

RESOLUTION NUMBER 3984

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING TENTATIVE TRACT MAP 34812 (06-0227), DEVELOPMENT PLAN REVIEW 06-0228, AND MINOR ADJUSTMENT 07-0049 TO SUBDIVIDE 9.15 ACRES INTO ELEVEN INDUSTRIAL LOTS, CONSTRUCT ELEVEN LIGHT INDUSTRIAL BUILDINGS TOTALING 149,738 SQUARE FEET, AND ALLOW A MINOR DEVIATION IN THE TOTAL PARKING REQUIRED BY THE DEVELOPMENT CODE LOCATED IN THE LIGHT INDUSTRIAL ZONE ON THE NORTHWEST CORNER OF PLACENTIA AVENUE AND REDLANDS; AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, Tentative Tract Map 34812 (06-0227), Development Plan Review 06-0227, and Minor Adjustment 07-0049 were filed by the applicant to subdivide 9.15 acres into 11 industrial lots for the construction of 11 light industrial tilt-up buildings totaling 149,738 square feet and allow a minor deviation in the total parking required by the development code located in the Light Industrial Zone on the northwest corner of Placentia Avenue and Redlands Avenue; and

WHEREAS, the Tentative Tract Map 34812 (06-0227), Development Plan Review 06-0227, and Minor Adjustment 07-0049 have been duly noticed; and

WHEREAS, a public hearing was held on May 2, 2007, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, on May 2, 2007, the Planning Commission considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed project subject to the attached, revised Planning and City Engineer Conditions of Approval; and

WHEREAS, the City Council considered and approved the Initial Study and Mitigated Negative Declaration (2253) 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 (2253) 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. The proposed Tentative Parcel Map and Development Plan Review will not result in a significant adverse effect on the environment.
- B. The project site is physically suitable for type and density of the proposed development.
- C. As conditioned, the proposed Tentative Parcel Map and Development Plan Review is consistent with City standards, ordinances, and policies.
- D. The project is a subdivision for future industrial development that is compatible with the surrounding land uses.
- E. The proposed Tentative Tract Map and Development Plan Review will not have a negative affect on public health, safety, or general welfare.
- F. The proposed Tentative Parcel Map is in compliance with the Subdivision Map Act.
- G. The proposed Minor Adjustment does not adversely affect the adjoining property owners or uses.

- H. The proposed Minor Adjustment is necessary for the effective operation of the use or associated facilities.
- I. The necessity for the Minor Adjustment is adequately justified, including through the use of special studies.

Section 4. The City Council hereby adopts Mitigated Negative Declaration (2253), Tentative Tract Map 34812 (06-0227), Development Plan Review 06-0227, and Minor Adjustment 07-0049, based on the information and findings presented in the staff report.

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 8th day of May, 2007.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

Attachments: Planning Conditions of Approval
Engineering Conditions of Approval

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3984 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 8th day of May, 2007, and that it was so adopted by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

City Clerk, Judy L. Haughney

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

**CITY COUNCIL
CONDITIONS OF APPROVAL
(Revised at Planning Commission May 2, 2007)
(Revised at City Council May 8, 2007)
(RESOLUTION NUMBER 3984)**

**Tentative Tract Map 34812 (06-0227)
Development Plan Review 06-0228
Minor Adjustment 07-0049**

May 8, 2007

PROJECT: Tentative Tract Map, Development Plan Review, and Minor Adjustment are proposed to subdivide 9.15 acres into 11 industrial lots for the construction of 11 light industrial tilt-up buildings totaling 149,738 square feet, and a minor deviation in the total parking required by the development code. The minimum lot size is 22,422 square feet and the average lot size is 31,721 square feet. The proposed light industrial buildings will serve for office and warehouse, and range in size from 9,510 square feet to 21,690 square feet. The project includes private drives (Lots A, B and C), storm drain easement (Lot D), street dedication (Lot E), landscape, lighting, and parking improvements. The project is located in the Light Industrial Zone on the northwest corner of Placentia Avenue and Redlands Avenue. Applicant: Jason Keller, Keller Consulting

