

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,  
3 CALIFORNIA, MAKING SPECIFIC FINDINGS TO OVERRULE  
4 RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S FINDING  
5 OF INCONSISTENCY WITH THE RIVERSIDE COUNTY AIRPORT  
6 LAND USE COMPATIBILITY PLAN THE ARLINGTON MIXED USE  
7 DEVELOPMENT PROJECT, LOCATED AT 5261 ARLINGTON AVENUE,  
8 GENERALLY SITUATED NORTHEAST OF THE INTERSECTION OF  
9 ARLINGTON AND STREETER AVENUES, RIVERSIDE, CALIFORNIA  
10 ASSESSOR'S PARCEL NUMBER 226-180-015.

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

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

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

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

23 WHEREAS, on January 12, 2023, the Riverside County Airport Land Use Commission  
24 ("ALUC") determined that the Project was inconsistent with the RCALUCP in that the Project's  
25 residential density is inconsistent with the Zone B1 maximum residential density criteria and Zone C  
26 maximum residential density criteria; the Project's non-residential intensities are inconsistent with  
27 Zone B1 and Zone C intensity criteria; the Project's proposed number of above ground habitable floors  
28 are inconsistent with Zone B1 criteria allowing two or less aboveground habitable floors; the Project  
does not provide the required ALUC qualified open area to satisfy the Zone B1, C, and D open area  
criteria; and that the Project's proposed General Plan Amendment and Rezone from Commercial to  
Mixed Use designations are inconsistent with the Airport Land Use compatibility criteria related to  
the inconsistencies as indicated above; 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, on April 25, 2024, the Planning Commission of the City of Riverside reviewed  
5 the Project and on a vote of 6-0-1, the Project was deemed approved; and

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

12           WHEREAS, on June 25, 2024, the City Council reviewed the draft Resolution of Intent to  
13 Overrule the ALUC findings and to provide a copy of the proposed decision and findings for review  
14 to both ALUC and the California Division of Aeronautics; and

15           WHEREAS, on June 26, 2024, City staff provided the draft Resolution of Intent to Overrule  
16 the ALUC findings to the ALUC and the California Division of Aeronautics; and

17           WHEREAS, at a public hearing on September 17, 2024, the City Council considered all  
18 additional information and comments received, including comments from the ALUC and the  
19 California Division of Aeronautics, and by a two-thirds vote, based on the findings contained herein,  
20 the Council Report, and all additional information presented, finds that the proposed Project is  
21 consistent with the purposes set out in Public Utilities Code section 21670 and overrides the ALUC  
22 determination.

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

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

27           Section 2:     Section 2:     The City Council hereby finds that:

- 28           1.     The Project will not affect the orderly expansion of the Airport.

- 1 a. The Project is consistent with residential development surrounding the Airport,  
2 specifically in Zone B1. The Project involves the redevelopment of an underutilized  
3 commercial parcel with multifamily residential and commercial development. The  
4 Project's proposed General Plan designation and Zoning designation of Mixed Use-  
5 Village, is consistent with surrounding development, and would assist in transitioning  
6 land use between commercial and single-family residential uses.
- 7 b. The Project site is located north of the Heritage Plaza commercial shopping center, the  
8 Arlington Square Shopping Center and multiple multifamily developments, which have  
9 General Plan Land Use Designations of C – Commercial and HDR – High Density  
10 Residential and zoned CR – Commercial Retail, CG – Commercial General, O – Office,  
11 R-3-1500 Multifamily residential and R-3-2000 – Multifamily residential. Directly  
12 west of the Project is additional single-family residential, office, and commercial uses,  
13 which have a General Plan Land Use Designation of MDR – Medium Density  
14 Residential, O – Office, C – Commercial, and PF – Public Facilities and is zoned CG  
15 – Commercial General, O – Office, and R-1-7000 – Single Family Residential.  
16 Directly north, the Project site is bordered by more single-family residential, office and  
17 vacant uses with a General Plan Land Use Designation of O – Office, PF – Public  
18 Facilities, and C – Commercial and is zoned CG – Commercial General and R-1-7000  
19 – Single Family Residential. And lastly, the Project is bordered on the east with single-  
20 family residential and office uses with a General Plan Land Use Designation of MDR  
21 – Medium Density Residential and O – Office and is zoned R-1-7000 Single Family  
22 Residential and O – Office.
- 23 c. The surrounding residential uses exceed the 0.05 dwelling units per acre requirement of  
24 Zone B1 and the 0.2 dwelling units per acre requirement of Zone C. Of note, several  
25 multifamily residential and commercial uses are located in Zone B1, near the Project.  
26 Two apartment complexes, Phoenix Gardens Apartments, located at 6930 Phoenix  
27 Avenue, and Concord Place, located at 5657 Arlington Avenue, are within proximity to  
28 the Project Site, closer to the airport. Additionally, large neighborhoods of single

