

RESOLUTION NUMBER 3490

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A NEGATIVE DECLARATION (2194); TENTATIVE TRACT MAP 33193 (04-0614) TO SUBDIVIDE 9.69 ACRES OF VACANT LAND INTO A 24-SINGLE FAMILY LOT SUBDIVISION IN THE R4 AND R7 ZONES, LOCATED ON THE SOUTHWEST CORNER OF METZ ROAD AND DE LINES DRIVE; AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on December 17, 2004, the applicant applied for a Tentative Tract Map 33193 (04-0614) to subdivide 9.69 acres of vacant land into a single family lot subdivision located on the southwest corner of Metz Road and De Lines Drive; and

WHEREAS, the City Council of the City of Perris adopted a General Plan to guide development throughout the City and a Zoning Ordinance to implement the vision set forth in the General Plan; and

WHEREAS, on August 3, 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, subject to the following amendments:

Planning Conditions of Approval:

- ◆ Delete Condition No. 29 regarding the detention basin;
- ◆ Condition No. 5 to add "Perris High School";
- ◆ Condition No. 28.d. to add "U.V.-protected" before white vinyl fence; and
- ◆ Staff to clarify the first sentence of the last paragraph found on page 2 of 8 of the Staff Report.

WHEREAS, on August 30, 2005, the City Council conducted a duly noticed public hearing on the proposed project, considered testimony and materials in the staff reports, accompanying documents and exhibits; and

WHEREAS, the City Council considered and approved the Initial Study and Negative Declaration (2194) 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 Negative Declaration (2194) 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 project is consistent with General Plan objectives, policies and programs.
- B. The proposed project will not adversely affect the public health, safety and welfare.
- C. The proposed project will not adversely affect the environment.

Section 4. The City Council hereby adopts Negative Declaration (2194) and Tentative Tract Map 33193 (04-0614), based on the information and findings presented in the staff report dated August 3, 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.

ATTACHMENT: Conditions of Approval

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 3491 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 vote:

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

City Clerk, Margaret Rey

(RESOLUTION NUMBER 3490)

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

CONDITIONS OF APPROVAL
Revised at Planning Commission August 3, 2005

TENTATIVE TRACT MAP 33193

Tentative Tract Map 04-0614

August 3, 2005

PROJECT: Tentative Tract Map to subdivide 9.69 acres of vacant land into a 23-single family lot subdivision in the R4 and R7 Zones and a 0.29-acre detention basin proposed on Lot C located on the southwest corner of Metz Road and De Lines Drive. The proposed tract map also includes a total street dedication of 0.65-acres for interior streets, Rockledge Lane street alignment with Shana Court, and street improvements on Metz Road, Rockledge Lane, and proposed local streets (“A” and “B” Streets). Applicant: Madison FCS, Incorporated

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. **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 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 R4 and R7 zoning development standards. Any deviation shall require the appropriate Planning Division review and approval.
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 March 17, 2005.
5. **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.

6. **Building Official/Fire Marshal.** The proposed project shall adhere to all requirements of the Building Official/Fire Marshal. Fire hydrants shall be located on the project site pursuant to the Building Official. Water, gas, sewer, electrical transformers, power vaults and separate fire/water supply lines (if applicable) must be shown on the final set of construction plans pursuant to the requirements of the Building Official. All Conditions of Approval shall be included on building plans.
7. **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).
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. **Residential 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. **Perris Valley Airport Influence Area.** The project is located within the Perris Valley Airport Influence Area and shall, therefore, comply with the following measures:
 - A. The project shall provide an executed avigation easement to the Perris Valley Airport prior to final map recordation. The applicant shall grant to the City of Perris and to the Perris Valley Airport an avigation easement in the form and manner approved by the City Attorney (form may be obtained from the Planning Division), and shall cause such easement to be duly recorded in the office of the County Recorder. The applicant shall provide full disclosure of the Avigation Easement prior to the sale of the building.
 - B. Any model home complex used in conjunction with the sale of homes shall prominently identify the location of the Perris Valley 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 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. 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.
11. **Disclosure Statements – Perris Valley Airport.** Developer shall include a disclosure on the final map indicating that the project is located within the Perris Valley Airport operations influence area.
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;
 - b. Planning Commission approval of all proposed street names; and,
 - c. 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.
14. **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.

