

# ***CITY OF PERRIS***

***MINUTES:*** Joint Work Session of the City Council,  
Redevelopment Agency,  
Perris Public Finance Authority &  
Perris Public Utilities Authority

***Date of Meeting:*** 10 January 2006

***Time of Meeting:*** 4:30 p.m.

***Place of Meeting:*** City Council Chambers

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**1. *CALL TO ORDER:***

The Honorable Mayor Busch called the Joint Work Session of the City Council, Redevelopment Agency, Perris Public Finance Authority and Perris Public Utilities Authority to order.

***4:35 p.m. Called to Order***

**2. *ROLL CALL:***

Council Members Present: Motte, Rogers, Yarbrough, Landers, Busch

***Council Members present***

Staff Members Present: City Manager Apodaca, City Attorney Dunn, Community Development Director Barnes, Finance Director Carr, Public Works Director Ansari, Assistant to City Manager Madkin, Planning Manager Belmudez, and City Clerk Rey.

***Staff Members Present***

**3. *WORK SESSION:***

A. Discussion on the Planned Development Overlay process.

***Discussion on the Planned Development Overlay process.***

Introduced by: Olivia Barnes, Community Development Director

Director Barnes stated that this workshop was to discuss the Planning Overlay District which had been proposed by Staff, to provide for high-quality housing with the flexibility to allow for open space as well as other amenities. She said this had been reviewed by the City Council at previous workshops and at a public hearing. The Planning Commission had also reviewed and recommended it to the Council for approval as proposed. At the last public hearing held by the City Council on November 29<sup>th</sup>, there had been a request from a developer who had objected to the eligibility restriction, in that it did not apply to properties that did not have significant constraints or special features on site. The Council had continued the item to January 31<sup>st</sup> so that Staff could come back with examples of how these developments might work on various sites. The purpose of this workshop was to provide additional opportunity for the Council to study the Planned Development Overlay in hopes of resolving these issues.

***Director Barnes stated that this workshop was to discuss the Planning Overlay District which had been proposed by Staff. This had been reviewed by the Council at several meetings and reviewed by the Planning Commission, which had recommended approval by Council. At the public hearing on November 29<sup>th</sup>, a developer had objected to the eligibility restriction and Council had continued the item to January 31<sup>st</sup>. This workshop was to provide additional opportunity for Council to study the Planned Development Overlay in hopes of resolving the issues.***

Ms. Barnes pointed out that Section 19.59.030 of the Ordinance restricted use of the overlay to properties where clustering of dwelling units is necessary to preserve natural features and/or where mixed-use development is desirable. She showed examples that illustrated the approach to clustering of residential developments, as well as concerns that Staff had regarding this. She said that at the end of this presentation, Staff wanted to get Council's input, primarily with regard to lot sizes, which is the main issue when this is applied to a non-constrained area. Regarding the benefits of the residential communities with the use of the overlay district, Ms. Barnes stated that it does allow for very distinctive residential communities. High-quality development can be achieved that allows for better architectural enhancements as well as additional and enhanced landscape treatments. In addition, maintenance for the development is provided by the developer through an HOA rather than being paid for by the City. Ultimately, these communities actually draw residents together to help create a sense of community. The other benefit to the planned unit overlay is the preservation of natural features. Ms. Barnes showed illustrations of a very large-scale master-planned community, Harveston in the City of Temecula. She pointed out that it had a very balanced mix of land uses - small, clustered lots with a high level of amenities and enhanced architectural touches. Ms. Barnes noted that additional benefits of the overlay have to do with parks. In a small development you would not get a large park, but you would be better able to integrate the type of park amenities that offer recreational opportunities for the residents, such as tot lots, open space, and green belts. The mixed-use component allows the use of residential and commercial. Ms. Barnes also showed an area in the City of Brea, where they had revitalized the downtown area with a very successful application of mixed land use. She then showed some mixed-use development in the Perris area.

