

RESOLUTION NUMBER 3531

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A NEGATIVE DECLARATION (2197) AND TENTATIVE TRACT MAP 31240 (03-0203) TO SUBDIVIDE 59.3 GROSS ACRES OF LAND INTO 168 LOTS FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT, ON THE NORTHEAST CORNER OF DALE STREET AND WILSON AVENUE, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, an initial study has been prepared for Tentative Tract Map 31240 (03-0203) and, based upon the environmental information, staff finds that the project could not have a significant effect on the environment because revisions in the project have been agreed to and made by the project proponent, therefore a Negative Declaration has been prepared; and

WHEREAS, this Tentative Tract Map has been duly noticed; and,

WHEREAS, on October 5, 2005, the Planning Commission conducted a duly noticed public hearing 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 November 29, 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 Negative Declaration (2197) 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 information included in the staff report and accompanying attachments prior to taking action on the application for the proposed project and finds that the Tentative Tract Map will not result in a significant adverse effect on the environment.

The City Council further finds and determines that the City has complied with the California Environmental Quality Act and the City Council determinations reflect the independent judgment of the City.

Section 3. The City Council finds that:

- A. The proposed Tentative Tract Map will not result in significant adverse environmental effects, as a Negative Declaration has been prepared. Potential environmental impacts will not be significant because revisions to the project have been made by or agreed to by the project proponent.
- B. The proposed Tentative Tract Map is consistent with the goals and policies of the Land Use Element of the General Plan.
- C. The proposed Tentative Tract Map and design, as conditioned, is in compliance with the applicable zoning ordinances and Subdivision Map Act.
- D. The proposed Tentative Tract Map and design, as conditioned, is consistent with city standards, ordinances, and policies.
- E. The proposed Tentative Tract Map is compatible with the existing land uses and zoning designations in the area.
- F. The proposed Tentative Tract Map will not affect health, safety, and welfare.

Section 4. The City Council hereby approves Negative Declaration (2197) and Tentative Tract Map 31240 (03-0203), an application to subdivide 59.3 gross acres into 168 lots for single-family residential development, based on the information and findings presented in the staff report and subject to the attached Conditions of Approval dated November 29, 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 29th day of November, 2005.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Margaret Rey

Attachments: Conditions of Approval (Community Development)
Conditions of Approval (City Engineer)

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 3531 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting held the 29th day of November, 2005, and that it was so adopted by the following called vote:

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

City Clerk, Margaret Rey

CITY OF PERRIS
COMMUNITY DEVELOPMENT DEPARTMENT
FINAL CONDITIONS OF APPROVAL

TENTATIVE TRACT MAP 31240 (03-0203)

November 29, 2005

PROJECT: A proposal to subdivide 59.3 acres into 168 single-family lots in the R-6,000 zone, on the northeast corner of Wilson Ave and Dale Street, with minimum 6,000 square foot lots and an average lot size 6,614 square feet.

APPLICANT: Corman Leigh Communities

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 59.3-acre property into 168 lots as noted in the project description (above). The Final Map shall be substantially as shown on the Tentative Tract Map, prepared by David Jeffers Consulting, Inc., for Corman Leigh Communities, LLC, dated August 10, 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 September 19, 2005.
4. **School District.** The proposed project shall adhere to the standard requirements and mitigation fees established by the Perris Elementary School District and Perris High School District.
(Modified by Planning Commission 10-5-05)
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).
6. **Building Official/Fire Marshall.** 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 R-6,000 Residential zoning development standards.
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 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.
- 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 for Dale Street, Wilson Avenue, and Murrieta Road; landscaping of slopes and entry theme walls; streetscapes for both sides of all in-tract roadways; and landscaping of Lot A including the detention facility, soccer fields, and all undisturbed portions. The applicant shall install sidewalks adjacent to curb throughout the project.
(Modified by Planning Commission 10-5-05)
- 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 Community Development, Planning Division 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. Stone-wrapped pilasters at corners, ends, and every 100 feet of decorative block wall; and,

c. Decorative block wall returns shall be provided between all residences;
(Modified by Planning Commission 10-5-05)

d. 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

e. Walls and fencing of proposed detention facilities shall be reviewed and approved by the Planning Division.

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; park fees shall be determined in accordance with Ordinance No. 953. Park fees shall be based on a ratio of five acres per thousand residents and on the fair market value of the land based on qualified appraisal;

(Modified by Planning Commission 10-5-05)

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. **Flood Zone.** The project site is located within Zone AE, a special flood hazard area inundated by 100 year flood (Flood Insurance Rate Map, July 2, 1992). The applicant shall provide full disclosure of the site's location within a Flood Zone prior to the sale of individual properties within the project.
32. **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. The project shall provide an executed aviation easement to the March Joint Powers Authority as a condition of project approval. Avigation easement forms are available on the March Joint Powers Website, www.marchjpa.com. Instructions for the submittal of an executed easement are available on the website.
- B. Any model home complex used in conjunction with the sale of homes shall prominently identify the location of the March Air Reserve Base/March Inland Port Airport on an aerial photo clearly visible to prospective buyers within the model home complex sales office. The model home complex shall also display a "Notice of Airport in Vicinity" disclosure in an area clearly visible and in a manner that is clearly legible to prospective buyers.

NOTICE OF AIRPORT IN VICINTIY

"This property is presently 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 annoyance, if any are associated with the property before you complete your purchase and determine whether they are acceptable to you".

- C. Buyers shall also be provided the "Notice of Airport in Vicinity" disclosure at the time of closing for the purchase of a home or residential lot.
- D. Prohibited Uses:
1. 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 unlawful the storage of explosives or flammable materials.
6. Any obstruction of the Federal Aviation Regulations, Part 77 Conical Surface.

- 33. Disclosure Statements – Dam Inundation Area, March Air Reserve Base.** The developer shall record a disclosure on each unit and provide a disclosure to the purchaser of each unit indicating that *the project is within a dam inundation area and is subject to flooding in the event of a dam failure*. The disclosure shall also indicate the potential noise impacts from March Air Reserve Base. The developer shall provide an acknowledgement of the disclosure by each purchaser to the City, and each disclosure shall be included on the Final Map prior to recordation.
(Modified by Planning Commission 10-5-05)
- 34. 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.
- 35. Property Liens.** The applicant shall pay all liens owed to the city prior to the issuance of building permits.
- 36.** 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.
- 37.** The applicant shall have all right-of-way improvements and associated landscaping, street lighting and irrigation installed and in good working order prior to final release. Streets must be paved and accessible prior to the issuance of building permits.
(Modified by Planning Commission 10-5-05)
- 38. Street Improvement Plan.** Two copies of street improvement plans shall be concurrently submitted to the Planning Division for reference purposes.

APPROVAL DATE

PROJECT PLANNER