



City of Arts & Innovation

# City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: DECEMBER 3, 2024

FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 4  
DEPARTMENT

SUBJECT: **APPEAL AND OVERRULE OF FINDINGS OF INCONSISTENCY MADE BY THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION, AND CONSIDERATION OF PLANNING CASE PR-2022-001359 – GENERAL PLAN AMENDMENT, SPECIFIC PLAN AMENDMENT, REZONE, TENTATIVE PARCEL MAP, DESIGN REVIEW, AND CERTIFY ENVIRONMENTAL IMPACT REPORT – PROPOSAL BY MICHELLE RUBIN OF REGIONAL PROPERTIES, INC FOR THE CONSTRUCTION OF A MULTI-FAMILY RESIDENTIAL DEVELOPMENT – 375 ALESSANDRO BOULEVARD**

## **ISSUE:**

Consideration of the following to facilitate construction of a multi-family residential development consisting of 347 units on 9.92-acres, located at 375 Alessandro Boulevard:

- Appeal and overrule of Riverside County Airport Land Use Commission (ALUC) inconsistency determination for the proposed project located in Zone C2 of the March Air Reserve Base Land Use Compatibility Plan (MARB LUCP);
- Certification of the Environmental Impact Report, Findings of Fact, and Statement of Overriding Considerations.
- Project entitlements (Planning Case PR-2022-001359):
  - General Plan Amendment - To amend the land use designation of the project site from C – Commercial to MU-U – Mixed Use-Urban;
  - Specific Plan Amendment - To revise the Mission Grove Specific Plan and establish a Mixed-Use Urban category for the subject site, and minor text modifications;
  - Zoning Code Amendment - To rezone the project site from CR-SP – Commercial Retail and Specific Plan (Mission Grove) Overlay Zones to MU-U-SP – Mixed-Use – Urban and Specific Plan (Mission Grove) Overlay Zones;
  - Tentative Parcel Map (TPM-38598) - To modify Parcel Map 36320 to create two parcels for financing and conveyance purposes; and
  - Design Review for site design and building elevations.

**RECOMMENDATIONS:**

That the City Council:

1. Approve and adopt the attached Resolution making findings overruling Riverside County Airport Land Use Commission's finding of inconsistency with the March Air Reserve Base Land Use Compatibility Plan, and if in agreement, adopt the Resolution to Overrule Riverside County Airport Land Use Commission's determination (Attachment 1).

If the Resolution overruling Riverside County Airport Land Use Commission is adopted, then the City Council:

1. Adopt the attached Resolution certifying the Final Environmental Impact Report for the Mission Grove Apartments development, and finding that the Final Environmental Impact Report:
  - a. Has been completed in compliance with the California Environmental Quality Act;
  - b. Was presented to the City Council and the City Council reviewed and considered the information contained in the Final Environmental Impact Report prior to approving the Project; and
  - c. Reflects the City's independent judgment and analysis and making certain findings of fact.
2. Concur with the findings contained in the Final Environmental Impact Report, the attached California Environmental Quality Act Resolution, the case file and the administrative record, and adopt the Findings of Fact attached to the California Environmental Quality Act Resolution;
3. Adopt the Statement of Overriding Considerations, related to hazards, land use & planning, and transportation, attached to the California Environmental Quality Act Resolution;
4. Adopt the Mitigation Monitoring and Reporting Program attached to the California Environmental Quality Act Resolution;
5. Find that no feasible alternatives to the Project have been proposed that will avoid or substantially lessen the significant environmental effects as set forth in the Final Environmental Impact Report;
6. Reject all late comments as untimely;
7. Uphold the applicant's appeal of the Riverside County Airport Land Use Commission;
8. Adopt the attached Resolutions amending the General Plan Land Use Designation and the Mission Grove Specific Plan;
9. Introduce and subsequently adopt the attached Ordinance amending the Zoning Map; and
10. Approve Planning Case PR-2022-001359 - General Plan Amendment, Specific Plan Amendment, Rezone, Tentative Parcel Map, Design Review, and Environmental Impact Report, based on and subject to the Planning Commission findings and recommended conditions found in the attached staff report (Attachments 10 and 11).