*Ms. Barnes pointed out that Section 19.59.030 of the Ordinance restricted use of the overlay to properties where clustering of dwelling units is necessary to preserve natural features and/or where mixed-use development is desirable. She said that Staff wished to get Council's input, especially with regard to lot sizes. Ms. Barnes spoke of the benefits of the residential communities with the use of the overlay district, showing illustrations of some such communities.*

#### PUBLIC COMMENT:

#### *Public Comment*

Casey Reichel of Sunwest Enterprises, Newport Beach, distributed some presentation materials. He pointed out that planned developments are meant to allow for creative designs, in the pursuit of city interests, that are not encouraged by typical zoning standards. There are several things that planned development can accomplish: It can encourage the preservation of natural features, and the present development overlay does that. It can encourage mixed-use development; the current one does that, also. The current one, however, does not encourage distinctive residential communities, which is a benefit of every other planned development that Mr. Reichel has seen. Most do all three; the current one only does two of the three. Residential planned developments are good for cities, and that is why cities have encouraged them by having planned developments without eligibility restrictions that this one has.

*Casey Reichel of Sunwest Enterprises distributed some presentation materials and pointed out that planned developments are meant to allow for creative designs that are not encouraged by typical zoning standards. He said that the proposed development overlay did not encourage distinctive residential communities.*

Mr. Reichel enumerated what cities get from residential planned developments:

*Mr. Reichel enumerated the benefits of residential planned developments to cities.*

- 1) Creative, diverse communities.
- 2) Enhanced architecture and landscaping.
- 3) Open spaces that are integrated into the community.
- 4) Land that is dedicated by the developer to those open spaces or parkland, with the amenities paid for and provided and installed by the developer, with the maintenance paid for - through the HOA that is typical with these communities - by the developer.

Mr. Reichel contended that the eligibility restriction:

1) Limits the scope of the Planned Development Ordinance and restricts even the proposal of all single-family residential communities that seek to vary from the typical single-family community by providing something unique and integrating open spaces into them, except for the few areas that would have natural features.

2) Discourages creative design on nearly all residential communities.

3) Would deny all well-designed creative residential communities with useable open spaces, while encouraging dense development at the base of rocky slope areas.

4) Undermines the intent of the ordinance by limiting its application to only 10-20% of the land in the City that has natural features.

5) Has no black-and-white definition of which properties have significant natural features.

Mr. Reichel stated that his organization believes that each project should be judged on its own merits, not on whether it contains non-developable land. He said there were several developers that would be forced to go “standard” communities unless the eligibility restrictions were removed. Removing the restrictions would in no way limit Staff’s, Planning Commission’s or City Council’s ability to judge a project on its merits and judge whether or not the project meets the interests of the City. Other cities with these ordinances do not have such restrictions because they encourage the proposal of these residential communities. Mr. Reichel also addressed the lot size restriction.

Chris Rizzuti of Corman Leigh Communities congratulated Mr. Reichel on succinctly stating exactly how Corman Leigh also feels about this ordinance, and particularly about the lot size restriction.

John Reichel complimented Staff on the excellent job they had done with the Planned Development Overlay. He said there was just the one sentence that they were objecting to, and they were simply trying to show that someone could have the same size piece of property with rocky land that they couldn’t use, they somehow get a bonus density, and they’re approved to do a planned development, when they’re not delivering anything to the City. With that eligibility restriction, the rocky property gets approved, while a project that would be a real benefit to the City would not be approved. Planned development overlays of this type allow the City to have beautiful, maintained parks at the expense of the developer and the HOA. This accomplishes very lofty ambitions of the City to have amenities and open space, without it coming out of the City budget. Mr. Reichel commended the Planning Department on their excellent standard, which he said was just “one step short of perfect.”