1. **Approval Period.** In accordance with the Subdivision Map Act, the recordation of the final map shall occur within two (2) years from the approval date unless an extension is granted. The applicant may apply for a maximum of five (5) one-year extensions, to permit additional time to record the final map. A written request for extension shall be submitted to the Planning Division at least thirty (30) days prior to the expiration of Tentative Map approval.
2. **Approved Plans.** This approval is granted to subdivide 9.15 acres into 11 industrial lots and develop 11 light industrial buildings located on the northwest corner of Placentia Avenue and Redlands Avenue, and allow a minor deviation in the total parking required for Building L with 19 standard parking spaces. The Final Map shall be substantially as shown on the stamped approved Tentative Tract Map, and consisting of one sheet, except as may be modified by the conditions of approval contained herein.
3. **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.
4. **City Codes.** The project shall comply with all local requirements of the City of Perris Municipal Code Titles 18 and 19, including LI zoning development standards. Any deviation shall require the appropriate Planning Division review and approval.

5. **City Engineer.** The proposed project shall adhere to the requirements of the City Engineer as indicated in the in the Conditions of Approval dated revised ~~March 20~~ **May 2**, 2007.
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. The applicant shall submit a fire access and fire underground plan prior to construction drawings. 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. See City of Perris website, Office of the Fire Marshal, for examples and relevant information for access and underground plan available at: <http://www.cityofperris.org>.
7. **ADA Compliance.** The project shall conform to all disabled access requirements in accordance with the State of California, Title 24, and Federal Americans with Disabilities Act (ADA).
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. *The developer shall obtain a Non-Interference Letter from Southern California Edison allowing proposed improvements within the 25-foot wide Edison easement along the western property line due prior to final map recordation or the issuance of building permits, whichever occurs first.*
9. **Light Industrial Use and Development Restrictions.** 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 construction trailer or sales office shall require separate review and approval by the City. Any deviation shall require the appropriate Planning Division review and approval.
10. **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 avigation 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. Buyers shall also be provided the “Notice of Airport in Vicinity” disclosure at the time of closing for the purchase of a unit.

NOTICE OF AIRPORT IN VICINITY

“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. 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 obstruction of the Federal Aviation Regulations, Part 77 Conical Surface.

11. **Disclosure Statements.** The developer shall record on the final map and provide a disclosure on each unit and provide an acknowledgement of the disclosure to potential buyers for each unit indicating the following:

- A. The project is located within March Air Reserve Base Airport Influence Zone II and is subject to potential noise impacts;
- B. The project site is located adjacent to one of the potential alignments of the Mid-County Parkway; and
- C. The project is located within a maximum dam inundation area and is subject to flooding in the event of a dam failure.

12. **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; and
 - B. Any other required approval from an outside agency.
13. **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.
 - ~~D. *All land uses listed in the Business Park Zone as "prohibited" shall also be prohibited in Buildings C, D, and J.*~~
14. **Property Owners Association.** Property management contact information shall be provided to the Development Services Department. Prior to final map recordation, the applicant shall incorporate the following standard provisions in the CC&Rs:
- A. Property Owners Association shall be responsible for the maintenance of drainage easements, drainage facilities, all onsite landscaping, streets, and utility systems;
 - B. Any modifications or additions of any building structures onsite shall require appropriate City review and approval;
 - C. All marketing and sales literature and leasing information for this development shall clearly state that this project is complete as built and that no further expansions to building structures are permitted without appropriate City approval.
 - D. The Property Owners Association shall be responsible for replacing any special pavers or textured/colored concrete that is removed to repair, replace or maintain any underground utilities located within private drives, driveways, or easement areas.

