



OVERLANDDEV.COM

909-227-4180

3870 MAIN STREET
SUITE 201
RIVERSIDE, CA 92501

DEV @ OVERLANDDEV.COM

September 25, 2023

RECEIVED

Honorable Mayor and City Council
City of Riverside
3900 Main Street
Riverside, CA 92522

SEP 25 2023

Community & Economic
Development Department

**Re: Anton Mission Grove Apartments Project
Planning Case PR-2022-001359: Appeal and Request for Override of
ALUC Finding of Inconsistency**

Honorable Mayor and City Council:

Overland Development Company on behalf of Anton Mission Grove, LLC (“Anton”) hereby appeals the decision of the Riverside County Airport Land Use Commission (“ALUC”) on Thursday, September 14, 2023, finding the Anton Mission Grove Apartment Project (Planning Case PR-2022-001359 – General Plan Amendment, Specific Plan Amendment, Rezone, Development Plan Review) (the “Project”) inconsistent with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUC File No. ZAP1548MA22), for the reasons set forth in this letter and in the attached Findings of Fact.

In order to provide much-needed housing in the City of Riverside, the Anton Mission Grove Apartments Project proposes to redevelop an underutilized 9.92 acre parcel currently developed with a 104,231 square foot vacant retail building (former K-Mart), which is part of the 70-acre Mission Grove Plaza Shopping Center. The Project proposes a total of 347 studio, one-, two-, and three-bedroom residential apartment units within five, 4-story buildings. The Project will also include indoor amenities including a leasing office, clubroom, fitness center, and outdoor amenities including a pool and spa, outdoor seating and dining areas, and a dog park.

The Project site is located at 375 E. Alessandro Boulevard, and is surrounded by compatible commercial and residential uses. Notably, multi-family residences (Mission Villas) are located to the north across Alessandro Boulevard, and the Project site is bordered on the south by a single-family residential neighborhood across Mission Village Drive, with the Estancia apartment complex further south. Commercial retail uses border the Project site to the east across Mission Grove Parkway with the Mission Grove Park apartments further east.

The Project, and all of the surrounding commercial and residential uses discussed above, are within Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport (“March ARB/IPA”) Land Use Compatibility Plan (“ALUCP”). Zone C2 restricts residential density to a maximum of 6.0 dwelling units per acre. The Project proposes a residential density of 35.0 dwelling units per acre, exceeding the maximum residential density in Zone C2. Because of this

exceedance in residential density, ALUC deemed the Project inconsistent with the 2014 March ARB/IPA ALUCP. Aside from residential density, the Project is consistent with the ALUCP.

Anton therefore respectfully requests the City Council override the ALUC decision on appeal for the reasons set forth herein and in the attached Findings of Fact.

We have reviewed ALUC's proposed conditions in the event of an override and are in concurrence with the conditions as written with the exception of condition 7.¹ To allow some flexibility in the final design of the Project's solar panels, and keeping with the intent of condition 7 to avoid any glare impacting the air traffic control tower or creating "yellow" or "red" level glare in the flight paths, Anton requests condition 7 be modified to state the following:

All solar arrays installed on the project site shall consist of photovoltaic solar panels that are consistent with the specifications described in the glare study, which projects 44,049 minutes of solar glare annually based on the proposed project. Any deviation that exceeds 20 percent of annual daylight minutes should be analyzed in an updated solar glare study which shall be submitted to the Airport Land Use Commission. If the updated solar glare study results in a) more than 20 percent of annual solar glare minutes, b) any glare impacting the air traffic control tower, or c) creation of any "yellow" or "red" level glare in the flight paths, then the amended project shall require a new hearing by the Airport Land Use Commission.

Thank you for your consideration of this issue. We are happy to provide any additional information or answer any questions the Council may have.

Sincerely,



Andrew Walcker
Overland Development Company for
Anton Mission Grove, LLC
Andrew@OverlandDevCo.com
3870 Main Street, Unit 201
Riverside, CA 92501
(909) 227-4180

¹ As written, condition 7 states: All solar arrays installed on the project site shall consist of smooth glass photovoltaic solar panels without anti-reflective coating, a fixed tilt of 5 and 10 degrees and orientation of 180 degrees. Solar panels shall be limited to total square feet, and the locations and coordinates as specified in the glare study. Any deviation from these specifications (other than reduction in square footage of panels), including change in orientation, shall require a new solar glare analysis to ensure that the amended project does not result in any glare impacting the air traffic control tower or creation of any "yellow" or "red" level glare in the flight paths, and shall require a new hearing by the Airport Land Use Commission.

