



City of Arts & Innovation

# City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: NOVEMBER 19, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 7  
DEPARTMENT

SUBJECT: P18-0970 GENERAL PLAN AMENDMENT, P18-0971 ZONING CODE AMENDMENT, P18-0972 TENTATIVE TRACT MAP, P18-0973 PLANNED RESIDENTIAL DEVELOPMENT PERMIT, P18-0974 DESIGN REVIEW AND P18-0975 VARIANCE – AN APPEAL BY OSCAR GRAHAM OF PASCO PACIFICA, LLC OF A FINDING OF INCONSISTENCY MADE BY THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION AND DENIAL BY THE CITY PLANNING COMMISSION AND FOR A PLANNED RESIDENTIAL SUBDIVISION LOCATED AT THE SOUTHEAST CORNER OF TYLER STREET AND JURUPA AVENUE

## **ISSUE:**

Consider the appeal, requested by Oscar Graham of Passco Pacifica LLC, of the finding of inconsistency made by the Riverside County Airport Land Use Commission for the proposed project located at the southeast corner of Tyler Street and Jurupa Avenue, in Zone C of the Riverside County Airport Land Use Compatibility Plan and consider the denial of Planning Cases P18-0970 General Plan Amendment, P18-0971 Zoning Code Amendment, P18-0972 Tentative Tract Map, P18-0973 Planned Residential Development Permit, P18-0974 Design Review, and P18-0975 Variance to facilitate a 56-lot planned residential subdivision on 7.07 vacant gross acres.

## **RECOMMENDATIONS:**

That the City Council:

1. Consider the attached Resolution making findings overruling Riverside County Airport Land Use Commission's finding of inconsistency with the Riverside County Airport Land Use Compatibility Plan, and if in agreement, adopt the Resolution;

If the Resolution overruling Riverside County Airport Land Use Commission is adopted, then the City Council shall:

1. Determine that this proposed project will not have a significant effect on the environment based on the findings set forth in the case record, and adopt the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program;
2. Approve the appeal of Planning Cases P18-0970 General Plan Amendment, P18-0971 Zoning Code Amendment, P18-0972 Tentative Tract Map, P18-0973 Planned Residential Development Permit, P18-0974 Design Review, and P18-0975 Variance, based on the

findings summarized in the staff report, and outlined in the attached findings and subject to the attached conditions;

3. Adopt the attached Resolution amending the General Plan 2025 land use designation of approximately 7.07 gross acres of land from C – Commercial to MDR – Medium Density Residential; and
4. Introduce introducing and subsequently adopting the attached Ordinance amending the Zoning Map.

As a matter of information, a 2/3's majority vote (5 members) of the City Council is required by State Law to overrule ALUC's decision.

### **PLANNING COMMISSION RECOMMENDATION:**

On September 5, 2019, the Planning Commission denied Planning Cases P18-0970 General Plan Amendment, P18-0971 Zoning Code Amendment, P18-0972 Tentative Tract Map, P18-0973 Planned Residential Development, P18-0974 Design Review, and P18-0975 Variance by a vote of 3 ayes and 3 noes. A 2/3 majority vote of the Commissioners present is required to approve a Planned Residential Development, which would have required the affirmative vote of at least four Planning Commission members. The amendment to the General Plan and Zoning Code would have also required the affirmative vote of at least four Planning Commission members, or a majority, whichever is greater.

### **BACKGROUND:**

#### **Project Description**

The applicant is requesting approval of the following entitlements to facilitate a planned residential development: 1) a General Plan Amendment to change the General Plan land use designation from C – Commercial to MDR – Medium Density Residential; 2) Zoning Code Amendment to change the zone from CR – Commercial Retail Zone to R-1-7000 – Single-Family Residential Zone and a portion of the site to R-1-7000-S – Single-Family Residential and Building Stories (maximum 3 stories) Overlay Zones; 3) A Tentative Tract Map (TM-37626) to subdivide 7.07 acres into 56 single-family residential lots, 15 lettered lots for open space purposes, and 17 lots for street purposes; 4) Planned Residential Development Permit for the establishment of detached single-family dwellings, private streets and common open space; 5) Design Review of project plans; and 6) Variance to allow a reduced perimeter landscape setback.