COUNCIL QUESTIONS AND DISCUSSION:

*Mr. Reichel enumerated the disadvantages of the eligibility restriction.*

*Mr. Reichel said his organization believes each project should be judged on its own merits, not on whether it contains non-developable land.*

*Chris Rizzuti of Corman Leigh Communities congratulated Mr. Reichel on stating exactly how Corman Leigh also feels about this ordinance.*

*John Reichel complimented Staff on the excellent job they had done with the Planned Development Overlay, stating that his organization was objecting only to the one sentence.*

*Council Questions/Discussion*

Councilmember Yarbrough asked how the Council could comply with Mr. Reichel's request without creating a loophole. Ms. Barnes replied that there were two approaches to it. She said the ordinance itself provides for a significant amount of flexibility. While that is a strength of the ordinance, it is also its weakness, in that it is so flexible that you could get proposals that aren't necessarily the greatest for the City, and they would have the argument to try and get the project through as proposed without the requested modification. Ms. Barnes said that when there is a lot of flexibility, most of the developers come to the table, Staff discusses what is not appropriate in the project, and the developers go back and make revisions. She said it is a give-and-take, until it evolves into a concept that Staff feels the Planning Commission would approve and the Council would support. She said there is nothing in particular in the ordinance that acts as a criterion. It could be altered to stipulate that a recommending body provide input in terms of the quality of the project and its value to the community. Absent specific criteria in the ordinance, if it comes to an impasse, it becomes a decision of the City Council ultimately. Mr. Yarbrough said he had no objection to the mix of smaller lots, as long as the project was of very high quality, with significant enhancements.

*Councilmember Yarbrough asked how Council could comply with Mr. Reichel's request without creating a loophole. Ms. Barnes responded. Mr. Yarbrough had no objection to the mix of smaller lots, as long as the project was of very high quality, with significant enhancements.*

Councilmember Rogers commented regarding a presentation by Lucy Dunn at a conference she had attended. Ms. Dunn had implored city officials to consider creative mixed-use opportunities within their cities, looking at proposals that would not normally be considered. Ms. Rogers said she had a concern with the eligibility requirement if the statement is true that no other Inland Empire city has this restriction. She wasn't sure she would want to be the first among 24 cities in Riverside County to step out and implement this. She asked Ms. Barnes if that statement was true. Ms. Barnes replied that she was not sure what all the other cities had, noting that each would be different, tailored to the individual city policy and directive. She said she would have to do research into that. Ms. Rogers asked Casey Reichel if their research had determined that no other city had anything that was restrictive. He replied that they hadn't gone to all 24 cities, and he wasn't sure if all 24 cities had planned development overlays, but in his company's experience, they had never seen a similar eligibility restriction either in this county or other counties with which they had worked. Ms. Rogers said she would have faith in the City's Planning Staff that they would review each proposal on its own merit and hold developers to the standards that the Council has directed for the City of Perris, but she thought it did give the City the opportunity to look at the things that the Department of Housing was asking cities to look at, noting that other cities were taking the lead with these creative projects. She stated that she would support the Planned Development Overlay without the restriction and trust the Planning Department to work with the developers to make sure the amenities and qualifications were all within Council guidelines.

*Councilmember Rogers commented regarding a conference presentation in which the speaker implored city officials to consider creative mixed-use opportunities within their cities. Ms. Rogers asked about the statement regarding Perris being the only Inland Empire city with this restriction. Ms. Barnes and Mr. Reichel responded. Ms. Rogers said she would support the Planned Development Overlay without the restriction and trust Planning Staff to review each proposal on its own merit and hold developers to the high standards directed by the Council for the City.*

Mayor Busch had a question about the parks and open spaces paid for by developers rather than the City. He said it had been his experience that these amenities are generally restricted to the people living there and not really open to the general public. The homeowners are getting the

*Mayor Busch expressed that the parks and open spaces paid for by developers were generally restricted to residents in those develop-*

amenities, but not the community at large. John Reichel responded that that was technically and legally correct. Mr. Busch also asked Mr. Reichel about the designation “Inland Empire” and asked if they were referring to both San Bernardino and Riverside Counties. Mr. Reichel said they were including both counties.

