

# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 2.1 ~~3-10~~

**HEARING DATE:** *December 14, 2023 (Continued from November 9, August 10, 2023, July 13, 2023)*

**CASE NUMBER:** ZAP1028PV23 – Landstar Companies (Representative: Johnson Aviation)

**APPROVING JURISDICTION:** City of Perris

**JURISDICTION CASE NOS:** PLN22-05046 (DPR22-00005 [Development Plan Review], TPM38412 [Tentative Parcel Map])

**LAND USE PLAN:** 2011 Perris Valley Airport Land Use Compatibility Plan; 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan

Airport Influence Area: Perris Valley Airport; March Air Reserve Base/Inland Port Airport

Land Use Policy: Zones A, B1, B2, C and D (Perris Valley); Zone E (March)

Noise Levels: Between 55 - 65 CNEL range from Perris Valley aircraft; Below 60 CNEL from March aircraft

**MAJOR ISSUES:** *At the November 9, 2023, hearing, the applicant submitted a request to continue the project to the December 14 hearing, for additional time for the mechanical turbulence study. The airport manager agreed to the continuance to the December 14 hearing. At the time this staff report was prepared, the ALUC staff has not received any mechanical turbulence study to review.*

*At the August 10, 2023, hearing, Pat Conaster (and company) submitted two letters from the United States Parachute Association and the Perris Valley Chamber of Commerce supporting the airport in its opposition to the project citing safety impacts on airport operations. Also submitted at the meeting was correspondence with the FAA Air Traffic Organization Obstruction Evaluation Group confirming that “no petition was filed within the time frame stipulated in FAA’s determination” for the project, and therefore validating the status of the project’s FAA OES no hazard determination letter. At the hearing the Commission continued to discuss the requirement of the mechanical turbulence study. It was stated that a mechanical turbulence study would be prepared and submitted by the applicant to be discussed at the November 9 hearing. The project was continued to the November 9, 2023, hearing to allow time for a mechanical turbulence study to be submitted. On September 14, 2023, the applicant submitted a request to continue the project from the November 9 hearing to the December 14 hearing, for additional time for the mechanical turbulence study. The request was forwarded to Pat Conaster who did not object to the continuance to the December 14 hearing.*

**At the July 13, 2023, hearing, Pat Conaster (and company) submitted further comments/documents in opposition to the project, arguing the following points: 1) that the project's issued FAA OES Determination of No Hazard to Air Navigation was invalid, and 2) that the project needed to submit a mechanical turbulence study to analyze its safety impacts on the airport operations. The Commission had extensive discussion regarding these issues, as well as its scope and ability to address said issues. After the Commission failed in its motion for a consistency finding (vote 4 to 3), the Commission passed its motion for a continuance to the August hearing (vote 4 to 3) in order to try and address these issues. After the July 13 hearing, ALUC staff reached out to the applicant and airport manager and requested that they contact the FAA OES in order to provide something in writing confirming the in-question status of the FAA OES Determination of No Hazard to Air Navigation letter issued for the project. At the time the staff report was prepared, ALUC staff did not receive any document. Additionally, ALUC staff reached out to the applicant regarding addressing the Commission's comments requiring a mechanical turbulence study to analyze the project's impacts on airport operations. At the time the staff report was prepared, ALUC staff did not receive any document. The applicant has requested that the project be continued to the September 14, 2023, hearing in order to address these issues.**

**At the July meeting the Commission discussed extensively the current role of the ALUC with respect to the ALUCP and general safety around airports. As restated by ALUC staff, the ALUC has not historically required review of airport operations like skydiving/parachuting in its project review due to the fact that the current ALUCP does not contain any specific policy or criteria related to such an activity. As mentioned previously, the PVALUCP does identify in its Introduction section that Perris Valley Airport is a "major skydiving center known nationally and internationally. The airport serves both as the departure point for jump aircraft and as the landing spot for skydivers". Although there are no specific skydiving/parachuting policies or criteria in the PVALUCP, the plan does identify the extent and nature of the skydiving/parachuting operations at the airport. The ALUCP also recognizes "hazards to flight" as a prohibited use, and is defined in footnote 9 in Table 2A as "Hazards to flight include physical (e.g. tall objects), visual, and electronic forms of interference with the safety of aircraft operations...See Policy 4.3.7." Policy 4.3.7 specifically states:**

**"Other Flight Hazards: New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:**

- (a) Glare or distracting lights which could be mistaken for airport lights;**
- (b) Sources of dust, steam, or smoke which may impair pilot visibility;**
- (c) Sources of electrical interference with aircraft communications or navigation; and**
- (d) Any proposed use, especially landfills and certain agricultural uses, that create an increased attraction for large flocks of birds."**

**ALUC staff contends that the strict interpretation of the current ALUCP, through the has historically interpreted "hazards to flight" definition and Policy 4.3.7, is only as referring specifically to the safety of aircraft in-flight operations. and that Skydiving/parachuting operations are not explicitly identified anywhere in the ALUCP or in its definition of "hazards to flight". At the same time It was noted by the Commissioners the importance of resolving the FAA OES no hazard letter status and requesting that the applicant provide a mechanical turbulence study to analyze the project's impacts on airport operations. Further description of the FAA OES no hazard letter is provided below and would suggest that any FAA requirements related to mechanical turbulence that may exist would not apply to the project,**



*which is off airport property, since FAA's authority is limited. Additionally, the ALUC does not have jurisdiction over the operation of any airport per Public Utilities Code Section 21674(e). The focus of the inquiry should be on whether there is significant mechanical turbulence created by the proposed project that results in an intolerable hazard to flight. Notwithstanding, ALUC staff has not been provided with any mechanical turbulence requirements by FAA from the airport manager.*

Between February 16 through May 9, 2023, ALUC staff received comments from the Perris Valley Airport Manager Pat Conaster, and from Skydive Perris representatives Dan Brodsky-Chenfeld and Andy Witcomb in opposition to the project. They expressed concerns such as mechanical turbulence and windshear created by the project impacting the existing airport operations flights and parachuting, a reduction in available area for parachutists to land, and impacts to Code of Federal Regulations (14 CFR) Part 105 regarding sport parachuting. It was previously determined (under nearby case ZAP1026PV22) that the ALUC does not have the jurisdiction to deal with these issues as set forth by the FAA, CALTRANS, and the 2011 Perris Valley Airport Land Use Compatibility Plan (PVALUCP). Although the proposed project is consistent with the standards and policies as identified in the PVALUCP, and that the airport manager/airport operator comments are outside of the purview of the plan, ALUC staff agrees that the safety issues regarding impacts to operations should be further analyzed and evaluated in the project's CEQA process as performed and adopted by the City of Perris. Lastly, the FAA OES issued their Determinations of No Hazard to Air Navigation letters for the project, identifying that the buildings would not be an impact to air navigation provided that they were appropriately marked/lighted, which is part of the ALUC conditions of approval. *It is noted from Section 3.2.3 of the California Airport Land Use Planning Handbook by the State of California Department of Transportation, Division of Aeronautics, dated October 2011, that "the land use safety compatibility guidance from the FAA is limited to the immediate vicinity of the runway, the runway protection zones at each end of the runway, and the protection of navigable airspace... The FAA criteria apply only to property controlled by the airport proprietor. The FAA has no authority over off-airport land uses—its role is with regard to the safety of aircraft operations." With regards to airspace protection, Section 3.2.4 of the California Airport Land Use Planning describes that the FAA guidance related to FAR Part 77 Airspace Surfaces is a process that requires project sponsors to inform the agency about proposed construction that could affect navigable airspace. The standards by which the FAA conducts these aeronautical studies are set forth in FAR Part 77, Objects Affecting Navigable Airspace. When the FAA receives a Notice of Proposed Construction (Form 7460-1) submitted in accordance with Subpart B requirements, Subpart D dictates that the FAA conduct an aeronautical study of the proposal. After the FAA completes its aeronautical study of the proposed construction, it usually issues a letter indicating its determination as to whether the specific proposal studied would be a "hazard to air navigation." "These studies only address airspace issues... The FAA's jurisdiction, insofar as it relates to local land use regulations, is limited to authority over airspace and environs within the Runway Protection Zone (as long as it's within the confines of airport property)." Therefore, any other FAA criteria unrelated to hazards to air navigation would not apply to the project, which is not on airport property.*

**RECOMMENDATION:** *If the Commission finds, based on the information presented, that an intolerable hazard to flight risk DOES NOT exist, then it is recommended that the Commission find the project CONSISTENT with the 2011 Perris Valley Airport Land Use Compatibility Plan and the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, subject to the conditions included herein. It is also advised that the local jurisdiction during the CEQA process analyze and evaluate the project's potential impacts*

***on the safety of the existing skydiving/parachuting operations.***

***If the Commission finds that an intolerable hazard to flight risk DOES exist, then it is recommended that the Commission find the project INCONSISTENT, as hazards to flight with the safety of aircraft operations are prohibited uses under Policy 4.3.7, despite other plan criteria being satisfied.***

***~~Staff recommends that the Commission CONTINUE the matter to the December 14, 2023, meeting, per the applicant's request for additional time for the mechanical turbulence study. September pending resolution of the status of the FAA OES letter and the submittal of a mechanical turbulence study. Staff recommends that the Development Plan Review and Tentative Parcel Map be found CONSISTENT with the 2011 Perris Valley Airport Land Use Compatibility Plan and the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, subject to the conditions included herein, and those conditions and recommendations in the mechanical wind turbulence study. It is also advised that the local jurisdiction during the CEQA process analyze and evaluate the project's impacts on the safety of the existing skydiving/parachuting operations.~~***

**PROJECT DESCRIPTION:** A proposal to construct two industrial warehouse buildings with mezzanines totaling 867,070 square feet and a 343 tractor-trailer truck yard (on a separate 22.88 acre parcel) on a total 82.83 acres. The applicant also proposes a tentative parcel map merging the site into two parcels.

**PROJECT LOCATION:** The site is located southerly of Ellis Avenue, westerly of Case Road, easterly of Goetz Road, within the City of Perris, approximately 280 feet easterly and westerly of the northwest terminus of Runway 15-33 at Perris Valley Airport.

#### **BACKGROUND:**

Non-Residential Average Land Use Intensity: Pursuant to the Perris Valley Airport Land Use Compatibility Plan, the project boundary is located within Zones A (8.92 acres), B1 (17.49 acres), B2 (30.44 acres), C (14.00 acres), and D (19.09 acres), which limits average intensity to 25 people per acre in Zone B1, 100 people per acre in Zone B2, 75 people per acre in Zone C, and 100 people per acre in Zone D. No development is proposed in Zone A. The project is also located in Zone E of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, which does not restrict non-residential intensity.

Pursuant to Appendix C, Table C-1, of the Riverside County Airport Land Use Compatibility Plan, the following rates were used to calculate the occupancy for the proposed buildings:

- Office – 1 person per 200 square feet
- Warehouse – 1 person per 500 square feet

The project proposes to construct two industrial warehouse buildings with mezzanines totaling 867,070 square feet on a 59.95 acre proposed parcel, as well as a 343 tractor-trailer truck yard with a security booth on a separate 22.88 acre parcel which will not generate significant intensity. Therefore, the main intensity analysis will consist of the two industrial buildings on one parcel based on the underlying compatibility zones as indicated below:

- Within Zone B1 (17.49 acres) the project includes from Building 1 16,197 square feet of

warehouse area and 1,500 square feet of office area, accommodating an occupancy of 40 people, resulting in an average intensity of 2 people per acre, which is consistent with the Compatibility Zone B1 average intensity criterion of 25 people per acre.