The residential lots range in size from 1,742 to 2,669 square feet and will be developed with dwelling units ranging in size from 1,721 to 2,390 square feet in three architectural styles, Craftsman, Farmhouse, and Spanish. The proposed dwelling units are two stories with a maximum building height of 29 feet, except for the dwelling units located within the proposed Building Stories Overlay Zone, where a maximum building height of 37 feet is proposed.

Common open space, totaling 29,073 square feet, is provided within two recreation areas, and twelve pocket parks located along the perimeter of the project site. The northern open space area includes a multi-purpose lawn, barbeque picnic area, and an overhead shade structure. The southern open space area includes a multi-purpose lawn, barbeque picnic area, and a grove of olive trees. Each residential lot includes at least 200 square feet of private open space.

Vehicular access is provided from Jurupa Avenue. A secondary access off Tyler Street provides access to emergency vehicles only. A total of 35 guest parking spaces are provided throughout the site. A network of sidewalks and corner curb bulb-outs are provided for pedestrian safety.

### Riverside County Airport Land Use Commission

The subject site is within Zone C of the Riverside County Airport Land Use Compatibility Plan (RCALUCP). Compatibility Zones are established by the RCALUCP for the purpose of assessing land use compatibility within the airport influence area. Zone C limits the residential density to a maximum of 0.2 dwelling units per acre (minimum 5-acre lot size). The delineation of Zone C is primarily based on safety concerns, in that this zone incorporates the airport's outer approach/departure zones, with the site located directly along the extended centerline of Runway 9-27.

### ALUC and Planning Commission's Decision

On March 14, 2019, the Riverside County Airport Land Use Commission (ALUC) determined that the proposed planned residential subdivision was "Inconsistent" with the RCALUCP, as the project exceeds the maximum allowable density in Compatibility Zone C. Based on the Zone C allowable density, a total of one dwelling unit and a density of 0.2 dwelling units per acre would be allowed for this project.

On September 5, 2019, the Planning Commission considered a General Plan Amendment, Zoning Code Amendment, Tentative Tract Map, Planned Residential Development Permit, Design Review, and Variance for the proposed planned residential subdivision and were informed of the ALUC inconsistency determination. Staff recommended denial of the project in the Planning Commission report (Attachment 10) due to the project site's location within the Airport Compatibility Zone C, which incorporates the airport's outer approach/departure zones. Commissioners expressed concerns regarding the proposed density and safety implications of the project. By a vote of 3 ayes and 3 noes, the Planning Commission recommended denial of the Project.

### Appeal of ALUC and Planning Commission's Denial

On September 6, 2019, the applicant filed an appeal of ALUC's decision to the City Council. Pursuant to Public Utilities Code section 21676, the City Council has the authority to overrule ALUC's determination based on specific findings that the proposal is consistent with the purposes of ALUC law "to protect public health, safety and welfare by ensuring 1) the orderly expansion of airports; and 2) the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

On September 10, 2019, the applicant filed an appeal of Planning Commission's recommendation to deny the proposed planned residential subdivision.

The process to overrule ALUC's determination involves two City Council hearings. The first hearing is required to express the City Council's intent to overrule ALUC's determination and the second public hearing is required to consider the appeal to overrule ALUC's determination.

On October 1, 2019, the City Council adopted Resolution No. 23495 declaring its intent to overrule ALUC's finding of inconsistency with the RCALUCP and approve the Project. As required by the Public Utilities Code, a copy of the City Council's decision and findings were provided to both ALUC and the California Division of Aeronautics. As of the writing of this staff report, staff received

a comment letter (Attachment 8) from ALUC in response to the findings included in Resolution No. 23495. ALUC expressed concerns related to the proposed density and reiterated that restricting the numbers of homes that could be impacted in an emergency landing or crash is the basis of an Airport Land Use Compatibility Plan. Furthermore, if the City Council overrules ALUC's finding of inconsistency with the RCALUCP and approves the Project, ALUC recommends applying the conditions included in ALUC's staff report to minimize impacts on the continued use of the airport and to notify the public of the risk and the aircraft overflights. As a matter of information, ALUC's conditions of approval are included as mitigation measures in the Mitigated Negative Declaration and Mitigation and Monitoring Reporting Program.

