

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 RIVERSIDE, CALIFORNIA, TO OVERRULE RIVERSIDE COUNTY
4 AIRPORT LAND USE COMMISSION'S FINDING OF INCONSISTENCY
5 WITH THE RIVERSIDE COUNTY AIRPORT LAND USE
6 COMPATIBILITY PLAN REGARDING A CONDITIONAL USE PERMIT
7 FOR A PUBLIC CHARTER SCHOOL LOCATED AT 5188 ARLINGTON
8 AVENUE, RIVERSIDE, CALIFORNIA.

9 WHEREAS, an application was submitted by Alta Vista Public Charter School ("Applicant")
10 for a Conditional Use Permit to permit a public charter school, for a total of 400 students with
11 approximately 12 students at any given time, ages 14 through 19, in an existing 10,250 square foot
12 tenant space located at Heritage Plaza, 5188 Arlington Avenue, in the City of Riverside, California
13 ("Project"); and

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

17 WHEREAS, the Project is located in Compatibility Plan Zones C and D, which includes the
18 existing multi-tenant commercial building at Heritage Plaza; and

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

22 WHEREAS, on May 12, 2016, the Riverside County Airport Land Use Commission
23 ("ALUC") determined that the under RCALUCP, the Project was prohibited in Zone C and would
24 not be in conformance with the single-acre intensity criteria for Zones C and D; and

25 WHEREAS, on May 18, 2016, the Applicant filed an appeal of ALUC's determination with
26 the City Council, a copy of which is attached hereto as Exhibit "A" and incorporated herein by
27 reference; and

28 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 of airports, and (2) the adoption of land use measures that minimize the public's exposure

1 to excessive noise and safety hazards within areas around public airports to the extent that these
2 areas are not already devoted to incompatible uses.

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

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

7 Section 2: The City Council hereby finds that:

8 a. The Project involves a non-traditional school where at any given time
9 there will be up to 12 students, 8 teachers and 4 support staff in the subject tenant space. The
10 operational characteristics of the school do not require students to attend on-site classroom
11 instruction as typical in a conventional school system.

12 b. The definition of schools, provided by Federal Aviation
13 Administration (FAA), does not take into consideration the type of low intensity educational
14 resource centers, such as this Project, where a small number of students are on site at any given time.
15 The definition only considers a traditional school scenario where students are dropped off and picked
16 up at the same time, and receive simultaneous instruction in a traditional "school" setting.

17 c. Based on the Zones C and D acreage and allowable average intensity,
18 a maximum Zone C occupancy of 5 people could be allowed, and a maximum Zone D occupancy of
19 16 people could be allowed, for a total site occupancy of 21 people. Zones C and D of the
20 RCALUCP allow by right, without ALUC determination, retail uses that would have the potential
21 for a greater number of people of all ages at any given time than the Project. In this instance, the
22 craft and hobby retail use that previously occupied this tenant space would have accommodated
23 approximately 171 persons, based on 50 percent of maximum Building Code occupancy, which by
24 far exceeds the allowable average intensity of the Zones, whereas the Project would accommodate
25 up to 24 persons on site at any given time. Thus, the proposed use of the Project would result in a
26 lower occupancy. While the Applicant is proposing a total enrollment of 400 students, there would
27 only be a total of 24 people on site at any given time due to the operational characteristics of the use.

1 The number of people proposed to be on site at any given time would only exceed the allowable
2 average intensity by 3 people.

3 d. Based on the single-acre intensity, this Project will be well under the
4 maximum allowed. According to ALUC, the single-acre intensity for this Project will result in 671
5 occupancy, which exceeds the allowable occupancy in Zones C and D, which is 450 total. However,
6 this Project will only result in a maximum occupancy of 24 people on site at any given time, thus
7 complying with and well under the single-acre intensity allowed in the C and D Zones.

8 e. Although the site is located within the 55-60 dBA CNEL contour from
9 Riverside Municipal Airport, the Project is acceptable at this site because the school activities are
10 proposed to be conducted entirely indoors and does not proposed to have any outdoor area, and as
11 such there will not be any excessive exposure to noise.

12 f. The existing retail center, Heritage Plaza, contains businesses with
13 more intensive uses and people at any given time than will be at the Project suite.

14 Section 3: Based on the above findings, as well as the facts and findings set forth in the
15 Applicants appeal letter attached hereto as Exhibit "A" the City Council hereby overrules the
16 determination of ALUC and hereby approves the Project.

17 ADOPTED by the City Council this _____ day of _____, 20__.

18
19 _____
20 WILLIAM R. BAILEY, III
21 Mayor of the City of Riverside

21 Attest:

22
23 _____
24 COLLEEN J. NICOL
25 City Clerk of the City of Riverside
26
27
28

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at
3 its meeting held on the _____ day of _____, 20____, by the following vote, to wit:

4 Ayes:

5 Noes:

6 Absent:

7 Abstain:

8
9 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
10 City of Riverside, California, this _____ day of _____, 20____.

11
12 _____
13 COLLEEN J. NICOL
14 City Clerk of the City of Riverside

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