

August 28, 2019

To: City of Riverside Planning Commission and City of Riverside Planning Division,  
Via project planner Candice Assadzadeh, senior planner

From: Friends of Riverside's Hills (FRH)

Re: September 5, 2019 Planning Commission agenda item #3: P18-0970 (General Plan Amendment), P18-0971 (Rezone), P18-0972 (Tentative Tract Map), P18-0973 (Planned Residential Development), P18-0974 (Design Review) and P18-0975 (Variance) -- Riverpointe Planned Residential Development, and comments on the associated Draft Mitigated Negative Declaration for the project

Dear Planning Commission members and Planning Division Staff:

FRH, in its nearly two decades of existence, has been concerned with preserving and protecting all aspects of the environment in the Riverside area, not just limited to aspects relating to hills. FRH fully supports the planning staff recommendation of denial of this proposed project

A main concern is with the finding by the Airport Land Use Commission (ALUC) that the project is inconsistent with the Airport Land Use Compatibility Plan for Riverside Municipal Airport, which means that the project will require an override of the ALUC decision by the Riverside City Council. We agree with the planning staff that that would be inappropriate. (We recall that FRH sued and won back in 2006 when the City unwisely approved such an override.)

As stated in the Draft MND and staff report, the project site is located within Compatibility Zone C (Extended Approach / Departure Zone) of the Riverside Municipal Airport Influence Area, of the Riverside Municipal Airport Land Use Compatibility Plan (ALUCP) which for residential purposes requires minimum 5-acre residential lots, enormously less dense than the very small lots of the proposed project, although the ALUCP does allow commercial use as called for in the present General Plan and Zoning categories for the site. As noted in the staff report, this density of residential use of the proposed project is in serious conflict with a number of Objectives and Policies of the City's General Plan. As the staff report also notes, "The City is aware that airport use intensification may be

hampered if surrounding commercial and residential uses intensify and create incompatibility with airport operations.”

The obvious reasons for the ALUCP Compatibility Zone C restrictions can be divided into two categories: 1) protection of people on the ground from aircraft flying overhead – particularly from potential crashes but also from noise, and 2) protection of aircraft from project effects such as lighting, smoke, and bird proliferation.

However, the Draft MND’s proposed three Mitigation Measures, MM-Haz 1, 2 and 3, that are claimed to reduce the potential impacts of the ALUCP violation to less than significant, are directed only to the second category of potential impacts, those on aircraft, and completely fail to address the potential impacts of the first category, specifically failing to address protection of people on the ground. It is obvious that with much lower density far fewer people would be affected by an airplane crash in the project area, and it seems obvious that that is why the ALUCP calls for such a very low density in Compatibility Zone C, and why the ALUC, at the time of adoption of the ALUCP, chose to adopt that stringent requirement. This claim is reinforced by the fact that such stringent limitation on residential density would have little impact of residents on aircraft (and if anything would reduce such impact).

The hazards mainly go the other way, of airplanes on residents, but the proposed development would also increase hazards to aircraft, in particular from the three story height of some of the proposed buildings.

Aside from the concern about the inconsistency with the ALUCP, there are other major concerns about the proposed density. The staff report notes that

“the existing surrounding tract communities were predominately established in the 1970s and 1980s, which predates the Riverside Municipal Airport Land Use Compatibility Plan. The approximate residential density of these tracts are 4.7 dwelling units per acre.”

(See, e.g., the aerial photo on p. 11 of the draft Initial Study.) These existing tracts are to the northeast of the project site across Jurupa Ave, and to the southeast with no street separation. The proposed project density of 7.9 units to the acre is 7.9 divided by 4.7 equals 1.7 times the density of those adjacent tracts, so a much

greater density. Moreover, as shown in Table 3 on p. 4 of the draft Initial Study, the area to the west (actually to the west, southwest and northwest so a good third of the surrounding area as shown in the aerial photo on p. 11 of that draft) is zoned RA-5 – Residential Agriculture, so minimum lot size 5 acres, that is, maximum density 0.2 units per acre. Having residential development with 7.9 units per acre adjacent (along about a third of its boundary) to that with 0.2 units per acre, so a ratio of 7.9 divided by 0.2 equals 39.5 to 1, would be an enormous disparity, so very inappropriate and a violation of good planning.

That adjacent area is part of the area protected by the voter-approved Prop R and Measure C. When Measure L in 2014 attempted to increase that adjacent density, the City's voters resoundingly defeated it. It would be an affront to the city's voters to now approve such a high density development adjacent to the land that they decisively voted to see was preserved from high-density development. All of the above indicate that the proposed project not only involves ALUCP violations but other CEQA violations.

We note that the proposed project is claiming the maximum density bonus for a PRD. However, it appears the project does not even qualify for the benchmark PRD density, much less a bonus density. Indeed, the City's zoning code section 19.780.050A states

"Compliance with the following criteria shall be demonstrated for a proposed project to be approved, and the benchmark density to be granted. Failure to substantially meet or exceed all these standards shall result in disapproval of the project, or a lower density than the benchmark density.

1. In all single-family residential zones, other than RA-5 and RC Zone: ...

d. ... v. Sensitivity to surrounding community and attention to the edge conditions, creating areas of transition from surrounding existing development to the proposed development.

e. The project proposes development in an environmentally and topographically sensitive manner in order to minimize the impacts of development on adjacent properties ... ."

As noted above, the proposed project shows NO such required sensitivity to the surrounding community, neither to the adjacent existing developed area nor to the (as yet undeveloped) adjacent Measure C-protected area.

Moreover, the CEQA question 11 Land Use and Planning, asks “would the project

b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?”

Not only does the proposed project not qualify for even the benchmark PRD density for the proposed zone, but since these zoning code requirements are clearly environmentally purposed, as is the ALUCP, and since the project, among other impacts, fails to show sensitivity to the surrounding community and attention to the edge conditions, in particular on the environmentally sensitive adjacent Measure C-area, this is also a CEQA violation.

Finally, we comment on the proposed variance for Project Perimeter Setbacks, where the code requires 20 foot setbacks (along Jurupa and along Tyler), but the proposed variance would reduce that to a mere 3 foot setbacks, a huge discrepancy. As the alleged justification for the required “hardship or practical difficulties” finding says, there would be “a substantial loss of developable area if the 20-foot setback requirement were implemented”, in other words, they wouldn’t be able to get so many lots. But that is entirely an economic reason – they wouldn’t be able to make so much money, and according to law (going back to the California Supreme Court decision in *Broadway Laguna*) and the City’s zoning code, cannot be used to justify a such a finding. More generally, the required findings lack legal justification – there is no evidence that this large 7 acre parcel is so unusual that it needs to reduce the street setbacks to a mere 3 feet. Also, such a reduction would increase the edge effects (aesthetic and otherwise) and thus be detrimental to the public welfare in the neighborhood. Thus the required findings for the proposed variance cannot be legally justified.

Thank you for your consideration.

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