

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 THE ARLINGTON MIXED
7 USE DEVELOPMENT PROJECT, LOCATED AT 5261 ARLINGTON
8 AVENUE, GENERALLY SITUATED NORTHEAST OF THE
9 INTERSECTION OF ARLINGTON AND STREETER AVENUES,
10 RIVERSIDE, CALIFORNIA ASSESSOR'S PARCEL NUMBER 226-180-
11 015.

12 WHEREAS, an application was submitted by Riverside Property Owner, LLC ("Applicant")
13 for a General Plan Amendment (DP-2022-00035), a Zoning Code Amendment (DP-2022-00036), a
14 Site Plan Review (DP-2022-00025), a Tentative Parcel Map (SD-2022-00002), and an Environmental
15 Impact Report (DP-2022-00048) (collectively "Project") on 17.37 acres of land located at 5261
16 Arlington Avenue, generally situated northeast of the intersection of Arlington and Streeter Avenues,
17 in the City of Riverside, California, Assessor's Parcel No. 226-180-015; and

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

21 WHEREAS, the Project is located in Airport Compatibility Plan Zones B1, C, and D; and

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

24 WHEREAS, on January 12, 2023, the Riverside County Airport Land Use Commission
25 ("ALUC") determined that the Project was inconsistent with the RCALUCP in that the Project's
26 residential density is inconsistent with the Zone B1 maximum residential density criteria and Zone C
27 maximum residential density criteria; the Project's non-residential intensities are inconsistent with
28 Zone B1 and Zone C intensity criteria; the Project's proposed three-story buildings are inconsistent
with Zone B1 criteria allowing two or less aboveground habitable floors; and, that the Project does not
provide the required ALUC qualified open area to satisfy the Zone B1, C, and D open area criteria.

WHEREAS, on April 25, 2024, the Planning Commission of the City of Riverside reviewed
the Project and on a vote of 6-0-1, the Project was deemed approved; and

1 WHEREAS, on December 30, 2023, the Applicant filed an appeal of ALUC’s determination
2 with the City Council, a copy of which is attached hereto as Exhibit “A” and incorporated herein by
3 reference; and

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

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

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

14 Section 2: The City Council hereby finds that:

- 15 1. The Project will not affect the orderly expansion of the Airport.
- 16 a. The Project is consistent with residential development surrounding the Airport,
17 specifically in Zone B1. The Project involves the redevelopment of an underutilized
18 commercial parcel with multifamily residential and commercial development. The
19 Project’s proposed General Plan designation and zoning designation of Mixed Use-
20 Village, is consistent with surrounding development, and would assist in transitioning
21 land use between commercial and single-family residential uses.
- 22 b. The Project site is located north of the Heritage Plaza commercial shopping center, the
23 Arlington Square Shopping Center and multiple multifamily developments, which have
24 General Plan Land Use Designations of C – Commercial and HDR – High Density
25 Residential and zoned CR – Commercial Retail, CG – Commercial General, O – Office,
26 R-3-1500 Multifamily residential and R-3-2000 – Multifamily residential. Directly
27 west of the Project is additional single-family residential, office, and commercial uses,
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1 which have a General Plan Land Use Designation of MDR – Medium Density
2 Residential, O – Office, C – Commercial, and PF – Public Facilities and is zoned CG
3 – Commercial General, O – Office, and R-1-7000 – Single Family Residential.
4 Directly north, the Project site is bordered by more single-family residential, office and
5 vacant uses with a General Plan Land Use Designation of O – Office, PF – Public
6 Facilities, and C – Commercial and is zoned CG – Commercial General and R-1-7000
7 – Single Family Residential. And lastly, the Project is bordered on the east with single-
8 family residential and office uses with a General Plan Land Use Designation of MDR
9 – Medium Density Residential and O – Office and is zoned R-1-7000 Single Family
10 Residential and O – Office.