- Within Zone B2 (30.44 acres) the project includes from Building 1 389,919 square feet of warehouse area, and from Building 2 60,315 square feet of warehouse area, accommodating an occupancy of 901 people, resulting in an average intensity of 30 people per acre, which is consistent with the Compatibility Zone B2 average intensity criterion of 100 people per acre.
- Within Zone C (14.00 acres) the project includes from Building 1 169,786 square feet of warehouse area, 10,000 square feet of first floor office area, and 10,000 square feet of second floor office mezzanine area, accommodating an occupancy of 440 people, resulting in an average intensity of 31 people per acre, which is consistent with the Compatibility Zone C average intensity criterion of 75 people per acre.
- Within Zone D (19.09 acres) the project includes from Building 1 127,989 square feet of warehouse area, and from Building 2 5,146 square feet of warehouse area and 6,500 square feet of office area, accommodating an occupancy of 299 people, resulting in an average intensity of 16 people per acre, which is consistent with the Compatibility Zone D average intensity criterion of 100 people per acre.

A second method for determining total occupancy involves multiplying the number of parking spaces provided or required (whichever is greater) by average vehicle occupancy (assumed to be 1.5 persons per vehicle and 1.0 persons per trailer truck space). An individual lot-by-lot analysis is included below:

- Parcel 1 includes 530 standard vehicles and 338 trailer spaces, accommodating a total occupancy of 1,133 people, resulting in an average intensity of 19 people per acre, which is consistent with the Compatibility Zones B1, B2, C and D average intensity criterion of 25 people per acre in Zone B1, 100 people per acre in Zone B2, 75 people per acre in Zone C, and 100 people per acre in Zone D.
- Parcel 2 includes 343 trailer spaces, accommodating a total occupancy of 343 people, resulting in an average intensity of 15 people per acre, which is consistent with the Compatibility Zones B1, B2, C and D average intensity criterion of 25 people per acre in Zone B1, 100 people per acre in Zone B2, 75 people per acre in Zone C, and 100 people per acre in Zone D.

Non-Residential Single-Acre Intensity: Pursuant to the Perris Valley Airport Land Use Compatibility Plan, the project boundary is located within Zones A (8.92 acres), B1 (17.49 acres), B2 (30.44 acres), C (14.00 acres), and D (19.09 acres), which limits single acre intensity to 50 people in Zone B1, 200 people in Zone B2, 150 people in Zone C, and 300 people in Zone D. The project is also located in Zone E of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, which does not restrict non-residential intensity. No development is proposed in Zone A. The project is also located within March Air Reserve Base/Inland Port Airport Zone E, which does not restrict non-residential intensity.

Based on the site plan provided and the occupancies as previously noted, the maximum single-acre area for each of the buildings in each airport zone are as follows:

- Within Zone B1 the single acre intensity includes Building 1 16,917 square feet of warehouse area and 1,500 square feet of office area, resulting in a single acre intensity of 40 people, which is consistent with the Compatibility Zone B1 single acre intensity criterion maximum of 50 people.
- Within Zone B2 the single acre intensity includes Building 1 43,560 square feet of warehouse area, resulting in a single acre intensity of 87 people, which is consistent with the Compatibility Zone B2 single acre intensity criterion maximum of 200 people.
- Within Zone C the single acre intensity includes Building 1 23,644 square feet of warehouse area, 10,000 square feet of first floor office mezzanine area, and 10,000 square feet second floor office mezzanine area, resulting in a single acre intensity of 147 people, which is consistent with Zone C single acre intensity criterion maximum of 150 people (9,916 square feet of floor area inhabitable).
- Within Zone D the single acre intensity includes Building 1 43,560 square feet of warehouse area, resulting in a single acre intensity of 87 people, which is consistent with Zone D single acre intensity criterion maximum of 300 people.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited or discouraged in Compatibility Zones A, B1, B2, C or D ***that has historically been reviewed by the ALUC. The airport manager Pat Conaster raised safety concerns regarding the project's potential mechanical turbulence impacts on airport operations. A mechanical turbulence study is currently being prepared by the applicant to analyze this concern and is anticipated to be ready to be discussed at the December 14, 2023, hearing.***

***Although there are no specific language or policy in the PUC, State Handbook, or ALUCP dealing directly with parachute operations or mechanical wind turbulence, there are overarching directives written within those documents to protect public health, safety, and welfare by ensuring for the orderly development around airports.***

- ***PUC Section 21670(a)(1) It is in the public interest to provide for the orderly development of each public use airport in this state and area surrounding these airports so as to promote the overall goals and objectives of California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems. (2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and 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.***
- ***PUC Section 21674.7(a) An airport land use commission that formulates, adopts, or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation. (b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies***

***shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.***

- ***PUC Section 21675(a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and public in general. The commission's airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.***
- ***State Handbook 4.4 Safety. Ideally, to minimize the risk that aircraft accidents pose to people and property on the ground near airports, no development would be allowed in the airport vicinity. For most airports, however, this is clearly not a practical approach to land use compatibility planning. The question thus becomes one of deciding which land uses are acceptable and which are unacceptable in various portions of airport environs. The resulting policies are normally portrayed in the form of a set of compatibility criteria applicable within each of the previously defined safety zones. A point to again emphasize is that delineation of safety compatibility zones and definition of criteria applicable within those zones are closely intertwined. The process is usually an iterative one: initial zone and criteria are drafted and then each is fine tuned as necessary in recognition of the peculiarities of the specific airport and its environs. (This process is particularly applicable when compatibility zones and criteria are formulated to take into account a combination of noise and safety compatibility concerns.) While the material present here is intended to represent Caltrans guidance, it is not the intent or expectation that the methodologies or examples constitute the only acceptable approaches to the issue of airport land use safety compatibility. In development of policies for a specific airport, careful attention must be made to the characteristics of that airport's design and use. Characteristics of the airport environs are potentially factors as well. The safety zones and/or compatibility criteria appropriate at one airport may be inappropriate at a different airport. This process is no different from that necessary in calculation of noise contours and establishment of noise compatibility policies.***
- ***State Handbook 4.5 Other Flight Hazards. In addition to the physical hazards to flight***

*posed by tall objects and wildlife, other land use characteristics can present visual or electronic hazards: Visual Hazards – Visual Hazards include distracting lights (particularly lights which can be confused with airfield lights), glare, and sources of smoke; Electronic Hazards – Electronic hazards include any uses that interfere with aircraft instruments or radio communication. Additionally, wind-turbine farms have been known to interfere with air traffic control or military air defense radar; Thermal Hazards – Thermal plumes, including steam, from cooling towers, even when not as a visual hazard, may be a hazard to flight by causing air turbulence. There are no specific FAA standards for these hazards. Potential hazards are evaluated on a case-by-case basis. ALUCs can request an FAA evaluation of proposed development when certain features appear to be potentially hazardous. Also, ALUC policies should require that outdoor lights are shielded so that they do not aim above the horizon. Additionally, for projects near the airport, outdoor lighting should be flight checked at night to ensure that it does not blind pilots during landings and takeoffs.*

- *State Handbook 4.4.1 General Approach. Three components of physical risks – spatial distribution, potential consequences, and frequency – provide the conceptual basis for setting safety compatibility policies. Each of these components needs to be considered either in the delineation of safety compatibility zones or in the definition of the criteria applicable within the zones: The special distribution component is accounted for by the shape and size of safety compatibility zones; Potential consequences are addressed through the compatibility criteria – the limitations on usage intensity and other land use characteristics that affect the potential severity of an accident; The frequency component can be accounted for either way – through adjustment of zone sizes or the criteria applicable within each zone. Frequency is primarily a factor at airports (or on runways) with very low activity. For most airports, the potential consequences components dominates the overall risk. The choice of safety criteria appropriate for a particular zone is largely a function of risk acceptability. Land uses that result in intolerable risks usually must be prohibited. Where the risk of a particular land use are considered significant but tolerable, establishment of restrictions may reduce the risk to an acceptable level. Uses that are intrinsically acceptable generally require no limitations.*
- *State Handbook 4.4.2 Basic Safety Compatibility Criteria. By emphasizing the adjustment to the shape and size of safety zones as necessary to reflect the geographic pattern of aircraft accident risks, the compatibility criteria applicable to each zone can be held relatively constant among most airports within an ALUC's jurisdiction. The types of variables not fully accounted for in the safety zones, though, are ones involving existing land use characteristics of the airport environs. These variable are best addressed via the safety compatibility criteria. Several factors make it reasonable and even appropriate to set safety compatibility criteria different for urban areas than for rural locations; A basic distinction is that urban areas, by definition, more heavily developed than rural communities. Because ALUCs do not have authority over existing land uses, the opportunity to achieve an ideal level of safety compatibility is less in urban locations; The comparatively higher land values in urban areas are also worth of recognition in setting safety compatibility criteria. Allowing only agricultural or other very-low intensity uses near airports may be quite feasible in rural areas, but not in urban areas; The established character of land uses in urban places may limit the options for future development. Sometimes all that can be achieved is to hold new development to intensities similar to those that exist. This concept falls under the heading of "infill"; From the perspective of potential risk*

**consequences, rural areas may be less equipped to deal with an aircraft accident than urban places. Compared to city units, rural emergency response units probably have farther to travel and would have a longer response time to reach an accident site. Treating injuries or fighting fires would be delayed; Finally, a greater societal tolerance for risk – or at least different types of risks – seems to accompany the typically faster pace and higher intensity of life in urban places compared to that of outlying locations.**

- **2011 PVALUCP Introduction. Privately owned Perris Valley Airport is a major skydiving center known nationally and internationally. The airport serves both as the departure point for jump aircraft and as the landing spot for skydivers.**
- **2004 ALUCP Table 2A Basic Compatibility Criteria. Hazards to flight are prohibited use in every airport zone, and is defined in footnote 9 “hazards to flight include physical (e.g. tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause attraction of birds to increase is also prohibited. See Policy 4.3.7.**
- **2004 ALUCP Policy 4.3.7 Other Flight Hazards. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport’s influence area. Specific characteristics to be avoided include: a) Glare or distracting lights which could be mistaken for airport lights; b) Sources of dust, steam, or smoke which may impair pilot visibility; c) Sources of electrical interference with aircraft communications or navigation; d) Any proposed use, especially landfills and certain agricultural uses, that crates an increased attraction for large flocks of birds.**
- **2004 ALUCP Overview of the Plan. The basic function of airport land use compatibility plans is to promote compatibility between airports and the land uses that surround them. Compatibility plans serve as a tool for use by airport land use commissions in fulfilling their duty to review proposed development plans for airports and surrounding land uses. Additionally, compatibility plans set compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to landowners (including special district and other local government entities as well as private parties) in their design of new development.**
- **2004 ALUCP Power and Duties. Requirements for creation of airport land use commission were first established under the California State Aeronautic Act (Public Utility Code Section 21670 et seq.) in 1967. Although the law has been amended numerous times since then, the fundamental purpose of ALUCs to promote land use compatibility around airports has remained unchanged. As expressed in the present statues, this purpose is: to protect public health, safety, and welfare by ensuring the orderly expansion of airports and 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 statue gives ALUCs two principal powers by which to accomplish this objective. First ALUCs must prepare and adopt an airport land use compatibility plan. Secondly, they must review the plans, regulations, and other actions of local agencies and airport operations for consistency with that plan.**

Noise: The March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan depicts the site as being in an area below the 60 CNEL range from aircraft noise. The Perris Valley Airport Land Use Compatibility Plan depicts the site as being affected by aircraft noise of 55 - 65 CNEL. Warehouse uses are identified as 'clearly acceptable' and 'normally acceptable' within this range. As a primarily industrial use not sensitive to noise (and considering typical anticipated building construction noise attenuation of approximately 20 dBA), the warehouse area would not require special measures to mitigate aircraft-generated noise. However, a condition is included to provide for adequate noise attenuation within the office areas of the buildings.