15. **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.
16. **Graffiti.** Graffiti located on site shall be removed within 48 hours. The site shall be maintained in a graffiti-free state at all times.
17. **Utilities.** 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.
18. **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.
19. **Phasing.** Any Phasing Plan shall be reviewed and approved by the Development Services Department and the City Engineer. Each Phase of the project shall provide adequate drainage and at least two points of access to all lots. A phasing plan shall be submitted with the Administrative Development Plan Review application.
20. **Assessment and Community Facilities Districts.** The project shall be annexed into any assessment, community facilities, or similar district that provides funding for maintenance, services, or public improvements that benefit the project. The costs and benefits shall be described in the applicable district and annexation documents. The Developer shall complete all actions required to complete such annexation prior to the recordation of the Final Map (or issuance of a certificate of occupancy if a Final Map is not required). This condition shall apply only to districts existing at the time the Final Map is approved (or all requirements have been met for a certificate of occupancy, as applicable). Such districts may include, but are not limited to, the following:
 - A. Landscape Maintenance District No. 1;
 - B. Flood Control Maintenance District No. 1 (may include Streets);
 - C. Maintenance District No. 84-1 (Street Lights and Traffic Signals);
 - D. North or South Perris Public Safety Community Facilities District (Police and Fire);
 - E. Ramona Mobility Group District (Transportation Improvements); and
 - F. Road and Bridge Benefit District (Transportation Improvements).
21. **Landscaping.** Three (3) copies of Construction Landscaping and Irrigation Plans shall be submitted to the Planning Division for approval and shall be accompanied by the appropriate filing fee. The landscape and irrigation plan shall be prepared by a registered

landscape architect. The location, number, genus, species, and container size of the plants shall be shown. Hydro-seed is not permitted. Protection shall be provided for existing landscaped areas, including trees, and be shown on the plans. Irrigation plans shall show connections to existing irrigation system for new landscape areas. Landscape and irrigation plans shall be consistent with Section 19.70 of the Perris Municipal Code. The landscaping and irrigation plans shall be provided as shown on the conceptual landscape plan. ***The developer shall install water efficient, weather-based irrigation controller system for the project.***

22. **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.

23. **Walls and Fences.** A wall and fencing plan shall be submitted for review and approval to the Planning Division. The plan shall include a site plan, elevations, and construction details for all proposed fencing and walls. The wall and fencing plan shall be included with the landscape plan check application submittal. Wall and fencing required on site consists of:
 - A. ~~Nine~~ ***Eight Nine*** foot decorative block wall shall be installed along the north, ~~and~~ south, ***and west property lines*** to screen loading areas from the public right-of-way as shown on the site plan.
 - B. Two decorative theme walls identifying the light industrial development shall be installed, one in front of Buildings G and F, and the other in front of Building K.
 - C. Overhead trellis treatment shall be provided for trash enclosures, and elevations of trash enclosure shall be included on fencing plan.

24. **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. Prior to the issuance of building permits, the developer shall pay Transportation Uniform Mitigation Fees (TUMF) in effect at the time of development.
25. **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. Per Zoning Ordinance, Noise Control, Section 7.34.060, it is unlawful for any persons between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on a legal holiday, or on Sundays, to erect, construct, demolish, excavate, alter or repair any building or structure in a manner as to create disturbing excessive or offensive noise. Construction routes are limited to City of Perris designated truck routes.
26. **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.
27. **City-Approved Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal
28. **Property Liens.** The applicant shall pay all liens owed to the city prior to the issuance of building permits.
29. **Street Improvement Plan.** Two copies of street improvement plans shall be concurrently submitted to the Planning Division for reference purposes.
30. **Right-of-Way Improvements.** 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.

31. **Air Quality Mitigation Measures.** To prevent fugitive dust and exhaust emissions, the developer shall comply with the following mitigation measures (See Discussion: Environmental Assessment Study, Section 5.c., page 9):

A. Fugitive Dust:

- 1) Use low pollutant-emitting construction equipment where/when feasible.
- 2) Water the construction area twice daily (preferably four times) to minimize fugitive dust.
- 3) Stabilize (for example, hydroseed) graded areas as quickly as possible to minimize dust.
- 4) Implement track-out control as follows:
 - a) Apply chemical stabilizer or pave the last 100 feet of internal travel path within a construction site prior to public road entry.
 - b) Install wheel washers adjacent to a paved apron prior to vehicle entry on public roads.
 - c) Remove any visible track-out into traveled public streets within 30 minutes of occurrence.
 - d) Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred.
 - e) Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads.
- 5) Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling.
- 6) Suspend all soils disturbance and travel on unpaved surfaces if winds exceed 25 mph.
- 7) Enforce a 15 mph limit on all unpaved surfaces at a construction site.

