

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, DECLARING ITS INTENT TO OVERRULE RIVERSIDE
4 COUNTY AIRPORT LAND USE COMMISSION'S FINDING OF
5 INCONSISTENCY WITH THE RIVERSIDE COUNTY AIRPORT LAND
6 USE COMPATIBILITY PLAN REGARDING A PLANNED RESIDENTIAL
7 DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF TYLER
8 STREET AND JURUPA AVENUE, RIVERSIDE, CALIFORNIA
9 ASSESSOR'S PARCEL NUMBER 155-441-023.

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

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

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

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

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

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

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

1 WHEREAS, the City Council of the City of Riverside, by a two-thirds vote, has the authority
2 to overrule the ALUC's decision based on specific findings that the proposal is consistent with the
3 purposes of ALUC law to protect public health, safety and welfare ensuring (1) the orderly expansion
4 of airports, and (2) the adoption of land use measures that minimize the public's exposure to excessive
5 noise and safety hazards within areas around public airports to the extent that these areas are not
6 already devoted to incompatible uses.

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

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

11 Section 2: The City Council hereby finds that:

12 a) With respect to noise, the proposed project is located approximately 1.6 miles from the
13 end of the Riverside Municipal Airport (RMA) runway. The Riverside County Airport Land Use
14 Compatibility Plan (RCALUCP) provides that the maximum CNEL considered "normally acceptable"
15 for new residential land uses in the vicinity of the airports is 65 dBA. The City's General Plan Noise
16 Element (Figure N-10 – Noise/Land Use Noise Compatibility Criteria) identifies that the level of noise
17 "normally acceptable" for single family residential uses is between 55 and 60 dBA CNEL. Figure N-
18 8 of the General Plan shows the project site is within the 55 dBA CNEL noise contour level projected
19 for the RMA operations, which is 5 to 10 dBAs below the noise exposure standard deemed to be
20 "normally acceptable" for the single family residential category.

21 b) The Riverside Municipal Code Section 12.08.190 and the 2009 Airport Master Plan
22 recommends that departing airplanes turn north westerly to follow the Santa Ana River; thereby
23 avoiding flying over the proposed project site and minimizing noise impacts on noise-sensitive land
24 uses.

25 c) There are currently more than 650 homes located in Zone C and over 170 homes located
26 in Zone B1 that lie between the project site and the end of the RMA runway. The 820 homes are
27 "grandfathered" under the provisions of the adopted 2005 ALUCP. The proposed Planned Residential
28

1 Development (PRD) would provide 56 residential units, consistent with the surrounding development
2 pattern.

3 d) The underlying General Plan and Zoning designations allow the property to be
4 developed with a commercial development. The proposed PRD may be less of a hazard to aircraft as
5 the three story residences would not exceed 37 feet in height, whereas commercial development
6 standards allow a maximum height of 75 feet.

7 e) The proposed PRD does not incorporate any of the uses prohibited in Zone C, such as
8 children's schools, day care centers, libraries, hospitals, or nursing homes.

9 f) The proposed PRD will have no impact on Federal Aviation Administration Federal
10 Aviation Regulations (FAA FAR) Part 77. The FAA FAR Part 77 Surface Map is a map used by the
11 FAA and the ALUC to identify potential obstructions and hazards to aviation traffic. The ALUC uses
12 the map as a height restriction boundary for purposes of making consistency determinations with its
13 ALUCP. FAA review would be required for any structures with top of roof exceeding 841 feet above
14 mean sea level (AMSL). The project site elevation is 764 feet AMSL. With a maximum building
15 height of 37 feet, the resulting top point elevation is 801 feet AMSL. Therefore, review of the PRD by
16 the FAA Obstruction Evaluation Service (FAAOES) would not be required.

17 g) The PRD will be required to comply with the recommended Riverside County Airport
18 Land Use Commission conditions of approval, including: restrictions on outdoor lighting, prohibited
19 uses, notices and informational brochures for prospective purchasers and tenants showing the location
20 of the aircraft flight patterns, and noise attenuation measures.

21 Section 3: Based on the above findings, as well as the facts and findings set forth in the
22 Applicants appeal letter attached hereto as Exhibit "A" the City Council hereby declares its intention
23 to overrule the determination of ALUC and approve the Project.

24 //

25 //

26 //

27 //

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

2

3

4

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

5

Attest:

6

7

COLLEEN J. NICOL
City Clerk of the City of Riverside

8

9

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:

10

11

Ayes:

12

13

Noes:

14

Absent:

15

Abstain:

16

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

17

18

19

20

COLLEEN J. NICOL
City Clerk of the City of Riverside

21

22

23

24

25

26

27

CA 19-1104

28