

California Department of Transportation

DIVISION OF AERONAUTICS
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July 25, 2024

Brian Norton
Principal Planner
City of Riverside
3900 Main Street
Riverside, CA 92522

Electronically Sent: bnorton@riversideca.gov

Dear Mr. Norton:

One of the goals of the California Department of Transportation (Caltrans), Division of Aeronautics (Division), is to assist cities, counties, and Airport Land Use Commissions (ALUC) in the development and implementation of policies that protect the safety and general welfare of their communities where aeronautical activities take place.

We encourage collaboration with our partners in the planning process and thank you for including us in the review of the proposed overrule of the Riverside County Airport Land Use Commission (RCALUC). On June 26, 2024, the Division received an email that included a City of Riverside (City) Resolution declaring the intent to overrule the RCALUC's January 12, 2023, inconsistency determination for the General Plan Amendment, Zoning Code Amendment, Site Plan Review, Tentative Parcel Map, and Certificate of Appropriateness, for the proposed Arlington Mixed Use Development Project (Project).

The proposed Project is located at 5261 Arlington Avenue, in Riverside. The Project proposes development of approximately 576,203 square feet (sf) of residential and commercial-retail space on 17.43 gross acres, including 388 multifamily residential units.

The proposed project is located in the Airport Influence Area (AIA) of the Riverside Municipal Airport and specifically in Compatibility Zones B1 (Inner Approach/Departure Zone), C (Extended Approach/Departure Zone), and D (Primary Traffic Patterns and Runway Buffer Area) for the Riverside Municipal Airport. The Project is located approximately 5,151 feet (0.98 miles) southeast of runway 9-27.

The Division has reviewed the proposed findings in the draft resolution and has determined the 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 do not provide substantial evidence that the proposed Project will meet the requirements of PUC, section 21670(a) (1) and (2).

Based on the information provided by both the City and the RCALUC, the Division strongly supports the RCALUC's inconsistency determination due to the fact that this Project would create new incompatible land uses near Riverside Municipal Airport, and in turn would jeopardize the health, safety, and welfare of the surrounding general public.

The City argues the following in their findings:

Finding #1: 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 Compatibility Zones B1 and C.

The Division disagrees with Finding #1. The proposed project results in a density of 28 dwelling units per acre in Compatibility Zone B1, which is 560 times more than the ALUCP's maximum density of 0.05 dwelling units per acre per Chapter 3.1.3 of the Riverside County ALUCP (RCALUCP). This departure from the RCALUCP sets a concerning precedent for future development near the Airport and compounds already existing incompatible land uses in this area that likely jeopardizes long-term airport operations. Caltrans cannot agree with this approach.

The project proposes two commercial buildings on 3.14 acres, distributed between Zones B1 (2.52 acres) and C (0.62 acres). In Zone B1, a proposed grocery store will yield an average intensity of 81 people per acre, exceeding the permitted 25 people per acre by over 320%, per RCALUCP Chapter 3.1.4. Zone C hosts a retail space with an average intensity of 134 people per acre, far surpassing the allowable limit stated in the RCALUCP of 75 people per acre by nearly 80%. Additionally, the non-residential intensity for the multi-family amenity facility averages 49 people per acre, almost doubling the maximum allowed of 25 people per acre, with a single-acre intensity reaching 769 people—over 15 times the maximum allowed by the RCALUCP. The Division does not agree with the increase in non-residential density, as it poses significant concerns the health, safety, and welfare of the surrounding general public.

Finding #1c: The surrounding non-residential intensity exceeds the limitations for Zone B1 and C

The Division disagrees with Finding #1c. Introducing this Project into an environment already characterized by numerous incompatible developments markedly amplifies the risk profile. This cumulative effect substantially raises the potential severity of outcomes in the event of a catastrophic incident, posing significant safety concerns. Therefore, approving this project warrants careful reconsideration to mitigate these heightened risks and ensure the overall safety and resilience of the area.

Finding #3: The project does not propose any uses specifically prohibited or discouraged in Compatibility Zone B1.

The Division disagrees with Finding #3. The Project proposes three-story residential buildings in Compatibility Zone B1, designated as a 'prohibited use' under Countywide policies. This designation explicitly prohibits such developments due to safety concerns from the risk associated with this zone where Chapter 4.2.2. of the RCALUCP states, "The principal means of reducing risks to people on the ground is to restrict land uses so as to limit the number of people who might gather in areas most susceptible to aircraft accidents".

Finding #7: The Project cannot comply with the ALUC Open Area requirement.

The Division disagrees with this finding. The Project fails to meet the RCALUCP's open area requirement essential for multi-family developments, which is crucial for ensuring safety during aircraft emergencies. The RCALUCP emphasizes prioritizing the maximum safety standards in site design. The finding suggests alternatives such as local roads, freeways, and nearby parks could fulfill the open area mandate. The City has confirmed in its findings that this area already has abundant land uses that are incompatible with the RCALUCP, and this underscores the importance of maintaining enforceable open space on-site as per the RCALUCP. Neglecting this requirement in Zone B1 at Riverside Municipal Airport heightens public safety concerns and risks associated with residential occupancy.

The RCALUCP 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 Land Use Planning Handbook (Handbook). The RCALUCP 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 RCALUC used the criteria of the RCALUCP in making its determination of inconsistency, and their determination of inconsistency is supported by the Division.

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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 by phone at (916) 907-2219.

Sincerely,



Vincent Ray
Aviation Planner

c: Paul Rull, Riverside County Airport Land Use Commission Director, prull@rivco.org
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