

RESOLUTION NUMBER 3489

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION (2195); GENERAL PLAN AMENDMENT NO. 04-0600 TO CHANGE THE LAND USE DESIGNATION OF 10 ACRES ON THE NORTHWEST CORNER OF METZ ROAD AND WEBSTER AVENUE FROM R-20,000 RESIDENTIAL TO R-10,000 RESIDENTIAL; AND, TENTATIVE TRACT MAP 33199 TO SUBDIVIDE THE ENTIRE 10 ACRES OF LAND INTO 26 RESIDENTIAL PARCELS, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on December 8, 2004, 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 constitutes the second time in 2005 that the City has amended the Land Use Element of the General Plan; and

WHEREAS, on June 15, 2005 and July 20, 2005, the Planning Commission conducted duly noticed public hearings on the proposed project, considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed project; and

WHEREAS, on August 30, 2005, the City Council conducted a duly noticed public hearing on the proposed project, 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 (2195) 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 Mitigated Negative Declaration (2195) has been prepared.
- B. The City has complied with the California Environmental Quality Act (CEQA).
- C. Determinations of the Planning Commission 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. General Plan Amendment 04-0600.
 - 1. All potentially significant environmental impacts can be mitigated to less than significant levels and a Mitigated Negative Declaration (2195) has been prepared, the City has complied with the California Environmental Quality Act (CEQA), determinations of the City Council 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.
- B. Tentative Tract Map 33199 (04-0629).
 - 1. The proposed Tentative Tract Map will not result in a significant adverse effect on the environment.
 - 2. As conditioned, the design of the Tract is consistent with the General Plan and the Zoning Ordinance standards for the R-

10,000 zone and compatible with the surrounding land uses and zoning designations in the area.

3. The project site is physically suitable for type and density of the proposed residential development.
4. The proposed Tentative Tract Map will not have a negative affect on public health, safety, or general welfare
5. Tentative Tract Map 33199 is in compliance with the Subdivision Map Act.

Section 4. The City Council hereby approves Mitigated Negative Declaration (2195), General Plan Amendment (GPA 04-0600), and Tentative Tract Map 33199 (04-0629), containing 26 residential lots, based on the information and findings presented in the staff report, and subject to the attached conditions of approval, dated August 30, 2005.

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 passage and adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 30th day of August, 2005.

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 3489 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 30th day of August, 2005, and that it was so adopted by the following called vote:

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

City Clerk, Margaret Rey

Attachment: Conditions of Approval

(RESOLUTION NUMBER 3489)
CITY OF PERRIS
COMMUNITY DEVELOPMENT DEPARTMENT
FINAL CONDITIONS OF APPROVAL

GENERAL PLAN AMENDMENT 04-0600
ZONE CHANGE 04-0601
TENTATIVE TRACT MAP 33199 (04-0629)

August 30, 2005

PROJECT: A General Plan Amendment and Zone Change that would convert 10-acres of land designated R-20,000 Residential (20,000 square foot minimum lots size) to R-10,000 Residential (10,000 square foot minimum lot size). Tentative Tract Map 33199 would then subdivide the entire property into 26 lots for single-family residential development, with minimum 10,265 square foot lots and an average lot size of 12,798 square feet.

APPLICANT: MR-10 LLC

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 Department of Planning and Community Development at least thirty (30) days prior to the expiration of Tentative Map approval.
2. **Approved Plans.** This approval is granted to subdivide a 10-acre property into 26 lots as noted in the project description (above). The Final Map shall be substantially as shown on the Tentative Tract Map, prepared by Hunsaker and Associates, for MR-10, LLC, , dated March 8, 2005, and consisting of one sheet, except as may be modified by the conditions of approval contained herein. Developer shall design and install street improvements according to the street sections shown on the approved Tentative Tract Map, unless modified by the conditions set forth by the City Engineer.
3. **City Engineer.** The proposed project shall adhere to the requirements of the City Engineer as indicated in the in the Conditions of Approval dated July 12, 2005.
4. **School District.** The proposed project shall adhere to the standard requirements and mitigation fees established by the Perris Elementary School District.
5. **ADA Compliance.** The project shall conform to all disabled access requirements in accordance with the State of California, Title 14, and Federal Americans with Disabilities Act (ADA).