Part 77: The elevation of Perris Valley Airport's Runway 15-33 at its northwesterly terminus is 1,417 feet above mean sea level (AMSL). At a distance of approximately 280 feet from the runway to the site, Federal Aviation Administration (FAA) review would be required for any structures with top of roof exceeding 1,420 feet above mean sea level (AMSL). The site's maximum finished floor elevation is 1,424 feet AMSL and the maximum building height is 50 feet, resulting in a top point elevation of 1,474 feet AMSL. Therefore, review of the buildings by the FAA Obstruction Evaluation Service (FAA OES) was required. The applicant has submitted Form 7460-1, and the FAA OES has assigned Aeronautical Study Nos. 2023-AWP-1817-OE thru 2023-AWP-1828-OE to this project.

Determinations of No Hazard to Air Navigation letters were issued by the FAA OES on April 19, 2023, and it was determined that the buildings would not result in an impact to air navigation as long as the buildings were appropriately marked/lighted. The FAA OES conditions have been incorporated into ALUC's conditions.

Hazards to Flight: Land use practices that attract or sustain hazardous wildlife populations on or near airports significantly increase the potential of Bird Aircraft Strike Hazards (BASH). The FAA strongly recommends that storm water management systems located within 5,000 or 10,000 feet of the Airport Operations Area, depending on the type of aircraft, be designed and operated so as not to create above-ground standing water. To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lined, narrow, linearly shaped water detention basins. All vegetation in and around detention basins that provide food or cover for hazardous wildlife should be eliminated. (FAA Advisory Circular 5200-33C). The project is located 280 feet from the runway, and therefore would be subject to the above requirement.

The project includes ~~two bio-retention basins~~ **infiltration trenches** totaling 250,000 square feet located in Zones B1, B2, C and D and therefore has the potential to provide food, water, and shelter for hazardous wildlife. Pursuant to the study "Wildlife Hazard Management at Riverside County Airports: Background and Policy", October 2018, by Mead & Hunt, which is the basis of the brochure titled "Airports, Wildlife and Stormwater Management", such ~~limited~~ basins are permissible in Zones B1, C, and D when used in conjunction with appropriate landscaping ~~for such uses as adjacent to structures, parking islands, medians, site entrances, planter boxes, and that vegetation is selected~~ so as not to provide food, shelter, nesting, roosting, or water for wildlife. The project has been conditioned to be consistent with the basin criteria (as well as providing 48-hour draw down of the basin).

Open Area: The project site is split between Compatibility Zones A (8.92 acres), B1 (17.49 acres), B2 (30.44 acres), C (14.00 acres), and D (19.09 acres). Compatibility Zones B1 requires 30% (5.25 acres), C requires 20% (2.80 acres), and D requires 10% (1.91 acres) for a total of 9.96 acres of the land area within major projects (10 acres or larger) be set aside as open area that could potentially serve as emergency landing areas (Zone A requires all land to remain open area and Zone B2 does



not require open area).

The project provides 25 acres of ALUC eligible open areas consisting of driveway aisles and parking lot areas within the proposed development. The project is conditioned to maintain these areas consistent with ALUC open area requirements of 300 feet by 75 feet minimum shape and prohibit obstructions greater than 4 feet in height that are at least 4 inches in diameter.

Perris Valley Airport Manager Opposition Comments: On February 16, 2023, ALUC staff received comments from the Perris Valley Airport Manager Pat Conaster in opposition to the project citing the following safety concerns (shown in direct quotes, with follow-up ALUC response):

1. "First safety of aircraft landing and departing with such a Large wall of building adjacent to the runway causing potential mechanical turbulence. This mechanical turbulence effecting not only airplanes but parachutists landing in adjacent field drop zone landing areas. Mechanical turbulence causes not only airplanes to crash but parachutes to collapse and potentially kill people".

The 2011 Perris Valley Airport Land Use Compatibility Plan (PVALUCP) identifies runway 15-33 as the officially recognized and designated runway, which is where the noise and safety zones are based on and created. The PVALUCP includes a reference that the "airport serves as a departure point for jump aircraft and a landing spot for skydivers". However, the PVALUCP does not contain any specific criteria or policies that deals directly with skydiving/parachuting operations other than "hazards to flight" which is a prohibited use, which is defined as: "hazards to flight include physical (e.g. tall objects), visual, and electronic forms of interference with the safety of aircraft operations". The proposed building heights were reviewed by the FAA OES and Determination of No Hazard letters were issued identifying that the buildings would not be an impact to air navigation as long as they were appropriately marked/lighted.

2. "Second this proposed building or buildings are located directly in the world's largest parachute drop zone. Persons and property being dropped day and night directly over, potentially causing damage or injury/fatalities to persons within these structures. 120,000 to 130,000 drops annually on an average".

See response to #1 above. Also, the 2011 State Airport Land Use Planning Handbook does not provide any guidance on skydiving/parachuting operations. The FAA also has Circular 105-2D, which identifies basic safety requirements for skydiving/parachuting, set forth by the United States Parachute Association. It identifies drop zone requirements as "areas used for skydiving should be unobstructed, with the following radial distances to the nearest obstacle: solo students and A-license holders – 330 feet; B and C license holders and all tandem skydives – 165 feet; and D license holders – 40 feet. The Airport Diagram exhibit within the PVALUCP identifies the "main parachute landing area (lawn)" as being located on airport property just east of the runway.

3. "Third it appears from the site plan that the RPZ for runway 15 is encroached with parking and potentially lighting and light poles. Based upon uses his project will have parked truck and trailers that will end up close to 14' high".

The site has been redesigned to relocate the driveaisle completely out of Compatibility Zone A (Runway Protection Zone). The project does not propose any development in Zone A.

4. "Fourth and I'm sure not last is the basins located adjacent to the runway, we already have a bird problem and I'm thinking this will make it worse".

The ALUC wildlife hazard analysis (provided above) indicates that the proposed bioretention basins are permissible in Zones B1, B2, C, and D when used in conjunction with appropriate landscaping for such uses as adjacent to structures, parking islands, medians, site entrances, planter boxes, and that vegetation is selected so as not to provide food, shelter, nesting, roosting, or water for wildlife. The project has been conditioned to be consistent with the basin criteria (as well as providing 48-hour draw down of the basin), thus reducing the potential for wildlife attractant.

5. "In a nutshell it's the sheer size of the project with heights close to 50' changing historic wind and thermal patterns that really scare me. I'm sure you have heard these concerns from me on other projects but this one is literally on the airport. I also know you are aware we are The Perris Valley Public Airport and are open to the public and licensed as such although privately owned".

***ALUC's limited role in this proceeding is for the determination of whether the project plans and specifications are consistent with the applicable ALUCP. ALUC's determination is only advisory to the local jurisdiction which has land use authority.*** Although it has been demonstrated in The above responses ***are best suited for*** that ALUC lacks the jurisdiction to address these issues, it is recommended ***the local land use authority***, that the City of Perris, through the California Environmental Quality Act (CEQA) process ***where it*** has the jurisdiction to further assess the project for these safety hazards as raised by the airport manager. The CEQA process that applies to this project is required to analyze and evaluate safety impacts by the local jurisdiction. Staff recommends ***to the local jurisdiction*** that a wind analysis be performed to assess the safety impacts to parachute operations. Therefore, it is reasonable to assume that with the cooperation of the applicant, airport manager, and the City of Perris, that these issues expressed by the airport manager will be analyzed and evaluated during the CEQA process. On May 9, 2023, Pat Conaster submitted new comments questioning the findings of the project's FAA OES Aeronautical studies (2023-AWP-1817-OE thru 2023-AWP-1828-OE) which determined that the project's buildings would not result in an impact to air navigation, as long as they were appropriated marked/lighted (the FAA OES conditions have been incorporated into ALUC's conditions). The FAA OES reviewed the project's building top point elevation and determined that the heights of buildings would not penetrate into the navigable airspace at the airport that would result in an impact to air navigation, as long as the buildings were marked/lighted appropriately to FAA OES standards, for the purpose of providing a warning to the pilots of the building's presence.

**At the July 13, 2023, hearing, Pat Conaster (and company) submitted further comments/documents in opposition to the project, arguing the following points: 1) that the project's issued FAA OES Determination of No Hazard to Air Navigation was invalid, and 2) that the project needed to submit a mechanical turbulence study to analyze its safety impacts on the airport operations. The documents submitted included:**

- "A letter of agreement of airport managers showing parachute jump areas". Neither the ALUC, FAA, or the project applicant were parties to this agreement, and is therefore non-binding to those parties. The agreement letter pertains to air traffic control, not determinations of height obstruction. The project is located on private land not owned by the airport, and is correctly reviewed by the FAA OES as an "off-airport property".
- "FAA Social TRACON exhibit for pilot education, showing a 1-mile radius for parachute jumping around Perris Valley Airport". The exhibit does not have any on the proposed project's ability to be developed under the criteria of the adopted ALUCP.

Skydive Perris Opposition Comments: On March 6 and March 7, 2023, ALUC staff received comments from Skydive Perris representatives Dan Brodsky-Chenfeld and Andy Witcomb in opposition to the project. They also expressed concerns regarding the project's impact on mechanical turbulence and windshear on existing airport operations and parachuting, as well as a reduction in available area for parachutists to land, and impacts to Code of Federal Regulations (14 CFR) Part 105 regarding sport parachuting (which the FAA has issued Advisory Circular 105-2E providing suggestions for safe sport parachuting).

In 2013, the FAA issued Advisory Circular 105-2E providing suggestions for safe parachuting in compliance with 14 CFR, which the "FAA's primary responsibility with respect to skydiving is the protection of air traffic and persons and property on the ground", which Part 105 was developed to accomplish this task. The FAA recognizes sport parachuting as an aeronautical activity, and regulations requiring airports that have received FAA funding to accommodate this activity. Perris Valley airport is not FAA funded.

The FAA circular references in Section 6.c.2. Parachute Operations Onto Airports, that:

"Airports may designate suitable parachute landing areas. While skydivers attempt to land in such areas, at times there may be inadvertent landings in other grass or hard-surfaced areas. This could include landings on runways, taxiways, and other hard-surfaced areas. Areas such as runways, taxiways, clearways, and Obstacle Free Zones (OFZ) are not prohibited areas but should not be designated as a primary landing area and should be vacated as soon as practical".

The circular identifies inadvertent landings could occur on runways, taxiways, clearways, and obstacle free zones located on the airport itself, which according to the 2011 PVALUCP, the main parachute landing area is also located on just east of the runway. The circular does not identify appropriate parachute landing area outside of the airport property as it is private property and not required by the 2011 PVALUCP to provide parachute landing area. However, the 2011 PVALUCP does require certain amount of the project area to be designated as ALUC open area to serve as an aircraft emergency landing area. The project provides 25 acres of ALUC eligible open area (which is defined as 300 feet by 75 feet minimum shape and prohibit obstructions greater than 4 feet in height that are at least 4 inches in diameter) in driveway aisles and parking lot areas which could be utilized by the parachutists in an emergency.

14 CFR Part 105, Section 105.5 (General) specifically states that "no person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from an aircraft, if that operation creates a hazard to air traffic or to persons or property on the surface". The 2011 PVALUCP identifies the main parachute landing area as located on the east side of the runway and on airport property. The proposed project is located on private property outside of the airport fence line, and north/northwest of the main parachute landing designated area. The project has been designed to be consistent with the 2011 PVALUCP, and is not required to provide any parachute landing areas.

Lastly, as indicated in the applicant's technical memo, the project has been designed to comply with the FAA Airport Design standards with building setbacks, entrance road locations, truck parking, trailer storage, fence lines, storm water quality basins, and security lighting. In addition, the project facilities are also positioned to exceed FAA and United State Parachute Association landing zone setback guidelines to avoid conflicts with parachute operations and parachute landing zones associated with Skydive Perris operation.