As a matter of information, a 2/3's majority vote of the City Council is required by State Law to overrule an Airport Land Use Commission (ALUC) decision.

## **BACKGROUND:**

The project site consists of a single 9.92-acre parcel, developed with a vacant 104,321-square foot former retail store (K-Mart), constructed in 1991. K-Mart ceased business operations in October of 2020. The building has remained largely vacant, with intermittent leases for businesses of a temporary nature. The remainder of the site is developed with a large asphalt surface parking lot and landscaping.

The project site is part of the larger 70-acre Mission Grove Plaza Shopping Center, which is developed with a variety of commercial uses including retail and restaurants, two grocery stores, and a movie theatre. Surrounding uses include commercial to the north, west, and east (across Mission Grove Parkway, and single-family residential to the south (across Mission Village Drive).

The applicant filed a General Plan Amendment, Specific Plan Amendment, Rezone, Tentative Parcel Map, and Design Review to facilitate construction of a multi-family residential development.

On September 14, 2023, the project was considered by the Riverside County Airport Land Use Commission (ALUC). The project was found to be inconsistent with the Airport Land Use Compatibility Plan. Although found to be inconsistent, the General Plan and Zoning Code allow cities to overrule the Airport Land Use Commission inconsistency determinations consistent with California Utilities Code § 21670.

On July 18, 2024, the Planning Commission (CPC) held a public hearing considering the proposed Project, with discussion focusing on traffic, proposed density, and mixed-use development. After discussion, the CPC recommended to City Council to approve the requested General Plan Amendment, Specific Plan Amendment, Rezone, Tentative Parcel Map, Design Review, and the Draft EIR by a vote of 7-1-0 (Attachment 11).

On August 20, 2024, the City Council directed staff to send the draft resolution with findings to ALUC and California Department of Aeronautics for its intent to overrule ALUC's determination of inconsistency for the project and set the public hearing date for December 3, 2024.

## **DISCUSSION:**

### **Proposed Project**

The proposed project would include the demolition of the existing structures and the surface parking lot to facilitate development of a 347 unit multi-family residential project. The complex includes 24 studio, 133 one-bedroom, 180 two-bedroom, and 10 three-bedroom units in five, 4-story stacked flat buildings. Units range in size from 576 to 1,368 square feet. Private balconies or patios, ranging in size from 50 to 67 square feet, are attached to each unit.

Common useable open space totals 28,611 square feet and includes a recreational pool area with barbecue facilities, dog park, clubhouse, and fitness center.

A total of 513 parking spaces are provided for the project, with over 75 percent in either fully enclosed garages or under covered carports. Should additional parking be needed, an additional 91 parking spaces will be provided through a shared parking agreement with the adjacent commercial center for guest and overflow parking.

Primary vehicular access is provided via an existing driveway along Mission Grove Parkway. A resident-only entry is provided on Mission Village Drive. An internal access drive is provided on the west side of the property that connects with the rest of Mission Grove Plaza. Finally, an exit-only driveway is provided further south on Mission Grove Parkway.

The proposal includes an extensive pedestrian network of walkways throughout the project. Residences within the development have multiple pedestrian connections to the commercial center to the west, and to the signalized intersection for additional commercial amenities and conveniences to the east of the project site. The main access point from the project site to the commercial center includes enhanced paving, landscaping, an entry portal architecture feature, and enhanced decorative lighting to provide a safe and welcoming connection between the two properties.

Construction is anticipated to take approximately 28 months. Construction activity will consist of demolition of the existing building, site preparation and grading, building construction, paving, and landscaping.

### **General Plan and Zoning Consistency**

#### *General Plan 2025*

The project proposes to amend the General Plan Land Use designation from C – Commercial to MU-U – Mixed Use-Urban (Attachment 3). The MU-U land use designation provides opportunities for high-density residential development with or within close proximity to commercial, office, institutional, business and entertainment activities. Such development is intended to facilitate the grouping of housing with employment uses, entertainment activities, public gathering spaces, and other community amenities.

