

**RESOLUTION NUMBER 5049**

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY AND ALLOWING A MAXIMUM DENSITY OF 12 UNITS PER ACRE IN ACCORDANCE WITH THE INFILL POLICY OF THE MARCH AIRPORT LAND USE COMPATIBILITY PLAN, THEREBY ALLOWING 202 UNITS FOR DEVELOPMENT PLAN REVIEW 15-00014, GENERAL PLAN AMENDMENT 15-05207, ZONE CHANGE 15-05206, AND TENTATIVE PARCEL MAP 15-05205 (TPM 37014).***

**WHEREAS**, the City of Perris received an application for Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014, for a 202-unit multifamily apartment complex on 16.9 acres located north of Orange Avenue, South of Placentia Avenue, between Perris Blvd. and Barrett Avenue (Exhibit A); and

**WHEREAS**, the project is located on a 16.9 acre undeveloped site surrounded by residential, commercial and industrial development to the east, north, and south, with an approved vested specific plan to the west; and

**WHEREAS**, the proposed project known as Barrett Apartments is located in the March Air Reserve Base Compatibility Zone C2 (Exhibit D), and subject to ALUC review because the City's General Plan has not been determined to be fully consistent with the Airport Land Use Compatibility Plan ("ALUCP") adopted in 2014 by the Riverside County Airport Land Use Commission ("ALUC") for the March Air Reserve Base ("March ARB"); and

**WHEREAS**, at the scheduled hearing on March 10, 2016, ALUC found proposed Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014 to be inconsistent with the 2014 March Air Reserve Base Airport Land Use Compatibility Plan ("ALUCP"), based on the applicant's proposed density of 13.49 units per acre, which exceeded the allowable density of six dwelling units per acre in Compatibility Zone C2, and the maximum permissible infill density of 12 dwelling units per acre under Infill policy 3.3.1 of the Countywide Policy Document.

**WHEREAS**, the project proposes a density of 12 dwelling units per acre, which complies with the Infill provision of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (Section 3.3.1); and

**WHEREAS**, at the City Council hearing on June 14, 2016, the City Council upon reviewing the information submitted, authorized staff to move forward with

ALUC overrule as required in accordance with Public Utility Code (PUC) Section 21676.59(a); and

**WHEREAS**, a 45-Day Notice of Intent to Overrule and Draft Findings were provided to ALUC and the Caltrans Division of Aeronautics as required by Sections 21676(b) of the Public Utilities Code; and

**WHEREAS**, no response letters were received from the California Department of Transportation (CalTrans) or MARB, however a letter dated August 9, 2016 (Attachment B) was received from ALUC stating that they appreciated the City's consideration of the comments provided by MARB and willingness to apply ALUC's recommended conditions of approval to mitigate hazards to flight and base operations, and that ALUC's determination of inconsistency was based on the applicant's proposed density of 13.49, and that the reduced density of 12 du/ac may have been found to be consistent with the infill provision; and

**WHEREAS**, a public hearing to consider the ALUC Overrule has been duly noticed; and

**WHEREAS**, a public hearing was held on August 30, 2016, at which time all interested persons were given full opportunity to be heard and to present evidence; and

**THE CITY COUNCIL OF THE CITY OF PERRIS** does further resolve as follows that pursuant to Public Utilities code section 21676(b), the City Council hereby intends to overrule the ALUC decision, based on the following specific findings:

1. The proposed project site is located approximately 16,735 feet (3.1 miles) southeasterly of the southerly terminus of Runway 14-32 at March Air Reserve Base and within March Air Reserve Base Compatibility Zone C2, which is a Flight Corridor Zone. The maximum elevation on site is 1,456 feet above mean sea level. The maximum height of the proposed buildings is 40 feet, which brings the top point elevation to a maximum of 1,498 feet above mean sea level. The elevation of the runway at its nearest point (the south terminus) is 1,488 feet above mean sea level. At a distance of 16,735 feet from the runway, objects at an elevation of 1,655 feet and above would require Federal Aviation Administration (FAA) obstruction evaluation review. A review for height reasons is not required since the top elevation is only a few feet higher than the runway elevation.
2. The area surrounding the site includes MFR-14 zoned single family residential development to the east, and varying residential densities associated with the vested, undeveloped Harvest Landing Specific Plan to the west. Developed commercial land is located to the south, and developed light industrial uses are present to the north. Previous entitlements for the project site (as part of the

