ORDINANCE NUMBER 1156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING A NEGATIVE DECLARATION (2174) AND ZONE CHANGE (NUMBER 04-0428) TO CHANGE THE ZONE DISTRICT FROM CC COMMERCIAL COMMUNITY TO R7 RESIDENTIAL ON ROUGHLY 12.8 ACRES OF LAND NORTH OF NUEVO ROAD BETWEEN EVANS ROAD AND EL NIDO AVENUE; AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on August 19, 2004, the applicant applied to change the Zone District (04-0428) on 12.8-acres of land north of Nuevo Road between Evans Road and El Nido Avenue; and,

WHEREAS, said proposal is consistent with General Plan Amendment 04-0427; and,

WHEREAS, on February 2, 2005, and February 16, 2005, the Planning Commission conducted duly noticed public hearings on the proposed Rezoning, considered testimony and materials in the staff report and accompanying documents, and recommended approval of the proposed project; and,

WHEREAS, on April 26, 2005, the City Council conducted a duly noticed public hearing on the proposed projects, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, the City Council considered and approved the Initial Study and Negative Declaration (2174) 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, 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, California, 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:

A. There is no substantial evidence of potentially significant environmental impacts and a Negative Declaration (2174) has been prepared.

B. The City has complied with the California Environmental Quality Act (CEQA).

C. Determinations of the Planning Commission 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 that:

A. The proposed project is consistent with General Plan objectives, policies and programs.

B. The proposed project will not adversely affect the public health, safety and welfare.

C. The proposed project is consistent with the purposes of the Airport Land Use Commission statute (California Public Utilities Code Section 21670), specifically:

1. The proposed project provides for the orderly development of March ARB and the surrounding area, by placing residential development in an area and at densities which comply with the 1998 Air Installation Compatible Use Zone (AICUZ) Study.

2. The proposed project protects the public, health, safety, and welfare by approving an infill residential project that is outside of any Accident Potential Zone or Noise Impact Contour; thereby minimizing the public's exposure to excessive noise and safety hazards within March ARB's Airport Influence Area.

3. The proposed project prevents the creation of new noise and safety problems by entitling new residential development outside of Noise Impacts Contours and/or Accident Potential Zones.

Section 4. The City Council hereby adopts Negative Declaration (2174) and changes the Zone District (04-0428), based on the information and findings presented in the staff report dated April 26, 2005.

Section 5. In approving this Zone Change, 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 Ordinance shall remain in full force and effect.

Section 7. The Mayor shall sign this Ordinance and the City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty days after its final passage.

ADOPTED, SIGNED and ***APPROVED*** this 10th day of May, 2005.

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Mayor, Daryl R. Busch

ATTEST:

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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 Ordinance Number 1156, introduced at a regular meeting of the City Council of the City of Perris held on the 26th day of April, 2005, was duly and regularly adopted by the City Council at a regular meeting thereof held on the 10th day of May, 2005, and that it was so adopted by the following called vote:

AYES: Landers, Motte, Rogers, Yarbrough, Busch
NOES:
ABSENT:
ABSTAIN:

_____
City Clerk, Margaret Rey