The project, as designed, integrates design features to be consistent with the following Land Use polices, goals and objects:

#### **Consistent**

- *Objective LU-8* Emphasize smart growth principles through all steps of the land development process (mix land uses; take advantage of compact building design; create a range of housing opportunities and choices; create walkable neighborhoods; foster distinctive, attractive communities with a strong sense of place).
- *Policy LU-8.2* Avoid density increases or intrusion of nonresidential uses that are incompatible with existing neighborhoods.
- *Policy LU-8.3* Allow for mixed-use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels.
- *Objective LU-9* Provide for continuing growth within the General Plan Area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's objectives.
- *Policy LU-9.3* Designate areas for urban land uses where adequate urban levels of public facilities and services exist or are planned, in accordance with the public facilities and service provisions policies of this General Plan.
- *Policy LU-9.4* Promote future patterns of urban development and land use that reduce infrastructure construction costs and make better use of existing and planned public facilities when considering amendments to the Land Use Policy Map.
- *Policy LU-9.5:* Encourage the design of commercial developments as “integrated centers,” rather than as small individual strip development. Integrate pedestrian access, parking, access, building design and landscape themes across all parcels in the commercial center to unify the development.
- *Policy LU-9.7* Protect residentially designated areas from encroachment by incompatible uses and from the effects of incompatible uses in adjacent areas. Uses adjacent to planned

residential areas should be compatible with the planned residential uses and should employ appropriate site design, landscaping and building design to buffer the non-residential uses.

- *Objective LU-28* Preserve and enhance the quality and character of Riverside by ensuring compliance with all relevant codes and regulations.
- *Policy LU-28.2* Encourage the rehabilitation or replacement of dilapidated housing units and buildings, discouraging further deterioration. Where necessary, seek to remove unsafe structures.

### Potentially Inconsistent

- *Objective LU-22* Avoid land use/transportation decisions that would adversely impact the long-term viability of the March Air Reserve Base/March Inland Port, Riverside Municipal and Flabob Airports.
- *Policy LU-22.3* Work to limit the encroachment of uses that potentially pose a threat to continued airport operations, including intensification of residential and/or commercial facilities within identified airport safety zones and areas already impacted by current or projected airport noise.
- *Policy LU-22.7* Prior to the adoption or amendment of the General Plan or any specific plan, zoning ordinance or building regulation affecting land within the airport influence areas of the airport land use compatibility plan for Riverside Municipal Airport, Flabob Airport or March Air Reserve Base/Inland Port Airport, refer such proposed actions for determination and processing by the ALUC as provided by Public Utilities Code Section 21670.
- *Objective LU-69:* Complete buildout of the Mission Grove Specific Plan, encouraging development that can harmoniously co-exist near the March Airport facility.
- *Policy LU-69.3:* Work cooperatively with the March Joint Powers Authority to ensure compatibility of land uses.

While the project is consistent with a number of policies, objectives and goals, the development is also inconsistent with the following objectives and policies:

- *Policy LU-22.2* Work cooperatively with the Riverside County Airport Land Use Commission in developing, defining, implementing, and protecting airport influence zones around the MARB/MIP, Riverside Municipal and Flabob Airports and in implementing the new Airport Land Use Compatibility Plan.
- *Policy LU-29.1:* Do not permit further amendments to the Mission Grove Specific Plan that would increase the residential density of the neighborhood or otherwise conflict with ongoing safe operations at March Air Reserve Base/Inland Port as called out in the Riverside County Airport Land Use Compatibility Plan.
- *Policy CCM-11.1:* Protect flight paths from encroachment by inappropriate development using the Riverside County Airport Land Use Compatibility Plan and the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan to determine the consistency of proposed development.
- *Policy CCM-11.2:* Limit building heights and land use intensities beneath airport approaches and departure paths to protect public safety consistent with the Riverside County Airport Land Use Compatibility Plan, the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and all other applicable State and Federal regulations.

- *Policy PSE-3*: Protect the community from hazards related to air and ground transportation.