11 c. The surrounding residential uses exceed the 0.05 dwelling units per acre requirement of
12 Zone B1 and the 0.2 dwelling units per acre requirement of Zone C. Of note, several
13 multifamily residential and commercial uses are located in Zone B1, near the Project.
14 Two apartment complexes, Phoenix Gardens Apartments, located at 6930 Phoenix
15 Avenue, and Concord Place, located at 5657 Arlington Avenue, are within proximity to
16 the Project Site, closer to the airport. Additionally, large neighborhoods of single
17 residential houses are directly east of the Project site in Zone C. The Heritage Plaza and
18 Arlington Square Shopping Center, directly across the street from the Project site, host
19 over fifteen commercial businesses, such as Ross Dress for Less, Big Lots, and Smart
20 & Final Extra. Lastly, the total number of people concentrated on the site does not
21 increase with the proposed project. In fact, given the nature of residential living, there
22 are less people on the site during daytime hours as residents go to work, school, etc.,
23 which coincides with regular Airport operational hours. The existing commercial
24 permitted use would bring more people to the site during Airport operational hours. The
25 project is consistent with other residential and commercial developments in the B1 and
26 C Zones.

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- d. Additionally, the Project consists of infill development of an underutilized commercial site. The vast majority of properties within the Zone B1 Zone have been built out, largely by residences and commercial uses. Few infill sites, such as the Project, are available for development. As such, the Project would not encourage other developments to exceed Zone B1 density standards or encroach upon Airport operations.
- 2. The project minimizes the public’s exposure to excessive noise and safety hazards within areas around the Airport.
 - a. The Project is consistent with the aircraft noise standards of the ALUCP and the requirements of PUC Section 21670.
 - i. The ALUCP provides the CNEL considered normally acceptable for new residential uses in the vicinity of RMA is 65 dBA. (ALUCP, § RI.2(2.1).) The Project site is approximately one mile from the end of Runway 9/27. The ALUCP depicts the site as being below the 60 CNEL range from aircraft noise. Therefore, the ALUC found no special measures were required to mitigate aircraft-generated noise. Because the Project is consistent with the noise standards in the ALUCP, the Project also complies with the noise standards in the City of Riverside General Plan. (General Plan Noise Element, Figure N-10.) While multifamily or mixed uses are not defined in the City’s General Plan Noise Element, the “normally acceptable” noise level for an infill single family residential use is between 55 and 65 dBA CNEL. Accordingly, noise exposure from the Airport would not exceed normally acceptable levels for the Project site.
 - ii. The Project will comply with Riverside Municipal Code requirements regarding construction noise and will not compound noise related to Airport operations. All construction would take place between 7:00 a.m. and 7:00 p.m. on weekdays, 8:00 a.m. and 5:00 p.m. on Saturdays, and would not take place at any time on Sunday or a federal holiday. (RMC, § 7.35.020.)
 - iii. The Project will also comply with ALUC noticing conditions and will provide a “Notice of Airport in Vicinity” to all prospective purchasers and occupants of the

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property.

3. The Project does not propose any uses specifically prohibited or discouraged in Compatibility Zone B1 (highly noise-sensitive outdoor nonresidential uses), such as major spectator-oriented sports stadiums, amphitheaters, concert halls and drive-in theaters. The Project also does not propose noise sensitive uses such as children’s schools, day care centers, libraries, hospitals, or nursing homes.
4. The Project will have no impact on Federal Aviation Administration Federal Aviation Regulations (FAA FAR) Part 77.
 - a. The FAA FAR Part 77 Surface Map is a map used by the FAA and the ALUC to identify potential obstructions and hazards to aviation traffic. The ALUC uses the map as a height restriction boundary for purposes of making consistency determinations with its ALUCP. The elevation of Runway 9/27 at its northerly terminus is 815.8 feet above mean sea level (“MSL”). At a distance of approximately 5,151 feet from the project to the nearest point on the runway, FAA review would be required for any structures with top of roof exceeding 867 feet MSL. The site’s highest finished floor elevation is approximately 791 feet MSL with the highest proposed building height at 39-feet 11-inches, resulting in a top point elevation of roughly 831 feet MSL. Therefore, review of the building for height/elevation reasons by the FAA Obstruction Evaluation Service (“FAAOES”) is not required.
5. The Project will not impose a safety hazard due to height.
 - a. The Project proposes to develop 27 residential apartment buildings consisting of 2- and 3-story structures and two commercial buildings. Of the thirteen 3-story residential buildings only one building tops out at 39-feet, 11 inches and the remainder are 38-feet, 1-inch. The fourteen 2-story residential buildings have a maximum height of 28-feet, 8-inches. Both the grocery store and multi-tenant commercial building both have maximum height just short of 31-feet. Zone B1 criteria prohibit buildings with more than two aboveground habitable floors, however, the maximum height of these buildings is well below City standards and FAA standards. Project height is below the proposed MU-V - Mixed Use –

