ORDINANCE NUMBER 1121

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, APPROVING ZONE CHANGE NO. 03-0031 TO CHANGE THE ZONING DESIGNATION FROM R4 RESIDENTIAL AND CC COMMUNITY COMMERCIAL TO R7 RESIDENTIAL ON APPROXIMATELY 53.46 ACRES OF LAND AT THE NORTHEAST CORNER OF PERRIS AVENUE AND PLACENTIA BOULEVARD, AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, the City Council adopted a Zoning Ordinance establishing zoning designations and development standards for the City of Perris; and,

WHEREAS, an applicant has applied to amend the existing zoning designation on approximately 53.46 acres of land at the northeast corner of Perris Avenue and Placentia Boulevard; and,

WHEREAS, said Zone Change is consistent with General Plan Amendment 03-0032; and,

WHEREAS, on May 7, 2003, the Planning Commission conducted a duly noticed public hearing on the proposed Zone Change, considered testimony and materials in the staff report and accompanying documents, and unanimously recommended approval of the proposed project; and,

WHEREAS, on July 8, 2003, the City Council conducted a duly noticed public hearing on the proposed Zone Change, considered testimony and materials in the staff reports, accompanying documents and exhibits; and,

WHEREAS, the City Council considered and approved the Initial Study and draft Mitigated Negative Declaration (2128) for the proposed zone change, finding that these documents adequately addressed the impacts of the 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 Airport Land Use Commission that the proposed project is inconsistent with the 1984/86 Airport Land Use Plan; and,

WHEREAS, the City has complied with the California Environmental Quality Act; 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, 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 any impact caused by the proposed project will be mitigated to less than significant levels and a Mitigated Negative Declaration (2128) has been prepared. The City Council further finds that the City has complied with the California Environmental Quality Act (CEQA) and that determinations of the City Council 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 the following:

A. The proposed Zone Change is consistent with the General Plan Amendment 03-0032 and with existing General Plan objectives, policies and programs.

B. The proposed Zone Change is compatible with adjoining land uses and will not adversely affect the public health, safety and welfare.

C. The proposed Zone Change will not result in a significant adverse effect on the environment.

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

1. The proposed project is consistent with the Land Use Compatibility Guidelines of the 1998 AICUZ Study, which states that residential development in this location is "generally compatible" with the March Air Reserve Base if measures to achieve noise reduction levels are incorporated into the design and construction of the dwellings. Therefore, 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.

2. The proposed project protects the public health, safety, and welfare by requiring an acoustical analysis for the entire project site and attenuation of sound impacts on all dwelling units within the project, thereby minimizing the public's exposure to excessive noise and safety hazards in areas around public airports.

Section 4. The City Council hereby amends the Zoning Map (ZC 03-0031) based on the information and findings presented in the staff report, dated July 8, 2003.

Section 5. The City Council declares that should any provision, section, paragraph, sentence, or word of this Ordinance 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 6. 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 **A*PPROVED*** this 30th day of September, 2003.

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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 1121, introduced at a regular meeting of the City Council of the City of Perris held on the 8th day of July, 2003, was duly and regularly adopted by the City Council at a regular meeting thereof held on the 30th day of September, 2003, and that it was so adopted by the following called vote:

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

_____
City Clerk, Margaret Rey