

ORDINANCE NUMBER 1442

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA APPROVING PLANNED DEVELOPMENT (PD) OVERLAY ZONE 21-05038 TO REZONE THE PACIFIC EMERALD PROJECT AREA CONSISTING OF 41.70 ACRES FROM THE R-6,000 SINGLE-FAMILY RESIDENTIAL ZONE TO THE R-6,000 SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT (R-6,000 PD) OVERLAY ZONE TO FACILITATE THE CONSTRUCTION OF A 185-UNIT AGE RESTRICTED (55 YEARS AND OLDER) SINGLE-FAMILY RESIDENTIAL DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF MCPHERSON ROAD AND MOUNTAIN ROAD, BASED UPON THE FINDINGS PROVIDED HEREIN AND SUBJECT TO CONDITIONS OF APPROVAL.

WHEREAS, the project applicant Anthony Arnest, Pacific Communities, requests to rezone a 41.70-acre property from the R-6,000 Zone to the R-6,000 PD Overlay Zone to facilitate the creation of 185 lots for the construction of an age-restricted (55 years or older) development consisting of 185 single-family detached residential units located at the northeast corner of McPherson Road and Mountain Road, known as the Pacific Emerald (the “Project”); and

WHEREAS, the applicant submitted Planned Development (PD) Overlay Zone 21-05038, Tentative Tract Map (TTM) 21-05037 (TTM 37904), and Development Plan Review (DPR) 21-00002 for consideration of the project rezone and for consideration of the architectural design and site layout of the Project; and

WHEREAS, the proposed PD 21-05038, TTM 37904, and DPR 21-00002 are considered a "project" as defined by the California Environmental Quality Act ("CEQA"); and

WHEREAS, pursuant to CEQA and State CEQA Guidelines, an Initial Study (“IS”) was prepared for the proposed Project and, based upon thereof, Mitigated Negative Declaration No. 2379 was prepared for the Project and was publicly reviewed for a thirty-day period in accordance with CEQA, from February 16, 2024, to March 18, 2024; and

WHEREAS, on June 1, 2021, the Riverside County Airport Land Use Commission (ALUC) determined that the Project was consistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (MARB ALUCP) based on findings and conditions, which are attached and incorporated into the Planning Conditions of Approval; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 3, 2024, at which time all interested persons were given full opportunity to be heard and to present evidence and the Planning Commission then voted 4-0 with one abstention to continue the Project to the April 15, 2023 Planning Commission hearing based on the request by the applicant; and

WHEREAS, the Planning Commission, after considering all oral and written testimony submitted by members of the public and City staff, including, without limitation, the materials in the staff report and accompanying documents at a duly noticed public hearing on April

15, 2024, regarding the Project, voted 3-0 with one absence and one abstention to recommend that the City Council approve the Project; and

WHEREAS, on May 14, 2024, the City Council conducted a duly noticed public hearing on Mitigated Negative Declaration No. 2379, Planned Development (PD) Overlay Zone 21-05038, Tentative Tract Map (TTM) 21-05037 (TTM 37904) and Development Plan Review (DPR) 21-00002, at which time all interested persons were given full opportunity to be heard to present evidence; and

WHEREAS, by Resolution Number (Next in Order), the City Council adopted Mitigated Negative Declaration No. 2379 for the proposed Planned Development (PD) 21-05038 Overlay Zone, Tentative Tract Map (TTM) 21-05037 (TTM 37904) and Development Plan Review 21-00002; and

WHEREAS, prior to taking action, the City Council has heard, been presented with, and/or reviewed all of the information and data that constitutes the administrative record for the above-mentioned approvals, including all oral and written evidence presented to the City during all Project meetings and hearings; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the City Council of the City of Perris hereby ordains as follows:

Section 1. Recitals. The above recitals are all true and correct and are incorporated herein by this reference.

Section 2. Environmental Analysis. Based upon the foregoing and all oral and written statements and reports presented by City staff and members of the public, including, but not limited to, all such statements and reports (including all attachments and exhibits) presented at its public hearing on May 14, 2024, the City Council hereby determines pursuant to Section 15074 of the CEQA Guidelines that all potential significant effects on the environment can be reduced to a less than significant level through mitigation measures, the design of the development, the City's Zoning Code, and standard requirements of the City, state and federal regulatory agencies; therefore a Mitigated Negative Declaration has been prepared, with findings that:

1. No significant environmental effects were identified that would occur as a result of the proposed residential development. In light of the whole record, there is no substantial evidence that the Project may significantly affect the environment if mitigation measures are implemented pursuant to Mitigated Negative Declaration ("MND") No. 2379, which has been prepared for this Project.
2. The City has complied with CEQA.
3. Determinations of the City Council reflect the independent judgment of the City.

City Council Resolution No. 6407 found that all the requirements of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines and the City's Local CEQA Guidelines have been satisfied and adopted Mitigated Negative Declaration No. 2379.