15. **Graffiti.** Graffiti located on site shall be removed within 72 hours. The site shall be maintained in a graffiti-free state at all times.
16. **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.
17. **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.
18. **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.
19. **Spark Arresters.** Spark arresters shall be provided for each unit and shall be screened by sheet metal enclosures, or other material acceptable to the City Building Official, and painted to match the main stucco building color.
20. **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.
21. **Tract Identification.** Decorative project theme walls shall be installed on lot corner ends (5 feet from property line) of Lots 7 and 13 designated on Metz Road. Theme walls shall not be installed on the public right-of-way. The design of entry statements shall be subject to the review and approval of the Planning Division.
22. **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 Planning Division.
23. **Administrative Development Plan Review.** Prior to issuance of building permits, the applicant shall obtain approval of an Administrative Development Plan Review (ADPR) for the review of building architecture, unit plotting, conceptual landscape and fencing of all production units within the tract. The applicant shall also include at least 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 to allow for RV parking.

24. **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. A phasing plan shall be submitted with the Administrative Development Plan Review application.
25. **Assessment Districts.** Prior to recordation of the Final Map, the developer shall post an adequate maintenance performance bond to be retained by the City as required, and annex into the following maintenance districts:
 - 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
26. **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. 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 include:
 - a. Streetscape landscaping for Metz Road, Rockledge Lane, "A" Street, and "B" Street.
 - b. Typical front yard landscaping for production units with street tree treatments
 - c. Fully landscaping for detention basin (Lot C) and all slopes.
 - d. Landscape for project theme walls designated on Metz Road.
 - e. Front and rear yard landscaping for model home units.
27. **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.
28. **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. Six-foot high, decorative block wall (split face or slump stone) installed along street side yards, and at block end and reverse corner situations. Stone veneer pilasters with rolled stone cap shall be installed at all block ends and meeting points.
 - b. The detention basin shall be enclosed with 6-foot decorative block wall to protect the privacy of adjacent yards and view fencing (combination of decorative block wall and wrought iron) to continue along the side property lines within the front yard setback area. Location of detention basin entry gate shall be indicated on the fencing plan.
 - c. Decorative theme walls shall be installed on corner ends (5 feet from property line) of Lots 7 and 13 designated on Metz Road. Theme walls shall not be installed on the public right-of-way.
 - d. Six-foot high, *UV-protected* white vinyl fence shall be installed on all interior side and rear property lines.
29. ~~**Detention Basin (Lot C).** The applicant has agreed to include the 0.29-acre (12,586 square feet) detention basin in the City landscape maintenance district. The applicant has been informed and is aware that by doing so, Lot C shall remain permanently as a detention basin maintained by City district and shall not be replaced into a residential lot in the future.~~
30. **Rock Blasting.** The applicant shall not conduct any blasting on the project site. If blasting is to occur on the project site, the applicant shall obtain appropriate Community Development Department approvals.
31. **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. The applicant has agreed to pay fees in lieu of park land dedication. Prior to final map recordation, the applicant shall submit to the Planning Division an appraisal report prepared by a California State General Licensed Appraiser to determine the fair market value of land (project site) and the total amount of fees to paid by the applicant.

32. **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.
- f. Project applicants shall provide construction site electrical hook ups for electric hand tools such as saws, drills, and compressors, to eliminate the need for diesel powered electric generators or provide evidence that electrical hook ups at construction sites are not practical or prohibitively expensive.
- g. All development projects greater than 19 single-family residential units shall apply paints using either high volume low pressure (HVLP) spray equipment or by hand application.

33. **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.
34. **City-Approved Waste Hauling.** The developer shall use only the City-approved waste hauler for all construction and other waste disposal
35. **Property Liens.** The applicant shall pay all liens owed to the city prior to the issuance of building permits.
36. **Street Improvement Plan.** Two copies of street improvement plans shall be concurrently submitted to the Planning Division for reference purposes.
37. **Remnant Land.** Remnant land shall be granted per separate instrument (Grant Deed) to the adjacent property owners west of Tentative Tract Map No. 33193. The adjacent property's Assessor's Parcel Number is 311-080-004. The Grant Deed shall be recorded concurrently with the Final Map of Tract 33193. The Final Map's recording Map Book and Page number shall be entered in the space provided for it in the Grant Deed prior to the Grant Deed recording.
38. 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.

APPROVAL DATE

PROJECT PLANNER