



RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

July 2, 2024

Brian Norton, Principal Planner
City of Riverside Community Development Department Planning Division
3900 Main Street
Riverside CA 92522

CHAIR
Steve Manos
Lake Elsinore

VICE CHAIR
Russell Betts
Desert Hot Springs

COMMISSIONERS

John Lyon
Riverside

Steven Stewart
Palm Springs

Richard Stewart
Moreno Valley

Michael Geller
Riverside

Vernon Poole
Murrieta

STAFF

Director
Paul Rull

Simon Housman
Jackie Vega
Barbara Santos

County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

RE: Resolution Overruling the Riverside County Airport Land Use Commission Determination of Inconsistency for ZAP1107RI22 (City of Riverside Case Nos. PR-2022-001252 General Plan Amendment, Rezone, Plot Plan, Tentative Parcel Map No. 38638)

Dear Mr. Norton,

Thank you for providing us with the City of Riverside (the City) notice of intent to overrule the Airport Land Use Commission inconsistency determination for ZAP1107RI22 (PR-2022-001252 (General Plan Amendment, Rezone, Plot Plan, Tentative Parcel Map No. 38638), in compliance with Public Utilities Code Section 21676(b) regarding overrule procedure:

“The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings.” Additionally, “[t]he local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.”

The Riverside County Airport Land Use Commission (ALUC) staff has reviewed the findings included in the draft resolution to overrule ALUC’s determination of inconsistency on January 12, 2023, for ZAP1107RI22, and has provided the following comments:

1. Finding #1 argues that the Project will not affect the orderly expansion of the Airport as it is consistent with surrounding existing development such as existing commercial, single-family, and multi-family residential uses located in Zones B1 and C. Existing uses are exempt from review by the Riverside Municipal Airport Land Use Compatibility Plan (ALUCP) and some may have been built before the ALUCP was adopted in 2005 by ALUC. However, new land uses, like the Project, are subject to the provisions and criteria of the ALUCP. ALUC believes it is misleading to say that the Project is consistent with surrounding existing multi-family residential uses when the density of both of those projects are 22 dwelling units per acre and are less than the proposed Project density of 28 dwelling units per acre, but in both cases exceeds the Zone B1 maximum residential criteria of 0.05 dwelling units per acre. Ignoring the ALUCP criteria in the case of the Project sets a dangerous precedence for the City to willfully bypass the safety protocol established by the ALUCP for future development around the Airport, which could lead to encroachment of incompatible uses on the Airport and possibly jeopardizing its long-term operations viability. Lastly, finding #1c states that the total number of people on the site does not increase with the proposed Project, and infers that the proposed residential living is a safer option than the current existing commercial use. It is the historical opinion of the ALUC that residences are more of a riskier proposition than commercial

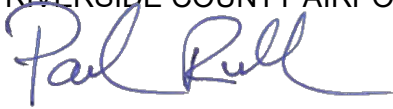
as residential uses are usually occupied 24 hours, whereas commercial uses are usually limited to business hours. More importantly, the proposed project results in a density of 28 dwelling units per acre in Zone B1 that is 560 times more than the ALUCP's required maximum density of 0.05 dwelling units per acre, which is very significant when considering that the intent and purpose of Zone B1 is to restrict residential density in order to limit the potential risk of off-field aircraft landing. It is noted that Zone B1 is identified as the inner approach/departure zone where risk level and noise impacts are considered "high" in the ALUC Countywide policies Table 3A Compatibility Zone Factors. Zone B1 has a high-risk level due to encompassing areas overflowed by aircraft at low altitude and approximately 10% to 20% of off-runway general aviation accidents near airports take place here. Since the City of Riverside identifies Riverside Municipal Airport as the 2nd busiest airport in California with a FAA contract tower and 22nd busiest airport out of 54 airports in California, there is a greater potential for a significant catastrophe based on the proposed parameters of the project thereby unnecessarily increasing the harm potential to the general public and those who will occupy the residences.

2. Finding #7 states that the Project cannot comply with the ALUC open area requirement citing that it is not conducive to multi-family development. The provision of the ALUC open area is to ensure that projects provide a significant amount of open area in the event of an aircraft emergency landing. Like the Fire and Building & Safety Department requirements, ALUC contends that the safety of the pilot and the residents should be given a higher priority in site design and incorporated within the Project in order to protect the public health and safety. Lastly, this finding states that alternatives exist to satisfy the ALUC open area requirement like public roads, freeways, and parks in the vicinity. The ALUCP clearly states that the open area requirement be provided on the Project site where it can be enforced and maintained by the City through conditions of approval. There is no guarantee that the underlying governing authorities of these public roads, freeways, and parks would commit to implement and maintain the ALUC open area criteria within their rights-of-way in perpetuity. Because of the significant risk of harm in Zone B1, as described above, the need for open space becomes more imperative. Failure to account for the required open space on the project property again unnecessarily increases the risk of harm to the general public and those who will occupy the residences.
3. ALUC contends that the Project is not consistent with the City's Zoning Ordinance. Section 19.149.020 states that "For property located within a compatibility zone and subject to airport land use compatibility plan policies and criteria, land use, density, and intensity limitations of the ALUCP may be more restrictive than what would otherwise be allowed per City zoning designation applicable to the property. In addition to complying with the Zoning requirements of this title, proposed uses and development on property within an airport compatibility zone must be determined to be consistent with, and comply with the compatibility criteria of the applicable compatibility zone and airport land use compatibility plan". Section 19.150.020.B also states "Airport Land Use Compatibility includes additional Airport Land Use Compatibility Plan requirements for discretionary actions proposed on property located within an Airport Compatibility Zone. When located within an Airport Land Use Compatibility Zone, greater land use, restrictions for airport compatibility may apply per the applicable Airport Land Use Compatibility Plan". Specifically, the permitted land use table identifies multiple-family dwellings in the Mixed Use Village zone as a permitted use by the City, but it also identifies (via footnote ***) that the uses are also subject to the ALUCP criteria "where use may be strictly prohibited". The ALUC contends that the Project, and the City, should be consistent with the ALUCP and these City Zoning Ordinance sections.

In the event that the City Council deems it appropriate to overrule the determination of inconsistency and approve the project, the City is encouraged to apply the conditions included in ALUC's staff report on the project. **Implementation of those conditions would not render the project consistent with the 2005 Riverside Municipal Airport Land Use Compatibility Plan. They are recommended in order to minimize impacts on the continued use of the airport and to notify the public of the risk and the aircraft overflights, but cannot eliminate vulnerability in the event of an aircraft accident.**

Sincerely,

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Paul Rull, ALUC Director

cc: Matthew Friedman, California Division of Aeronautics
Jonathan Huff, California Division of Aeronautics
Daniel Prather, Airport Manager, Riverside Municipal Airport
Riverside Property Owner, LLC, Applicant
ALUC Case File

X:\AIRPORT CASE FILES\Riverside\ZAP1107RI22\ZAP1107RI22 Overrule Response Letter.doc