

**RESOLUTION NUMBER 3881**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (2220), AND APPROVING GENERAL PLAN AMENDMENT NO. 03-0289 TO ADJUST THE PLANNING AREAS, LAND USES, CIRCULATION, AND OPEN SPACE PROVISIONS OF THE PLAN AND ALLOW FOR DEVELOPMENT OF 2,027 DWELLING UNITS ON 534-ACRES OF LAND GENERALLY SOUTH OF NUEVO ROAD, BETWEEN THE PERRIS VALLEY STORM DRAIN AND DUNLAP DRIVE; AND APPROVING TENTATIVE TRACT MAP 31157 (03-0019) TO SUBDIVIDE 156.9 ACRES INTO 529 DWELLING UNITS, 5.0 ACRES OF NEIGHBORHOOD PARK, 14.8 ACRES OF COMMUNITY PARK AND A 12.3-ACRE ELEMENTARY SCHOOL SITE WITHIN PHASE I OF THE PARKWEST SPECIFIC PLAN; AND MAKING FINDINGS IN SUPPORT THEREOF**

**WHEREAS**, on August 28, 2003, the applicant applied to amend the City's General Plan Land Use Element and applied for a Tentative Tract Map to subdivide 156.9 acres into 529 dwelling units; and

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

**WHEREAS**, State Law limits amendments to the Land Use Element to four times a year; howsoever, a number of changes may be made at one time; and

**WHEREAS**, this amendment, coupled with any other proposals considered on this date, constitutes the first time in 2007 that the City has amended the Land Use Element of the General Plan; and

**WHEREAS**, the Planning Commission considered the Initial Study and Mitigated Negative Declaration (2220) 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**, on December 6, 2006, the Planning Commission conducted a duly noticed public hearing on the proposed General Plan Amendment and Tentative Tract Map, considered testimony and materials in the Staff Report and accompanying documents, and recommended approval to the City Council of the proposed project and conditions of approval, subject to the following amendments:

**Planning Conditions of Approval:**

- Condition 5 was modified to refer to “Title 24” rather than Title 14.
- Condition 7.c was modified to refer to the “Development Services Department” rather than Community Development Department.
- Condition 9.d was modified to refer to the “South Perris Community Facilities District” rather than the North Perris Community Facilities District.
- Condition 13 was modified to remove the word “adjacent to curb” in the last sentence.
- Condition 37 was modified to refer to “Sundays” rather than weekends.
- Condition 56 was added, stating that if there is a conflict between the provisions of the Development Agreement and the Conditions of Approval, the Development Agreement shall control.
- Condition 57 was added, stating that the applicant shall be responsible for imposing Mitigation Measures as indicated in the approved Mitigated Negative Declaration (2220).

**WHEREAS**, on January 30, 2007, the City Council conducted a duly noticed public hearing on the proposed General Plan Amendment and Tentative Tract Map, considered testimony and materials in the Staff Report, accompanying documents and exhibits;

**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 (2220) has been prepared.
- B. The City has complied with the California Environmental Quality Act (CEQA).

- C. Determinations of the City Council reflect the independent judgment of the City.

**Section 3.** Based on the information contained within the Staff Report and the accompanying attachments and exhibits, the City Council hereby finds that:

- A. General Plan Amendment

- 1. The proposed General Plan land use designation is consistent with the applicable General Plan goals, policies, implementation measures and programs.
- 2. The proposed General Plan land use designation is a logical extension of the existing pattern.

- B. Tentative Tract Map

- 1. The project site is physically suitable for type and density of the proposed residential development.
- 2. The project is a subdivision for future residential development that is compatible with the surrounding land uses and zoning designations in the area.
- 3. The proposed project, as conditioned, is in compliance with the Subdivision Map Act.
- 4. The proposed Project, as conditioned, is consistent with City standards, ordinances and policies, including the General Plan, as amended, and the ParkWest Specific Plan, as amended.
- 5. The proposed Tentative Tract Map will not result in an adverse effect on the environment.
- 6. The proposed Tentative Tract Map will not adversely affect the public health, safety and general welfare.

- C. Airport Land Use Commission (ALUC)

- 1. The proposed project site is located approximately 2.0 miles northeast of the Perris Valley Airport and outside the main approach areas.