existing 300,000 square foot Spectrum Center adjacent to the proposed project to the south) included a 2,200-seat movie theater, a 36-lane bowling center and a health club. The site was re-zoned in 2003 to allow for multifamily development. The current proposal for development is less intensive than the original entitlement. Existing commercial uses (a fast food restaurant and an auto parts store) are located along Perris Boulevard in front of the proposed project.

3. Under the infill provisions of the March Airport Land Use Compatibility Plan and Countywide Policy Document (Section 3.3.1, Infill) the project is allowed 12 dwelling units per acre under specific conditions. To qualify for the infill provision under Section 3.3.a (1) to allow twice the density limit for Zone C2 from 6 to 12 dwelling units per acre, the parcel size under consideration must not exceed 20 acres, and 50% of the site's perimeter shall be bound by existing uses similar to, or more intensive than, that proposed within 300 feet (not including roadways). The vested Harvest Landing Specific Plan area to the west across Barrett Avenue has a planning area with 78 dwelling units at the density of 9.4 dwelling units per acre. The planning area to the northwest is approved for 345 dwelling units at a density of 22.4 dwelling units per acre. A 16.5 acre sports park is planned to the southwest. On the opposite side, the density of the residential tract to the east across Perris Blvd. is 712 dwelling units on 150 acres, which equals approximately 4.75 dwelling units per acre. Density can be calculated by averaging the density levels of each of these three residential areas, which results in a density of slightly more than 12 dwelling units per acre. This qualifies the site for consideration as an infill site. Harvest Landing Specific Plan is fully approved and vested, but not developed, nor are there recorded tract maps. However, the maximum allowable density permitted per the Infill policy is double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A of the MALUCP 2014. The density permitted under the Compatibility Criteria matrix is 6 units per acre, therefore doubling this density would allow a maximum of 12 units per acre. With the Infill provision, a density of 12 dwelling units per acre at the project site would be consistent with the March Airport Land Use Compatibility Plan.
4. The proposed project as submitted is consistent with the City of Perris General Plan and zoning designation of Multi-Family Residential 14 (MFR-14), except for one .92 acre lot currently zoned Community Commercial (CC). General Plan Amendment 15-05207 and Zone Change 15-05206 will change this land use designation to MFR-14 for consistency.

5. According to Table 3-1 of the March Air Reserve Base Installation Compatible Use Zone Study (AICUZ) (2014), the project site is within the March Air Reserve Base's 60-65 DNL Noise Zone. The site is located within an area projected to be subject to average noise levels in excess of 60 dB(A) CNEL from aircraft operations once F-15 aircraft are placed into operation at March Air Reserve Base. It is also within the activity corridor utilized for closed-circuit flight training (occurring primarily during daylight hours) and may be overflown by turning aircraft. Within Compatibility Zone C2, single-event noise may be disruptive to outdoor and noise-sensitive activities. The maximum, aircraft-related, interior noise level that is considered acceptable to ALUC is CNEL 40 dB. Interior noise levels from aviation-related sources should not exceed 40dB (A) CNEL. To reduce noise impacts to acceptable interior noise levels, the following City standard conditions of approval are required per PMC 16.22 Construction Located near Arterials, Railroads, and Airport:
  - a) An analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permits. The report shall comply with the requirements of Section 16.22.070 and shall identify the noise sources and characteristics, provide the predicted noise spectra, indicate the basis for the prediction (measured or obtained from published data), and quantify the effectiveness of the proposed building construction to ensure that the CNEL standard of 40 dB is met within the interior living spaces. In the event that the analysis and design report includes a challenge to the March Airport Land Use Compatibility Plan noise contours, it shall also comply with the requirements and procedures for a challenge study.
  - b) Development Restrictions. Residential development will be considered acceptable by the city's building official for mitigating interior noise exposures if it incorporates the features described in Section 16.22.060 of the chapter. Alternative materials and methods of construction may be permitted provided such alternatives are demonstrated to the satisfaction of the city's building official to be equivalent to those described in this chapter.
6. In connection with adoption of General Plan 2030, and certification of a Final Environmental Impact Report for General Plan 2030, the City Council found inconsistencies between the General Plan 2030 land use element and the AICUZ to be significant and unavoidable, and adopted the General Plan 2030 upon finding overriding considerations. Thus, the City Council has previously

