

RESOLUTION NUMBER 3488

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING TENTATIVE TRACT MAP 31367 (05-0096) TO SUBDIVIDE SIX LOTS TOTALING .93-ACRES INTO EIGHT LOTS FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT IN THE MFR-14 ZONE, IN ADDITION TO A VARIANCE (05-0097) FOR A REDUCED LOT DEPTH ON ALL LOTS, GENERALLY LOCATED BETWEEN AVOCADO AVENUE AND CITRUS AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on March 15, 2005, the applicant applied for a Tentative Tract Map and Variance to subdivide the property; and

WHEREAS, on July 6, 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, 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 information included in the staff report and accompanying attachments prior to taking action on the application for the proposed project and finds that the project could not have a significant effect on the environment. Therefore, this project is exempt under the California Environmental Quality Act (CEQA) as a Class 32 Categorical Exemption for projects which are determined to be infill development, consistent with the General Plan and Zoning. The City Council further finds that the City has complied with the California Environmental Quality Act, and that the City Council determination reflects 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:

Tentative Tract Map 31367

- A. The proposed project will not result in significant adverse environmental effects.
- 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 MFR-14 to the east and south, and whereas the product type to the east and south 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 surrounding the project site. The parcels adjacent to the project site have been developed with lot depths less than the required minimum. The proposed subdivision will be consistent with the existing development.
- B. The granting of the variance and any appropriate conditions of approval do not constitute a grant of special privileges which other properties in the vicinity do not enjoy under identical zoning standards.
- 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 MFR-14 zone, and the lots are dimensioned to fully allow single-family homes which are greater than the minimum lot sizes.

Section 4. The City Council hereby approves Tentative Tract Map 31367 (05-096) containing 8 residential lots and Variance 05-0097, 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 3488 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, Motte, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Margaret Rey

Attachment: Conditions of Approval

(RESOLUTION NUMBER 3488)
CITY OF PERRIS
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

FINAL CONDITIONS OF APPROVAL

Tentative Tract Map 31367 (05-0096)
Variance 05-0097

August 30, 2005

PROJECT: Proposal to subdivide 6 lots totaling .93 acres into eight lots for single family residential development in the MFR-14 Zone, in addition to a Variance for a reduced lot depth on all lots. Applicant: Jerry Larsen
(Modified by Planning Commission 7-6-05)

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. **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 disabled access requirements in accordance with the State of California, Title 14, and Federal American with Disabilities Act (ADA), and all local requirements of the City of Perris Municipal Code Titles 18 and 19, including all of the following MFR-14 zoning district regulations (except for lot depth with a Variance request):
 - Minimum Lot Size: 3,000 square feet
 - Maximum Lot Coverage: 40 percent (Lots > than 6,000 sq. ft.) 60 percent (Lots < than 6,000 sq. ft.)
 - Minimum Lot Width: 35 feet
 - Minimum Lot Depth: 85 feet (**Lots < than 4,500 sq. ft.**) 100 feet (Lots > than 4,500 sq. ft.)
 - Minimum Lot Frontage: 35 feet (Lots < than 4,500 sq. ft.) 50 feet (Lots > than 4,500 sq. ft.)
 - Minimum Lot Frontage (cul-de-sac/knuckle): 35 feet, with the width not less than 45 feet as measure from the front setback line

(Modified by Planning Commission 7-6-05)

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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 July 1, 2005.
(Modified by Planning Commission 7-6-05)
 5. **School District. The proposed project shall adhere to the standard requirements of the Val Verde School District.**
 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
 7. **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.
 8. **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.
 9. **Compatibility with March Air Reserve Base (March ARB).** The project is located in March ARB Airport Influence Zone II and shall, therefore, comply with the following measures:
 - A. **Avigation Easement.** The applicant shall grant to the City of Perris and to the March Inland Port Airport Authority an avigation 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.
 - B. **Notice of Airport in the Vicinity.** A Notice of Airport in the Vicinity and aerial photograph identifying the location of March ARB and the project site shall be displayed and distributed in model homes at the project site. The following statement is required for distribution.

NOTICE OF AIRPORT IN VICINTIY

“This property is located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you”.

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- C. Disclosure. The applicant shall provide full disclosure of the Avigation Easement and Notice of Airport in the Vicinity prior to the sale of individual properties within the project.
- D. Prohibited Uses:
- a. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take off or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 2. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 3. Any use which would generate excessive smoke or water vapor, attract large concentrations of birds, or otherwise affect safe air navigation in the area.
 4. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 5. Any use involving the unlawful storage of explosives or flammable materials.
 6. Any obstruction of the Federal Aviation Regulations, Part 77 Conical Surface.
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, including any Administrative Development Plan Review approvals, as mandated by the Perris Municipal Code;
 - b. Any other required approval from an outside agency.
11. **Plans.** 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. Grading plans to the City Engineer, demonstrating compliance with National

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- 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, the applicant shall submit a copy of the State Water Resources Control Board permit letter with the WDID number.
 13. **Landscaping.** Prior to issuance of building permits, the developer shall submit three (3) copies of construction level Landscape and Irrigation Plans to the Department of Planning and Community Development, 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. Required landscape areas specific to this project include front yards of all lots, side yards of all corner lots, and parkways along Citrus Avenue, Orchard Drive, and Avocado Avenue.
 14. **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/architect, planner and public works 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.
 15. **Walls and Fences.** Prior to issuance of building permits, the developer shall submit and obtain approval form 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 on all property lines where side or rear yards adjoin a public street.
 - b. A six-foot high block wall for the rear property lines of all lots adjacent to the commercial center directly west where not existing.

- c. Six-foot high, UV protected vinyl fences on all other side and rear property lines throughout the project.
16. **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 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.
 - f. 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.
17. **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, transportation of cut or fill materials and construction phases 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.
18. **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_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.
 19. **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 65kv or larger.
 20. **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.
 21. **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 North Perris Community Facilities Assessment District
 - b. The Landscape Maintenance District
 - c. The Street Lighting Maintenance District
 - d. The Flood Control Maintenance District
 - e. The Park Maintenance District
 - f. The future Street Maintenance Community Facilities District
 22. **Disclosure Statements – Dam Inundation/March Air Reserve Base.** 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. A similar disclosure shall be recorded and provided to each purchaser regarding potential noise impacts from March Air Reserve Base and the aviation easement granted to the City of Perris and to the March Inland Port Airport Authority.
 23. **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.

24. **City-Approved Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal.
25. **Street Improvement Plan.** Two copies of street improvement plans shall be concurrently submitted to the Planning Division for reference purposes.
26. **Lots 1, 2, and 6.** Lots 1, 2, and 6 shall be restricted to sole access from Orchard Drive.
27. **Lots 7 and 8.** Vehicular turn-around facilities shall be provided for lots 7 and 8 as they take access from Citrus Avenue, a collector Street. These vehicular turn-around facilities shall be reviewed and approved by the Planning Division under the Administrative Development Plan Review.

APPROVAL DATE

PROJECT PLANNER