As noted above the project is both consistent and inconsistent with policies, goals and objectives within the General Plan. In this case, inconsistencies are primarily related to those policies related to the March Air Reserve Base (MARB) and Airport Land Use Compatibility standards. The General Plan and Zoning Code grants local agencies the ability to overrule ALUC inconsistency determinations consistent with California Utilities Code § 21670. The following should also be taken into consideration:

- The project would increase the diversity in housing types in the Mission Grove, Alessandro Heights, and Canyon Crest neighborhoods by providing multi-family residences within a commercial center to create a mixed-use development, promoting the overall objectives of the housing element.
- The site is located within an urban area, with little to no undeveloped land within proximity to the project site.
- The site is currently developed with a large vacant retail store, with a building height of approximately 33 feet.
- The project would redevelop an underutilized, functionally vacant site with a well-planned, infill development in a strategic location.
- The area surrounding the project site is already substantially developed with residential and commercial uses in Airport Zone C2.
- The proposed project would transform a blighted site into a high-quality project, with a new residential community creating a mixed-use commercial center with convenient access to amenities, shopping, dining, and entertainment.
- The project would provide 347 residential units that would be credited towards the City's RHNA requirement of 18,415 housing units.

#### *Mission Grove Specific Plan Compliance*

The project proposes a Specific Plan Amendment to revise the Mission Grove Specific Plan and establish a Mixed-Use Urban category for the subject site (Attachment 4). The proposed Mixed-Use – Urban category will allow for high-density residential development and be consistent with the underlying Mixed-Use – Urban Land Use Designation. The proposed Specific Plan Amendment also includes text modifications to update tables, graphics, and descriptions, as well as provide development standards for the Mixed-Use-Urban category.

The project will be consistent with the proposed Mixed-Use – Urban Zone and all applicable development standards of the Specific Plan.

#### *Zoning Code Compliance*

The project proposes to rezone the project site from CR-SP – Commercial Retail and Specific Plan (Mission Grove) Overlay Zones to Mixed-Use – Urban and Specific Plan (Mission Grove) Overlay Zones (Attachment 5). The project as designed is consistent with the proposed MU-U – Mixed-Use-Urban Zone, as the zone will be consistent with the proposed MU-U – Mixed Use-Urban General Plan Land Use designation. The MU-U Zone provides for high-density residential development with commercial, office, institutional, and business uses emphasizing retail, entertainment, and student-oriented activities. It is intended to facilitate the grouping of innovative housing options with employment uses, entertainment activities, and public gathering spaces, transit stations and other community amenities, such as art in public spaces.

The project has been designed to be consistent with the purpose of the Mixed-Use Zones:

- To encourage a mixture of compatible and synergistic land uses, such as residential with compatible nonresidential uses including office, retail, personal services, public spaces and other community amenities;
- To strengthen the interaction between residential, commercial and employment uses in order to reduce dependency on automobiles, improve air quality, decrease urban sprawl, facilitate use of transit and encourage conservation of land resources;
- To revitalize deteriorating commercial areas by integrating residential uses into the commercial fabric to create an active street life and enhance the vitality of businesses;
- To foster pedestrian-oriented activity nodes by providing a mix of uses in compact, walkable areas;
- To increase the area available for residential development and provide alternative types of housing;
- To encourage medium- and high-density residential development to occur in close proximity to employment and community services; and
- To allow for a greater variety of land uses and structures, including flexibility in site planning.

As designed, the project strengthens the interaction between the proposed mix of uses in the immediate area, creating a pedestrian-oriented environment while ensuring the overall design and proposed uses are compatible with uses in the surrounding neighborhoods by incorporating enhanced pedestrian connections to adjacent commercial uses, and siting buildings further from existing single-family residential to the south. As proposed the project is consistent with the purpose and all applicable development standards of the Zoning Code.

