

RESOLUTION NO. 4140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AUTHORIZING STAFF TO COMMENCE THE PROCESS TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY FOR DEVELOPMENT PLAN REVIEW 07-09-0018.

WHEREAS, the City of Perris has received an application for Development Plan Review No. 07-09-0018, a 173,000 square foot warehouse distribution facility on approximately 8.7 acres, located between Harley Knox Boulevard and Nance Street, approximately 250 yards east of Webster Avenue (see Exhibit A).

WHEREAS, the proposed project known as Bargemann Industrial, is within the March Air Reserve Base Influence Area 1 (see Exhibit D), and is therefore subject to ALUC review as the General Plan of the City has not been determined to be fully consistent with the Airport Land Use Compatibility Plan ("ALUP") adopted in 1984 by the Riverside County Airport Land Use Commission ("ALUC") for the March Air Reserve Base ("March ARB").

WHEREAS, at the hearing on April 12, 2007, ALUC found the proposed Development Plan Review 07-09-0018 to be inconsistent with the 1998 and 2005 Air Force Air Installation Compatible Use Zone (AICUZ) studies in regards to lot coverage exceeding 20-percent, and thus inconsistent with the ALUP as it is believed that the intent of the State Aeronautics Act allows ALUC to take into consideration the AICUZ studies as part of its determination.

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 may override the ALUC, based on the following specific findings:

1. The proposed project site is located approximately 4 miles north of the Perris Valley Airport and outside the safety zones and main approach areas. No Airport Land Use Compatibility Plan has been adopted for the Perris Valley Airport.
2. The proposed project site is located approximately 3,700-feet southeasterly of the March ARB runway, and within Accident Potential Zone 1, but impact to emergency landing is considered to be no more significant than 20-percent lot coverage, as emergency landing for commercial planes requires several city blocks or more of clear landing area; whereas the property has a dimension of only 660-feet by 567-feet with streets bordering the site to the north and south. Therefore, operations at March ARB are not expected to

pose a significant safety threat to persons occupying the proposed project.

3. The Land Use Plan and corresponding Goals, Policies and Implementation Measures in the City of Perris General Plan 2030 reflect the land use allowed in the ALUP and AICUZ studies for Influence Area 1. However, the lot coverage is inconsistent with the AICUZ studies. The restriction of lot coverage on an approximately 8.7 acres site would render such project infeasible due to economic utilization of the parcel size thereby discouraging development and not promoting businesses that would support the conversion of the March Air Reserve Base to a commercial airport.
4. 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 already recognized that development within the City will not necessarily be consistent with the AICUZ.
 - i. The boundaries of the March Influence Areas within the City of Perris were adopted as part of the Riverside County ALUP in 1986 and the AICUZ studies. The ALUP 1986 influence areas were based largely on a heavily used military installation located in a rural area. 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 were not recognized.

In the 1990s, the Federal Government ceased or reduced military operations at several military bases throughout the United States. The bases were “realigned” for civilian use and/or military reserve uses. Subsequent to the base realignment process in 1996, March Air Force Base (AFB) became March Air Reserve Base (ARB), and portions of the former Air Force base were reserved for use as a commercial airport. The March Joint Powers Authority (JPA) was created to oversee conversion and operation of the commercial airport, March Global Port. Airport Influence Area boundaries around March AFB were adopted by the County of Riverside Airport Land Use Commission (ALUC) in May, 1986 (see Exhibit C), and became part of the County’s Airport Land Use Plan (ALUP). The ALUP has not been updated since the base

realignment process in the mid-1990s and does not reflect changes in aircraft operations or aircraft types.