1 residential houses are directly east of the Project site in Zone C. The Heritage Plaza and  
2 Arlington Square Shopping Center, directly across the street from the Project site, host  
3 over fifteen commercial businesses, such as Ross Dress for Less, Big Lots, and Smart  
4 & Final Extra. Lastly, the total number of people concentrated on the site does not  
5 increase with the proposed project. In fact, given the nature of residential living, there  
6 are less people on the site during daytime hours as residents go to work, school, etc.,  
7 which coincides with the Airport tower operational hours. The existing commercial  
8 permitted use would bring more people to the site during Airport operational hours. The  
9 project is consistent with other residential and commercial developments in the B1 and  
10 C Zones.

- 11 d. Additionally, the Project consists of infill development of an underutilized commercial  
12 site. The vast majority of properties within Zone B1 have been built out, largely by  
13 residences and commercial uses. Few infill sites, such as the Project, are available for  
14 development. As such, the Project would not encourage other developments to exceed  
15 the Zone B1 density standards or encroach upon Airport operations.
- 16 2. The project minimizes the public's exposure to excessive noise and safety hazards within areas  
17 around the Airport.
- 18 a. The Project is consistent with the aircraft noise standards of the ALUCP and the  
19 requirements of PUC Section 21670.
- 20 i. The ALUCP provides the CNEL considered normally acceptable for new residential  
21 uses in the vicinity of RMA is 65 dBA. (ALUCP, § RI.2(2.1).) The Project site is  
22 approximately one mile from the end of Runway 9/27. The ALUCP depicts the site  
23 as being below the 60 CNEL range from aircraft noise. Therefore, the ALUC found  
24 no special measures were required to mitigate aircraft-generated noise. Because the  
25 Project is consistent with the noise standards in the ALUCP, the Project also complies  
26 with the noise standards in the City of Riverside General Plan. (General Plan Noise  
27 Element, Figure N-10.) While multifamily or mixed uses are not defined in the City's  
28 General Plan Noise Element, the "normally acceptable" noise level for an infill single

1 family residential use is between 55 and 65 dBA CNEL. Accordingly, noise exposure  
2 from the Airport would not exceed normally acceptable levels for the Project site.

3 ii. The Project will comply with Riverside Municipal Code requirements regarding  
4 construction noise and will not compound noise related to Airport operations. All  
5 construction would take place between 7:00 a.m. and 7:00 p.m. on weekdays, 8:00  
6 a.m. and 5:00 p.m. on Saturdays, and would not take place at any time on Sunday or  
7 a federal holiday. (RMC, § 7.35.020.)

8 iii. The Project will also comply with ALUC noticing conditions and will provide a  
9 “Notice of Airport in Vicinity” to all prospective purchasers and occupants of the  
10 property.

11 3. The Project does not propose any uses specifically prohibited or discouraged in Compatibility  
12 Zone B1 (highly noise-sensitive outdoor nonresidential uses), such as major spectator-oriented  
13 sports stadiums, amphitheatres, concert halls and drive-in theaters. The Project also does not  
14 propose noise sensitive uses such as children’s schools, day care centers, libraries, hospitals,  
15 or nursing homes.

16 4. The Project will have no impact on Federal Aviation Administration Federal Aviation  
17 Regulations (FAA FAR) Part 77.

a. 18 a. The FAA FAR Part 77 Surface Map is a map used by the FAA and the ALUC to identify  
19 potential obstructions and hazards to aviation traffic. The ALUC uses the map as a height  
20 restriction boundary for purposes of making consistency determinations with its ALUCP.  
21 The elevation of Runway 9/27 at its northerly terminus is 815.8 feet above mean sea level  
22 (“MSL”). At a distance of approximately 5,151 feet from the project to the nearest point  
23 on the runway, FAA review would be required for any structures with top of roof exceeding  
24 867 feet MSL. The site’s highest finished floor elevation is approximately 791 feet MSL  
25 with the highest proposed building height at 39-feet 11-inches, resulting in a top point  
26 elevation of roughly 831 feet MSL. Therefore, review of the building for height/elevation  
27 reasons by the FAA Obstruction Evaluation Service (“FAAOES”) is not  
28 required.