*ments and were not for the benefit of the community at large. John Reichel said that was technically and legally correct.*

Mr. Busch had a question about being able to maintain high standards in development with the Planned Development Overlay. Ms. Barnes said that the approval of plans submitted by developers would ultimately be at the discretion of the Council. She said that over the past few years, Staff had consistently required higher standards just for single-family detached residential. Certainly within a planned community the expectation would be that there would be a high level of amenities and quality that the City would be gaining for any increase in density.

*Mr. Busch asked how the City could maintain high standards in development with the Planned Development Overlay. Ms. Barnes responded that the approval of plans submitted by developers would ultimately be at the discretion of the Council, but that Staff would also expect a high level of amenities and quality within a planned community.*

Councilmember Yarbrough asked City Attorney Dunn what kind of language they would need to give the Council the flexibility so that Perris could be competitive, offering the same thing that other communities offer, but not allowing a loophole. Mr. Dunn responded that the ordinance was really designed to be a discretionary approval, going through the process as normal. So if that particular paragraph were deleted, this ordinance could be applied to anything in the City that is over two acres and less than 75 acres. Council would trust the process - through the developer, Staff, Planning Commission and Council - that they were going to come up with a project they liked. And if they didn't like it, they just wouldn't make the findings that would be necessary to approve it; they would just turn the project down. If there was any particular thing that they never, ever wanted to see under any circumstances - such as 2,000-square-foot lots - they would include that stipulation in the ordinance. Otherwise, just deleting the paragraph would leave the discretionary authority for approval or denial with the Council.

*Councilmember Yarbrough asked City Attorney Dunn how the ordinance could be worded to give the Council flexibility so that Perris could be competitive, without allowing a loophole. Mr. Dunn responded that deleting the questioned paragraph would just leave the discretionary authority for approval or denial of developments with the Council.*

Mayor Busch asked if there was a way to strengthen the discretionary authority and let the developers know that the Council expects a higher standard. Mr. Dunn said the ordinance could be reviewed to see where the discretionary points are and re-emphasize that the purpose of this is to get quality projects under certain circumstances, making sure that the City is protected from any sort of challenges if they deny a project.

*Mayor Busch asked if there was a way to strengthen the discretionary authority and let developers know that Council expects a higher standard. Mr. Dunn said the ordinance could be reviewed for discretionary points where the Council's purposes could be re-emphasized.*

Mr. Yarbrough thought that would be a good compromise.

*Mr. Yarbrough thought that would be a good compromise.*

Casey Reichel stated that the current Planned Development Ordinance, as written, did have something very important in it that did suggest what could be proposed and what could not be proposed, above and beyond “anything between two and 75 acres”, and that was the “10% density increase.” In other words, if someone is on R-10,000 land and they're proposing a planned development overlay, nothing they could propose could have more

*Casey Reichel pointed out that the current Planned Development Ordinance did have something in it that suggested what could be proposed and what could not be proposed, above and*

than 4.4 homes per acre, and that would have a lot to say about the size of lots and type of proposal that the City would be likely to see. Mr. Busch suggested that perhaps that's where the additional wording should be placed. Mr. Dunn said there were various places in the ordinance where the Council's standards could be emphasized.

*beyond "anything between two and 75 acres", and that was the "10% density increase", which would have a lot to say about the size of lots.*

B. Mid-County Parkway.

*Mid-County Parkway*

Introduced by: Habib Motlagh, City Engineer

City Engineer Motlagh gave a brief background and update on the Mid-County Parkway, as requested earlier by Councilmember Yarbrough. He reported that RCTC expected to start construction on this 30+ mile freeway in 2011. They did not yet know where or how they would start, but that was the targeted date. Mr. Motlagh said they hoped to have public hearings for the environmental document in Fall 2007, having already held eight public meetings, six of which were in Perris or surrounding communities, with meeting attendance ranging from 50 to 350. Because the project was going to be funded by federal, state and local agencies, full EIR and EIS documents were required and were in process of being prepared. Mr. Motlagh added that RCTC continued to have monthly meetings with the various agencies to update everyone on the progress of the project.

