

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 REGARDING THE ANTON
7 MISSION GROVE APARTMENTS PROJECT, LOCATED AT 375
8 ALESSANDRO BOULEVARD, GENERALLY SITUATED ON THE
9 NORTHWEST CORNER OF MISSION GROVE PARKWAY AND
10 MISSION VILLAGE DRIVE, SOUTH OF ALESSANDRO BOULEVARD,
11 RIVERSIDE, CALIFORNIA ASSESSOR'S PARCEL NUMBER 276-110-
12 018.

13 WHEREAS, an application was submitted by Regional Properties, Inc. ("Applicant") for PR-
14 2022-001359 (General Plan Amendment, Specific Plan Amendment, Zoning Code Amendment,
15 Tentative Parcel Map, Design Review for site design and building elevations, and an Environmental
16 Impact Report) (collectively "Project") on 9.92 acres of land located at 375 Alessandro Boulevard,
17 generally situated on the northwest corner of Mission Grove Parkway and Mission Village Drive,
18 south of Alessandro Boulevard, in the City of Riverside, California, Assessor's Parcel No. 276-110-
19 018; and

20 WHEREAS, the Project is located within the land use compatibility plan area of the March Air
21 Reserve Base/Inland Port Authority ("MARB"), as designated by the 2014 March Air Reserve
22 Base/Inland Port Authority Land Use Compatibility Plan ("ALUCP"); and

23 WHEREAS, the Project is located in Airport Compatibility Plan Zone C2; and

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

26 WHEREAS, on September 14, 2023, the Riverside County Airport Land Use Commission
27 ("ALUC") determined that the Project was inconsistent with the ALUCP in that the Project's
28 residential density is inconsistent with the Zone C2 maximum residential density criteria; and

WHEREAS, on September 25, 2023, the Applicant filed an appeal of ALUC's determination
with the City Council, a copy of which is attached hereto as Exhibit "A" and incorporated herein by
reference; and

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

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

7 WHEREAS, on August 20, 2024, the City Council reviewed the draft Resolution of Intent to
8 Overrule the ALUC findings and to provide a copy of the proposed decision and findings for review
9 to both ALUC and the California Division of Aeronautics; and

10 WHEREAS, on August 26, 2024, City staff provided the draft Resolution of Intent to Overrule
11 the ALUC findings to the ALUC and the California Division of Aeronautics; and

12 WHEREAS, at a public hearing on December 3, 2024, the City Council considered all
13 additional information and comments received, including comments from the ALUC and the
14 California Division of Aeronautics, and by a two-thirds vote, based on the findings contained herein,
15 the Council Report, and all additional information presented, finds that the proposed Project is
16 consistent with the purposes set out in Public Utilities Code section 21670 and overrides the ALUC
17 determination.

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

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

22 1. The Project will not affect the orderly expansion of the March Air Reserve Base
23 (“MARB”).

24 a. The Project is consistent with residential development surrounding the MARB,
25 specifically in Zone C2 and will not result in the encroachment of incompatible
26 residential densities affecting current or future MARB operations. The Project involves
27 the redevelopment of an underutilized commercial parcel with a multi-family residential
28 development. The Project’s proposed General Plan designation and zoning designation

1 of Mixed Use-Urban, are consistent with surrounding development, and would assist in
2 transitioning land use between commercial and single-family residential uses.

- 3 b. The Project site is located within the Mission Grove Plaza shopping center and is
4 bordered on the north, west, and east (across Mission Grove Parkway) by shopping
5 centers, which have a General Plan Land Use Designations of C – Commercial and is
6 zoned CR-SP – Commercial Retail and Specific Plan (Mission Grove) Overlay Zones
7 and is developed with retail uses. Multi-family residences are located further north
8 (across Alessandro Boulevard), which have a General Plan Land Use Designation of
9 HDR – High-Density Residential and are zoned R-3-3000-SP – Multi-Family
10 Residential and Specific Plan (Mission Grove) Overlay Zones. The project site is
11 bordered on the south by a single-family residential neighborhood (across Mission
12 Village Drive), which has a General Plan Land Use Designation of Medium High-
13 Density Residential (MHDR) and is zoned R-1-7000-SP – Single-Family Residential
14 and Specific Plan (Mission Grove) Overlay Zones).
- 15 c. The surrounding residential uses exceed the 6.0 dwelling units per acre requirement of
16 Zone C2. Of note, several multi-family residential uses are located in Zone C2, near the
17 Project. Mission Villas Condominium complex (located at 200 E. Alessandro
18 Boulevard), Mission Grove Park Apartments (located at 7450 Northrop Drive), and
19 Estancia (located at 7871 Mission Grove Parkway South) are within proximity to the
20 Project Site; Mission Grove Park Apartments and Estancia are both located closer to
21 MARB than the project site. Mission Grove Park consists of 432 units and has a density
22 of 16 dwelling units per acre; Estancia consists of 208 units and has a density of 17.3
23 dwelling units per acre. The project is consistent with other multi-family residential
24 developments in the C2 Zone.
- 25 d. Additionally, the Project consists of infill development of an underutilized commercial
26 site. The vast majority of properties within Zone C2 have been built out, largely by
27 single-family residences. Few infill sites, such as the Project, are available for
28 development. As such, the Project would not encourage other developments to exceed

1 Zone C2 density standards or encroach upon MARB operations.

2 2. The project minimizes the public’s exposure to excessive noise and safety hazards within areas
3 around the Airport.