2. The proposed site is located approximately 7.0 miles southeast of the March Air Reserve Base and outside the accident potential zones of the Base; therefore, the project is not expected to pose a significant safety threat to persons occupying the project.
3. The proposed project would maintain the number of residential dwelling units currently allowed on the project site (2,027); therefore, the proposed project would not alter the anticipated population growth in the area.
4. The density proposed for the project is consistent with the General Plan Land Use Plan, therefore preventing the unexpected creation of new noise and/or safety hazards.
5. The Land Use Plan and corresponding Goals, Policies and Implementation Measures in the City of Perris General Plan 2030 do not reflect the land use restrictions set forth in the Airport Land Use Plan (ALUP) for Influence Areas 2 and 3. Development consistent with General Plan 2030 will not be consistent with the ALUP.
  - a. ALUP Influence Areas 2 and 3 extend far beyond the Crash Potential Zones established for March Field and do not accurately reflect areas subject to hazards and/or nuisances associated with flights into and out of this facility.
  - b. The boundaries of Influence Areas 2 and 3 within the City of Perris were adopted as part of the Riverside County ALUP in 1986. Up until that time, much of the airport planning area within the City of Perris was agricultural and large-lot, rural residential development, and the need for more precisely defined Influence Area boundaries was not recognized. With the explosive growth in Riverside County, including the City of Perris, since that time, however, the demand for housing necessitated development at much higher densities than previously existed. Conformity with the 1986 ALUP would have precluded much of the development in the City that began during the late 1980's and continues to the present.

6. City of Perris General Plan 2030 includes the following policies to ensure that the ALUP and AICUZ are considered as part of new development review:
  - a. Safety Element - Goal I  
Reduce risk of damage to property or loss of life due to natural or man-made disasters.
  - b. Safety Element - Policy I.D: Aircraft  
Consult the AICUZ Land Use Compatibility Guidelines and ALUP Airport Influence Area development restrictions when considering development project applications.
  - c. Safety Element - Implementation Measures
    - I.D.1** Participate in March Operations Assurance Task Force to resolve inconsistencies between local land use regulations and AICUZ and ALUP policies.
    - I.D.2** Continue to notify March Air Reserve Base of new development applications and consider their input prior to making land use decisions.
7. According to Table 3-1 of the March Air Reserve Base Installation Compatible Use Zone Study (AICUZ) (1998), a majority of the project site is within the March Air Reserve Base's 60 to 65 DNL Noise Zone. According to Table 3-1 of the March Air Reserve's AICUZ Study, the proposed residential uses and parks would be generally compatible with the project aircraft-related noise levels.
8. The following Mitigation Measures in the adopted 1992 Environmental Impact Report for the project remain applicable to the proposed project and shall be implemented include the following:
  - a. Mitigation Measure 10.A.2: Though sound walls will attenuate road noise, they will not attenuate the noise created by flyovers from the local air installation. Even though the projected noise levels from these flyovers, when combined with the mitigated traffic noise levels, will be within compliance with the City Noise Element, momentary noise levels may exceed "comfort

levels” for receptors when outdoors. The developer shall record a disclosure on each unit and provide a disclosure to the purchaser of each unit, indicating that the project is within the March Air Reserve Base Airport Influence Area 2 and is subject to noise from aircraft operations. The attached notice shall be provided to all potential purchasers and tenants, and a sign shall be posted in the sales office, stating the following:

#### **NOTICE OF AIRPORT IN VICINITY**

This property is presently located in the vicinity of an airport, within what is known as Airport Influence Area 2. 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 annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. *Business & Profession Code 11010 12(b)(13)(A)*

Prior to project development, recordation of the map, or sale to an entity exempt from the Subdivision Map Act, the project proponents shall convey an Avigation Easement to the MARB/MIP Airport.

Incorporate noise attenuation measures into proposed residential construction to ensure interior noise levels are at or below 45-decibels levels. The following uses shall be prohibited:

- a. 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 takeoff 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.

- b. 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.
  - c. Any use which would generate excessive smoke or water vapor, attract large concentrations of birds, or otherwise affect safe air navigation in the area.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 9. The proposed project is consistent with the public safety purpose stated in the Public Utilities Code.
  - 10. The proposed project promotes the overall goals and objectives of the California Airport noise standards and prevents the creation of new noise and safety problems.
  - 11. The proposed project protects the public health, safety and welfare by minimizing the public's exposure to excessive noise and safety hazards in the area around public airports.

**Section 4.** The City Council hereby overrules the Airport Land Use Commission's findings of inconsistency based on the findings listed above.

**Section 5.** The City Council hereby adopts Mitigated Negative Declaration (2220) and approves General Plan Amendment 03-0289 and Tentative Tract Map 31157 (03-0019) based on the information and findings presented in the Staff Report and subject to the attached Conditions of Approval, dated January 30, 2007.

**Section 6.** 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 7.** The City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED** and **APPROVED** this 30<sup>th</sup> day of January, 2007.

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Mayor, Daryl R. Busch

ATTEST:

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City Clerk, Judy L. Haughney



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 3881 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 30<sup>th</sup> day of January, 2007, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Rogers, Yarbrough, Busch

NOES:

ABSENT:

ABSTAIN:

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City Clerk, Judy L. Haughney