

RESOLUTION NUMBER 5059

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING MITIGATED NEGATIVE DECLARATION 2325 FOR GENERAL PLAN AMENDMENT 15-05207, TENTATIVE PARCEL MAP 37014, AND DEVELOPMENT PLAN REVIEW 15-00014 FOR THE DEVELOPMENT OF A 202-UNIT APARTMENT COMPLEX TO BE LOCATED NORTH OF ORANGE AVENUE, SOUTH OF PLACENTIA AVENUE, BETWEEN PERRIS BLVD. AND BARRETT AVENUE.

WHEREAS, the City of Perris received applications for Development Plan Review 15-00014, General Plan Amendment 15-05207, and Tentative Parcel Map 37014, for the development of a 202-unit multifamily apartment complex to be located north of Orange Avenue, South of Placentia Avenue, between Perris Blvd. and Barrett Avenue; and

WHEREAS, the General Plan Amendment will change the land use designation of a 0.92 acre parcel from Community Commercial to MFR-14 for consistency with the adjacent 16 acres that comprise the development area; and

WHEREAS, the proposed location of the 202-unit apartment complex is in accordance with the objectives of the Zoning Ordinance and the purpose of the MFR-14 (Multifamily) zoning district; and

WHEREAS, the Tentative Parcel Map will reconfigure seven lots into two parcels to separate existing commercial uses along Perris Blvd from the proposed apartment complex site; 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 is located in the March Air Reserve Base Compatibility Zone C2, and was subject to ALUC review because, at the time, 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, 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; and

WHEREAS, the project was reduced to a density of 12 dwelling units per acre to comply with the Infill provision of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (Section 3.3.1); 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 voted unanimously to overrule ALUC's determination of inconsistency due to the proposed project's allowable density of 12 dwelling units per acre under Infill Policy 3.3.1 of the Countywide Policy Document; and

WHEREAS, the following conditions were applied to the project by the City Council as part of the Overrule by the City, as recommended by ALUC:

1. 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.
2. The following uses shall be prohibited:
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. An aviation easement shall be dedicated to the March Inland Port Airport Authority.
4. 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.

5. 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.
6. 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.
7. 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.

WHEREAS, a Planning Commission hearing was held on October 5, 2016, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, at the scheduled hearing on October 5, 2016, the Planning Commission recommended approval of Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014 to the City Council by a vote of 7-0-0; and

WHEREAS, Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014 have been duly noticed; and

WHEREAS, a City Council hearing was held on October 25, 2016, at which time all interested persons were given full opportunity to be heard and to present evidence; and

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 determined that although the proposed project could have a significant effect on the environment, there would not be an adverse effect by this project because revisions in the project have been made by or agreed to by the project proponent, and a Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA).

Section 3. Based upon the information contained within the staff report and accompanying attachments, with respect to the proposed Tentative Parcel Map, the City Council hereby finds:

Tentative Parcel Map 37014 (TPM 16-05205)

1. Tentative Parcel Map 37014, as conditioned, is consistent with the City's General Plan designation of MFR-14 and all applicable General Plan policies.
2. The proposed project will not result in significant adverse environmental effects.
3. The proposed project, as conditioned, is consistent with city standards, ordinances, and policies.
4. The project will not affect health, safety, and welfare.

Section 4. Based upon the information contained within the staff report and accompanying attachments, with respect to the proposed General Plan Amendment, the City Council hereby finds:

General Plan Amendment 16-05207

1. The proposed General Plan land use designation is consistent with the applicable General Plan objectives, policies, and programs.
2. The proposed General Plan land use designation is compatible with adjoining uses.

3. The proposed General Plan land use designation is a logical extension of the existing pattern.

Section 5. Based upon the information contained within the staff report and accompanying attachments, with respect to the Development Plan Review, the City Council hereby finds:

Development Plan Review 16-00014

1. The location, size, design, density and intensity of the proposed development and improvements are consistent with the City's General Plan, the purposes and provisions of this Title, the purposes of the zone in which the site is located, and the development policies and standards of the City.
2. The subject site is physically suitable, including but not limited to parcel size, shape, access, and availability of utilities and services, for the type of development proposed.
3. The proposed development and the conditions under which it would be operated or maintained is compatible with the zoning code and will therefore not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
4. The architecture proposed is compatible with community standards and protects the character of adjacent development.
5. The landscaping plan ensures visual relief and provides an attractive environment for the public's enjoyment.
6. The safeguards necessary to protect the public health, safety and general welfare have been required for the proposed project.

Section 6. For the foregoing reasons the City Council hereby approves 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 of vacant land, based on the information and findings presented in the staff report and subject to the attached Conditions of Approval (Exhibit A and the Mitigation Monitoring and Reporting Plan (Exhibit G).

Section 7. 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 9. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED, SIGNED, and APPROVED this 25th day of October 2016.

Daryl R. Busch, Mayor

ATTEST:

Nancy Salazar, City Clerk

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 5059 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 25th day of October 2016, by the following vote:

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

Nancy Salazar, City Clerk

EXHIBIT A: General Plan Amendment 15-05207