- 1 5. The Project will not impose a safety hazard due to height.
- 2 a. The Project proposes to develop 27 residential apartment buildings consisting of 2- and 3-
- 3 story structures and two commercial buildings. Of the thirteen 3-story residential buildings
- 4 only one building tops out at 39-feet, 11 inches and the remainder are 38-feet, 1-inch. The
- 5 fourteen 2-story residential buildings have a maximum height of 28-feet, 8-inches. Both
- 6 the grocery store and multi-tenant commercial building both have maximum height just
- 7 short of 31-feet. Zone B1 criteria prohibit buildings with more than two aboveground
- 8 habitable floors, however, the maximum height of these buildings is well below City
- 9 standards and FAA standards. Project height is below the proposed MU-V - Mixed Use –
- 10 Village Zone maximum height of 45 feet (RMC § 19.120.050), and well below the current
- 11 CR - Commercial Retail Zone maximum height of 75 feet (RMC § 19.110.030).
- 12 Development of the Project, as well as the proposed General Plan Amendment and Rezone,
- 13 will result in a maximum height similar to what currently exists for the site and less than
- 14 any project that could potentially be developed onsite if the current zoning is maintained.
- 15 Thus, the Project will not create an obstruction or hazard to air navigation within the
- 16 meaning of 14 C.F.R. Part 77 nor does it create a safety hazard pursuant to PUC Section
- 17 21670.
- 18 6. The Project will not utilize equipment that would interfere with aircraft communications.
- 19 a. There are no radar transmission or receiving facilities within the site. The Project’s solar
- 20 panels are low profile, oriented to limit glare, and present little risk of interfering with radar
- 21 transmission. In addition, solar panels do not emit electromagnetic waves over distances
- 22 that could interfere with radar signal transmissions, and any electrical facilities that do
- 23 carry concentrated current will be buried beneath the ground and away from any signal
- 24 transmission.
- 25 7. The Project cannot comply with the ALUC Open Area requirement. A 4.99-acre open area,
- 26 300 feet x 75 feet, with objects no greater than 4 feet in height with a diameter of 4 inches is
- 27 not conducive to a multi-family development in an urban area. Alternatively, options exist
- 28 for emergency landing locations, including Arlington Avenue, Central Avenue, the SR-91

1 freeway, and parks to the north of the airport.

2 8. While ALUC deemed the project inconsistent with the ALUC Compatibility Plan, Conditions  
3 of Approval were provided in the event the City Council approved the project and overrule  
4 request. The Project as designed complies with all recommended ALUC conditions, with the  
5 exception of Conditions 2e and 10, as outlined below:

6 a. The Project will comply with a majority of recommended ALUC conditions of approval,  
7 including restrictions on maximum building height, noise attenuation measures, and notices  
8 and informational brochures for prospective purchasers and tenants. The Project also will  
9 comply with recommended conditions related to land uses with minor modifications, to  
10 continue to ensure safety, but allow for the best available use of the Project site.

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

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

23 Section 3: Based on the above findings, as well as the facts and findings set forth in the  
24 Applicants appeal letter attached hereto as Exhibit “A” the City Council hereby overrules the  
25 determination of ALUC and hereby approves the Project.

26 //  
27 //  
28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
PATRICIA LOCK DAWSON  
Mayor of the City of Riverside

Attest:

\_\_\_\_\_  
DONESIA GAUSE  
City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
DONESIA GAUSE  
City Clerk of the City of Riverside

CA 24-1431 ALB 08/14/24





December 20, 2023

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

**Re: Arlington Mixed Use Development Project  
Planning Case PR-2022-001252: Appeal and Request for Override of  
ALUC Finding of Inconsistency**

Honorable Mayor and City Council:

Riverside Property Owner, LLC (“Applicant”) hereby appeals the decision of the Riverside County Airport Land Use Commission (“ALUC”) on January 12, 2023, finding the Arlington Mixed Use Development Project (Planning Case PR-2022-001252 – General Plan Amendment, Rezone, Site Plan Review, Tentative Parcel Map, and Certificate of Appropriateness) (the “Project”) inconsistent with the 2005 Riverside Municipal Airport Land Use Compatibility Plan (ALUC File No. ZAP1107RI22), for the reasons set forth in this letter and in the attached Findings of Fact. As you may be aware, ALUC’s finding of inconsistency was transmitted to the City of Riverside (“City”) and the Applicant following ALUC’s hearing on January 12, 2023. The Applicant immediately informed the City that they would be appealing ALUC’s determination. Since that time, the Applicant and City have been working through the entitlement process based on the understanding that ALUC’s inconsistency determination was appealed. To perfect the City’s appeal process, we are submitting this letter and accompanying fee outlining the basis of the appeal of ALUC’s determination.