As outlined above, the ALUC's **role is limited to only determining a project's consistency with the applicable ALUCP** ~~lacks the jurisdiction to address these issues~~, and it is recommended that the City of Perris, through the CEQA process, ~~has the jurisdiction to further assess the project for these safety hazards~~.

**United States Parachute Association and Perris Valley Chamber of Commerce Opposition Comments: At the August 10, 2023, hearing, Pat Conaster (and company) submitted two letters supporting the airport in its opposition to the project from the United States Parachute Association and the Perris Valley Chamber of Commerce citing safety impacts on airport operations.**

***As outlined above, the ALUC's role is limited to only determining a project's consistency with the applicable ALUCP, lacks the jurisdiction to address these issues and it is recommended that the City of Perris, through the CEQA process, has the jurisdiction to further assess the project for these safety hazards.***

## CONDITIONS

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, outdoor production of cereal grains, sunflower, and row crops, composting operations, wastewater management facilities, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) 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.
  - (f) Highly noise-sensitive outdoor nonresidential uses.

- (g) Any use which results in a hazard to flight, including physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations.
- 3. Prior to issuance of building permits, the property owner shall convey an avigation easement to the Perris Valley Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Perris.
- 4. The attached "Notice of Airport in Vicinity" shall be provided to all prospective purchasers and occupants of the property and be recorded as a deed notice.
- 5. Any proposed stormwater basins or facilities shall be designed and maintained to provide for a maximum 48-hour detention period following the design storm, and remain totally dry between rainfalls. Vegetation in and around the basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the basin(s) shall not include trees or shrubs that produce seeds, fruits, or berries.

Landscaping in the stormwater basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at RCALUC.ORG which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

A notice sign, in a form similar to that attached hereto, shall be permanently affixed to the stormwater basin with the following language: "There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not attract birds. Proper maintenance is necessary to avoid bird strikes". The sign will also include the name, telephone number or other contact information of the person or entity responsible to monitor the stormwater basin.

- 6. This project has been evaluated as a two industrial warehouse buildings with mezzanines totaling 867,070 square feet on a 59.95 acre proposed parcel, as well as a 343 tractor-trailer truck yard. Any increase in building area, height, change in use to any higher intensity use, change in building location or modification of the tentative parcel map lot lines and areas will require an amended review to evaluate consistency with the ALUCP compatibility criteria, at the discretion of the ALUC Director.
- 7. Noise attenuation measures shall be incorporated into the design of the office area, to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
- 8. At least 9.96 acres of ALUC-eligible open areas (at least 75 feet in width and 300 feet in length), as depicted on the Open Space exhibit, 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).
- 9. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar

glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission and Riverside County as owner and operator of French Valley Airport. In the event of any reasonable complaint about glare related to aircraft operations, the applicant shall agree to such specific mitigation measures as determined or requested by Riverside County.

10. The Federal Aviation Administration has conducted aeronautical studies of the proposed project (Aeronautical Study Nos. 2023-AWP-1817-OE thru 2023-AWP-1828-OE) and has determined that marking/ lighting of the structures are necessary for aviation safety in accordance with FAA Advisory Circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapter 4, 5, (Red), and 15, and shall be maintained in accordance therewith for the life of the project, unless superseded by subsequent FAA determination(s) in writing.
11. The proposed buildings and site elevations shall not exceed the heights identified in the aeronautical studies.
12. The maximum height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
13. Temporary construction equipment used during actual construction of the structure(s) shall not exceed the structure heights and site elevations as identified in the aeronautical studies, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
14. Within five (5) days after construction of the proposed building reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the applicable structure.
15. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, shall be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as normal operation is restored, notify the same number.

# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances [can vary from person to person. You may wish to consider what airport annoyances], if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)

# NOTICE

**THERE IS AN AIRPORT NEARBY.  
THIS STORM WATER BASIN IS DESIGNED TO HOLD  
STORM WATER FOR ONLY 48 HOURS AND  
NOT TO ATTRACT BIRDS**

**PROPER MAINTENANCE IS NECESSARY TO AVOID  
BIRD STRIKES**

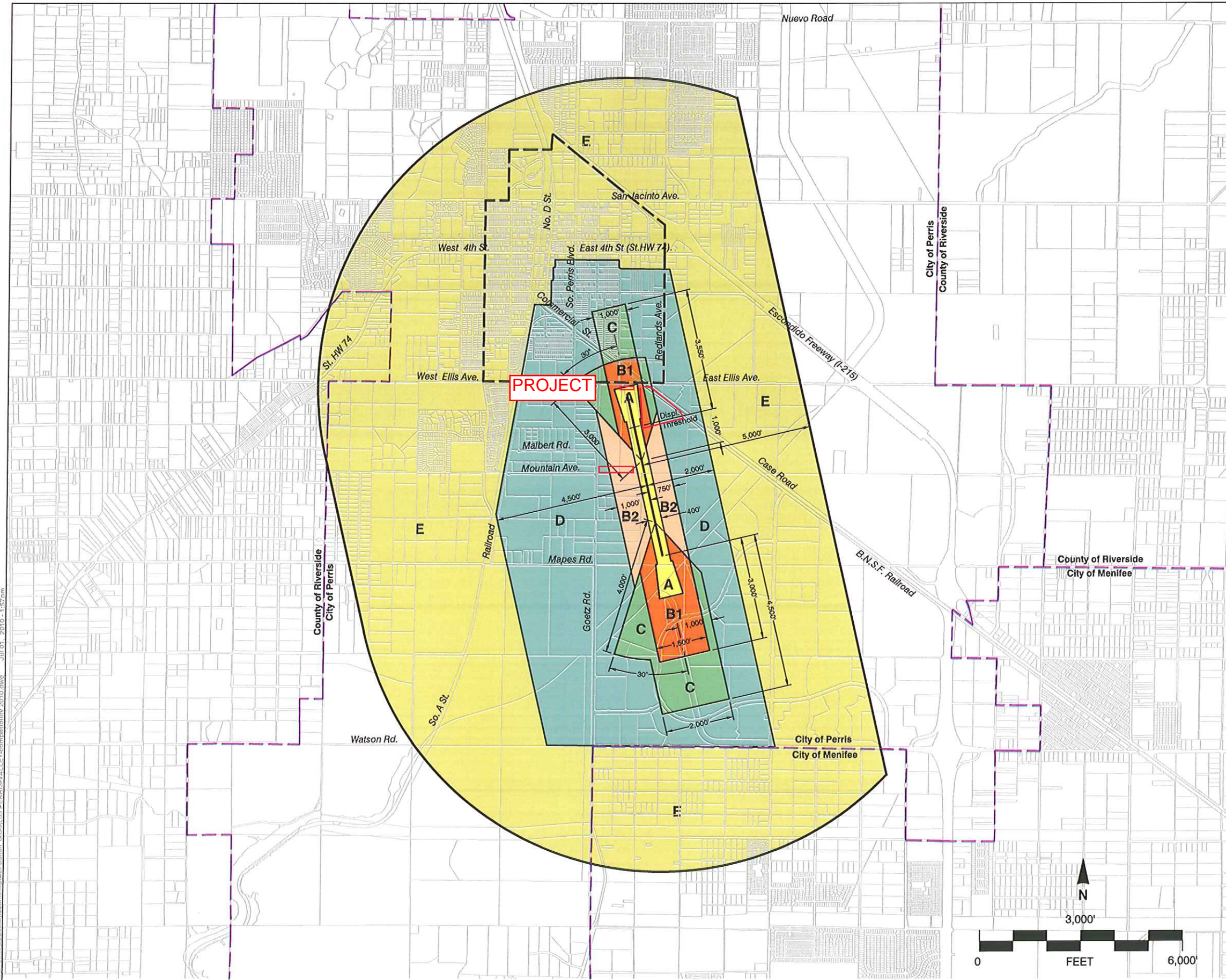


**IF THIS BASIN IS OVERGROWN, PLEASE CONTACT:**

**Name:** \_\_\_\_\_

**Phone:** \_\_\_\_\_





**Legend**

**Compatibility Zones**

- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C
- Zone D
- Zone E

**Boundary Lines**

- Airport Property Line
- City Limits
- Downtown Specific Plan

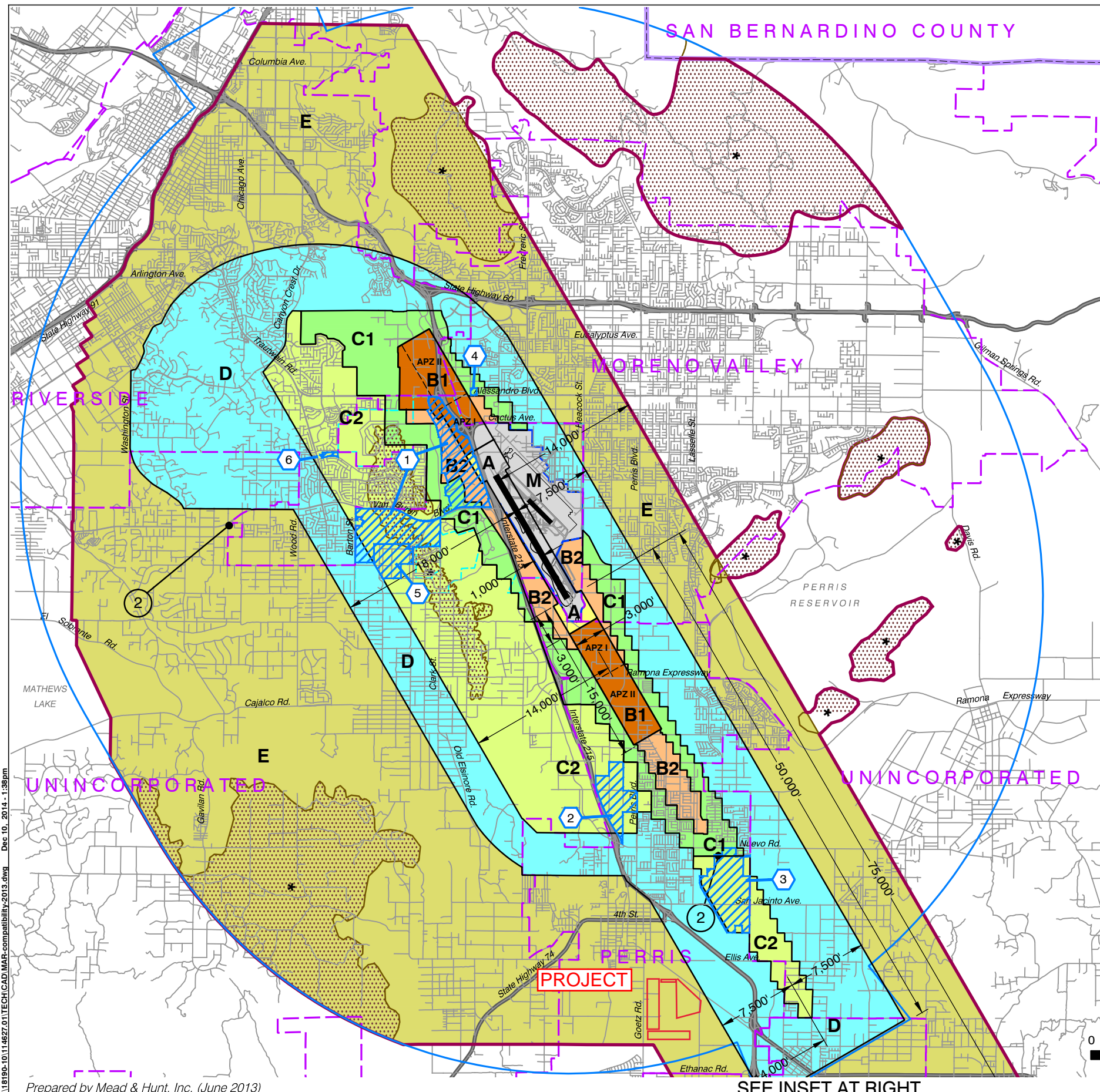
Riverside County  
 Airport Land Use Commission  
**Riverside County  
 Airport Land Use Compatibility Plan  
 Policy Document**  
 (July 2010 Draft)