With the explosive population growth in Riverside County, including the City of Perris, the demand for industrial development has grown to support transportation of goods to the growing population. Conformity with the 1986 ALUP and subsequent AICUZ studies would have precluded much of the development in the City that began during the late 1980's and continues to the present. Accordingly, this proposed project will assist the orderly development of the area surrounding March ARB in a manner consistent with current operations at March ARB. (Source: City of Perris General Plan 2030, Safety Element, p. 36)

5. City of Perris General Plan 2030 includes the following policies to recognize March ARB and ensure that the ALUP and AICUZ are considered as part of new development review:
 - i. Safety Element - Goal I - Reduce risk of damage to property or loss of life due to natural or man-made disasters.
 - ii. 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.
 - iii. 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.
6. According to Table 3-1 of the March Air Reserve Base Installation Compatible Use Zone Study (AICUZ) (1998), the project site is within the March Air Reserve Base's 75 DNL Noise Zone. According to Table 3-1 of the March Air Reserve's AICUZ Study, the proposed industrial development would be generally compatible with the project aircraft-related noise levels, subject to mitigation for noise reduction to the office area of the building

(Source: County of Riverside Airport Land Use Commission, April 12, 2007, Agenda Item 4.2, Staff Report, p.3)

7. The following conditions are required for any subdivision on land within the airport land use plan, as per PUC 21675.1:
 - Avigation Easement. Prior to project development, recordation of the map, or sale of any entity exempt from the subdivision Map Act, the applicant shall grant to the City of Perris and to the Inland Port Authority an avigation easement in the form and manner approved by the City attorney and shall cause such easement to be duly recorded at the office of County Recorder.
 - Notice of Airport in the Vicinity. A Notice of Airport in the Vicinity and aerial photograph identifying the location of March ARB and the project site shall be displayed and distributed to tenants at the project site. The following statement is required for distribution.

The property is located in the vicinity of an airport, within what is known as an airport influence area. 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.
 - Disclosure. The applicant shall provide full disclosure of the Avigation Easement and Notice of Airport in the Vicinity prior to the sale of individual properties within the project.
 - Noise Attenuation. The applicant shall incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45 CNEL-decibel levels at the office areas.
8. To reduce hazards or aircraft flying near the project site, the following City standard conditions of approval are required.
 - Lighting Plans. Prior to issuance of building permit, lighting plans shall be reviewed and approved by an airport

lighting consultant or March Air Reserve Base/March Inland Port (MARB/MIP)

- Development Restrictions. The following uses shall be prohibited:
 - 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 towards a landing at an airport, other than FAA-approved navigational signal light or visual approach indicator.
 - 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.
 - Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
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 overrules the Airport Land Use Commission's findings of inconsistency based on the findings listed above, and hereby direct staff to begin the required noticing in preparation of a final decision to overrule the ALUC's inconsistency determination regarding the Development Plan Review.

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 26th day of August 2008.

MAYOR, DARYL R. BUSCH

ATTEST:

City Clerk, Judy L. Haughney

- Attachments:
- Exhibit A: Vicinity Map
 - Exhibit B: March ARB Land Use Compatibility Plan
 - Exhibit C: General Plan Map
 - Exhibit D: March Influence Areas
 - Exhibit E: Noise Contour and Accident Potential Zones
 - County of Riverside, Airport Land Use Commission Staff Report, Agenda Item 4.2, April 12, 2007
 - Site Plan

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

I, JUDY L. HAUGHNEY, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number 4140 was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 26th day of August 2008, by the following vote:

AYES: Rogers, Yarbrough, Landers, Busch

NOES:

ABSTAIN:

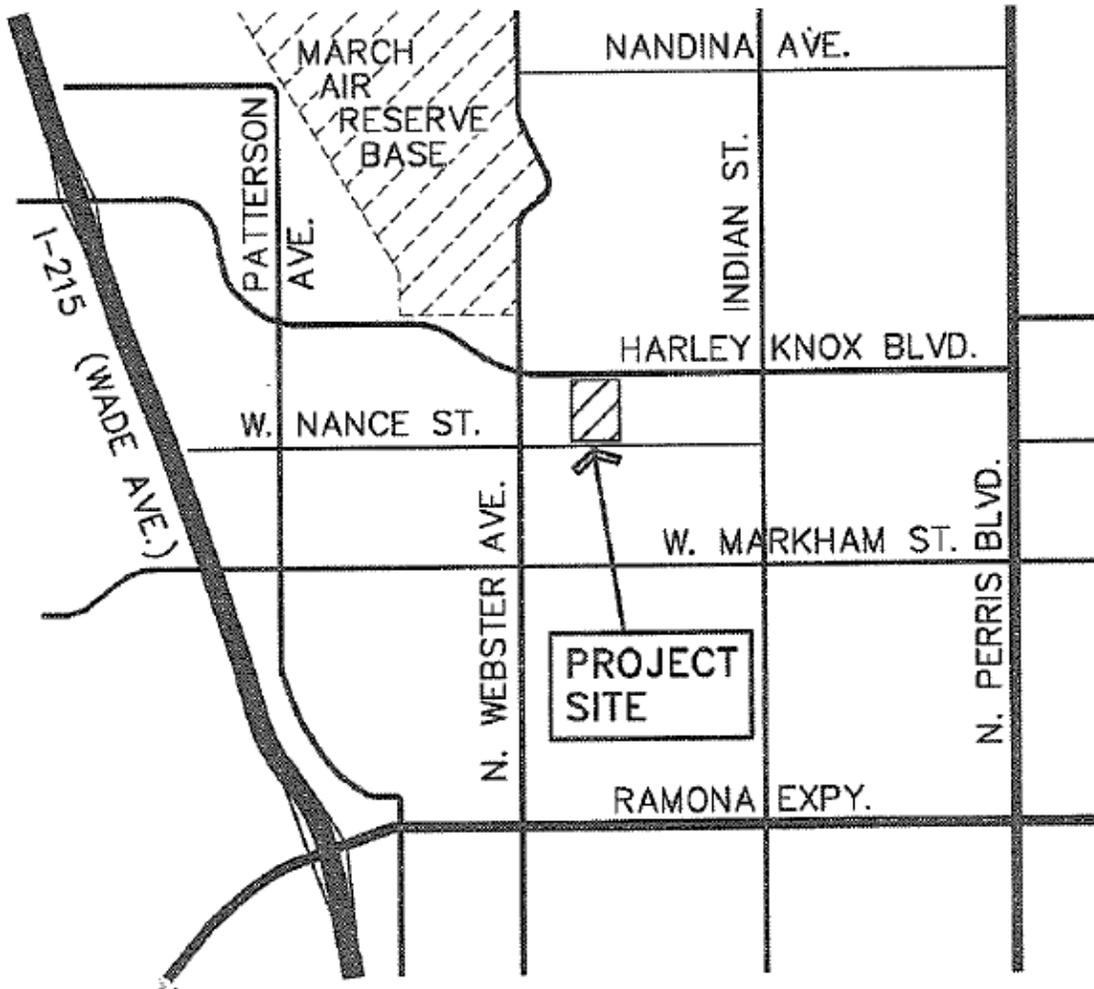
ABSENT: Motte

City Clerk, Judy L. Haughney

EXHIBIT "A"

CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

EXHIBIT A	CASE NO.: DPR 07-09-0018	Vicinity Map
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VICINITY MAP

N.T.S.



