

Riverside Municipal Airport
6951 Flight Road, Suite 210
March 27, 2024

Mr. Brian Norton
Principal Planner – Project Management
City of Riverside
Community and Economic Development Department - Planning Division
3900 Main Street, 3rd Floor

Dear Mr. Norton:

The City of Riverside is the FAA-approved “sponsor” of Riverside Municipal Airport. According to the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Handbook, an airport sponsor is a “Public agency owning a public-use airport. A state, political subdivision of the state (such as a city, municipality, or state agency), a tax-supported organization, and an Indian tribe or pueblo are all considered public agencies.”¹

Riverside Municipal Airport is a federally-obligated airport. As federal funds (via the AIP or Bipartisan Infrastructure Law [BIL]) are accepted by the Airport, the airport sponsor (City of Riverside) becomes obligated to the federal government to adhere to sponsor grant assurances.

The rights and responsibilities of the sponsors and users of federally obligated public-use airports are based on Federal law. In exchange for Federal airport development assistance (including the transfer of Federal property for airport purposes), airport sponsors make binding commitments to assure that the public’s interest in civil aviation will be served. An airport sponsor’s responsibilities are commonly referred to as its Federal grant obligations or grant assurances.²

Although grant assurances are numerous,³ pertinent grant assurances that relate to the proposed Arlington Mixed Use Development and to which the City is obligated are the following:

- a. 6: Consistency with Local Plans. The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.
- b. 19: Operation and Maintenance. It [the sponsor] will not cause or permit any activity or action thereon which would interfere with its use for airport purposes.

¹ https://www.faa.gov/airports/aip/aip_handbook/chapter2

²

https://www.faa.gov/sites/faa.gov/files/airports/airport_compliance/compliance_guidance/airportSponsorAndUserRightsBrochure.pdf

³ https://www.faa.gov/sites/faa.gov/files/airports/new_england/airport_compliance/assurances-airport-sponsors-2022-05.pdf

- c. 20: Hazard Removal and Mitigation. It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.
- d. 21: Compatible Land Use. It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

This project, which is located only 1 mile from the runway 27 threshold on the extended runway centerline, does not comply with the 2005 Riverside Municipal Airport Land Use Compatibility Plan, based on the fact that the project is inconsistent with the residential density, non-residential intensity, prohibited use, and open area criteria. Thus, it is considered incompatible land use, in direct violation of Grant Assurance 21.

Incompatible land uses around GA (General Aviation) airports jeopardize the safety and efficiency of flying activities, and the quality of life of the community's residents. Incompatible airport land uses include residential development, schools, community centers and libraries, hospitals, and buildings used for religious services and tall structures, smoke and electrical signal generators landfills and other bird/wildlife attractants⁴.

New housing demands generated by increased population are one of the contributing factors to incompatible land uses around both commercial service and general aviation airports. Communities are often confronted with the need and desire to expand their tax base by increasing residential and business development. Residential development, particularly high-density development, is not compatible with airport operations due to aircraft noise impacts and for safety reasons⁵.

As such, the Airport's Sponsor (City of Riverside) is obligated by the FAA Sponsor Grant Assurances to oppose this project. Otherwise, the City risks being found by the FAA to be noncompliant with FAA grant assurances, which could lead to a loss of FAA funding necessary for the continued capital development and maintenance of the airport. If that occurs, the Airport will be reliant upon the City to supplement the amount of lost federal funding. Due to an

⁴ https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/apl/III.B.pdf

⁵ https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/apl/III.B.pdf

aggressive capital development campaign, the Airport is planning \$32M+ in capital development during the next five years.

Upon review of the March 13, 2024 letter by Foulger Pratt countering ALUC Findings of Inconsistency, the Airport offers the following responses:

1. Foulger Pratt: Despite ALUC's determination, the City of Riverside ("City") can override ALUC's determination of inconsistency and approve the Project.
Airport: If the City, as airport sponsor, overrides ALUC's determination of inconsistency and approves the Project, the FAA can find the City noncompliant with FAA grant assurances, which may (a) require past grant funds to be repaid and/or (b) risk losing any future FAA funding.
2. Foulger Pratt: The Project is consistent with the purposes of the State Aeronautics Act as stated in PUC Section 21670.
Airport: The Project is not consistent with the purposes of the State Aeronautics Act as stated in PUC Section 21670. Specifically, by constructing high density residential buildings 1 mile from the runway 27 threshold on the extended runway centerline, additional citizens will be exposed to aircraft noise by aircraft overflights directly over their residence. Riverside Municipal Airport had 130,000 annual operations in 2023, with approximately 80% of these flights utilizing runway 27. This equates to approximately 356 aircraft operations per day, 7 days per week, with the airport open 24 hours daily.
3. Foulger Pratt: Further, the Project promotes the overall goals and objectives of the State noise standards by avoiding new noise and safety problems, and protecting the public health, safety and welfare through the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards to the extent that this area is not already devoted to incompatible.
Airport: The proposed project does nothing to "avoid new noise and safety problems" as (a) the developer has no authority over airport operations and (b) the developer is proposing to introduce 388+ new residents to aircraft noise by constructing 388 high density residential units 1 mile from the runway 27 threshold. Likewise, the developer is not "protecting the public health, safety and welfare through the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards." The developer is proposing to construct 388 dwelling units in a noise sensitive area with emissions from aircraft mostly using low lead fuel. The proposed project does not actively "protect the public health, safety and welfare" of citizens.
4. Foulger Pratt: The surrounding area of the Airport is also heavily urbanized, especially to the east and south. Much of this development is not in conformance with either the former or new compatibility criteria.
Airport: Although this is accurate to some degree, (a) it has resulted in numerous resident noise complaints to the Airport that are difficult to address and (b) mistakes of the past due to poor land use planning are not justification to continue poor land use planning practices by increasing the number of residents exposed to aircraft noise and emissions.
5. Foulger Pratt: However, recent trends determine that the ALUCP's approach to future expansion and operations, as forecasted in 2005, is currently outdated and conservative.
Airport: The FAA recommends conservative planning practices. "The information should also include the operator's long-range plans and operation assumptions that are

sufficiently conservative to encompass reasonably foreseeable changes in operations.”⁶ Further, due to the long-term lifespan of the proposed project, current aircraft operational data should not be used to justify the proposed project based on the lack of future growth in aircraft operations and facilities. In fact, 18 acres on the Westside of the Airport will be developed over the next few years resulting in nearly 100 new aircraft hangars and fueling facilities. This will likely increase aircraft operations and increased based aircraft count well beyond the current 217 based aircraft. It should be noted that a runway extension is not the only method to increase aircraft operations.

6. Foulger Pratt: Thus, projects such as this one are unfairly impeded from moving forward. Airport: The City applies all airport rules and regulations and land use planning practices fairly. The City complies with all FAA grant assurances fairly in all circumstances. There is nothing unfair about minimizing the number of residents exposed to aircraft noise and emissions.

Although the Airport, and as sponsor of the airport, the City of Riverside is required by FAA grant assurances to oppose this project, if it were approved by City Council, it is strongly recommended that the developer provide an avigation easement over the entire property to the City of Riverside and Riverside Municipal Airport. According to the State Aeronautics Act, in section 21669.5:

(a) For purposes of this section, the following terms have the following meanings:

(1) (A) "Avigation easement" means a less-than-fee-title transfer of real property rights from the property owner that may convey to an owner or operator of an airport any or all of the following rights:

- (i) A right-of-way for the free and unobstructed passage of aircraft through the airspace over the property at any altitude above a specified surface.
- (ii) A right to subject the property to noise, vibration, fumes, dust, and fuel particle emissions associated with normal airport activity.
- (iii) A right to prohibit the erection or growth of any structure, tree, or other object that would enter the acquired airspace.
- (iv) A right-of-entry onto the property, with proper advance notice, for the purpose of removing, marking, or lighting any structure or other object that enters the acquired airspace.
- (v) A right to prohibit electrical interference, glare, misleading lights, visual impairments, and other hazards to aircraft flight from being created on the property.⁷

(b) If a political subdivision conditions approval of a noise-sensitive project upon the grant of an avigation easement to the owner or operator of an airport, the avigation easement shall be required to be granted to the owner or operator of the airport prior to the issuance of the building permit that allows construction or reconstruction of the noise-sensitive project. The owner or operator of an airport that is granted an avigation easement as a condition for approval of a noise-

⁶ https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/apl/11-noise.pdf

⁷ https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/puc_ssa_r3_2019.pdf

sensitive project pursuant to this subdivision shall be entitled to immediately record it upon receipt.⁸

Thank you for the opportunity to express concerns with this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Daniel Prather', written in a cursive style.

C. Daniel Prather, Ph.D., D.B.A., A.A.E., CAM
Airport Manager

⁸ https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/puc_ssa_r3_2019.pdf