*City Engineer Motlagh gave a brief background and update on the Mid-County Parkway.*

Mr. Motlagh then showed an exhibit from RCTC that defined the various alternatives. Approximately two years earlier, the Council had chosen the North Alignment as their preferred alternative, and Staff had been directed to work with developers to accommodate improvements to the Mid-County Parkway. Because of environmental issues as well as issues dealing with the dam at Lake Perris, it had now been determined that the North Alignment was not doable (the Army Corps of Engineers had written a letter recommending that the North Alignment be dropped). The second alternative that was being seriously considered was the South Alignment (Placentia), coming from the Ryder Street area, down south of Placentia to the interchange at Evans Road, continuing west to I-215. Mr. Motlagh said RCTC was trying to get Redlands as the second interchange, but he hoped the Council would stay with his preference, Perris Boulevard.

*Mr. Motlagh showed an RCTC exhibit that defined the alternatives. The North Alignment, which had been the Council's preferred alternative, had been determined by the Army Corps of Engineers to be unfeasible. Mr. Motlagh said the South Alignment (Placentia) was being seriously considered, with Redlands as the second interchange, but he hoped the Council would stay with his preference of an interchange at Perris Boulevard.*

City Attorney Dunn added that since the item that was asked for was to discuss potentially a survey of residents, he had invited Doug Johnson from National Demographics to come to the workshop. Mr. Johnson's group did the survey on the public safety tax. He did not have a presentation for this evening, but was available for questions.

*City Attorney Dunn introduced Doug Johnson from National Demographics, who was available for questions regarding a community survey.*

City Manager Apodaca stated that, attached to the presentation items presented by the City Engineer, he had incorporated a specific letter from RCTC officially asking the City of Perris to do three things: 1) To rescind the resolution which indicates a preference for the northern route; 2) To work on protecting the other three southern routes (Placentia, Ryder, and Storm Drain routes) from development; and 3) To work with RCTC on the design of the ultimate preferred route.

*City Manager Apodaca noted that, along with the City Engineer's presentation items, he had included a letter from RCTC asking the City to rescind the resolution that indicated a preference for the northern route, work on protecting the southern routes from development, and work with RCTC on the design of the ultimate preferred route.*

Mayor Busch asked the reason for the request to remove the northern route. Mr. Apodaca responded that the purpose was evidently because RCTC had said that was the least feasible route due to the various environmental issues surrounding the dam and the dam studies underway at this point. Mr. Dunn added that if the City does not change its position, then RCTC would be obliged to include it as one of the alternatives and would have to pay for environmental studies on it, and basically they just wanted to save money if the alternative was not feasible.

*Mayor Busch asked about RCTC's request to remove the northern route. Mr. Apodaca and Mr. Dunn each responded.*

PUBLIC COMMENT: None

*No Public Comment*

COUNCIL QUESTIONS AND DISCUSSION:

*Council Questions/Discussion*

Councilmember Yarbrough was uncomfortable with the pressure being put on the City to expedite this without consideration for the negative impacts that the other alternatives would have on the City of Perris. He felt it was time for the City to stand up and not be taken advantage of by other agencies. He asked the Council to consider bringing in a consultant who could take a survey in the area of the proposed Mid-County Parkway and get the community's input before making a final decision. He said this was probably the only time they would do something like this, but because of the magnitude of the decision, he felt that public input was vital.