ASSESSOR'S PARCEL NUMBERS: 302-020-030 and 031

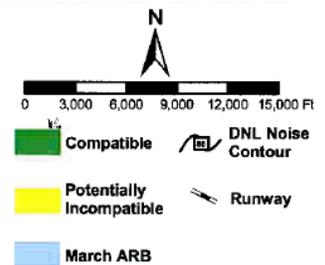
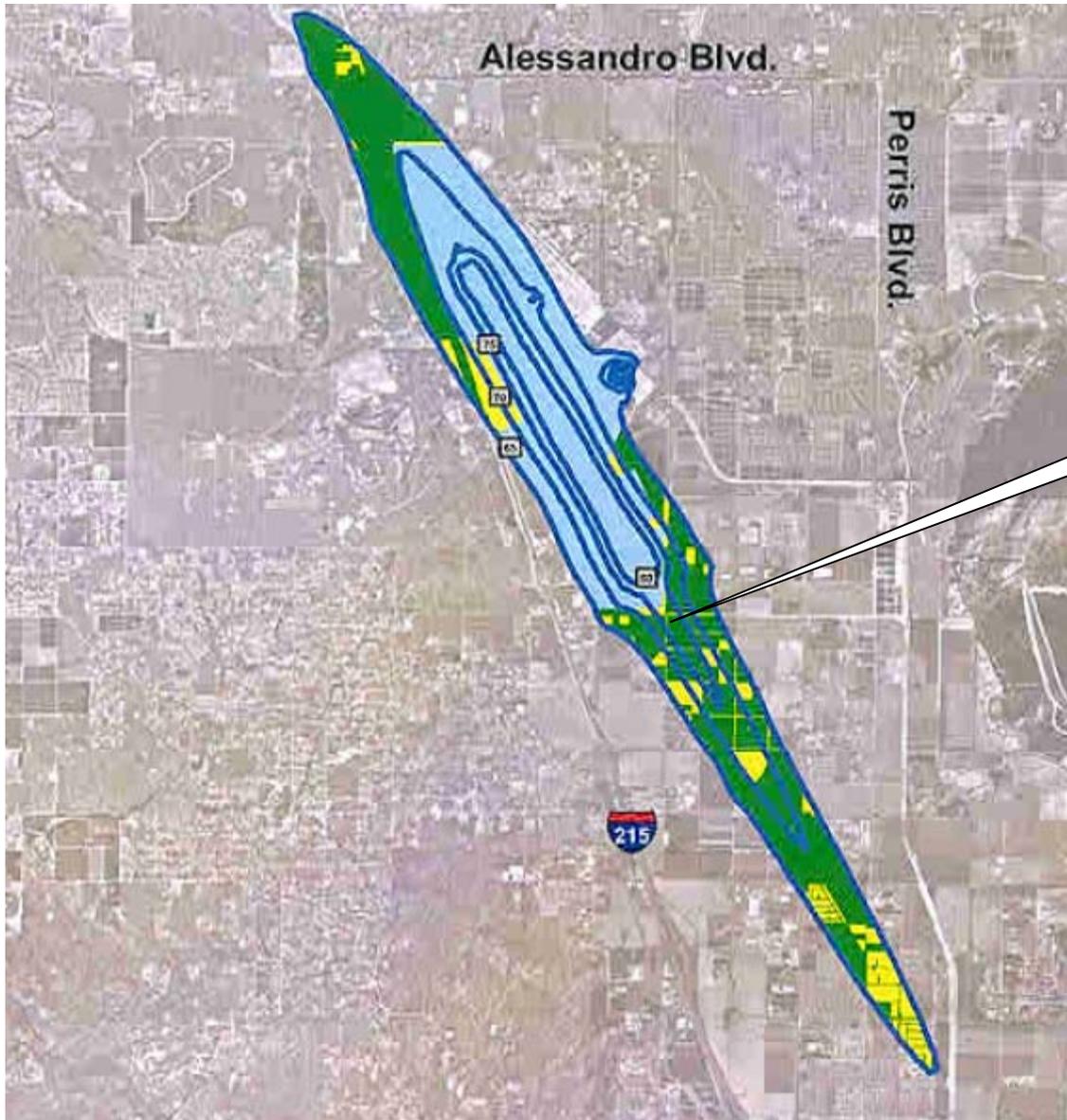
APPLICANT: Investment Building Group;
Brian Bargemann

<p>PROPOSAL: Overrule of Riverside County Airport Land Use Commission (ALUC) decision that the proposed 173,000 square feet Bargemann Industrial project is inconsistent with their Comprehensive Land Use Plan.</p>	