Map PV-1

**Compatibility Map**  
 Perris Valley Airport

Prepared by Mead & Hunt, Inc. (June 2010)





**LEGEND**

**Compatibility Zones**

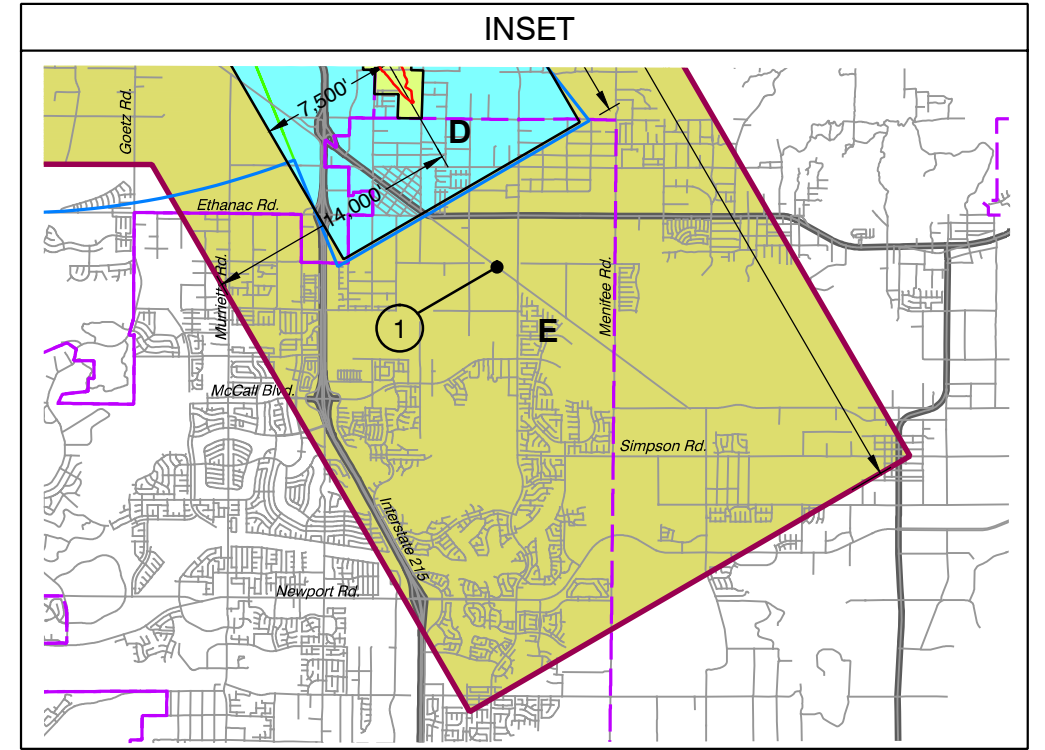
- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D
- Zone E
- Zone M
- High Terrain Zone
- FAR Part 77 Military Outer Horizontal Surface Limits
- FAR Part 77 Notification Area

**Boundary Lines**

- March Air Reserve Base / Air Force Property
- March Joint Powers Authority Property Line
- County Boundary
- City Limits
- Site-Specific Exceptions (existing local agency commitments to development projects)

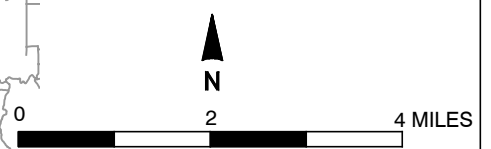
- ① Point at which aircraft on Runway 32 ILS approach descend below 3,000 feet above runway end. Airport Elevation is 1,535 feet MSL.
- ② Point at which departing aircraft typically reach 3,000 feet above runway end.

- ① March JPA: March Business Center/Meridian
- ② Perris: Harvest Landing
- ③ Perris: Park West
- ④ Moreno Valley: Affordable Housing
- ⑤ March JPA: Ben Clark Training Center
- ⑥ Riverside: Ridge Crest Subdivision



**Riverside County  
Airport Land Use Commission  
March Air Reserve Base / Inland Port Airport  
Land Use Compatibility Plan  
(Adopted November 13, 2014)**

Note:  
All dimensions are measured from runway ends and centerlines.



Base map source: County of Riverside 2013

X:\18190-10\114627\01\TECH\CAD\MAR-compatibility\2013.dwg Dec 10, 2014 - 1:38pm

Prepared by Mead & Hunt, Inc. (June 2013)

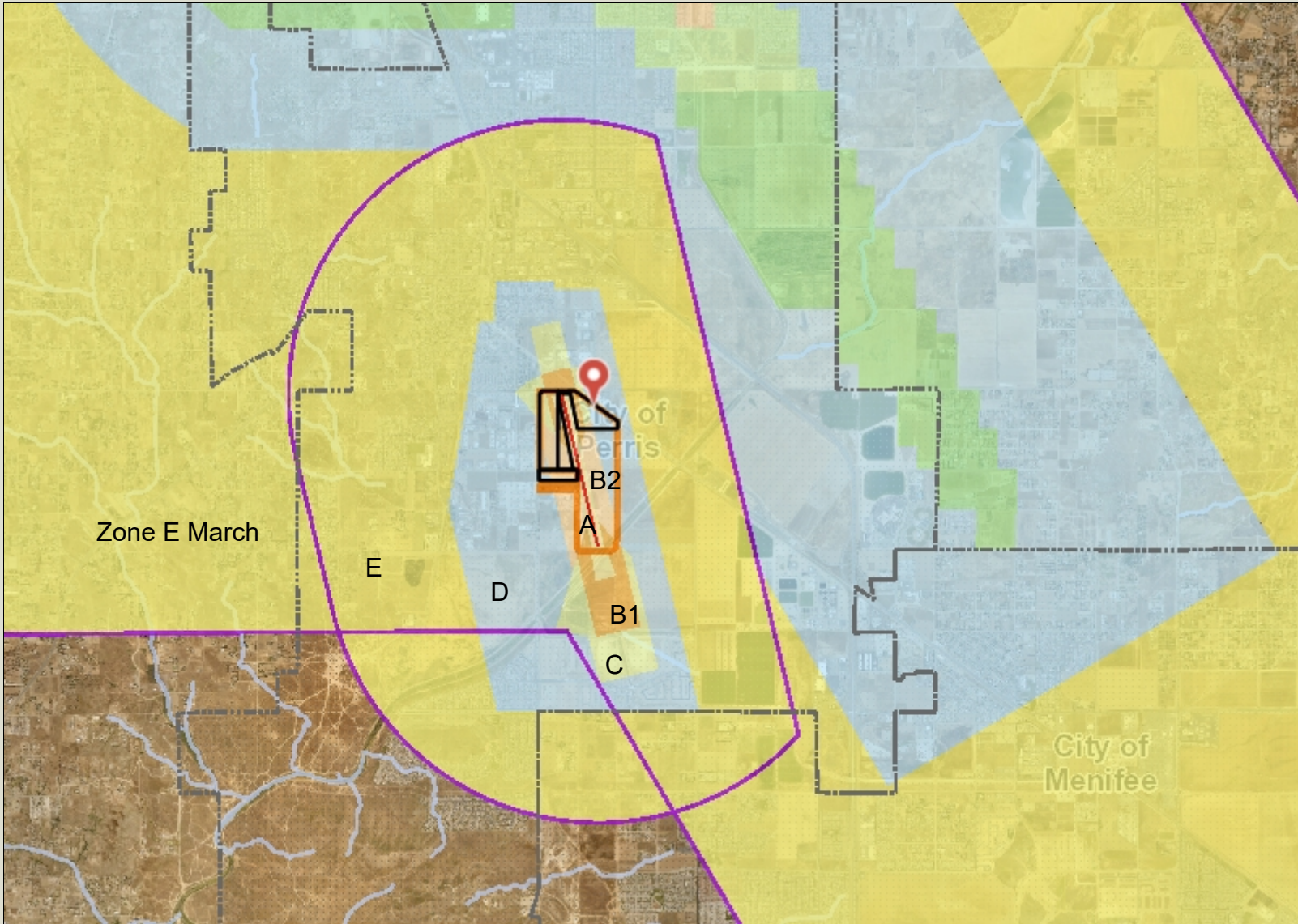
SEE INSET AT RIGHT

Map MA-1

**Compatibility Map  
March Air Reserve Base / Inland Port Airport**



# Map My County Map



## Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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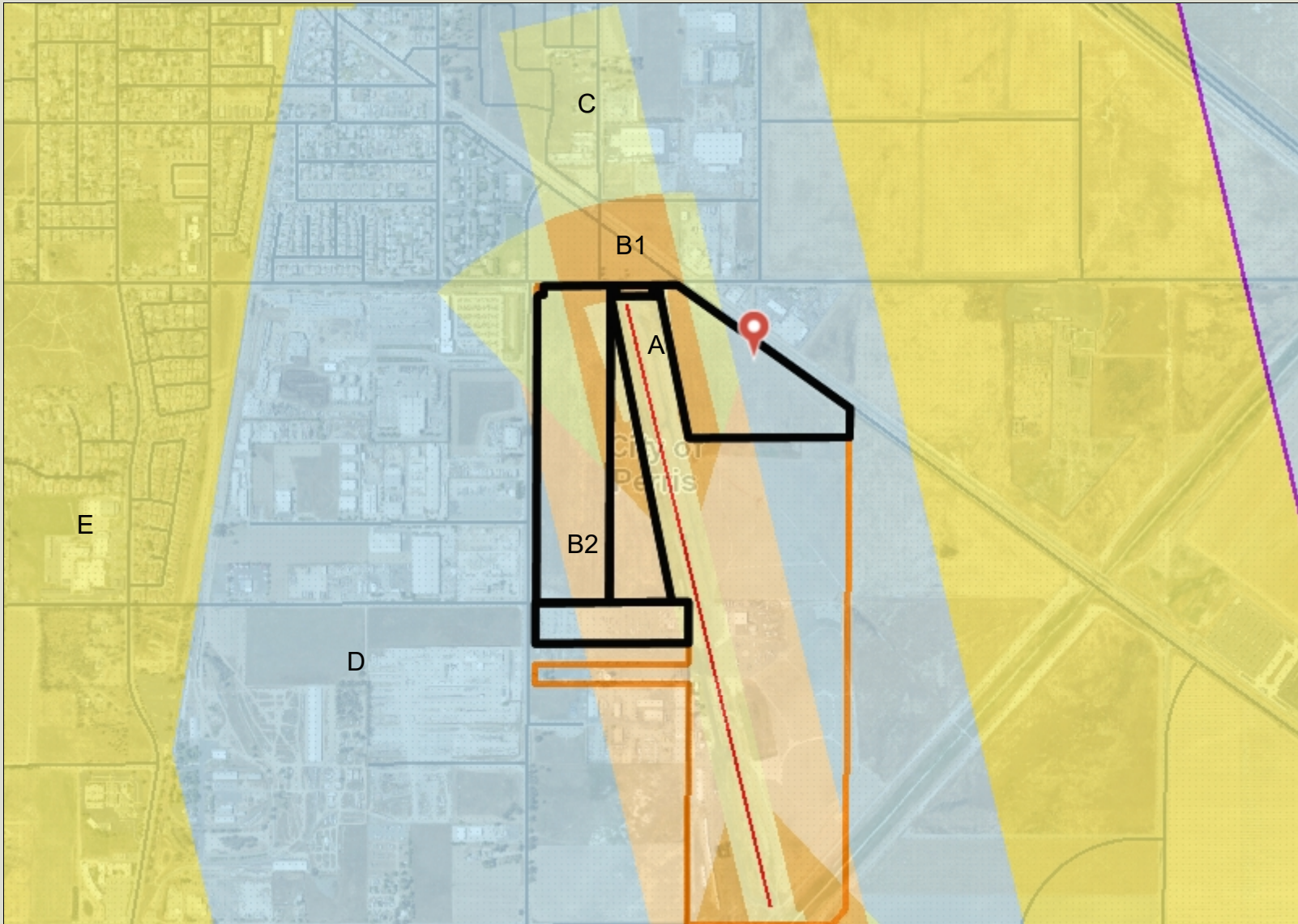
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## Notes