Section 3. Based upon the foregoing and all oral and written statements and reports presented by City staff and members of the public, including, but not limited to, all such statements and reports (including all attachments and exhibits) presented at its public hearing on May 14, 2024, the City Council finds, with respect to Planned Development (PD) Overlay Zone 21-05038:

Planned Development (PD) Overlay Zone 21-05038

A. The PD Overlay Zone is consistent with the General Plan Land Use Map and applicable General Plan objectives, policies, and programs.

The Project site is in Planning Area 7 (Westside Residential) of the General Plan, which is primarily residential and makes up 12.6% of the City’s land area. It is bounded by Nuevo Road to the north, the City limits to the west, downtown to the east, and Mapes Road to the south. The Project site has a General Plan land use designation of R-6,000, which allows for a maximum density of 7.0 dwelling units per acre. The project proposes a density of 4.58 dwelling units per acre, which does not exceed the allowable maximum density. Additionally, as proposed, the Project is consistent with the following policies contained in the City’s Safety, Circulation, and Housing Elements of the General Plan:

Policy 1.2: - Promote development within the City that provides a variety of housing types and densities based on the suitability of the land, including the availability of infrastructure, the provision of adequate services, and recognition of environmental constraints.

Policy 2.2: Work with non-profit agencies and private sector developers to encourage the development of senior housing.

B. The PD Overlay Zone provides adequate text and diagrams to address the following issues in detail adequately:

1. The distribution, location, and extent of the land use of land, including open space, within the area covered by the Project.

PD Overlay Zone 21-05038 proposes changing the current zone designation from Residential R-6,000 Zone to the R-6,000 PD Zone to allow for flexibility in the lot size requirements and provide eight (8) open space areas within the project site, including six (6) recreation amenities and one (1) natural open space area.

Policy 1.A: Design and develop the transportation system to respond to concentrations of population and employment activities, as designated by the Land Use Element and in accordance with the designated Transportation System, Exhibit 4.2 Future Roadway Network. (see exhibit in the MND 2379). All roadway improvements proposed by the Project applicant are consistent with the transportation system that is planned for the area by the Circulation Element and will serve the Project.

2. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid

waste disposal, energy, and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land use described in the Plan.

Eastern Municipal Water District (EMWD) replied to the applicant on February 11, 2021, stating that the EMWD would be able to provide adequate water supplies to meet the potable water demand for the Project. All improvements for sewage, water, drainage, solid waste disposal, energy, and other essential facilities will be subject to approval by the City and EMWD.

3. *Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.*

There are no natural resources on the property or designated conservation areas; however, the Project includes conserving a 7-acre natural open space area to protect an existing drainage channel/arroyo. The Project will comply with all applicable mitigation measures required by MND 2379. The Project has been designed to comply with Chapter 19.59 and the Development Criteria found in Section 19.59.050 of the Perris Municipal Code and Chapter 19.69 – Parking and Loading Standards of the Zoning Code. The General Plan policies will require the following financing measures.

Policy II.A: Require new development to pay its full, fair share of infrastructure costs. The proposed Project would be conditioned to pay its full, fair share of infrastructure costs as part of the approval process by the City.

Policy II.B: Require new development to include school facilities or pay school impact fees, where appropriate. As required by Government Code Section 65995, the Project Applicant would be required by state law to pay the required developer fee to the Val Verde Unified School District before the issuance of building permits.

4. *A program of implementation measures, including regulation, programs, public works projects, and financing measures necessary to carry out the provisions in paragraphs 1, 2, and 3 above.*

PD Overlay Zone 21-05038 proposes changing the current zone designation from Residential R-6,000 to R-6,000 PD Zone. The purpose of the PD Overlay Zone designation is to allow flexibility with respect to lot size, yard, and setback requirements only. The Project proposes a density of 4.58 dwelling units per acre, within the range of the R-6,000 zone designation of 4-7 dwelling units per acre. The Project does not involve the development of new roadways or other infrastructure that will disrupt the existing community.

Section 4. Approval of PD Overlay Zone 21-05038. Based upon the forgoing and all oral and written statements and reports presented by City staff and members of the public, including but not limited to such statements and reports presented at the City Council's public hearing on May 14, 2024, the City Council hereby approves Planned Development (PD) Overlay Zone 21-05038 relating to the Project.

Section 5. Severability. If any subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or otherwise unenforceable, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that they would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional or otherwise unenforceable.

Section 6. Effective Date. This Ordinance shall take effect 30 days after its adoption.

Section 7. Certification. The City Clerk shall certify the passage and adoption of this Ordinance and cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED, and APPROVED this 28th day of May 2024.

Mayor, Michael M. Vargas

ATTEST:

City Clerk, Nancy Salazar

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

I, Nancy Salazar, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1442 was duly and regularly introduced by the City Council of the City of Perris at a regular meeting held the 14th day of May, 2024 and was duly adopted by the City Council of the City of Perris at a regular meeting held the 28th day of May 2024, by the following called vote:

AYES: RABB, ROGERS, NAVA, CORONA, VARGAS
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

City Clerk, Nancy Salazar