*Councilmember Yarbrough expressed discomfort with the pressure that was being put on the City, and felt it was time for Perris to stand up and not be taken advantage of by other agencies. He asked the Council to consider bringing in a consultant to conduct a community survey regarding the Mid-County Parkway.*

Councilmember Landers believed the Council needed to stand tough on this issue and send the message that "Perris is not the old Perris and can not be pushed and shoved anymore." The routes that the other agencies wanted would take out new developments as well as developments that hadn't even been started yet. He thought the City needed to find out the real reason the other agencies didn't want the northern route.

*Councilmember Landers believed the Council needed to stand tough on the issue and not be pushed around. He was interested in finding out the real reason for the exclusion of the northern route.*

Councilmember Rogers asked Mr. Motlagh about the letter that was forthcoming from the Army Corps of Engineers. She said she had always supported the northern route, and would like to see this letter before switching her viewpoint from the northern route, because from the standpoint of the best interests of the City, the northern route was definitely preferred. Mr. Motlagh said he would provide the Council with a copy of the letter on the following day.

*Councilmember Rogers said she would like to see the letter from the Army Corps of Engineers before switching her viewpoint from the northern route, which she believed to be the preferred route from the standpoint of the best interests of the City.*

Mayor Pro Tem Motte said that in view of all the letters, the City may have to forego the northern route, but his question was whether the other agencies were considering the far south route or the route through Rider west of the City. Mr. Motlagh said it was the far south (Placentia). Mr. Motte was concerned about mitigating the noise if the route goes through Placentia.

*Mayor Pro Tem Motte thought the City may have to forego the northern route, but wanted to know which southern route the other agencies were considering. Mr. Motlagh said it was the far south (Placentia).*

Councilmember Rogers asked for a detailed list of actual damages to existing facilities (homes, schools, fire station, etc.) in the City of Perris that would result from each of the alternatives. Mr. Yarbrough asked that the businesses be included, showing the economic impact those routes would have on the City. Ms. Rogers said she did not think the Council could

*Councilmember Rogers asked for a detailed list of actual damages to existing facilities in the City that would result from each of the alternatives. Mr. Yarbrough asked that the businesses be included. Ms.*

make a solid decision, based on what would be best for the City, without that information.

*Rogers did not think the Council could make a solid decision without that information.*

Mr. Motte asked if the I-215 would be moved over at Placentia to allow for that interchange. Mr. Motlugh responded that adjustments would have to be made on the I-215 with each of the alternatives. He said it was his understanding that this alternative would have the least impact on the I-215 and would result in cost savings.

*Mr. Motte asked if the I-215 would be moved over at Placentia to allow for that interchange. Mr. Motlugh said adjustments would have to be made on the I-215 for any of the alternatives, but this alternative would have the least impact on the I-215.*

In response to questions about conducting a survey, Doug Johnson said there were a couple of options. First, public awareness would have to be established: Have they heard about it at all? After their initial reaction, they would be given some information, such as arguments for each route, noting how they react. Mr. Johnson estimated that a survey such as this would cost about \$15,000 or \$16,000. He said they would probably want to survey the whole City of Perris, but they could break out regions of the City from the results, showing views in the various parts of the City.

*Discussion regarding a possible community survey.*

The Council agreed the whole City should be surveyed. Mayor Busch asked how long such a survey would take. Mr. Johnson said it could be completed within 90 days. Mr. Yarbrough asked what type of questions would be asked. Mr. Johnson said they would start with standard questions that would test what the public already knows about the situation, then questions about areas of concern, and then give them options and test their reactions to those options.

*The Council agreed the whole City should be surveyed. Mr. Johnson said it could be done within 90 days.*

***ADJOURNMENT:***

By unanimous consent, the Joint City Council, Redevelopment Agency, PPFA and PPUA Work Session was adjourned at 6:00 p.m.

*6:00 p.m. Joint City Council, Redevelopment Agency, PPFA and PPUA Work Session was adjourned.*

Respectfully Submitted,

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Margaret Rey, City Clerk