## **DISCUSSION:**

The proposed project meets the standards for a PRD and the R-1-7000 Zone, with the exception of a Variance requested to allow a reduced project perimeter landscape setback. The Zoning Code establishes PRD regulations to allow for flexibility and creativity in the design of single-family residential developments. The proposed project achieves the purpose of a PRD, as it used the development standards to develop a creative community consisting of a centralized common open space, clustered development along Jurupa Avenue and Tyler Street, while being sensitive to the adjacent single-family residential development. Except for the inconsistency determination made by the Riverside County Airport Land Use Commission based on safety concerns that the project is located in the airport runway path, the project is well-designed and consistent with the surrounding development.

### **Zoning Code Amendment**

If City Council overrules ALUC's finding of inconsistency with the RCALUCP based on specific findings that the proposal is consistent with the purposes of ALUC law to protect public health, safety and welfare, the proposed Zoning Code Map Amendment can be found to be consistent with the goals, policies and objectives of the General Plan, as it will promote public health, safety, and general welfare, and serve the goals and purposes of the Zoning Code. Additionally, the Project has been designed to be consistent with the surrounding tract communities, predominately established in the 1970s and 1980s; therefore, the Project will not adversely affect surrounding properties.

### **Planned Residential Development Permit (PRD)**

The proposed PRD consisting of 56 units on 7.07 gross acres will yield a density of 7.92 units per gross acre. In the R-1-7000 Zone, a PRD qualifies for a Benchmark Density of 7.3 dwelling units per gross acre if the project meets all the requirements of Section 19.780.050(A) of the Zoning Code (*Benchmark Density and Findings for Approval*). Additionally, a PRD project may qualify for a density bonus up to the maximum of 8.0 dwelling units per gross acre, provided that it meets the standards identified above and satisfies superior design criteria as provided in the Zoning Code.

Overall, the proposed Project is well designed with adequate common space amenities, pedestrian and vehicular circulation and landscaping. Sidewalks are proposed throughout the site to provide efficient pedestrian access to common open space and recreational amenities. Furthermore, the proposal meets the intent of the Planned Residential Development Permit and has designed to be consistent with and sensitive to the surrounding residential development pattern.

### Variance

The Zoning Code requires a project perimeter landscape setback of 20 feet adjacent to all public streets for PRDs in the R-1-7000 Zone. The Applicant requests a Variance to allow a reduced 3-foot project perimeter landscaped setback along Tyler Street and Jurupa Avenue. The proposed reduced project perimeter landscape setback is consistent with the existing residential development pattern. The conceptual landscaping plans show a variety of ornamental shrubs and groundcover to adequately soften the proposed perimeter picket fence.

If City Council overrules ALUC's finding of inconsistency with the RCALUCP and approves the Project, Variance Justification findings can be found in Attachment 3.

### Public Comments

After publication of the staff report for the October 1, 2019 City Council meeting, staff received one public comment letter (Attachment 9) in opposition of overruling ALUC's finding of inconsistency with the RCALUCP.

### **FISCAL IMPACT:**

There is no impact associated with this action, as all project costs are borne by the applicant.

Prepared by:	David Welch, Community & Economic Development Director
Certified as to availability of funds:	Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by:	Rafael Guzman, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney

### Attachments:

1. Resolution Outlining Findings to Overrule ALUC's Decision
2. City Council Report – October 1, 2019
3. Recommended Findings
4. Recommended Conditions of Approval
5. Applicant Appeal Request - September 10, 2019
6. Resolution Amending the General Plan
7. Ordinance Amending the Zoning Code
8. Riverside County Airport Land Use Commission Comment Letter
9. Comment Letter in Opposition
10. Planning Commission Report – September 5, 2019
11. Planning Commission Meeting Minutes – September 5, 2019
12. Presentation
13. Notice of Public Hearing