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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 pursuant to 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. All Conditions of Approval shall be included on building plans.
 7. **City Codes.** The project shall comply with all disabled access requirements of the American with Disabilities Act and Title 24 of the State Code, and all local requirements of the City of Perris Municipal Code Titles 18 and 19, including all of the following R-10,000 Residential zone district regulations:
 - Minimum Lot Size: 10,000 square feet
 - Maximum Lot Coverage: 40 percent
 - Minimum Lot Width: 70 feet, (corner lots) 75 feet
 - Minimum Lot Depth: 100 feet, (cul-de-sacs and street knuckles) 90 feet
 - Minimum Lot Frontage: 70 feet
 - Minimum Lot Frontage (cul-de-sac/knuckle): 55 feet
 8. **Southern California Edison.** Prior to issuance of building permits, the applicant shall contact the area service planner (951 928-8323, Art Alvarado) for Southern California Edison (SCE) to complete the required forms prior to commencement of construction.
 9. **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.
 10. **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, 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.
 11. **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 and the City Attorney's office. Approved CC&Rs shall be recorded with the final map.

c. Grading plans 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 management 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.

12. **Water Resources Control Board.** Prior to issuance of Building Permits, submit a copy of the State Water Resources Control Board permit letter with the WDID number.
13. **Administrative Development Plan Review.** Prior to issuance of building permit, the applicant shall obtain approval of an Administrative Development Plan Review (ADPR) for the review of architecture, plotting, conceptual landscape and fencing of all production units within the tract. The applicant shall adopt a single story façade on a two story floor plan or provide one single-story product type which shall be plotted on corners and at regular intervals throughout the tract (i.e., every fourth or fifth unit). Side entry garages are encouraged and shall be incorporated as feasible and as approved through the development plan review process. Also, the majority of units in the tract (other than corner lots) shall locate the wider side yard and the curb-cut/driveway on the same side of the lot. This is to provide opportunities for RV parking and generally improved access to rear yards.

(Modified by Planning Commission on 7-20-05)

14. **Landscaping.** Prior to issuance of building permits, the developer shall submit 3 copies of construction level Landscape and Irrigation Plans to the Community Development Department, 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 be maintained in accordance with Section 19.70 of the City Code. Water efficient fixtures and drought tolerant plants shall be utilized where possible. Required landscape areas specific to this project include front yards of all lots; side yards of corner lots; streetscapes on the project side Metz Road; landscaping of slopes and entry theme walls; and streetscapes for both sides of all in-tract roadways. Detached sidewalks shall be incorporated into the project as shown on conceptual plan.

(Modified by Planning Commission on 7-20-05)

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- 15. 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.
- 16. Walls and Fences.** Prior to issuance of building permits, the developer shall submit and obtain approval from the Department of Planning and Community Development of a block wall/vinyl fence plan. At a minimum, this plan shall include the following items:
- a. A six-foot high, decorative block wall around the easterly project boundary and along entry drives into the tract, and on all residential property lines where side or rear yards adjoin a public street;
 - b. Six-foot high wrought iron view fencing along the northerly and westerly project boundaries;
 - c. Stone-wrapped pilasters at corners, ends, and every 100 feet of decorative block wall; and,
 - d. Decorative masonry wall returns shall be provided between all residences;
 - e. Six-foot high, UV protected vinyl fences on side and rear property lines interior to the project. As an alternative, interior wood fencing may be utilized subject to the following standards:
 - 12"x 12" minimum post holes filled with concrete, 2000 PSI Strength
 - 4"x 4" Post not to exceed 8' ft horizontally, 4"x 4" post shall be either treated lumber or redwood
 - A minimum of two horizontal supports provided every 8 ft supported by mechanical connection
 - Any variations proposed shall be approved by the Planning Manager and Building Official
- 17. 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;
 - c. Prior to the issuance of building permits, The developer shall pay all development

impact fees, including parks and recreation fees in accordance with Ordinance Number 953. Such fees shall be based on a ratio of five acres per thousand residents. Per said ordinance the City reserves the right to utilize fair market value of the land based on qualified appraisal;

- d. Prior to issuance of building permits, the applicant shall pay statutory school fees in effect at issuance of building permits to appropriate school districts;
- e. Prior to the issuance of building permits, the applicant shall pay Multi-Species Habitat Conservation Plan fees in effect at that time; and,
- f. The applicant shall pay any outstanding development processing fees.