In order to support the City in reaching their Regional Housing Needs Allocation (“RHNA”) and provide much-needed housing, the Arlington Mixed Use Development Project proposes to redevelop 17.37 net acre parcel currently developed with 178,426 square feet (“sf”) vacant retail building (former Sears). The Project proposes 576,203 sf of residential and commercial-retail uses. The residential buildings will allow for a total of 388 dwelling units and be divided between 13, 3-story garden style buildings providing for 318 dwelling units and 14, 2-story townhome buildings providing for 70 dwelling units. The residential portion will also include indoor and outdoor amenities, including a leasing office, club room, and fitness center, and outdoor amenities including a dog park, pedestrian promenade, picnic, pool and spa, shade structures, and outdoor seating and dining area. The commercial-retail portion will include one 5,000 sf multi-tenant retail speculative pad and a 20,320 sf grocery store pad. The residential portion will assist the City in reaching their RHNA, which, as the City knows, is an exceptionally high number due to the chronic under-production of housing across the state of California.

The Project site is located at the northeast corner of Arlington Avenue and Streeter Avenue. The Project site consists of assessor parcel number (APN) 226-180-015-1; specifically located at 5261 Arlington Avenue, Riverside CA 92506. The Project site is located directly across from the Heritage Plaza Shopping Mall and Arlington Square Shopping Center which is developed with retail uses, such as Ross Dress for Less, Big Lots, and Smart & Final Extra. Directly west and east of the Project is additional multi-family residential, office, and commercial uses. Directly north, the Project site is also bordered by multi-family residential, office and vacant uses.

Most of the Project site is located within Land Use Compatibility Zone B1 while smaller portions are located with Zones C and D. The majority of the surrounding commercial and residential uses discussed above, are within Compatibility Zone B1 of the Riverside Municipal Airport Land Use Compatibility Plan (“ALUCP”). Zone B1 restricts residential density to a maximum of 0.05 dwelling units per acre, Zone C restricts residential density to 0.2 dwelling units per acre, and Zone D restricts dwelling units to below 0.2 or above 4.0 dwelling units per acre.

The Project proposes a residential density of 28.0 dwelling units per acre in Zone B1 and 2.0 dwelling units per acre in Zone C, exceeding the maximum residential density in Zone B1 and Zone C. Additionally, the Project’s proposed clubhouse/fitness/leasing area and grocery uses exceed the allowable average and single acre intensity in Zone B1 and the proposed retail exceeds the maximum average acre intensity in Zone C. Because of these density exceedances, ALUC deemed the Project inconsistent with the 2005 ALUCP. Additionally, the Project proposes three-story buildings, which include more than two above ground habitable floors and does not contain 4.99 acres of ALUC qualified open area. Otherwise, the Project is consistent with the ALUCP.

Because the Project will redevelop an underutilized site and greatly assist the City in reaching its RHNA by providing much needed housing in the area, the Applicant respectfully requests the City Council override the ALUC decision on appeal.

Additionally, 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 conditions 2(e) and 10.<sup>1</sup> To allow the Project to provide much needed housing, and keeping with the intent of condition 2(e) to avoid certain land uses in this area, the Applicant requests condition 2(e) be modified to state the following:

Children’s schools, day care centers, libraries, hospitals, nursing homes, places of worship, buildings with more than three aboveground habitable floors and exceeding height requirements set forth by Riverside Municipal Code Section

---

<sup>1</sup> As written, condition 2(e) prohibits the following uses: “Children’s schools, day care centers, libraries, hospitals, nursing homes, places of worship, buildings with more than two aboveground habitable floors, critical community infrastructure facilities, and aboveground bulk storage of 6,000 gallons or more of flammable or hazardous materials.” Condition 10 requires: “At least 4.99 of ALUC-eligible open areas (at least 75 feet in width and 300 feet in length\_ shall be kept obstacle and obstruction free per ALUC open area definition (no objects greater than four feet in height with a diameter of four inches or greater).”

December 20, 2023

Page 3

19.120.050, critical community infrastructure facilities, and aboveground bulk storage of 6,000 gallons or more of flammable or hazardous materials.

Condition 10 cannot be met given the current size of the Project site. But, for the reasons stated below, the Project is as safe as possible despite the requested acreage by this condition.