### **Riverside County Airport Land Use Commission**

#### *March Air Reserve Base Land Use Compatibility Plan*

On September 14, 2023, the Riverside County Airport Land Use Commission (ALUC), by a vote of 5-0, found the City of Riverside Planning Case PR-2022-001359 inconsistent with the 2014 March Air Reserve Base Land Use Compatibility Plan, due to the site's location within Compatibility Zone C2 of the March Air Reserve Base.

- The project's proposed residential density of 35.0 dwelling units per acre is inconsistent with the Zone C2 maximum residential density criteria of 6.0 dwelling units per acre.
- The project's proposed Mixed-Use – Urban land use designation and zoning as well as the Specific Plan Amendment allow for a maximum 40.0 dwelling units per acre, which is inconsistent with the Zone C2 maximum residential criteria of 6.0 dwelling units per acre. Additionally, the project is inconsistent with the City's adopted General Plan and Zoning Ordinance.

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

The applicant filed an appeal of ALUC's decision to the City Council (Attachment 6). 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.”

While the project is inconsistent with the specific ALUC standards, as noted above, the General Plan, Zoning Code and California Government Code § 21676 grants local agencies (City Council) the ability to overrule inconsistency determinations, based upon the following findings:

1. The Project will not affect the orderly expansion of the March Air Reserve Base (MARB).
  - a. The Project is consistent with residential development surrounding MARB, specifically in Zone C2 and will not result in the encroachment of incompatible residential densities affecting current or future MARB operations. The Project involves the redevelopment of an underutilized commercial parcel with a multifamily residential development. The Project’s proposed General Plan designation and zoning designation of Mixed Use-Urban is consistent with surrounding development and would assist in transitioning land use between commercial and single-family residential uses.
  - b. The Project site is located within the Mission Grove Plaza shopping center and is bordered on the north, west, and east (across Mission Grove Parkway) by shopping centers, which have 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).
  - c. The surrounding residential uses exceed the 6.0 dwelling units per acre requirement of Zone C2. Of note, several multi-family residential uses are located in Zone C2, near the Project. Mission Villas Condominium complex (located at 200 E. Alessandro Boulevard), Mission Grove Park Apartments (located at 7450 Northrop Drive), and Estancia (located at 7871 Mission Grove Parkway South) are within proximity to the Project Site; Mission Grove Park Apartments and Estancia are both located closer to MARB than the project site. Mission Grove Park consists of 432 units and has a density of 16 dwelling units per acre; Estancia 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.
  - d. Additionally, the Project consists of infill development of an underutilized commercial site. The vast majority of properties within Zone C2 have been built out, single-family residences. Few, if any, 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 MARB operations.
2. The project minimizes the public’s exposure to excessive noise and safety hazards within areas around the MARB.
  - a. The Project is consistent with the aircraft noise standards of the ALUCP and the requirements of PUC Section 21670.
    - i. The MARB ALUCP provides the CNEL considered normally acceptable for new residential uses in the vicinity of MARB is 65 dBA. (ALUCP, § 2.3(a)). The Project site is approximately 3.3 miles from the end of Runway 14-30 at MARB. The MARB 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 MARB 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 MARB 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 MARB 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). The Project will utilize standard construction techniques to ensure interior noise levels from aviation-related sources are no more than CNEL 40 dB (ALUC, § 2.3(b)(1)).
  - 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 property.
3. The Project does not propose any uses specifically prohibited or discouraged in Compatibility Zone C2 (highly noise-sensitive outdoor nonresidential uses or hazards to flight), such as major spectator-oriented sports stadiums, amphitheatres, concert halls and drive-in theaters.
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 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, FAA review would be required for any structures with top of roof exceeding 1,710 feet AMSL. The site's highest finished floor elevation is approximately 1,595 feet AMSL with the highest proposed building height at 56 feet, resulting in a top point elevation of roughly 1,651 feet AMSL. 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 five, 4-story residential apartment buildings with a maximum height of 57 feet, 2 inches. This is below the Mixed-Use – Urban Zone maximum height of 60 feet (RMC § 19.120.050) and well below the current CR - Commercial Retail Zone 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.
6. The Project is consistent with other (non-residential) density calculations.