B. NO_x Emissions:

- 1) Require 90-day low-NO_x tune-ups for off-road equipment.
- 2) Limit allowable idling to 5 minutes for trucks and heavy equipment.

- 3) Use oxidation catalyst equipped diesel-powered equipment if such equipment is economically available.
- 4) Give preference to contractors using equipment with soot traps or low-NOx (Tier 3-rated) equipment.

32. **Noise Mitigation Measures.** To minimize noise impacts on nearby sensitive receptors, the developer shall comply with the following mitigation measures (See Discussion: Environmental Assessment Study, Section 10.a-d., page 16):

- A. Operational activities, including truck deliveries at the project site, shall be restricted to the hours of 7:00 a.m. to 7:00 p.m. pursuant to the City of Perris Noise Ordinance.
- B. Mechanical (HVAC) equipment operating outdoors shall be selected based upon attainment of a lowest reasonable noise level, and no such equipment shall have a direct line of sight to any residential bedroom window.
- C. Parapet walls and roof systems or other similar features shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights-of-way. This shielding will provide noise attenuating benefits for nearby sensitive receptors.

33. **Biological Mitigation Measures.** To mitigate potential habitat impacts, the developer shall comply with the following mitigation measures (See Discussion: Environmental Assessment Study, Section 7.a-c, e-f, page 13):

- A. **Nesting Bird Survey.** Any vegetation, tree removal, clearing or grading occurring between March 1 and September 15 shall require a qualified biologist (approved by Riverside County) to conduct a nesting bird survey pursuant to the Migratory Bird Treaty Act and California Fish and Game regulations no more than one week prior to activity. A written report, prepared by a qualified biologist (approved by Riverside County), with the results of the survey, shall be submitted to the Planning Division for review and implementation. If the report concludes that there are no nesting areas present on the project site, this condition will be cleared. If the report concludes that nests are present on the project site, exclusionary fencing (approved by the Planning Division) should be placed 200 feet around the nesting area(s) for non-raptors and 500 feet for raptors, until the bird(s) have permanently left the project site. The enclosed area(s) shall not be disturbed. Once a qualified biologist (approved by Riverside County) has certified the bird(s) have permanently left the project site, this condition shall be cleared and grading permits can be issued.
- B. **Burrowing Owl Survey.** Due to the presence of burrowing owl habitat elements on the project site, any vegetation, tree removal, clearing or grading occurring between March 1 and August 31 shall require a qualified biologist (approved by

Riverside County) to conduct four focused protocol surveys for burrowing owls, and a 30-day pre-grading survey must be performed prior to construction grading to confirm the continued absence of burrowing owl individuals and occupied ground burrows. If burrowing owls are detected on the project site during the breeding season, or 30-day pre-grading surveys, the appropriate conservation requirements pursuant to the MSHCP shall be incorporated.

C. Payment of MSHCP fees shall be due to the Building and Safety Division prior to the issuance of building permits.

34. **Paleontological Monitoring Program.** According to the City General Plan Conservation Element Exhibit CN-7, the project site is located within Paleontological Sensitivity area (No. 1) that has high potential to contain significant fossil resources. The applicant shall contract a qualified paleontologist to conduct a monitoring program on the project site during grading and excavation activities to determine if the project site contains any fossil resources. Preparation of final monitoring report of findings and significance shall be submitted to the Planning Division prior to the issuance of building permits.
35. **Final Water Quality Management Plan (WQMP).** Prior to the issuance of grading permits the owner shall submit for review and approval, along with the appropriate filing fee; a Final Water Quality Management Plan to the Department of Public Works Engineering Administration Division which substantially complies with the site design, source control and treatment control Best Management Plans proposed in the approved Preliminary Water Quality Management Plan.
36. ***Signage.*** *The monument sign identifying the proposed development shall be illuminated and enhanced with additional decorative architectural elements.*

APPROVAL DATE

PROJECT PLANNER