

RESOLUTION NUMBER 3196

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 03-0249 TO CHANGE THE LAND USE DESIGNATION FROM CC COMMUNITY COMMERCIAL TO R7 RESIDENTIAL ON APPROXIMATELY 9.1 ACRES OF AN 18.1 PROPERTY AT THE NORTHEAST CORNER OF SAN JACINTO AVENUE AND WILSON AVENUE AND APPROVING TENTATIVE TRACT MAP 31678 (#03-0251) SUBDIVIDING THE SITE INTO 67 LOTS FOR SINGLE FAMILY RESIDENTIAL DEVELOPMENT, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, the City Council of the City of Perris adopted a General Plan as a blueprint for development throughout the City; and

WHEREAS, an applicant has applied to amend the General Plan Land Use Element; and,

WHEREAS, as a mandatory element of a General Plan, 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, the proposed project constitutes the first time in 2004 that the City has amended the Land Use Element of the General Plan; and

WHEREAS, on December 17, 2003, the Planning Commission conducted a duly noticed public hearing on the proposed General Plan Amendment, considered testimony and materials in the staff report and accompanying documents, and unanimously recommended approval of the proposed projects; and,

WHEREAS, on March 9, 2004 the City Council conducted a duly noticed public hearing on the proposed General Plan Amendment, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, the City Council considered and approved the Initial Study and draft Negative Declaration (2133) 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, the City Council finds that the proposed action is consistent with the purposes of the Airport Land Use Commission statute (California Public Utilities Code Section 21670) and desires to override a determination from the Riverside County Airport Land Use

Commission that the proposed project is inconsistent with the 1984/86 Airport Land Use Plan; and,

WHEREAS, the City has complied with the California Environmental Quality Act; 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, 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 any impact caused by the proposed project is less than significant and a Negative Declaration (2133) has been prepared. The City Council further finds that the City has complied with the California Environmental Quality Act (CEQA) and that determinations of the City Council 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 the following:

- A. The proposed amendment to the General Plan Land Use Element is consistent with General Plan objectives, policies and programs.
- B. The proposed General Plan Amendment will not adversely affect the public health, safety and welfare.
- C. The proposed General Plan Amendment will not result in a significant effect on the environment.
- D. The proposed General Plan Amendment is consistent with the purposes of the Airport Land Use Commission statute (California Public Utilities Code Section 21670), and desires to override the ALUC based on the following findings:
 1. The proposed project is consistent with the Land Use Compatibility Guidelines of the 1998 AICUZ Study, which states that whenever possible, residential land use should be located below DNL 65 dB, and that nearly all studies analyzing aircraft noise and residential compatibility

recommend no restrictions in areas below DNL 65 dB. According to the 1998 AICUZ Noise Impact Contours (Figures 3-1 and 3-2), the project site is located outside of all noise contours (CNEL and DNL) generated by aircraft operations at March ARB. Therefore, 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.

2. The proposed project protects the public health, safety, and welfare by requiring an acoustical analysis for the entire project site and attenuation of sound impacts on all dwelling units within the project, thereby minimizing the public's exposure to excessive noise and safety hazards in areas around public airports.

Section 4. The City Council hereby amends the General Plan Land Use Element (GPA 03-0249) and approves Tentative Tract Map 31678 (03-0251) containing 67 residential lots, based on the information and findings presented in the staff report, and subject to the attached conditions of approval, dated March 9, 2004.

Section 5. In approving this General Plan Amendment, the City of Perris finds that this project is consistent with the purposes of the Airport Land Use Commission statute (California Public Utilities Code Section 21670), and hereby overrides the determination of the Riverside County Airport Land Use Commission.

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 Mayor shall sign this resolution and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 9th day of March, 2004.

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 3196 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 9th day of March, 2004, by the following called vote:

AYES: Yarbrough, Landers, Motte, Rogers, Busch

NOES:

ABSENT:

ABSTAIN:

City Clerk, Margaret Rey