- a. The Project proposed to construct a 347-unit multi-family development with recreational amenities including 2,963 square feet of leasing office area, 1,001 square feet of pool area, 1,293 square feet of club area, and 2,386 square 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.
- b. The Project is also consistent with non-density residential 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 Zone C2 intensity criterion of 200 people per acre.

However, the project provides 604 parking 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 Zone C2 average intensity criterion of 200 people per acre. Thus, while the unit count may exceed ALUC's residential density requirements, the actual number 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

7. The Project will not utilize equipment that would interfere with aircraft communications.
  - a. 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.
8. 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.
9. While ALUC deemed the project inconsistent with the ALUC Compatibility Plan, ALUC Conditions of Approval were provided in the event the City Council approved the project and an overrule was granted. The Project will comply with all feasible recommended ALUC conditions, as outlined below:
  - a. 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.
  - b. The Project will also 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.
    - i. Condition 7 Solar Arrays - The applicant is seeking to modify this condition to allow annual daylight minutes to deviate from the provided solar glare study up to a maximum of 20 percent, consistent with ALUC policy. If the updated solar glare study results in a) more than 20 percent of annual solar glare limits, b) any

glare impacting the traffic control tower, or c) creation of any “yellow” or “red” level glare in flight paths, then the amended project shall require a new hearing by the Airport Land Use Commission.

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

The process to overrule ALUC’s determination involves the following process and actions by City Council:

- September 14, 2023 – ALUC found the proposed project inconsistent with the March Air Reserve Base Land Use Compatibility Plan.
- September 25, 2023 - Applicants filed an appeal of ALUC determination of inconsistency consistent with Zoning Code section 19.149.090 – Overrule Procedures.
- August 20, 2024 – City Council directed staff to provide a copy of the proposed draft resolution findings to both ALUC and the California Division of Aeronautics, and set a public hearing, no less than 45-days from June 25, 2024, for consideration of ALUC Overrule.
- August 26, 2024 - Draft resolution distributed to ALUC and California Division of Aeronautics for a 30-day review.
- September 6, 2024, and September 25, 2024 – Comments from both ALUC and California Division of Aeronautics received by Staff in response to draft resolution findings. Comments in both letters, contain similar concerns to those raised at the ALUC meeting in September 2023 and outlined above. Comment letters received from both agencies and response to agency comments have been included as attachments (Attachment 7, 8, and 9).
- December 3, 2024 – Project public hearing. As part of the public hearing, including EIR overrides and project entitlements, Council will consider the appeal to overrule ALUC’s determination.

Additional information regarding the project is included as Attachments 11 and 12 (Planning Commission Staff Reports and Exhibits).

### **Planning Commission Public Hearing**

On July 18, 2024, the Planning Commission (CPC) held a public hearing considering the proposed Project. Discussion and comments from the public, including written comments submitted as part of the public review process for the Draft EIR, raised concerns about the following:

- **Entitlement Process and Noticing**

These comments raised concern regarding the process for consideration of these entitlements, public noticing and preparation of the EIR. The project and environmental document was processed pursuant to State law and the Municipal Code. Public notices have been provided in accordance with all legal requirements at multiple stages throughout the process.

- **Requested General Plan Amendment, Rezone, and Specific Plan Amendment**

These comments questioned the appropriateness of the requested GPA, RZ, and SPA, and the proposed development standards included in the amended Specific Plan. The Municipal Code permits requests for General Plan Amendments, Rezones, and Specific

Plan Amendments subject to review and consideration by the City Council. The reduced private usable open space standards included in the revised Specific Plan take into account the amenities provided by the shopping center and proximity to other recreational opportunities near the project site.

- Compliance with the March Air Reserve Base Land Use Compatibility Plan (MARB LUCP)

These comments objected to the density proposed by the project due to its inconsistency with the MARB LUCP. A detailed discussion of the project's relation to the MARB LUCP can be found in the preceding section.