EXHIBIT "B"

CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

EXHIBIT B	CASE NO.: DPR 07-09-0018	March ARB Land Use Compatibility Plan
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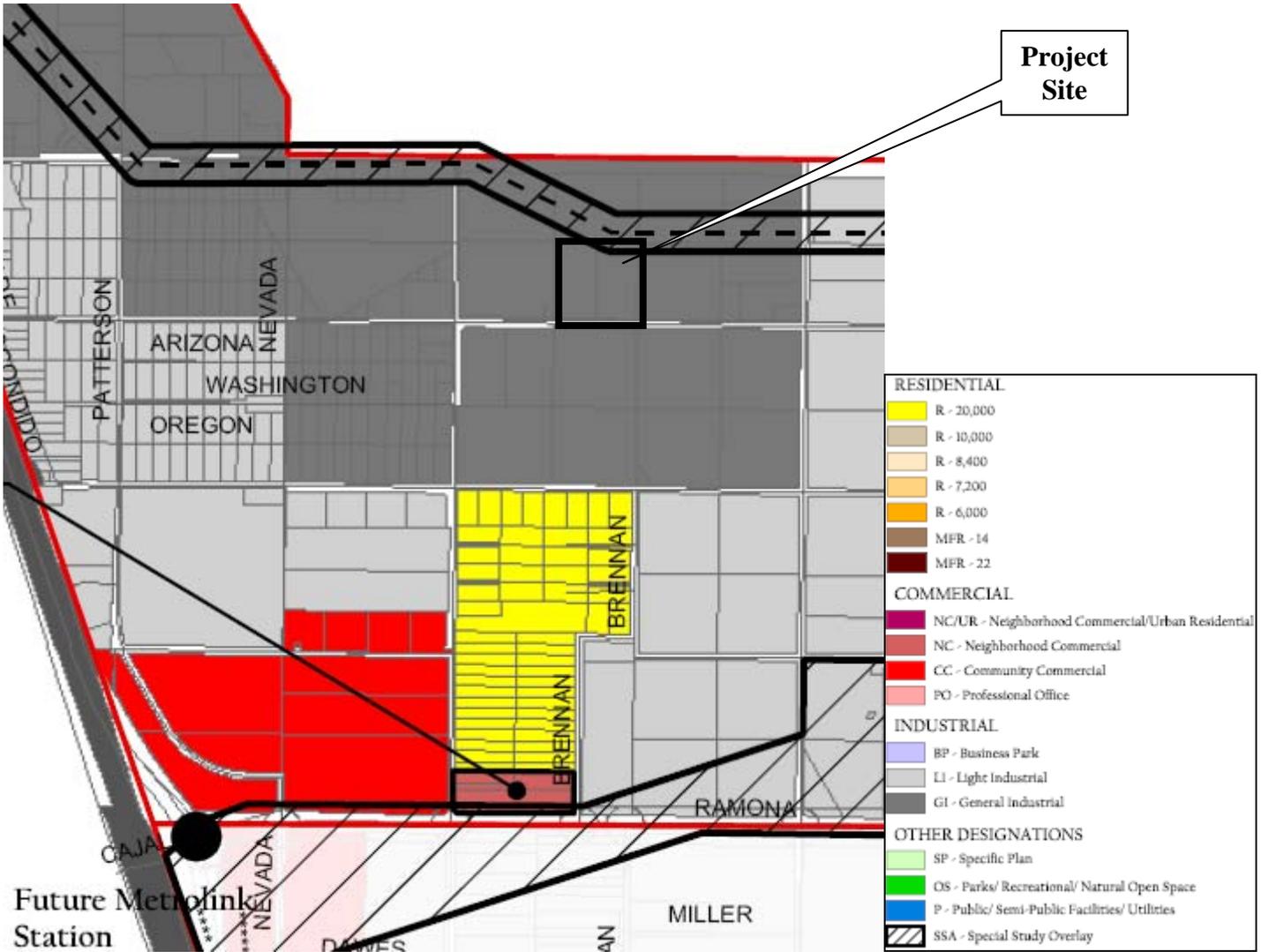
ASSESSOR'S PARCEL NUMBERS: 302-020-030 and 031	APPLICANT: Investment Building Group; Brian Bargemann
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<p>PROPOSAL: Overrule of Riverside County Airport Land Use Commission (ALUC) decision that the proposed 173,000 square feet Bargemann Industrial project is inconsistent with their Comprehensive Land Use Plan.</p>	