# Map My County Map



## Legend

- Runways
- Airports
- Airport Influence Areas
- Airport Compatibility Zones**
- OTHER COMPATIBILITY ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6



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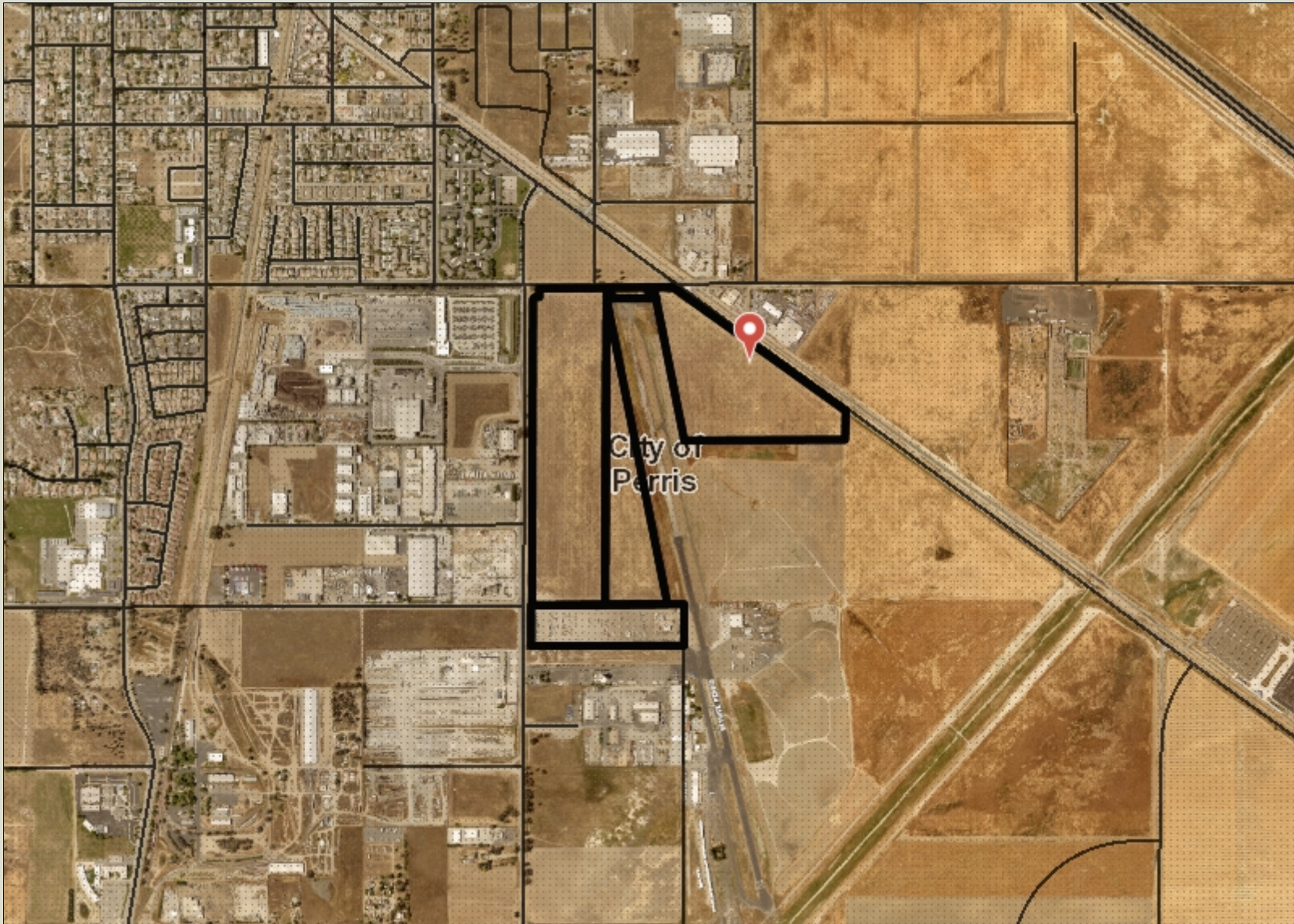
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## Notes



# Map My County Map



## Legend

- County Centerline Names
- County Centerlines
- Blueline Streams
- City Areas
- World Street Map



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## Notes



# Map My County Map



## Legend

-  Blueline Streams
-  City Areas
-  World Street Map



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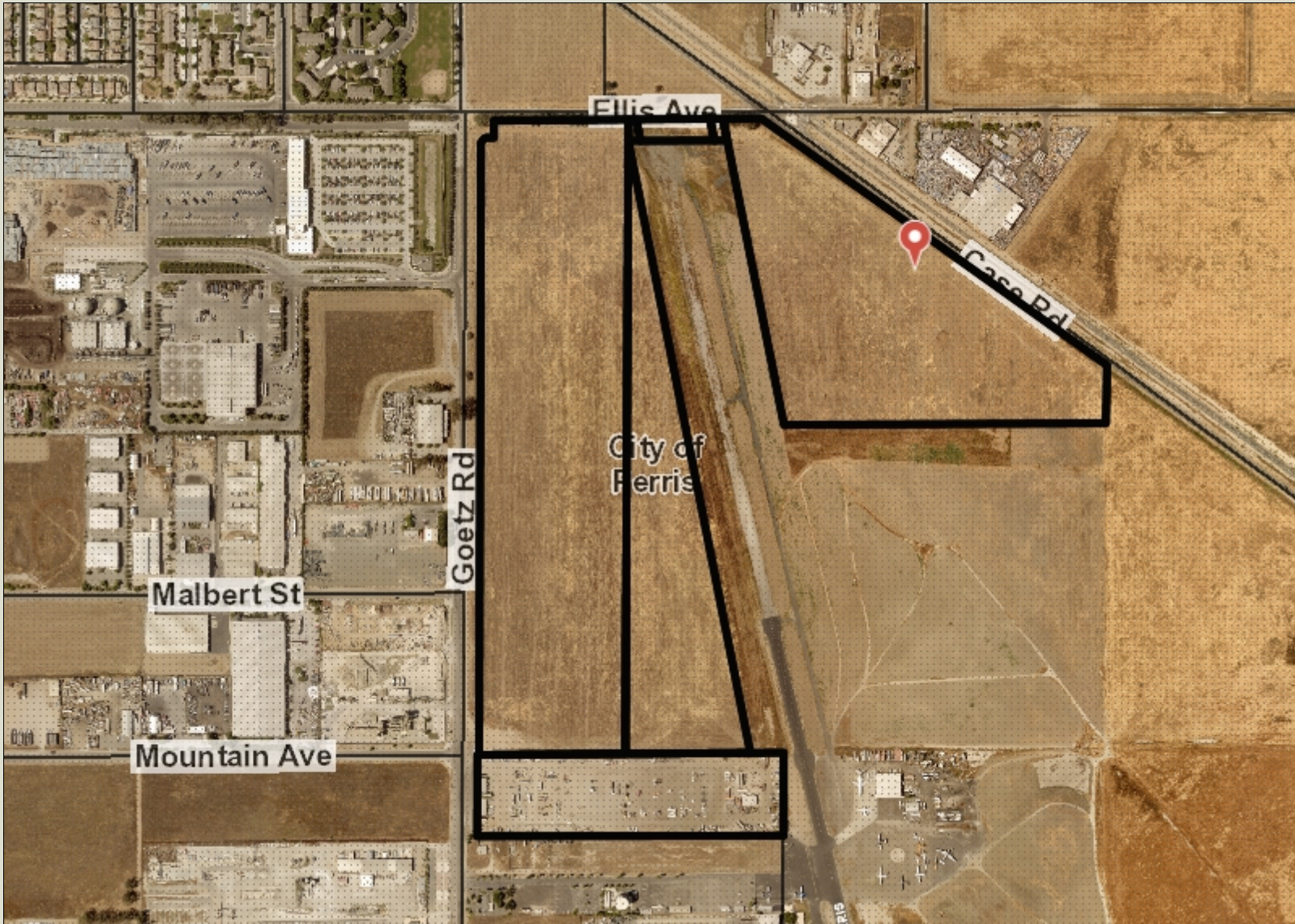
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## Notes



# Map My County Map



## Legend

- County Centerline Names
- County Centerlines
- Blueline Streams
- City Areas
- World Street Map



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0 770 1,539 Feet

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## Notes





October 27, 2023

*Sent via email: prull@rivco.org*

Mr. Paul Rull  
ALUC Director  
Riverside County Airport Land Use Commission  
4080 Lemon Street, 14<sup>th</sup> Floor  
Riverside, CA 92501

**RE: REITERATE OUR REQUEST FOR CONTINUANCE OF HEARING IN  
CASE#ZAP1028PV23 TO DECEMBER 14, 2023**

Dear Mr. Rull:

As you are aware, our office represents the interests of Perris Valley Airport, its owners, and subsidiaries before the ALUC Commission and we are writing to reiterate our intent for a continuance of the hearing on the merits of the case to December 14, 2023.

As emphasized during the October ALUC hearing, we acknowledge the paramount importance of adhering to established process, an aspect clearly valued by both Chairman Manos and Vice Chairman Betts. In line with this principle, we petition that the hearing scheduled for November 9, 2023, focus solely on the matter of continuance, as Chairman Manos himself noted in the October 12, 2023 ALUC hearing.

The basis for our request lies in the majority vote taken by the Commissioners in August 2023, which called for wind analysis studies to be submitted. Both parties involved have been diligently working to fulfill this request. To the best of our abilities, we have communicated to the Commissioners that the wind analysis is likely to require more time and may not be complete by November. This inevitability has become apparent to both the applicant and our client, and we are mutually in agreement regarding the necessity of a continuance, as was confirmed by Staff during the October ALUC hearing.

We believe that voting on the matter on November 9, 2023, without proper review of the requested and necessary documents, would lead to further delays. In such an event, Perris Valley Airport is prepared to appeal the commissioners' decision to ensure a fair and just hearing and process.



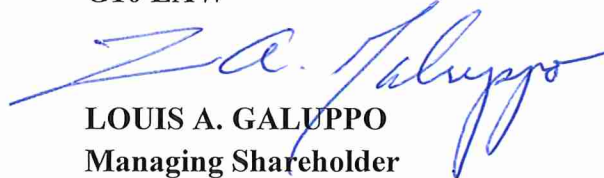
Mr. Paul Rull  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION  
October 27, 2023  
Page 2 of 2

To avoid such complications, we firmly believe that a continuance to December 14, 2023, is in the best interest of all parties and will contribute to a more informed and equitable resolution of this matter. We appreciate your attention to this matter and consideration in this regard.

Thank you for your attention to this important matter. Please feel free to contact us for any questions.

