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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, MAKING SPECIFIC FINDINGS TO OVERRULE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION’S FINDING OF INCONSISTENCY WITH THE RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN REGARDING A PLANNED RESIDENTIAL DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF TYLER STREET AND JURUPA AVENUE, RIVERSIDE, CALIFORNIA ASSESSOR’S PARCEL NUMBER 155-441-023.

WHEREAS, an application was submitted by Passco Pacifica, LLC (“Applicant”) for a General Plan Amendment (P18-0970), a Zoning Code Amendment (P18-0971), a Tentative Tract Map (P18-0972), a Planned Residential Development (P18-0973) containing 56 single-family residences, Design Review (P18-0974) and a Variance (P18-0975) (collectively “Project”) on 7.07 acres of land located at the southeast corner of Tyler Street and Jurupa Avenue, in the City of Riverside, California, Assessor’s Parcel No. 155-411-023; and

WHEREAS, the Project is located within the land use compatibility plan area of the Riverside Municipal Airport, as designated by the Riverside County Airport Land Use Compatibility Plan (“RCALUCP”); and

WHEREAS, the Project is located in Compatibility Plan Zone C; and

WHEREAS, the primary focus of the RCALUCP is for noise and safety impacts, as well as to make compatibility determinations for compliance of all proposed development around an airport; and

WHEREAS, on March 14, 2019, the Riverside County Airport Land Use Commission (“ALUC”) determined that the Project was inconsistent with the RCALUCP in that the proposed density exceeded the maximum residential density allowed in Zone C; and

WHEREAS, on September 5, 2019, the Planning Commission of the City of Riverside reviewed the Project and on a vote of 3-3, the Project was deemed denied; and

WHEREAS, on September 6, 2019, the Applicant filed an appeal of ALUC’s determination with the City Council, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the City Council of the City of Riverside, by a two-thirds vote, has the authority to overrule the ALUC’s decision based on specific findings that the proposal is consistent with the purposes of ALUC law to protect public health, safety and welfare ensuring (1) the orderly expansion

1 of airports, and (2) the adoption of land use measures that minimize the public’s exposure to excessive
2 noise and safety hazards within areas around public airports to the extent that these areas are not
3 already devoted to incompatible uses; and

4 WHEREAS, on October 1, 2019, at a public hearing, the City Council considered the Project
5 and by a two-thirds vote, adopted Resolution No. 23495 expressing its intent to adopt findings to
6 overrule ALUC’s finding of inconsistency with RCALUCP; and

7 WHEREAS, at a public hearing on November 19, 2109, the City Council considered all
8 additional information and comments received, including the comment from the ALUC, and by a two-
9 thirds vote, based on the findings contained herein, the Council Report, and all additional information
10 presented, finds that the proposed Project is consistent with the purposes set out in Public Utilities
11 Code section 21670 and overrides the ALUC determination.

12 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,
13 California, as follows:

14 Section 1: The above recitals are hereby found and determined to be true and correct and
15 are hereby incorporated herein as if stated in full.

16 Section 2: The City Council hereby finds that:

17 a. The Project is located nominally 1.6 miles from the end of the Riverside
18 Municipal Airport (RMA) runway. The Noise Element of the City’s General Plan 2025 shows the
19 Project site as being within the 55 to 60 dBA CNEL noise contour level from the RMA operations
20 which is well below the 65 dBA CNEL noise exposure standard deemed to be “normally acceptable”
21 for the environs of RMA in the RCALUCP (Section RI.2, Policy 2.1). As such, there would be no
22 noise-related conflicts between the proposed residential project and the RMA.

23 b. Airplanes departing westerly and continuing to fly west are required by
24 Riverside Municipal Code Section 12.08.190 and the 2009 Airport Master Plan to follow the Santa
25 Ana River and are not allowed to overfly the existing homes in the area or the Project site.

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27 This required flight path would avoid the Project site.

1 c. There are currently more than 650 homes located in Zone C and over
2 170 homes located in Zone B1 that lie between the Project site and the end of the RMA runway. The
3 vast majority of these 820 homes are located in closer proximity to the RMA than the Project site.

4 d. The Project is consistent with the residential development for the
5 surrounding areas immediately to the east, north, and south of the property and continues the single
6 family residential development established over the past 40 years.

7 e. The Zoning and General Plan Designation proposed for the property
8 will match the existing Zoning and General Plan Designation for the area to east, north and south of
9 the property.

10 f. The current General Plan and Zoning for the property are Commercial
11 and allow for a potentially more intense commercial development, which would bring more vehicular
12 and foot traffic to the site. A commercial use would be allowed under existing land use and the
13 RCALUCP rules.

14 g. The Project does not incorporate any of the uses prohibited in Zone C,
15 such as children’s schools, day care centers, libraries, hospitals, or nursing homes.

16 h. The Project site is bounded to the north by Jurupa Avenue, which
17 provides “open land” as defined in Section 4.2.4 of the RCALUCP (an area with dimensions of at least
18 75 feet by 300 feet, free of most structures), and which is available for use for forced landings of light
19 aircraft.

20 Section 3: Based on the above findings, as well as the facts and findings set forth in the
21 Applicants appeal letter attached hereto as Exhibit “A” the City Council hereby overrules the
22 determination of ALUC and hereby approves the Project.

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27 ADOPTED by the City Council this _____ day of _____, 2019.

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WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the _____ day of _____, 2019, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2019.

COLLEEN J. NICOL
City Clerk of the City of Riverside

CA 19-1104