



*City of Arts & Innovation*

# City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: OCTOBER 1, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 7  
DEPARTMENT

SUBJECT: REQUEST BY PASSCO PACIFICA, LLC, TO APPEAL THE DECISION OF THE COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION AT THE SOUTHEAST CORNER OF TYLER STREET AND JURUPA AVENUE – RELATED TO 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

## **ISSUE:**

Consider an appeal requested by Oscar Graham of Passco Pacifica, LLC, to overrule the Riverside County Airport Land Use Commission (ALUC) findings of inconsistency for a General Plan Amendment, Zoning Code Amendment, Tentative Tract Map, Planned Residential Development, Design Review, and Variance to facilitate a residential subdivision consisting of 56 single-family residential lots, common open space, and private streets on 7.07 vacant gross acres (Attachment 1). The subject property is located in Zone C of the Riverside County Airport Land Use Compatibility Plan (RCALUCP).

## **RECOMMENDATIONS:**

That the City Council:

1. Review the attached draft resolution (Attachment 2) outlining the findings in support of an overrule of the decision of ALUC;
2. Express its intent to adopt the findings and resolution to overrule the decision of ALUC; and
3. Schedule a second public hearing on November 19, 2019, for consideration of the ALUC overrule and the appeal of the Planning Commission decision on 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.

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:**

Staff recommended denial of the project based on the ALUC determination of inconsistency. 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 three ayes and three noes. A 2/3 majority vote of the Commissioners present is required to approve a Planned Residential Development, therefore four ayes were needed for approval.

## **BACKGROUND:**

### *Riverside County Airport Land Use Commission*

On March 14, 2019, the Riverside County Airport Land Use Commission (ALUC), by a 5-2 vote, found City of Riverside Cases P18-0970 General Plan Amendment, P18-0971 Rezone, and P18-0972 Tentative Tract Map No. 37626, inconsistent with the 2005 Riverside Municipal Airport Land Use Compatibility Plan, due to the site's location within Compatibility Zone C, which limits the residential density to a maximum of 0.2 dwelling units per acre (minimum five acre lot size). The delineation of Zone C is primarily based on safety concerns, as this zone incorporates the airport's outer approach/departure zones, with the site located directly along the extended centerline of Runway 9-27.

### *Appeal of the ALUC's Decision*

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."

### *Process to Overrule ALUC's Determination*

The process to overrule ALUC's determination involves two City Council hearings. The first public hearing is required to express the City Council's intent to overrule ALUC's determination. The second public hearing, recommended to be scheduled for November 19, 2019, is required to consider the appeal to overrule ALUC's determination. A 2/3 majority vote by City Council is required at the first public hearing to express its intent to adopt the findings provided in the attached draft resolution (Attachment 2).

Should City Council express its intent to overrule ALUC's finding of inconsistency, a copy of the City Council's decision and findings will be provided to both ALUC and the California Division of Aeronautics, as required by the Public Utilities Code, 45 days prior to the decision to overrule ALUC. These agencies have 30 days in which to provide comments. Any written comments submitted would be provided to City Council for consideration at the second public hearing on November 19, 2019.

## *Project Entitlements*

The applicant's request to appeal the decision of the Planning Commission of denial of the following entitlements will also be heard at the November 19, 2019, hearing: 1) 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 three stories) Overlay Zones; 3) A Tentative Tract Map (No. 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.

Please refer to the September 5, 2019, Planning Commission staff report for additional details on the proposed entitlements (Attachment 3). As detailed in the Planning Commission minutes (Attachment 4), concern was expressed by Commissioners about approving a project determined to be inconsistent with the RCALUCP for the Riverside Municipal Airport. One comment letter (Attachment 5) was also received in support of staff's recommendation to deny the project. Additionally, one internal department memorandum (Attachment 6) was received in support of ALUC's inconsistency determination. The Planning Commission was not required to take action on ALUC's inconsistency determination, and denied the requested entitlements.

## **FISCAL IMPACT:**

There is no impact to the General Fund associated with this report, 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. Applicant Appeal Request, dated September 6, 2019
2. Draft Resolution of Intent to Overrule ALUC Decision
3. Planning Commission Staff Report and Exhibits – September 5, 2019
4. Planning Commission Draft Minutes – September 5, 2019
5. Planning Commission Comment Letter
6. Memorandum – General Services Department
7. Presentation