Sincerely,

**G10 LAW**



**LOUIS A. GALUPPO**  
Managing Shareholder

cc: Raymond M. Mistica, [rmistica@rivco.org](mailto:rmistica@rivco.org)  
Paige H. Gosney, [pgosney@allenmatkins.com](mailto:pgosney@allenmatkins.com)  
Melania Mirzakhonian, Esq. G10 Law [mmirzakhonian@g10law.com](mailto:mmirzakhonian@g10law.com)

## Rull, Paul

---

**From:** Nick Johnson <nick@jacair.com>  
**Sent:** Thursday, September 14, 2023 9:14 AM  
**To:** Rull, Paul  
**Cc:** Christine Saunders; John Condas; Paige Gosney  
**Subject:** ZAP10228PV23 Hearing Date Change Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Paul,

Good morning. The purpose of this note is to request a further continuance of ALUC Case Number ZAP10228PV23 from the scheduled hearing date of November 9, 2023 to December 14, 2023. Our team is working closely with the City of Perris to incorporate the project wind study into the project's CEQA process. This additional time will allow for the study to come to the Commission for their consideration.

We request that you inform the Commission of our request at their scheduled meeting on September 14, 2023 so that all interested parties to our project are fully informed of the request and can plan accordingly. Potentially the item could be added to their October 12, 2023 agenda so that the matter is properly noticed and allows the Commission time to consider the request and hopefully grant it at that time.

Thank you for your assistance with this matter and we look forward to discussing it with you further.

Best regards,  
Nick

Nick Johnson  
Johnson Aviation Inc.  
Phone | 818.606.3560  
[nick@jacair.com](mailto:nick@jacair.com)  
[jacair.com](http://jacair.com)

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## Rull, Paul

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**From:** Melania Mirzakhania <mmirzakhania@g10law.com>  
**Sent:** Wednesday, October 11, 2023 12:38 PM  
**To:** Rull, Paul; Mistica, Raymond  
**Cc:** Melanie Conatser; Pat Conatser; Ivana Zivceviski; Santos, Barbara; Lou Galuppo  
**Subject:** Re: November Hearing - Material in Support of L65

Paul,

In light of the current circumstances, we hereby withdraw our opposition made on September 28, 2023, by our office in response to a continuance requested by the developer.

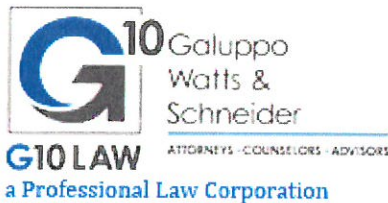
Our client, Perris Valley Airport, is in agreement with the developer to have the ALUC hearing regarding ZAP10228PV23 continued to December 14, 2023.

Please take the hearing off the agenda for November 9, 2023, and add the matter to the December 14, 2023 hearing.

We appreciate it.

Thank you,

**Melania Mirzakhania, Esq.**



5946 Priestly Drive Suite 200  
Carlsbad, CA 92008  
tel 760.431.4575  
fax 760.431.4579  
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# United States Parachute Association

5401 Southpoint Centre Blvd., Fredericksburg, VA 22407 • Tel: (540) 604-9740 • Fax: (540) 604-9741 • [uspa@uspa.org](mailto:uspa@uspa.org)



August 7, 2023

Riverside ALUC  
4080 Lemon Street 14<sup>th</sup> Floor  
Riverside CA 92501

## **RE: Perris Valley Airport Development Project – CONCERNS**

Dear Members of the Riverside ALUC:

On behalf of the United States Parachute Association (USPA), which is the national membership organization representing over 42,000 skydivers and more than 230 USPA-affiliated skydiving centers across the country, and the Aircraft Owners and Pilot Association (AOPA), representing over 30,000 aircraft owners and pilots in California, we are deeply concerned about the proposed industrial building that is planned to be constructed adjacent to the Perris Valley Airport (L65), which is one of the busiest and most popular skydiving centers in the world.

Our organizations cautiously urge the Commission to halt, or at least delay, the approval of this project until a thorough and independent wind analysis is conducted on the potential effects of this building on the safety of parachute operations that take place at the airport. USPA insists the Commission request a safety determination from FAA General Aviation Operations Branch AFS-830, which governs parachute operations. These independent studies will allow the ALUC to accurately evaluate the potential risks and impacts of the proposed building on parachute operations at Perris Valley Airport. The current FAA study that was submitted by the developer is inadequate, as it does not consider the impact of the building on the wind patterns, turbulence and visibility of parachutes landing at the airport.

The proposed building is approximately 50 feet high and is located directly adjacent to the parachute landing area and airport runway. Its proximity to the runway can create serious hazards to powered flight and skydiving operations, such as strong and unpredictable wind currents. These variable conditions can cause skydivers to lose control of their parachutes at low altitudes – making it impossible to recover. Moreover, it also encloses the flight path of the aircraft that carry skydivers to their jump altitude. This project poses a serious hazard to both skydivers and pilots, as it creates a large obstacle that will interfere with their landing approach and emergency procedures.

The safety of skydivers, pilots, and the public should be our top priority. We believe that this project could jeopardize safety and potentially violates FAA guidance governing parachute



## United States Parachute Association

5401 Southpoint Centre Blvd., Fredericksburg, VA 22407 • Tel: (540) 604-9740 • Fax: (540) 604-9741 • [uspa@uspa.org](mailto:uspa@uspa.org)

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operations. We look forward to being a collaborative partner with the county as this project continues to progress and appreciate your consideration of this matter. Please let us know if you have any questions or concerns and we hope that you will act in the best interest of public safety and aviation.

Sincerely,

Albert Berchtold  
Executive Director  
United States Parachute Association

Jared Yoshiki  
Western Pacific Regional Manager  
Aircraft Owners and Pilots Association





**Jerry R. Sepulveda**  
President

Perris Valley Chamber of Commerce

11 South D Street  
Perris, CA 92570

P: 951.657.3555

Riverside County  
Airport Land Use Commission Riverside County Administrative Center  
Attn: Paul Rull, ALUC Director  
4080 Lemon Street, 14th Floor Riverside, CA 9250

**Re: Case No. ZAP1028PV23 - Landstar Companies**

**Honorable Members of the Commission:**

I am writing this letter on behalf of the Perris Valley Chamber of Commerce Board of Directors. The Perris Valley Chamber of Commerce since 1912 has been a part of the region's prosperity, providing valued service and leadership to businesses and organizations of all types. As we journey through the 21st Century with a clear vision of how the success of one business or industry is tied to the success of us all, the Chamber brings together the best minds and talents of the community to solve common problems and improve the area where we live and work. United, we are investing in ways for business, education, government, and community groups to work in partnership to make the Perris Valley a more prosperous community for us all.

With the above vision in mind, I am writing on behalf of our Board of Directors to voice our opposition to the Project in front of you as currently proposed for the following reasons:

The Perris Valley Airport serves as a vital aviation hub for skydiving activities all year round, and it plays a crucial role in the community for local and international skydiving enthusiasts as well as internationally for military training purposes. It has been an integral part of the community for several decades and has remained a family-owned business. The Perris Skydiving School, one piece of the Perris Valley Airport, has set several world records for various skydiving jumps and is home to many well-visited skydiving events that involve two hundred jumpers at once. The Airport and School supports on average 120 to 150 employees. Thus, Perris Valley Airport and Skydive Perris serves as a crucial economic driver for the City of Perris.

Perris Valley airport caters to a diverse range of aircraft operations, including military flight training, and skydiving activities. The airport's proximity to the proposed development site raises concerns regarding the safety of these operations, particularly with the increased potential for conflicts between aircraft and ground-based activities. The proposed Project, if allowed, would introduce obstacles such as 50-foot high structures, over three hundred trailer-trucks parked, and other buildings which with even the slightest wind turbulence will have impede the flight paths, and adversely impact the existing unique aviation use as well as affect the safety of both skydivers and pilots.

Once again, I thank you for the opportunity to address you. It is our desire to continue to foster positive conversations between the Developer, Perris Valley Airport and all affected stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Sepulveda', is written over a white background.

Jerry Sepulveda  
President Perris Valley Chamber of Commerce

cc: Paul Rull, ALUC Director (via e-mail only) Barbara Santos, ALUC Commission Secretary (via e-mail only) Raymond Mistica, ALUC Counsel (via e-mail only)

# Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law  
2010 Main Street, 8<sup>th</sup> Floor | Irvine, CA 92614-7214  
Telephone: 949.553.1313 | Facsimile: 949.553.8354  
www.allenmatkins.com

**Paige H. Gosney**  
E-mail: [pgosney@allenmatkins.com](mailto:pgosney@allenmatkins.com)  
Direct Dial: 949.851.5444 File Number: 119600.02528/4893-1696-8049.1

**Via Email ([prull@rivco.org](mailto:prull@rivco.org)) / U.S. Mail**

July 20, 2023

Riverside County  
Airport Land Use Commission  
Riverside County Administrative Center  
Attn: Paul Rull, ALUC Director  
4080 Lemon Street, 14th Floor  
Riverside, CA 92501

**Re: Case No. ZAP1028PV23 - Landstar Companies**

Honorable Members of the Commission:

We represent Landstar Companies, the applicant for Case No. ZAP1028PV23, which proposes the construction of two industrial warehouse buildings with mezzanines totaling approximately 867,070 square feet and a tractor trailer storage yard containing 343 spaces on a total of 82.83 acres located west of the Perris Valley Airport (“Project”). On July 13, 2023, the Riverside County Airport Land Use Commission (“ALUC”) continued the hearing on Landstar’s request for a determination of the Project’s consistency with the Perris Valley Airport Land Use Compatibility Plan (“ALUCP”) to the meeting scheduled for August 10, 2023.

In order to allow sufficient time for Landstar to comprehensively address the questions and concerns raised by the Commission at the July 13 hearing as well as respond to the claims asserted by those opposed to the Project, Landstar respectfully requests a further continuance of the hearing on the Project’s ALUCP consistency to the Commission’s regularly-scheduled meeting for September 2023.

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Riverside County  
July 20, 2023  
Page 2

We appreciate the Commission's anticipated cooperation and agreement to this request for a brief continuance. Please contact us if you have any questions or wish to discuss this matter in further detail.

Very truly yours,



Paige H. Gosney

PHG

cc: Paul Rull, ALUC Director (via e-mail only)  
Barbara Santos, ALUC Commission Secretary (via e-mail only)  
Raymond Mistica, ALUC Counsel (via e-mail only)  
Nick Johnson, Johnson Aviation (via e-mail only)  
Client (via e-mail only)



**Rull, Paul**

#3.10

**From:** Ivana Zivcevski <izivcevski@g10law.com>  
**Sent:** Wednesday, July 12, 2023 11:32 AM  
**To:** Lou Galuppo  
**Cc:** Melania Mirzakhianian  
**Subject:** FW: Letter to FAA re findings of No Hazard determination  
**Attachments:** 2023-07-10 Letter of objections to FAA findings with enclosure.pdf

Hi Lou,  
Here is the email to FAA.

**From:** Ivana Zivcevski  
**Sent:** Wednesday, July 12, 2023 11:24 AM  
**To:** dan.shoemaker@faa.gov  
**Cc:** victor.globa@faa.gov; charlotte.jones@faa.gov; richard.chao@faa.gov; brian.armstrong@faa.gov; dave.kessler@faa.gov; Rull, Paul <PRull@rivco.org>  
**Subject:** Letter to FAA re findings of No Hazard determination

Hello,

Our office represents the Perris Valley Airport, a concerned stakeholder in the Perris community.

It has come to our attention that the ALUC staff report will be on the Agenda on July 13<sup>th</sup> ALUC meeting.

