habitat Conservation Plan fees in effect at that time;

d. Prior to issuance of building permits, the applicant will pay the statutory school fees in effect at issuance of building permits to all appropriate school districts;

e. The applicant shall pay any outstanding development processing fees.

**20. Construction Practices.** To reduce potential noise and air quality nuisances, the following items shall be listed as "General Notes" on the construction drawings:

a. Construction activity and equipment maintenance is limited to the hours between 7:00 a.m. and 7:00 p.m., on weekdays. Construction may not occur on weekends or State holidays, without prior consent of the Building Official. Non-noise generating activities (e.g., interior painting) are not subject to these restrictions.

b. Stationary construction equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.

c. Construction routes are limited to City of Perris designated truck routes.

d. Water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, or transportation of cut or fill materials to prevent dust from leaving the site and to create a crust after each day's activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

e. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such persons shall be provided to the City.

**21. Energy Conservation.** To improve local air quality, the applicant is encouraged to incorporate any or all of the following energy-conservation features into the project:

- Low NO<sub>x</sub> water heaters per specifications in the Air Quality Attainment Plan;
- Heat transfer modules in furnaces;
- Light colored water-based paint and roofing materials;
- Passive solar cooling/heating; and,
- Energy efficient appliances and lighting.

22. **Underground Utilities.** All utilities such as cable TV and electrical distribution lines (including those which provide direct service to the project site and/or currently exist along public right-of-ways) adjacent to the site shall be placed underground, except for electrical utility lines rated at 115kv or larger.
23. **Tract Identification.** The developer shall provide community entry statements, including theme walls, monumentation and enhanced landscaping at each entrance to the tract on Ellis Avenue. Theme signage shall be provided at the Midway Avenue entrance. Theme walls and monuments shall not occur within the public right-of-way. The design of entry statements shall be subject to the review and approval of the Planning Division.
24. **Unit Identification.** Each unit in the tract shall include a lighted address fixture. This fixture shall allow for replacement of the bulbs, and shall be reviewed and approved by the Department of Community Development.
25. **Assessment Districts.** Prior to recordation of the Final Map, the developer shall annex into the Landscape Maintenance District and post an adequate maintenance performance bond to be retained by the City. The developer shall also annex the project into the Street Lighting, Flood Control, and Park Maintenance Districts of the City of Perris. As an addendum to the City Engineer-recommended conditions, the developer shall also be required to annex to a future Street Maintenance Community Facilities District.
26. **Revised Acoustical Analysis Required.** A revised acoustical analysis addressing compliance with a maximum exterior 65 CNEL as described in the City's General Plan, is required prior to approval of building permits. The analysis shall re-examine the potential impacts of the railroad activity immediately west of the project site. The acoustical analysis shall also include a study and mitigation measures, if warranted, of potential noise impacts from the Ellis Avenue primary arterial, a designated truck route in the General Plan for the City of Perris.
27. **Mitigation Measures.** In accordance with the required revised acoustical analysis, the acoustical engineer shall specify noise attenuation features to be incorporated into the building plans to mitigate interior noise levels to less than 45 CNEL. The specified mitigation measures shall be incorporated into the building plans for all lots identified in the revised study.
28. **Disclosure Statement – Dam Inundation.** Developer shall record a disclosure on each lot and provide a disclosure to the purchaser of each lot that the project is within a dam inundation area and is subject to flooding in the event of a dam failure and shall provide an acknowledgement of this disclosure by each purchaser to the City.
29. **Disclosure Statement – Railroad Right of Way.** Developer shall record a disclosure on each lot and provide a disclosure to the purchaser of each lot that the project is subject to noise impacts on an intermittent basis by the passage of trains (electrically and diesel-powered) associated with the Orange Empire Railway Museum on weekends and as associated with special events. The Orange Empire Railway Museum has a long term

lease through the Riverside County Transportation Commission.

- A. **Railway Noise Easement.** The applicant shall grant to the City of Perris, the Orange Empire Railway Museum and to the Riverside County Transportation Commission a railway noise easement in the form and manner approved by the City Attorney and shall cause such easement to be duly recorded in the office of the County Recorder. The applicant shall provide full disclosure of the Railway Noise Easement and Notice of Railroad in the Vicinity prior to the sale of individual properties within the project.
- B. **Notice of Railroad in the Vicinity.** A Notice of Railroad in the Vicinity and an aerial photograph identifying the location of railroad in proximity to the project site shall be displayed and distributed in model homes at the project site. The following statement is required for distribution to the public:

***“NOTICE OF RAILROAD IN VICINITY***

***This property is located in the vicinity of a railroad, and as such, prospective homeowners and tenants within this development will be subject to the noise, annoyance or inconvenience associated with proximity to railroad operations (including noise, vibration, or odors). Individual sensitivities can vary from person to person. You are urged to consider the railroad impacts associated with the property prior to completing your purchase and determine whether they are acceptable to you.”***

- C. **Upgraded Sound Insulation.** In addition to any required noise attenuation measures, the applicant shall offer an optional sound insulation package (e.g., upgraded doors, windows, insulation, baffles, etc.) for homebuyers who have considered potential noise impacts from the adjacent railroad and potential traffic, and wish to purchase additional sound attenuation materials. The upgraded sound insulation package is voluntary and any costs shall be borne by the purchaser. Each optional measure shall be in addition to any sound mitigation measures otherwise required to meet City of Perris standards for residential land use.
30. **Downtown Park.** The applicant shall work with the City and comply with the requirements of the approved Development Agreement 03-0049 towards the creation of a public park in the Downtown.
31. **City-Approved Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
32. **Indemnification/Hold Harmless.** The developer/applicant shall indemnify, protect, defend, and hold harmless, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City, or any agency or instrumentality thereof, or any of its officers, employees and agents, to attack, set aside, void, annul, or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory

agency, appeal board or legislative body including actions approved by the voters of the City. City shall promptly notify the developer/applicant of any claim, action, or proceeding for which indemnification is sought and shall further cooperate fully in the defense of the action.

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APPROVAL DATE

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PROJECT PLANNER