

**RESOLUTION NUMBER 5020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, RECOMMENDING TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY FOR DEVELOPMENT PLAN REVIEW 15-00012 PLANNED DEVELOPMENT OVERLAY ZONE 15-05197 GENERAL PLAN AMENDMENT 15-05199 ZONE CHANGE 15-05200 AND TENTATIVE TRACT MAP 36797.**

**WHEREAS**, the City of Perris has received an application for Development Plan Review 15-00012, Planned Development Overlay 15-05197, General Plan Amendment 15-0199, Zone Change 15-05200, and Tentative Tract Map 36797, 77-unit single family residential subdivision, located on the northwest corner of Murrieta Road and Water Avenue; and

**WHEREAS**, the proposed project known as Perris Estates, is within the March Air Reserve Base Influence Area, 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 ("ALUCP") adopted in 2014 by the Riverside County Airport Land Use Commission ("ALUC") for the March Air Reserve Base ("March ARB"); a General Plan Amendment or Zone Change requires ALUC review; and

**WHEREAS**, at the ALUC hearing on January 14, 2016, ALUC found the proposed Development Plan Review 15-00012, Planned Development Overlay 15-05197, General Plan Amendment 15-0199, Zone Change 15-05200, and Tentative Tract Map 36797 to be inconsistent with the 2014 ALUCP in regards to density of over 3 dwelling units per acre in the C1 zone and no new residential development in the B2 zone; and

**WHEREAS**, at the City Council hearing on February 23, 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**, a public hearing to consider ALUC Overrule has been duly noticed; and

**WHEREAS**, a public hearing was held on June 14, 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 4 miles north of the Perris Valley Airport and outside the safety zones and main approach areas.
2. The proposed project site is located approximately 19,200 feet southeasterly of the March ARB runway, and within March Air Reserve Base Influence Area. At a distance approximately 19,200 feet from the runway, Federal Aviation Administration (FAA) review would be required for any structures with top of roof exceeding 1680 feet AMSL. The proposed grading plan depicts a maximum pad elevation of approximately 1439.6 feet AMSL (on lot 1, located closest to the runway) and a maximum proposed building height of 30 feet (per the R-6,000 Zone) for a total maximum elevation of 1469.6 feet AMSL. Therefore the proposed residences would have a top point elevation below the runway elevation and review by FAA Obstructing Evaluation Service for height/obstruction reason would not be required.
3. Other residential developments with similar densities in the same Compatibility Zones B2 and C1 existing within the surrounding area. Tract Map 32428 "Skylark" that is just south of this project has a density of 4.4 dwelling units per acre. Tract Map 31241 that is north of the project site has a density of 5.1 dwelling units per acre. This tract is approximately 14,800 feet southeasterly of the March ARB runway.
4. The area surrounding the site does include residential development at varying densities with some vacant properties to the north. Densities in the more rural surrounding areas to the north, east and a portion of the area south are between 1 and 2 dwelling units per acre. The density of the area to the west is approximately 3.43 dwelling units per acre along approximately 670 feet of the site perimeter. The density of the remaining portion of the area to the south is approximately 3.19 dwelling units per acre along approximately 950 feet of the perimeter. In total, the two areas with existing densities greater than 3.0 dwelling units per acre represent approximately 1,620 feet of the total approximated 3,835 foot perimeter or approximately 42% of the perimeter.
5. 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. 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.

- i. 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 superseded the 1984 Riverside County Airport land Use Plan, which was Previously in effect within the march Air Reserve Base Airport Influence Area (AIA).
- ii. 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, and became part of the County's Airport Land Use Plan (ALUP). As of the calendar year 2012, fewer than 100 annual operations by civilian aircraft have occurred since discontinuation of commercial air cargo aircraft activity.

The March Air Reserve base remains an active military Facility hosting the 452th Air Mobility Wing and fourteen other numbered military units as well as specialty facilities such as American Forces Network Broadcast Center and the Navy Operation Support Center.

- iii. 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:

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.

6. 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. ALUC's objective is that interior noise levels from aviation-related sources not exceed 40dBA CNEL. Within compatibility Zone B2, which includes land near the 65 CNEL contour, single-event noise is sufficient to disrupt many land use activities, including indoor activities if windows are open. (*Source: County of Riverside Airport Land Use Commission, January 14, 2016, Agenda Item 3.2, Staff Report, p.3*)

The proposed residential development would be generally compatible with the project aircraft-related noise levels, subject to mitigation for noise reduction to the residential buildings.

7. The following conditions shall 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 uses 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 causes 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 uses which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - v. Residential care facilities, churches and religious institutions, convalescent and senior home facilities, schools and educational institutions, childcare facilities, and homes for the aged.
- c. Prior to recordation of the final map, issuance of any building permits, or sale to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowners shall convey and have recorded an avigation easement to the March Inland Port Airport Authority, Contact March Joint powers Authority at (951) 656-7000 for additional information.
  - d. The 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 proposed dentition basins 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 (maybe less, but not more), 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.

- 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 CNEL 40dB. The City of Perris shall require an acoustical study to ensure compliance with this requirement.
8. To reduce hazards or aircraft flying near the project site, 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 forty dB is met within the interior living spaces. In the event that the analysis and design report includes a challenge of the AICUZ noise contours for March Air Force Base, 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.

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 declares its intention to overrule 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 15-00012, General Plan Amendment 15-05199, Zone Change 15-05200, Planned Development Overlay 15-05197 and Tentative Tract map 36797.

***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 14<sup>th</sup> day of June 2016.

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MAYOR, DARYL R. BUSCH