September 25, 2023

Page 3

Enclosures: (1) Findings of Fact

(2) Riverside County Airport Land Use Commission September 14, 2023 Staff Report, Agenda Item 3.2

(3) September 14, 2023 Letter from Riverside County Airport Land Use Commission to Veronica Hernandez re Airport Land Use Commission (ALUC) Development Review

FINDINGS OF FACT

The City Council of the City of Riverside, by a two-thirds vote, has the authority to overrule the Riverside County Airport Land Use Commission's ("ALUC") 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 to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses. The Project is consistent with the purpose and intent of ALUC law and the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan ("ALUCP") for the following reasons:

1. The Project will not affect the orderly expansion of the March Air Reserve Base/Inland Port Airport ("March ARB/IPA").

The Project is consistent with the residential development surrounding March ARB/IPA, specifically in Zone C2 and will not result in the encroachment of incompatible residential densities affecting current or future March ARB/IPA operations. The Project involves the redevelopment of an underutilized commercial parcel with a multi-family residential development. The Project's proposed General Plan designation and zoning of Mixed Use-Urban, is consistent with surrounding development, and would assist in transitioning between commercial and single-family residential uses.

The Project site is bordered on the north, west, and east (across Mission Grove Parkway) by the Mission Grove Plaza Shopping Center, which has a General Plan Land Use Designation of C - Commercial and is zoned CR-SP - Commercial Retail and Specific Plan (Mission Grove) Overlay Zones, and is developed with retail uses. Multi-family residences are located further north (across Alessandro Boulevard), which have a General Plan Land Use Designation of HDR - High-Density Residential, and are zoned R-3-3000-SP - Multi-Family Residential and Specific Plan (Mission Grove) Overlay Zones. The Project site is bordered on the south by a single-family residential neighborhood (across Mission Village Drive), which has a General Plan Land Use Designation of Medium High Density Residential (MHDR) and is zoned R-1-7000-SP - Single-Family Residential and Specific Plan (Mission Grove) Overlay Zones.

Of note, several multi-family residential uses are located in Zone C2, near the Project. Condominium complex, Mission Villas, located at 200 E. Alessandro Boulevard, is adjacent to the Project site across Alessandro Boulevard. The Mission Grove Park apartments, located at 7450 Northrop Drive, are located closer to the end of Runway 14-32 than the Project. Mission Grove Park consists of 432 units and has a density of 16 dwelling units per acre. Estancia, located at 7871 Mission Grove Pkwy South, consists of 208 units and has a density of 17.3 dwelling units per acre. The Project is consistent with other multi-family residential developments in the C2 Zone.

Additionally, the Project consists of infill development of a commercial site. The vast majority of Zone C2 in the City has been built out, largely by single family residences. Few infill

sites, such as the Project are available for development. As such, the Project would not encourage other developments to exceed Zone C2 density standards or encroach upon March ARB/IPA operations.

2. The Project minimizes the public's exposure to excessive noise and safety hazards within areas around the March ARB/IPA.

- a. The Project is consistent with the aircraft noise standards of the ALUCP and the requirements of PUC Section 21670.

The March ARB/IPA ALUCP provides the CNEL considered normally acceptable for new residential uses in the vicinity of March ARB/IPA is 65 dBA. (ALUCP, § 2.3(a).) The Project site is approximately 3.3 miles from the end of Runway 14-32 at the March ARB. The March ARB/IPA ALUCP depicts the site as being below the 60 CNEL range from aircraft noise. Therefore, ALUC found no special measures were required to mitigate aircraft-generated noise. Because the Project is consistent with the noise standards in the March ARB/IPA ALUCP, the Project also complies with the noise standards in the City of Riverside General Plan. (General Plan Noise Element, Figure N-10.) While multi-family 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. The General Plan Noise Element Figure N-9 shows the Project site as being just outside the 60-65 dB CNEL noise contour projected for March ARB/IPA operations. Accordingly, noise exposure from March ARB/IPA would not exceed normally acceptable levels for the Project site.

The Project will comply with Riverside Municipal Code requirements regarding construction noise and will not compound noise related to March ARB/IPA 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.)

