

California Department of Transportation

DIVISION OF AERONAUTICS - M.S. #40
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September 25, 2024

Veronica Hernandez
Senior Planner
City of Riverside
3900 Main Street
Riverside, CA 92522

Electronically Sent: vhernandez@riversideca.gov

**RE: INTENT TO OVERRULE – CITY OF RIVERSIDE PLANNING CASE PR-2022-001359
(GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, REZONE, TENTATIVE PARCEL
MAP, AND DESIGN REVIEW): APPEAL THE DECISION OF THE COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION (ZAP1548MA22)**

Dear Ms. Hernandez:

Thank you for notifying the California Department of Transportation (Caltrans), Division of Aeronautics (Division), of the proposed overrule by the City of Riverside (City). The Division received the Notice of Intent on August 26th, 2024, to overrule the Riverside County Airport Land Use Commission (ALUC), related to the March Air Reserve Base/Inland Port Airport. In advance of a public hearing on the Draft Resolution to consider overruling the ALUC's determination, the Division is providing the following comments pursuant to California Public Utilities Code (PUC) section 21676.

The City intends to overrule the ALUC's September 2023 inconsistency determination of the proposed PR-2022-001359 (General Plan Amendment, Specific Plan Amendment, Rezone, Development Plan Review for the Mission Grove Apartments) (Project) with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUCP).

Based on the information provided by both the City and the ALUC, **the Division strongly supports the Riverside County Airport Land Use Commission's inconsistency determination** regarding the City's proposal due to the fact that this Project would create new incompatible land uses near March Air Reserve Base/Inland Port Airport, and in turn would jeopardize the health, safety, and welfare of the surrounding general public.

The Division has reviewed the proposed Findings the City's draft resolution and has determined Findings are insufficient to warrant the proposed overrule.

Specifically, the findings are not consistent with the purposes of the statutes set forth in the California Public Utilities Code (PUC) Section 21670. The statutes declare it is in the public interest to orderly develop public use airports and surrounding areas to comply with California airport safety issues, and protect public health, safety, and welfare by minimizing exposure to excessive safety hazards through airport land use commissions established in relevant counties. These Findings does not provide substantial evidence that the proposed Project will meet the requirements of PUC, section 21670(a) (1) and (2).

The City argues the following in their Findings:

Finding #2: The project minimizes the public's exposure to excessive noise and safety hazards within areas around March Air Reserve Base/Inland Port Airport.

The Division strongly disagrees with Finding #2. The proposed Project results in a density of 35.0 dwelling units per acre in Compatibility Zone C2, which is nearly six times greater than the maximum allowable density of 6.0 dwelling units per acre outlined in the March Air Reserve Base/Inland Port Airport ALUCP. Surrounding residential communities typically have densities between 4.0 to 6.0 dwelling units per acre, further highlighting the incompatibility of this proposal.

Even in areas where existing multifamily developments reach densities of up to 17.3 units per acre, the proposed Project still significantly exceeds those figures. While existing uses may have been exempt from the ALUCP, any new land uses, like this project, must comply with its provisions. Ignoring the ALUCP in this case sets a precedent that could allow future developments to bypass essential safety guidelines, ultimately jeopardizing the long-term operational viability of the March Air Reserve Base/Inland Port Airport.

Furthermore, the assertion that Zone C2 has been largely built out is misleading. Redevelopment of existing sites can occur at any time, and this project's density directly contradicts the intent of Zone C2, which is designed to limit residential density and mitigate risks associated with off-field aircraft incidents. Zone C2 is classified as a flight corridor with moderate risk per the ALUCP Countywide Policies Table MA-1, encompassing areas where aircraft turn during approach and descent, and where approximately 10% to 15% of off-runway general aviation and military aircraft accidents occur.

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The City's failure to address these moderate risks is unacceptable, particularly in light of the 2019 crash of an F-16 fighter jet in Zone B2, which starkly illustrates the unpredictable nature of aviation. This project unnecessarily heightens risks to both future residents and the community at large. The Division does not agree with this increase in residential density, as it poses significant concerns for the health, safety, and welfare of the surrounding general public. The Division cannot support this project as it currently stands.

The ALUCP density and intensity limits were determined in accordance with PUC section 21001 relating to the State Aeronautics' Act and the mandated guidance provided by the California Airport Land Use Handbook. The ALUCP is a fundamental tool used by ALUCs in fulfilling their purpose of promoting airport land use compatibility, in order to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare. As mandated (PUC sections 21674(c), 21675, and 21676 (b)), the Riverside County ALUC used the criteria of the ALUCP in making its determination of inconsistency, and their determination of inconsistency is supported by the Division.

PUC Section 21675.1(f) provides: If a city or county overrules the commission pursuant to subdivision(d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

Pursuant to PUC Section 21676(a), the Division and ALUC comments shall be included in the public record of any decision to overrule the ALUC. If you have questions or we may be of further assistance, please contact me at vincent.ray@dot.ca.gov or I can be reached at (916) 907-2219.

Sincerely,



Vincent Ray
Associate Aviation Planner

cc: Paul Rull, Riverside County Airport Land Use Commission Director, prull@rivco.org
Marlon Flournoy, Division Chief, Division of Transportation Planning, Caltrans, marlon.flournoy@dot.ca.gov
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