1 Village zone maximum height of 45 feet (RMC § 19.120.050), and well below the current
2 CR - Commercial Retail Zone maximum height of 75 feet (RMC § 19.110.030).
3 Development of the Project, as well as the proposed General Plan Amendment and change
4 of zone, will result in a maximum height similar to what currently exists for the site and
5 less than any project that could potentially be developed onsite if the current zoning is
6 maintained. Thus, the Project will not create an obstruction or hazard to air navigation
7 within the meaning of 14 C.F.R. Part 77 nor does it create a safety hazard pursuant to PUC
8 Section 21670.

- 9 6. The Project will not utilize equipment that would interfere with aircraft communications.
 - 10 a. There are no radar transmission or receiving facilities within the site. The Project’s solar
11 panels are low profile, oriented to limit glare, and present little risk of interfering with radar
12 transmission. In addition, solar panels do not emit electromagnetic waves over distances
13 that could interfere with radar signal transmissions, and any electrical facilities that do
14 carry concentrated current will be buried beneath the ground and away from any signal
15 transmission.
- 16 7. The Project cannot comply with the ALUC Open Area requirement. A 4.99-acre open area,
17 300 feet x 75 feet, with objects no greater than 4 feet in height with a diameter of 4 inches is
18 not conducive to a multi-family development in an urban area. Alternatively, options exist for
19 emergency landing locations, including Arlington Avenue, Central Avenue, the SR-91
20 freeway, and parks to the north of the airport. (See Exhibit D in Applicants response to ALUC)
- 21 8. While ALUC deemed the project inconsistent with the ALUC Compatibility Plan, Conditions
22 of Approval were provided in the event the City Council approved the project and overrule
23 request. The Project will comply with all feasible recommended ALUC conditions, as outlined
24 below:
 - 25 a. The Project will comply with a majority of recommended ALUC conditions of approval,
26 including restrictions on maximum building height, noise attenuation measures, and notices
27 and informational brochures for prospective purchasers and tenants. The Project also will
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1 comply with recommended conditions related to land uses with minor modifications, to
2 continue to ensure safety, but allow for the best available use of the Project site.

3 i. Condition 10 Open Space - cannot be met based on the current size of the Project
4 site. Similar to the surrounding uses such as the Heritage Plaza Shopping Center
5 and Arlington Square Shopping Center, neighboring residential areas, and adjacent
6 offices, there is no available acreage that could adhere to this requirement.

7 ii. Condition 2(e) Habitable Floors – The applicant is seeking to modify this condition
8 by allowing habitable third floors to residential buildings. Based upon the
9 discussion above the condition would be amended allowing habitable floors not to
10 exceed the proposed MU-V Zone maximum height of 45 feet. As demonstrated
11 above and through project plans the site’s tallest building is 39-feet, 11-inches,
12 roughly 3-feet taller than the existing Sears building. Additionally, the height is
13 consistent with both the Zoning Code and FAA regulations based upon glide slope
14 from runway 9/27.

15 Section 3: Based on the above findings, as well as the facts and findings set forth in the
16 Applicants appeal letter attached hereto as Exhibit “A” the City Council hereby declares its intention
17 to overrule the ALUC determination and approve the Project.

18 ADOPTED by the City Council this _____ day of _____, 2024.

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20 _____
21 PATRICIA LOCK DAWSON
22 Mayor of the City of Riverside

23 Attest:

24 _____
25 DONESIA GAUSE
26 City Clerk of the City of Riverside

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1 I, Donesia Gause, 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 _____, 2024, by the following vote, to wit:
4

5 Ayes:

6 Noes:

7 Absent:

8 Abstain:

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 _____, 2024.
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12 _____
13 DONESIA GAUSE
14 City Clerk of the City of Riverside
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27 CA24-0966 ALB 05/16/24
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