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

6 i. The MARB ALUCP provides the CNEL considered normally acceptable for
7 new residential uses in the vicinity of MARB is 65 dBA. (ALUCP, § 2.3(a)).
8 The Project site is approximately 3.3 miles from the end of Runway 14-30 at
9 MARB. The MARB ALUCP depicts the site as being below the 60 CNEL range
10 from aircraft noise. Therefore, ALUC found no special measures were required
11 to mitigate aircraft-generated noise. Because the Project is consistent with the
12 noise standards in the MARB ALUCP, the Project also complies with the noise
13 standards in the City of Riverside General Plan. (General Plan Noise Element,
14 Figure N-10.) While multifamily or mixed uses are not defined in the City’s
15 General Plan Noise Element, the “normally acceptable” noise level for an infill
16 single family residential use is between 55 and 65 dBA CNEL. Accordingly,
17 noise exposure from MARB would not exceed normally acceptable levels for
18 the Project site.

19 ii. The Project will comply with Riverside Municipal Code requirements
20 regarding construction noise and will not compound noise related to MARB
21 operations. All construction would take place between 7:00 a.m. and 7:00 p.m.
22 on weekdays, 8:00 a.m. and 5:00 p.m. on Saturdays, and would not take place
23 at any time on Sunday or a federal holiday. (RMC, § 7.35.020). The Project will
24 utilize standard construction techniques to ensure interior noise levels from
25 aviation-related sources are no more than CNEL 40 dB (ALUC, § 2.3(b)(1)).

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

- 1 3. The Project does not propose any uses specifically prohibited or discouraged in Compatibility
2 Zone C2 (highly noise-sensitive outdoor nonresidential uses or hazards to flight), such as major
3 spectator-oriented sports stadiums, amphitheaters, concert halls and drive-in theaters.
- 4 4. The Project will have no impact on Federal Aviation Administration Federal Aviation
5 Regulations (FAA FAR) Part 77.
 - 6 a. The FAA FAR Part 77 Surface Map is a map used by the FAA and the ALUC to
7 identify potential obstructions and hazards to aviation traffic. The ALUC uses the map
8 as a height restriction boundary for purposes of making consistency determinations
9 with its ALUCP. The elevation of Runway 14-32 at its northerly terminus is 1,535 feet
10 above mean sea level (“AMSL”). At a distance of approximately 17,464 feet from the
11 project to the nearest point on the runway, FAA review would be required for any
12 structures with top of roof exceeding 1,710 feet AMSL. The site’s highest finished floor
13 elevation is approximately 1,595 feet AMSL with the highest proposed building height
14 at 56 feet, resulting in a top point elevation of roughly 1,651 feet AMSL. Therefore,
15 review of the building for height/elevation reasons by the FAA Obstruction Evaluation
16 Service (“FAAOES”) is not required.
- 17 5. The Project will not impose a safety hazard due to height.
 - 18 a. The Project proposes to develop five, 4-story residential apartment buildings with a
19 maximum height of 56 feet. This is below the Mixed-Use – Urban Zone maximum
20 height of 60 feet (RMC § 19.120.050) and well below the current CR - Commercial
21 Retail Zone maximum height of 75 feet (RMC § 19.110.030). Development of the
22 Project, as well as the proposed General Plan Amendment and change of zone, will
23 result in a reduced maximum height than what currently exists for the site and for any
24 project that could potentially be developed onsite if the current zoning is maintained.
25 Thus, the Project will not create an obstruction or hazard to air navigation within the
26 meaning of 14 C.F.R. Part 77 nor does it create a safety hazard pursuant to PUC Section
27 21670.
- 28 6. The Project is consistent with non-residential density calculations.

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a. The project proposes 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 actually 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

1 concentrated current will be buried beneath the ground and away from any signal
2 transmission.

3 8. The Project site is currently a part of the Mission Grove Plaza Shopping Center and will
4 continue to share parking spaces with the commercial development upon Project
5 implementation. As such, ample open space is provided adjacent to the Project in the event an
6 aircraft requires an emergency landing.

7 9. While ALUC deemed the project inconsistent with the ALUC Compatibility Plan, Conditions
8 of Approval were provided in the event the City Council approved the project and overrule
9 request. The Project will comply with all feasible recommended ALUC conditions, as outlined
10 below:

11 a. The Project will comply with the recommended ALUC conditions of approval,
12 including restrictions on outdoor lighting, prohibited uses, and notices and
13 informational brochures for prospective purchasers and tenants.

14 b. The Project will also comply with recommended conditions related to light and glare
15 with minor modifications to continue to ensure safety but allow for flexibility in the
16 ultimate design of the Projects required solar panels.

17 i. Condition 7 Solar Arrays – The applicant is seeking to modify this condition
18 to allow annual daylight minutes to deviate from the provided solar glare study
19 up to a maximum of 20 percent, consistent with ALUC policy. If the updated
20 solar glare study results in a) more than 20 percent of annual solar glare limits,
21 b) any glare impacting the traffic control tower, or c) creation of any “yellow”
22 or “red” level glare in flight paths, then the amended project shall require a
23 new hearing by the Airport Land Use Commission.

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

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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 24-1853 ALB 10/24/24



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.