- Traffic, Parking, and Integration with Existing Development

Comments included concerns that traffic could substantially increase with the implementation of the project, including within the shopping center and surrounding streets, and other concerns related to integration of the project within the neighborhood and the adequacy of proposed parking spaces and the potential for street parking by residents and their guests. The project, as proposed, would have a significant and unavoidable impact on Transportation as it relates to Vehicle Miles Traveled. Implementation of project design features and Transportation Demand Management (TDM) measures may reduce the Project's VMT by up to 17.7 percent. The applicant is requesting a Statement of Overriding Considerations for Transportation impacts related to VMT, as detailed in the EIR and pursuant to all State guidelines. As discussed above, the project provides 513 parking spaces for residents and guests, with 91 additional spaces provided for overflow parking. The project meets all parking requirements of the Municipal Code. The project does not block access from surrounding development to the shopping center, nor are there existing mid-street crosswalks from Mission Village Drive to the project site that would be removed as part of the project.

- Infrastructure and Public Services Demand and Population Growth

These comments generally indicate concerns that the project would have undue impacts on infrastructure, including streets and utilities, public services such as Fire and Police, and that population growth and occupancy may exceed anticipations. The project was reviewed by all relevant City departments and found to be consistent with projected population growth. The proposed project would not negatively impact infrastructure or the provision of public services. Occupancy of the apartments would be required to comply with all standards of the California Building Code.

- Compliance with Zoning Code Development Standards and Design

These comments raised concerns regarding possible deviations from development standards, including height, open space, parking, etc., and questioned the design of the project. The proposed Project complies with or exceeds all development standards of the Municipal Code and Specific Plan. The project was designed to be sensitive to the surrounding community while integrating within the existing shopping center and included setting the building approximately 150 feet from the single-family residences to the south, and providing enhanced pedestrian connections within the development to the adjacent shopping center.

- Alternative Project Types/Sites

These comments generally include topics such as modifying the project to a commercial project, a traditional vertical mixed-use project, other uses such as a veteran's center or homeless shelter, and consideration of other sites within the city. The project site is privately owned, and the property owner has not submitted an application for these types of projects. Further discussion on Project Alternatives can be found in the DEIR and FEIR.

After discussion, the CPC recommended to City Council to approve the requested General Plan Amendment, Specific Plan Amendment, Rezone, Tentative Parcel Map, Design Review, and the Draft EIR by a vote of 7-1-0 (Attachment 11). Please refer to the Final EIR for additional information and responses to these comments.

### **Environmental Impact Report (EIR)**

An Environmental Impact Report was prepared for the project and analyzed all impact categories, pursuant to Sections 15161 and 15126.6 of the CEQA Guidelines and City of Riverside Resolution No. 21106 (Exhibit 15). A Notice of Preparation (NOP) was circulated on October 28, 2022, with the review period ending November 28, 2022.

CEQA Guidelines indicate a Project EIR should focus primarily on the changes in the environment that would result from the project. The EIR should describe a range of reasonable alternatives to the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.

The Draft EIR includes four alternatives to the project:

- Alternative 1 – No Development/Keep Existing Commercial Zoning;
- Alternative 2 – Lower Density ALUC Consistent Multi-Family Residential Project;
- Alternative 3 – Retail Project Alternative; and
- Alternative 4 – Off-Site Multi-Family Residential Project

The EIR concludes that none of the Alternatives would meet any or all of the Project objectives, or would result in greater impacts than the proposed project, and that with the exception of Hazards & Hazardous Materials, Land Use & Planning, and Transportation, all impacts related to the proposed project have been identified as less than significant or have been reduced to below the level of significance with mitigation. The following impacts would remain significant and unavoidable and a Statement of Overriding Considerations is required to be adopted by the City Council:

- Hazards & Hazardous Materials

As outlined in Section 5.9 – Hazards and Hazardous Materials and Section 7.1.8 – Hazards and Hazardous Materials of the Draft EIR, implementation of the Project will result in an inconsistency with the Riverside County Airport Land Use Commission's policy regarding density of units. The inconsistency results in a significant and unavoidable impact.

