

RESOLUTION NUMBER 3514

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A NEGATIVE DECLARATION (2202) AND TENTATIVE PARCEL MAP 33759 (05-0175) TO SUBDIVIDE 24.60 GROSS ACRES OF LAND AT THE SOUTHWEST CORNER OF MORGAN STREET AND WEBSTER AVENUE INTO 5 COMMERCIAL PARCELS, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, an initial study has been prepared for Tentative Parcel Map 33759 (05-0175) 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 Parcel Map has been duly noticed; and,

WHEREAS, on September 7, 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 September 27, 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 (2202) 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 Parcel 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 Parcel 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 Parcel Map is consistent with the goals and policies of the Land Use Element of the General Plan.
- C. The proposed Tentative Parcel Map and design, as conditioned, is in compliance with the applicable zoning ordinances and Subdivision Map Act.
- D. The proposed Tentative Parcel Map and design, as conditioned, is consistent with city standards, ordinances, and policies.
- E. The proposed Tentative Parcel Map is compatible with the existing land uses and zoning designations in the area.
- F. The proposed Tentative Parcel Map will not affect health, safety, and welfare.

Section 4. The City Council hereby approves Negative Declaration (2202) and Tentative Parcel Map 33759 (05-0175), an application to subdivide 24.60 gross acres into 5 commercial lots based on the information and findings presented in the staff report, and subject to the attached conditions of approval, dated September 7, 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 27th day of September, 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 3514 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 27th day of September, 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

EXHIBIT "A"
(RESOLUTION NUMBER 3514)

CITY OF PERRIS
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION

FINAL CONDITIONS OF APPROVAL

Tentative Parcel Map 33759 (05-0175)

September 7, 2005

PROJECT: Proposal to subdivide 24.60 acres into five parcels within the Commercial Community Zone (CC), with a minimum lot size of 1.98 net acres and an average lot size of 3.99 net acres. The applicant is Kaylind Commercial Contracting, Inc.
(Modified by Planning Commission 9-7-05)

General Requirements

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. **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 all of the following CC zoning district regulations:
 - Minimum Lot Size: 1 acre
 - Minimum Lot Width: 100-feet
 - Minimum Lot Depth: 150-feet
 - Minimum Lot Frontage: 100-feet
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 August 29, 2005.
4. **School District.** The proposed project shall adhere to the standard requirements of the Val Verde School District.
5. **Building Official/Fire Marshall.** The proposed project shall adhere to all requirements of the Building Official/Fire Marshall. 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.

6. **Compatibility with March Air Reserve Base (March ARB).** The project is located on the boundary of Airport Influence Area II, within Airport Influence Area III and shall, therefore, comply with the following measures:
- a. *Avigation Easement.* The applicant shall grant to the City of Perris and to the March Joint Powers Authority an avigation easement in the form and manner approved by the City Attorney and shall cause such easement to be duly recorded in the office of the County Recorder as specified in the letter from March Joint Powers Authority dated May 31, 2005.
 - b. *Disclosure.* The applicant shall provide full disclosure of the Avigation Easement and Notice of Airport in the Vicinity prior to the sale of individual properties within the project.
 - c. The following uses shall be prohibited:
 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 the unlawful storage of explosives or flammable materials.
 6. Any obstruction of the Federal Aviation Regulations, Part 77 Conical Surface.
7. **Required Approvals.** Prior to recordation of the Final Map, the developer shall obtain the following clearances or approvals:
- a. Verification from the Planning Department that all pertinent conditions of approval have been met, as mandated by the Perris Municipal Code;

- b. Any other required approval from an outside agency.
8. **Plans.** Prior to issuance of building permits, the developer shall submit and obtain approvals on the following items:
- a. Public improvement plans to the City Engineer. These plans shall include but not be limited to street, drainage, utility improvements, and dedications in accordance with Municipal Code Title 18.
 - b. Grading plans to the City Engineer, demonstrating compliance with National 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.
9. **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.
10. **Landscaping 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.
11. **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 issuance of building permits, the applicant will pay the statutory school fees in effect at issuance of building permits to all appropriate school districts;

- d. The applicant shall pay any outstanding development processing fees.
12. **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, 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 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.
13. **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.
14. **Underground Utilities.** All utilities such as cable TV and electrical distribution lines (including those which provide direct service to the project site and/or currently exist along public right-of-ways) adjacent to the site shall be placed underground, except for electrical utility lines rated at 65kv or larger. 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.

15. **Walls and Fencing.** Walls, fencing, or other screening devices proposed for the project site shall be consistent with section 19.02.040 of the Zoning Ordinance. Fencing for any future bio swales or detention basins, shall be a combination of decorative block wall and wrought iron. In addition, landscaping shall be incorporated into the design of walls or fences which exceed 25 feet in length.
16. **Assessment Districts.** The developer shall annex into the following maintenance and assessment districts, posting an adequate maintenance performance bond to be retained by the City as required by the City Engineer:
 - Landscape Maintenance District
 - North Perris Community Facilities Assessment District
 - Park Maintenance District
 - Street Lighting Maintenance District
 - Flood Control Maintenance District
 - Future Street Maintenance Community Facilities District
17. **Limited access for Parcels 1 and 2.** Parcel 1 shall have no access on Morgan Street, as a new driveway along this street frontage would be too close to the intersection of East Frontage Road and Morgan Street. Parcel 2 shall have no access on Webster Avenue, as a new driveway along this street frontage would be too close to the intersection of Morgan Street and Webster Avenue. Access points to individual lots shall be reviewed and approved during development of individual parcels. Joint access shall be encouraged for all lots.
18. **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, concerning Development Plan Review 05-0071. The 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.
19. The applicant acknowledges that the proposed Mid-County Parkway has the potential to impact this project in the future. The applicant shall inform future buyers and lessees of this circumstance.
(Modified by Planning Commission 9-7-05)

APPROVAL DATE

PROJECT PLANNER

cc: Building Division/Fire Marshal
City Engineer