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,



Jamie Chapman  
Riverside Property Owner, LLC  
12435 Park Potomac Avenue, Suite 200  
Potomac, MD 20854

Enclosures: (1) Findings of Fact

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

(3) January 18, 2023 Letter from Riverside County Airport Land Use Commission to Brian Norton 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 Riverside Municipal Airport Land Use Compatibility Plan ("ALUCP") for the following reasons:

1. The Project will not affect the orderly expansion of the Riverside Municipal Airport ("RMA").

The Project is consistent with the residential development surrounding RMA, specifically in Zone B1, and will not result in the encroachment of incompatible residential densities affecting current or future RMA operations. The Project involves the redevelopment of an underutilized commercial parcel with multi-family residential and commercial development. The Project's proposed General Plan designation and zoning of Mixed Use-Village, is consistent with surrounding development, and would assist in transitioning between commercial and single-family residential uses.

The Project site is located directly across from the Heritage Plaza Shopping Mall and Arlington Square Shopping Center, which has a General Plan Land Use Designation of C – Commercial and HDR – High Density Residential and is zoned CR – Commercial Retail, CG – Commercial General, and O – Office, and is developed with retail uses. Directly west of the Project is additional single-family residential, office, and commercial uses, which have a General Plan Land Use Designation of MDR – Medium Density Residential, O – Office, C – Commercial, and PF – Public Facilities and is zoned CG – Commercial General, O – Office, and R-1-7000 – Single Family Residential. Directly north, the Project site is bordered by more single-family residential, office and vacant uses with a General Plan Land Use Designation of O – Office, PF – Public Facilities, and C – Commercial and is zoned CG – Commercial General and R-1-7000 – Single Family Residential. And lastly, the Project is bordered on the east with single-family residential and office uses with a General Plan Land Use Designation of MDR – Medium Density Residential and O – Office and is zoned R-1-7000 Single Family Residential and O – Office.

The surrounding residential uses appear to exceed the 0.05 dwelling units per acre requirement of Zone B1 and the 0.2 dwelling units per acre requirement of Zone C. Of note, several multi-family residential and commercial uses are located in Zone B1, near the Project. Apartment complex, Phoenix Gardens Apartments, located at 6930 Phoenix Avenue, is adjacent to the Project Site across Streeter Avenue. Large neighborhoods of single or multi-family residential houses are directly east of the Project site in Zone C. The Heritage Plaza and Arlington Square Shopping Center, directly across the street from the Project site, host over fifteen

commercial businesses, such as Ross Dress for Less, Big Lots, and Smart & Final Extra. The Project is consistent with other residential and commercial developments in the B1 and C Zones.

Additionally, the Project consists of infill development of an underutilized commercial site. The vast majority of Zone B1 in the City has 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 RMA operations.

2. The Project minimizes the public's exposure to excessive noise and safety hazards within areas around the RMA.

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

The RMA 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 the RMA Runway 9/27. The RMA 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 RMA 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. Accordingly, noise exposure from RMA 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 RMA 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 also 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 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.
- 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 9/27 at its northerly terminus is 815.8 feet above mean sea level (“AMSL”). At a distance of approximately 5,151 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 867 feet AMSL. The site’s finished floor elevation is approximately 791 feet AMSL and proposed building height is maximum 41.5 feet, resulting in a top point elevation of 832.5 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 27 residential apartment buildings consisting of 2 and 3-story structures and two commercial buildings with a maximum height of 41.5 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 Mixed Use – Village (MU-V) maximum height of 45 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 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.

- f. The Project site identifies 2.14 acres as open space and provides 815 parking spaces across the entirety of the Project. As such, ample open space is provided adjacent to the Project in the event an aircraft requires an emergency landing. Additionally, the Project is located at the intersection of Arlington Avenue and Streeter Avenue, both streets providing additional open area.
- g. The Project will comply with all feasible recommended ALUC conditions.

The Project will comply with the majority of recommended ALUC conditions of approval, including restrictions on maximum building height, noise attenuation measures, and notices and informational brochures for prospective purchasers and tenants. The Project also will comply with recommended conditions related to land uses with minor modifications, to continue to ensure safety, but allow for the best available use of the Project site. Condition 10 cannot be met based on the current size of the Project site. Similar to the surrounding uses such as the Heritage Plaza

Shopping Mall and Arlington Square Shopping Center, neighboring residential areas, and adjacent offices, there is no available acreage that could adhere to this requirement. Condition 2(e) can be properly revised to accommodate habitable floors within the City's permitted building height. As demonstrated above, the Project will be designed and constructed in the safest manner possible to align with ALUC's purpose of minimizing safety hazards within areas around public airports while at the same time satisfying the City's great need for housing.