- Land Use/Planning

As outlined in Section 5.11 – Land Use and Planning of the Draft EIR, implementation of the Project will result in an inconsistency with the General Plan policies related to airport land use due the project's inconsistency with Riverside County Airport Land Use Compatibility Plan policies. The inconsistencies will result in significant and unavoidable impacts.

- Transportation/Traffic

As outlined in Section 5.17 – Transportation, the Project will result in transportation impacts related to Vehicle Miles Traveled (VMT). Implementation of project design features and Transportation Demand Management (TDM) measures may possibly reduce the Project’s VMT by up to 17.7 percent but will not reduce the impact to a less than significant level. Therefore, the proposed project would have significant and unavoidable impacts.

As part of the EIR process, a Final EIR has been prepared, which includes an errata, Mitigation Monitoring and Reporting Program (MMRP) and responses to comments received during the 45-day public review period. Staff received a total of 209 comment letters. Responses to all comments are provided in the Final EIR (Attachment 14). The comment letters do not identify any significant new environmental issues or impacts that were not already addressed in the DEIR. Any changes made to the DEIR clarify, reiterate, or make insignificant modifications to the EIR.

Written responses to public agency comments will be provided twelve days prior to the City Council meeting in accordance with CEQA guidelines. Staff will provide an update should any comments warrant revisions to the EIR.

### **STRATEGIC PLAN ALIGNMENT:**

This project contributes to the Envision Riverside 2025 City Council Strategic Plan Priority 2 – Community Well-Being (Goal 2.1 – Facilitate the development of a quality and diverse housing supply that is available and affordable to a wide range of income).

This item aligns with each of the five Cross-Cutting Threads, as follows:

1. Community Trust: The multi-family residential development requires public hearings by the Planning Commission and City Council. Additionally, public comment is and was encouraged throughout the process; including through the Notice of Preparation, the project scoping meeting, the 45-day DEIR review period and at public meetings such as Riverside County Airport Land Use Commission, Planning Commission, and City Council.
2. Equity: The proposed multi-family residential development provides housing opportunities that benefit all residents in the community and region.
3. Fiscal Responsibility: All project costs are borne by the applicant.
4. Innovation: The proposed multi-family residential development meets the growing community’s needs for increased housing opportunities while situating residents adjacent to community services and reducing vehicles miles traveled.
5. Sustainability and Resiliency: All new construction will meet the most up-to-date Building Codes. The proposed development is designed to meet the current and future needs of the community.

### **FISCAL IMPACT:**

There is no impact as all project costs are borne by the applicant.

Prepared by: Veronica Hernandez, Senior Planner  
Approved by: Jennifer Lilley, Community & Economic Development Director  
Certified as to  
availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer  
Approved by: Mike Futrell, City Manager  
Approved as to form: Jack Liu, Interim City Attorney

**Attachments:**

1. Resolution Outlining Findings to Overrule ALUC's Decision
2. Resolution Certifying Final EIR and Adopting the Findings of Fact and Statement of Overriding Conditions and the Mitigation Monitoring and Reporting Program
3. Resolution Amending the General Plan
4. Resolution Amending the Mission Grove Specific Plan
5. Ordinance Amending the Zoning Code
6. Applicant Appeal Request ALUC Determination – September 25, 2023
7. Riverside County Airport Land Use Commission (RCALUC) Comment Letter – September 6, 2024
8. Department of Transportation Aeronautics Division Comment Letter – September 26, 2024
9. Applicant's Response Letter to RCALUC and DOT Aeronautics – October 10, 2024
10. City Council Report – August 20, 2024
11. Planning Commission Report and Exhibits – July 18, 2024
12. Revised Conditions of Approval from Planning Commission
13. Presentation
14. [Final Environmental Impact Report and Annotated Draft Environmental Impact Report and Appendices](#)
15. [Draft Environmental Impact Report](#)

**Final and Draft EIR – Also on File at:**

- City's Community & Economic Development Department, 3900 Main Street, Riverside, CA 92522;
- Main Riverside Public Library, 3900 Mission Inn Avenue, Riverside, CA 92501; and
- Orange Terrace Library, 20010-B Orange Terrace Parkway, Riverside, CA 92508.