recognized that development within the City will not necessarily be consistent with the AICUZ. As a result of the adoption of the 2014 March ALUCP, the City's previous overrule is no longer applicable and all discretionary actions within the updated March AIA require ALUC review.

- a) On November 13, 2014 the Riverside County Airport Land Use Commission adopted the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUCP) to reflect future air craft operations. This Compatibility Plan now supersedes the 1984 Riverside County Airport Land Use Plan previously in effect for the March Air Reserve Base Airport Influence Area (AIA).
- b) The City of Perris General Plan 2030 includes the following policies to recognize March ARB and ensure that the ALUCP and AICUZ are considered as part of new development review:

**Safety Element - Goal I** - Reduce risk of damage to property or loss of life due to natural or man-made disasters.

**Safety Element - Policy I.D:** Aircraft - Consult the Air Installation Compatible Use Zone (AICUZ) Land Use Compatibility Guidelines and ALUP Airport Influence Area development restrictions when considering development project applications.

**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. The following conditions shall also be applied as part of the Overrule by the City, as recommended by ALUC:

- a) Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflections into the sky. Outdoor lighting shall be downward facing.
- b) The following uses shall be prohibited:

- i. 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.
  - ii. Any use which would direct 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.
  - iii. Any use which would generate excessive smoke or water vapors or which would attract large concentrations of birds, or which may otherwise affect a safe air navigation within the area. (such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflowers, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal and incinerators.
  - iv. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- c) An aviation easement shall be dedicated to the March Inland Port Airport Authority.
  - d) A Notice of Airport in Vicinity shall be provided to all prospective purchasers of the property and tenants and/or lessees of the proposed buildings, and shall be recorded as a deed notice.
  - e) Any new detention basin(s) on the site shall be designed so as to provide for a maximum 48-hours detention period following the conclusion of the storm event for the design storm, and to remain totally dry between rainfalls, Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy when mature.

- f) March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air base radio communications could result. Sources of electromagnetic radiation include radio waves transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
  - g) The proposed residences must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than 40dB(A) CNEL. The City of Perris shall require an acoustical study to ensure compliance with this requirement.
- 8. Per the MARB, this site and project is compatible with guidance found in AFI 32-7063 dated December 18, 2015 titled Air Installation Compatible Use Zones Program.
  - 9. As shown in the above findings, the proposed project is consistent with the public safety purpose stated in the Public Utilities Code.
  - 10. As shown in the above findings, 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. As shown in the above findings, 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.

***NOW, THEREFORE, BE IT RESOLVED*** by the City Council of the City of Perris, as follows:

***Section 1.*** The City Council hereby authorizes the commencement of the overrule of the Airport Land Use Commission's findings of inconsistency based on the findings listed above, and hereby directs staff to begin the required noticing in preparation of a final decision to overrule the ALUC's inconsistency determination regarding the Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014.

***Section 2.*** 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 3.** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 30<sup>th</sup> day of August 2016.

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MAYOR, DARYL R. BUSCH

ATTEST:

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City Clerk, Nancy Salazar

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

**I, NANCY SALAZAR**, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 5049 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 30<sup>th</sup> day of August 2016, by the following vote:

AYES: BURKE, RABB, ROGERS, YARBROUGH, BUSCH  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

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City Clerk, Nancy Salazar