EXHIBIT "C"

**CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

EXHIBIT C	CASE NO.: DPR 07-09-0018	General Plan Map
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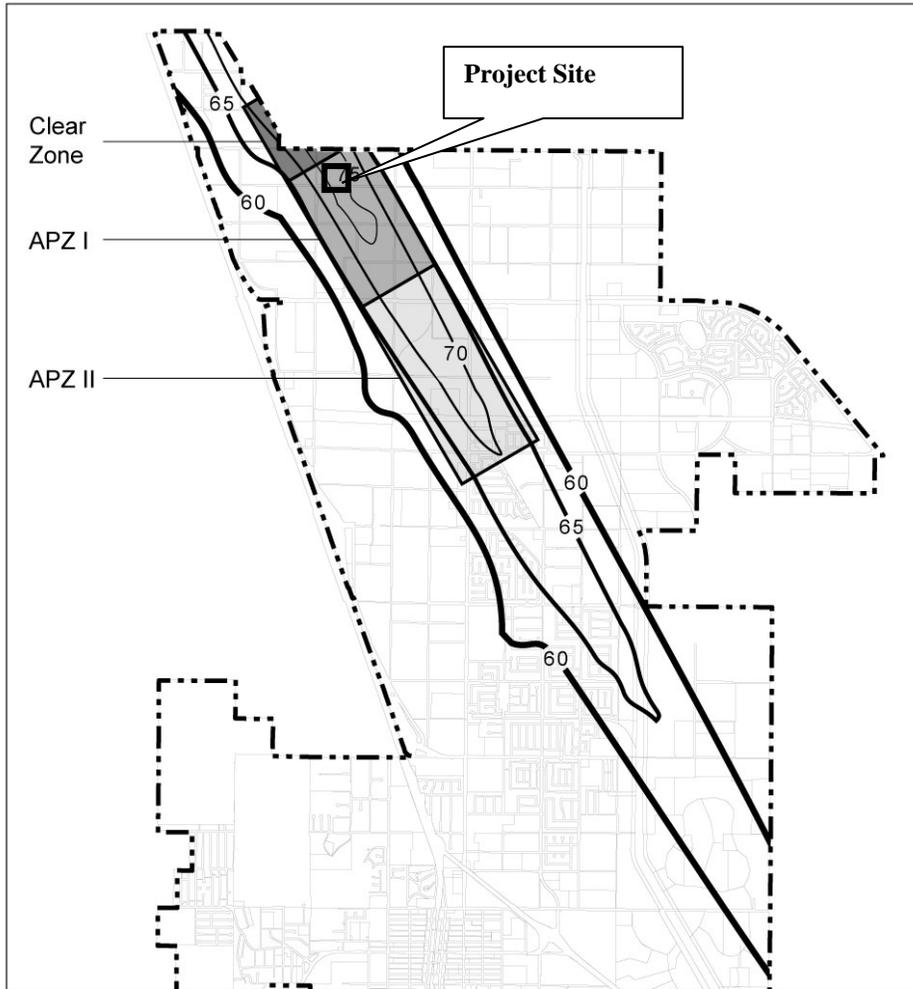
ASSESSOR'S PARCEL NUMBERS: 302-020-030 and 031	APPLICANT: Investment Building Group; Brian Bargemann
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<p>PROPOSAL: Overrule of Riverside County Airport Land Use Commission (ALUC) decision that the proposed 173,000 square feet Bargemann Industrial project is inconsistent with their Comprehensive Land Use Plan.</p>	

EXHIBIT "E"

CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

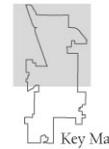
EXHIBIT E	CASE NO.: DPR 07-09-0018	NOISE CONTOURS AND ACCIDENT POTENTIAL ZONES
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Source: United States Air Force AICUZ Study, 1998.