Consistent with the March ARB/IPA ALUCP, the Project will utilize standard construction techniques to ensure interior noise levels from aviation-related sources are no more than CNEL 40 dB. (ALUCP, § 2.3(b)(1).)

The Project will comply with ALUC noticing conditions and will provide a "Notice of Airport in Vicinity" to all prospective purchasers and occupants of the property.

- b. The Project does not does not propose any uses specifically prohibited or discouraged in Compatibility Zone C2 (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.
- c. The Project will have no impact on Federal Aviation Administration Federal Aviation Regulations (FAA FAR) Part 77.

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 14-32 at its northerly terminus is 1,535 feet above mean sea level (“AMSL”). At a distance of approximately 17,464 feet from the project to the nearest point on the runway, Federal Aviation Administration (“FAA”) review would be required for any structures with top of roof exceeding 1,710 feet AMSL. The site’s finished floor elevation is 1,595 feet AMSL and proposed building height is 56 feet, resulting in a top point elevation of 1,651 feet AMSL. Therefore, review of the building for height/elevation reasons by the FAA Obstruction Evaluation Service (“FAAOES”) is not required.

d. The Project will not impose a safety hazard due to height.

The Project proposes to develop five, 4-story buildings with a maximum height of 56 feet. This is below the proposed Mixed Use – Urban (MU-U) maximum height of 60 feet (RMC § 19.120.050), and well below the current Commercial Retail (CR) maximum height of 75 feet (RMC § 19.110.030). Development of the Project, as well as the proposed General Plan amendment and change of zone, will result in a reduced maximum height than what currently exists for the site and for any project that could potentially be developed onsite if the current zoning is maintained. Thus, the Project will not create an obstruction or hazard to air navigation within the meaning of 14 C.F.R. Part 77 nor does it create a safety hazard pursuant to PUC Section 21670.

e. The Project is consistent with non-residential density calculations.

The project proposes to construct a 347-unit multi-family development including recreational amenities including 2,963 square feet of leasing office area, 1,001 square feet of pool area, 1,293 square feet of pool deck area, 2,136 square feet of club area, and 2,386 feet of fitness area. ALUC found this non-residential square footage accommodates a total occupancy of 311 people, resulting in an average intensity of 31 people per acre, which is consistent with Zone C2 average intensity criterion of 200 people per acre.

The Project is also consistent with non-residential density requirements calculated by using the parking spaces provided by the Project. ALUC calculated average intensity by multiplying the number of parking spaces provided or required (whichever is greater) by average vehicle occupancy (assumed to be 1.5 persons per vehicle). ALUC misstated the number of spaces provided by the Project and found that based on the number of parking spaces provided (misstated as 347 standard vehicles), the total occupancy would be estimated at 521 people for an average intensity of 53 people per acre, which is consistent with the Compatibility Zone C2 average intensity criterion of 200 people per acre.

However, the Project actually provides 604 spaces. As such, using ALUC’s methodology, the total occupancy would be estimated at 906 people, for an average intensity of 91 people per acre. This remains considerably lower than the C2 average intensity criterion of 200 people per acre. Thus, while the unit count may exceed ALUC’s residential density requirements, the actual amount of people onsite would be much lower than what ALUC would allow in Zone C2 if this

were a commercial development, and accordingly would not impose a safety impact due to the intensity of people onsite in the event of an emergency.

- f. The Project will not utilize equipment that would interfere with aircraft communications.

There are no radar transmission or receiving facilities within the site. The Project's solar panels are low profile and present little risk of interfering with radar transmission. In addition, solar panels do not emit electromagnetic waves over distances that could interfere with radar signal transmissions, and any electrical facilities that do carry concentrated current will be buried beneath the ground and away from any signal transmission.

- g. The Project site is currently a part of the Mission Grove Plaza Shopping Center and will continue to share parking spaces with the commercial development upon Project implementation. As such, ample open space is provided adjacent to the Project in the event an aircraft requires an emergency landing.
- h. The Project will comply with the recommended ALUC conditions of approval, including restrictions on outdoor lighting, prohibited uses, and notices and informational brochures for prospective purchasers and tenants. The Project also will comply with recommended conditions related to light and glare with minor modifications, to continue to ensure safety, but allow for flexibility in the ultimate design of the Project's required solar panels.