18. 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. An equipment area with appropriate acoustic shielding shall be designated on building and grading plans. To the extent feasible, equipment and shielding shall remain in the designated location throughout construction.
- 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.

19. Energy Conservation. To improve local air quality, the applicant shall incorporate the following energy-conservation features into the project (as feasible):

- Low NO_x 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.

An accounting of the project's energy conservation measures shall be submitted to the Building Division, prior to application for Building Permits.

20. **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 65kv or larger. All utility facilities attached to buildings, including meters and utility boxes, shall be painted to match the wall of the building to which they are affixed. These facilities shall also be screened from the public right-of-way by landscaping.
21. **Mechanical Equipment.** All mechanical equipment, including air conditioning units, pool equipment, etc., shall be screened from the public right-of-way by a view obscuring fence, wall, or landscaping to the satisfaction of the Planning Division.
22. **Tract Identification.** The developer shall provide community entry statements, including theme walls, monumentation and enhanced landscaping at each entrance to the tract. 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 Department of Planning and Community Development.
23. **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 Planning and Community Development and the Police Department.
24. **Spark Arresters.** All spark arresters in the proposed tract shall be screened by sheet metal enclosures, or other material acceptable to the Building Official, and painted the according to the approved paint palette.
25. **Window Treatments.** All units abutting a public street, tract boundary, or a downhill slope having an elevation change in excess of 20 feet shall provide for window treatment 360 degree around the dwelling.
26. **Graffiti.** Graffiti located on site shall be removed within 72 hours. The site shall be maintained in a graffiti-free state at all times.
27. **City-Approved Waste Hauling.** The developer shall only use the City-approved waste hauler for all construction and other waste disposal.
28. **Phasing.** Any Phasing Plan shall be reviewed and approved by the Community Development Department and the City Engineer. Each Phase of the project shall provide adequate drainage and at least two points of access to all lots.
29. **Assessment Districts.** Prior to recordation of the Final Map, the applicant shall sign

consent and waiver forms to join the following City of Perris assessment and maintenance districts [as appropriate]:

- a. The Landscape Maintenance District
- b. The Street Lighting Maintenance District
- c. The Flood Control Maintenance District
- d. The Park Maintenance District
- e. The future Public Safety/Parks Community Facilities District
- f. The future Street Maintenance Community Facilities District

30. **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.
31. **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.
32. **Property Liens.** The applicant shall pay all liens owed to the city prior to the issuance of building permits.
33. Prior to the issuance of any building permits, the developer shall first obtain clearance from the Department of Community Development verifying that all pertinent conditions of approval have been met.
34. The applicant shall have all right-of-way improvements and associated landscaping, street lighting and irrigation installed and in good working order. All right-of-way improvements shall be installed prior to the issuance of building permits.
35. This project shall conform to the requirements of the Water Quality management Plan, dated May 20, 2005 and Conditions of Approval, dated August 3, 2005.
36. Development of the premises and buildings, and implementation of on-site operations and procedures including all site design, source control, and treatment control BMP's shall conform substantially to the approved Water Quality Management Plan dated May 20, 2005 and the associated Conditions of Approval dated August 3, 2005 (WQMP #04-

0629). Any deviation shall require the appropriate Department of Community Development, City Engineering, and Public Works review and approval.

- 37.** Street Improvement Plan. Two copies of street improvement plans shall be concurrently submitted to the Planning Division for reference purposes.
- 38.** The project shall conform to all provisions of the Mitigation Monitoring Program for the following environmental factors analyzed in the Initial Study for potential impacts:
- Biological Impacts

APPROVAL DATE

PROJECT PLANNER