Legend

- #— Contour Lines
- - - - City Boundary



ASSESSOR'S PARCEL NUMBERS: 302-020-030 and 031

APPLICANT: Investment Building Group;
Brian Bargemann

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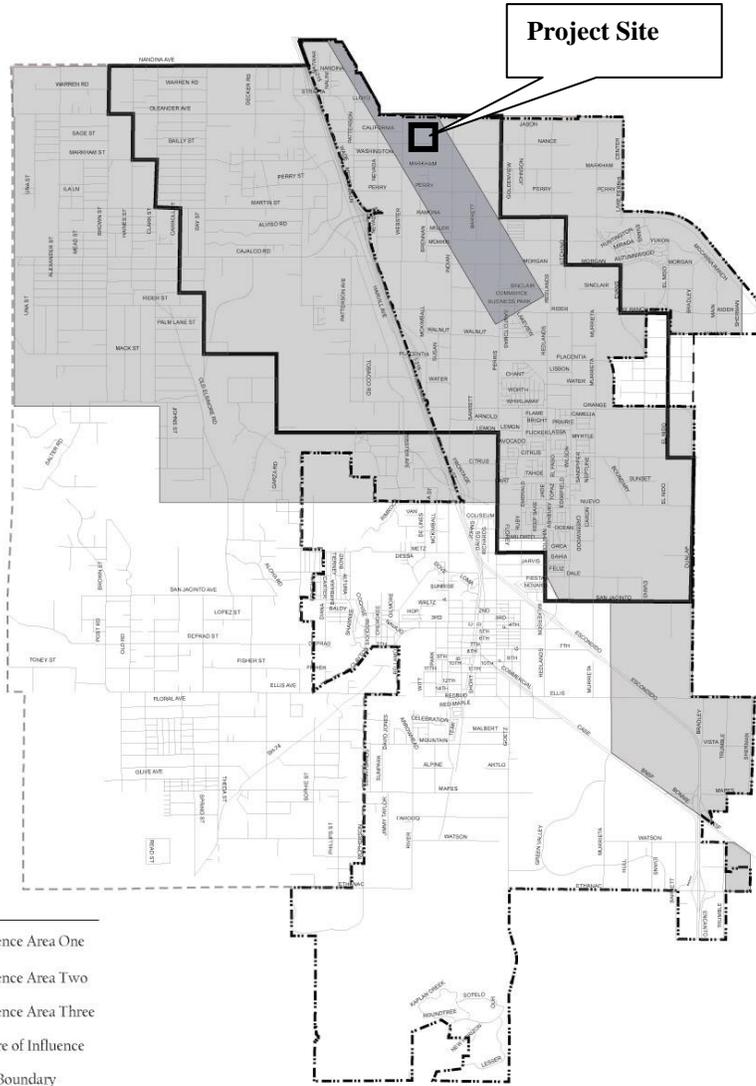
EXHIBIT "D"

CITY OF PERRIS
DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

EXHIBIT D

CASE NO.: DPR 07-09-0018

MARCH INFLUENCE AREAS



Not to Scale
Source: March Joint Powers Authority

ASSESSOR'S PARCEL NUMBERS: 302-020-030 and 031

APPLICANT: Investment Building Group;
Brian Bargemann

PROPOSAL: Overrule of Riverside County Airport Land Use Commission (ALUC) decision that the proposed 173,000 square feet Bargemann Industrial project is inconsistent with their Comprehensive Land Use Plan.