After reviewing the staff report, learned that the FAA received twelve applications from CH Realty, who represents the Developer for the development adjacent to the Perris Valley Airport.

Based on the response to such applications and determination issued on April 19, 2023, enclosed please find our letters with a summary of objections to the FAA findings of "No Hazard Determination".

In a behalf of Mr. Galuppo and Ms. Mirzakhianian,

**Ivana Zivcevski**  
**Transaction Coordinator/Legal Assistant**



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July 10, 2023

*Sent via E-Mail to [dan.shoemaker@faa.gov](mailto:dan.shoemaker@faa.gov)*

Mr. Daniel Shoemaker  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

**Re: OBJECTION TO FAA FINDINGS OF NO HAZARD DETERMINATION  
AND REQUEST FOR RECONSIDERATION**

**Applications:** 2023-AWP - 1817-OE through 2023-AWP-1828-OE

Mr. Shoemaker:

Our office represents the Perris Valley Airport, a concerned stakeholder in the community, and while reviewing ALUC's staff report published last week in preparation for the scheduled ALUC meeting on July 13th, it has come to our attention that the FAA received twelve applications from CH Realty (the "Applicant") in January this year and issued a determination on April 19, 2023 (the "Project"). We believe this is an "on-airport" development as described below, especially in light of the Agreement described and defined below. Lastly, one of the FAA's missions is to protect existing aviation use. This includes skydiving.

We are writing this letter to express our strong objection to the recent findings of the Federal Aviation Administration (the "FAA") regarding the determination of no hazard under **Title 14 Chapter 1 Subchapter E Part 77** and the failure to consider and evaluate the effect of the rights of the operators of the Perris Valley Airport as set forth in the enclosed Letter of Agreement regarding: (1) 14 Code of Federal Regulations (CFR) Part 91, General Operating and Flight Rules; (2) 14 CFR Part 105, Parachute Operations; (3) Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control; and (4) FAA Order JO 7210.3 Facility Operation and Administration.

After careful review of the FAA's determination and its possible impact on the surrounding community, especially the Perris Valley Skydiving School and the Perris Valley Airport, we believe that the conclusion reached by the FAA is unjustified and fails to adequately consider the potential risks and perilous adverse impacts on the Perris Valley Skydiving School ("School") and the Perris Valley Airport Aviation Services (military, professional parachutists, and pilots - "Airport"). The Airport and School supports on average 120 to 150 employees.

We highlight the following points of concern and objection regarding the FAA's findings:

- 1. Inadequate Evaluation of Potential Hazards:** The FAA's determination appears to overlook significant hazards and fails to thoroughly evaluate the potential risks posed by the proposed Project as an “on-airport” development.

It is crucial that a comprehensive assessment is conducted, considering factors such as the Project's **proximity to the Perris Valley Skydiving School**, and environmentally sensitive regions.

First, as you are aware of, the FAA mislabeled the proposed Project as an off-airport development when map overlays show that that the proposed Project should be considered an on-airport project which follows different standards for evaluating project. The FAA failed to follow such standards as ***“Evaluations for on-airport proposals are administered by the FAA Airports Division with coordinated assistance from Flight Procedures, Technical Operations and Air Traffic Divisions.”***

Secondly, the proposed drawings and notes state that USPA BSR's are met because the minimum radial distance for landing area is 330 feet clear of obstacles. However, this determination is made on the mistaken presumption that the center point of the landing is used to determine the clearance. In reality, the 330-foot radial distance must be calculated from the *edges* of the landing areas.

Pursuant to Section 77.29 (a), *“The FAA conducts an aeronautical study to determine the impact of a proposed structure”*. Please provide us a copy of the report immediately for our review and assessment.

- 2. Lack of Application of the Letter of Agreement, Effective January 7, 2016 (“Agreement”):** The purposes of the letter recognized that Airport and School are near heavy and/or complex traffic flows in Southern California Terminal Radar Approach Control airspace, and Los Angeles Air Route Traffic Control Center airspace. The parties to the Agreement used the contract to set procedures and responsibilities. The FAA cannot ignore an agreement that is a part of its own orders.

The Agreement expressly added the terms, conditions, restrictions, and delineations as supplements to 14 Code of Federal Regulations (CFR) Part 91, General Operating and Flight Rules; 14 CFR Part 105, Parachute Operations; Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control; and FAA Order JO 7210.3 Facility Operation and Administration.

As a supplement the Code of Federal Regulations and FAA orders dealing with skydiving and parachute operations, the Agreement must be considered and the legal and constructional private, service, and property rights set forth in the letter and otherwise maintained and protected (not ignored and adversely impacted) (“**Rights**”). The prime consideration of these Right is found in section 5.f.(1), which states:

(1) The Perris Valley Airport parachute jump area is defined as a one nautical mile radius of HDF VOR 220° 1NM fix.

The area described in the Agreement is depicted below by the brown circle. The green line in the circle is the runway. And, the blue rectangle is the soaring zone for skydivers. Based



on this map, it is easy to see that the Project directly impacts the operation of the Airport and School in violation of the purpose and spirit of the Agreement. Worse, it seems the Project is an “on-airport” development; thus, the impacts must be studied, determined, and mitigated (if such is even possible).



- 3. Need for Parachute Operations at Perris Valley to be fully considered:** These Federal Regulations and Orders by the FAA, supplemented by the Agreement demands that the Parachute Operations at Perris Valley must be fully considered, in every aspect.

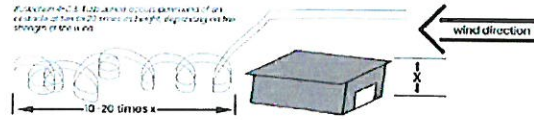
Since April 2011, on average, the Airport has over **76,148** takeoffs/assents, along with **76,148** (on average per year **6,340**) landings/descents. The related drops/jumps during this period are in excess of **1,522,000** (on average per year over **126,000**). In an effort to streamline specification revisions, the U.S. Government has delegated ownership of certain specifications and standards to commercial entities, typically industry groups. The goal is to maintain, update, and disseminate the information contained within such guidelines, specifications, and standards efficiently and accurately. In the United States, the one of best organizations to provide the FAA with safety-based criteria, protocols, and standards for

parachutists in turbulent situations is the U.S. Parachute Association (i.e., [Parachute Industry Association] “**Association**”) and related consultants.

For skydivers, the Association provides a simple presentation and teaching materials related to turbulence. It states:

3. Turbulence sometimes occurs in the landing area.

1. Anticipate turbulence 10-20 times the height of an obstacle on the downwind side.
2. The effects and likelihood of turbulence increase with wind speed.
3. Turbulence often occurs—
  1. near runways
  2. alongside roads
  3. where two areas of different colors or textures meet
  4. behind other canopies (wake turbulence)
  5. over irregular terrain
  6. downwind of the propeller wash of a taxiing aircraft



cite: Sky Diver’s Information Manual 2023-2024, Section 4 Category C, Section B.3.

This translates to meaning that a turbulence study needs to be made over a period of one year so we can understand the effect of wind effects at Perris Airport (not March Airport Base). Here is an anecdotal example of why Perris Airport’s study is needed:

- March Airforce Base – **Winds at 3.45MPH out of NW**

**Wind 290° at 3 kts**

- Perris Valley Airport – **Winds at 14 MPH out of SE**



4. **Lack of Mandatory Notices and Public Engagement:** The findings made by the FAA seem to have been reached without sufficient transparency and public engagement.

The provision of timely and accurate notices is not only crucial to ensure transparency,



accountability, and the opportunity for meaningful engagement from all affected parties but also a legal required under Part 77.9. By neglecting to fulfill this legal obligation, the FAA has denied us the chance to voice our concerns, provide valuable input, and contribute to the decision-making process.

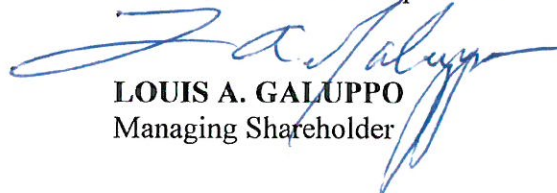
The FAA must maintain the principles of fairness, transparency, and public participation when assessing potential hazards and determining the impact of projects on the surrounding community and provides clear and accessible information. **The failure to provide adequate notice infringes upon our client's constitutional rights of due process and to be informed, participate in the decision-making process, and voice our concerns regarding potential hazards and risks associated with the project.**

Based on the aforementioned concerns and procedural oversight, we respectfully request that the FAA immediately retract its determination letters for all above-mentioned applications, reopen the matter to conduct more thorough and appropriate assessments of the proposed Project, to permit our client's active participation during the report period and evaluation process.

We appreciate your attention to this urgent matter and look forward to a prompt response. Please acknowledge the receipt of this letter. We look forward to your professional cooperation and courtesies. We very much want to work with you in this regard.

Sincerely,

**G10 LAW**  
a Professional Law Corporation



**LOUIS A. GALUPPO**  
Managing Shareholder

Enclosures: Letter of Agreement

cc: Airport Compliance Specialist (via email)  
Airport Safety Specialist (via email)  
Airport Improvement Program (via email)  
Airport Engineer (via email)  
Environmental Program Specialist (via email)  
Paul Rull, ALUC Director (via email)

Southern California Terminal Radar Approach Control, Los Angeles Air Route Traffic Control Center, March Air Reserve Base Airport Traffic Control Tower/Ground Controlled Approach, Skydive Elsinore Inc., and Perris Valley Skydiving Center

## LETTER OF AGREEMENT

Effective: January 7, 2016

SUBJECT: Parachute Operations at Lake Elsinore and Perris Valley

**1. PURPOSE.** To establish procedures and responsibilities for coordinating and conducting parachute operations near heavy and/or complex traffic flows in Southern California Terminal Radar Approach Control airspace, and Los Angeles Air Route Traffic Control Center airspace in the vicinity of Lake Elsinore and Perris Valley.

**2. CANCELLATION.** Southern California Terminal Radar Approach Control, Los Angeles ARTCC, March Field Airport Traffic Control Tower/Ground Controlled Approach, Perris Valley Sky Diving center, Perris Valley Ultralight Park, Adventure Flights Inc., Skydive Elsinore Inc., Skydiving Adventures Parachute School, and Jim Wallace Skydiving School Letter of Agreement, dated May 15, 1996.

**3. BACKGROUND.** Skydive Elsinore Inc. and Perris Valley Skydiving Center engage in non-emergency parachute operations in close proximity to multiple established traffic flows used by turbojet air carrier aircraft. Due to the concentration of other air traffic and the Skydive Elsinore Inc. and Perris Valley Skydiving Center desire to conduct skydiving operations at altitudes up to and including 17,500' MSL, this Letter of Agreement (LOA) describes operating and coordination procedures to help promote safety for all airspace operators. Changes to this LOA may be proposed by any signatory at any time.

**4. SCOPE.** The provisions of this LOA apply to Southern California Terminal Radar Approach Control (SCT), Los Angeles Air Route Traffic Control Center (ZLA), March Air Reserve Base Airport Traffic Control Tower (ATCT)/Ground Controlled Approach (GCA), Skydive Elsinore Inc., and Perris Valley Skydiving Center when conducting parachute operations at the Lake Elsinore and Perris Valley drop zones.

a. Aircraft subject to this LOA must be equipped with VOR/DME, LORAN, RNAV or GPS navigational equipment, an operable transponder having mode 3/a 4096 code capability, and an operating radio transceiver. ATC will assign the transponder code(s) and frequency for use while operating in the vicinity of the drop zone.

b. This letter is supplemental to 14 Code of Federal Regulations (CFR) Part 91, General Operating and Flight Rules; 14 CFR Part 105, Parachute Operations; Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control; and FAA Order JO 7210.3, Facility Operation and Administration.



## **5. DEFINITIONS.**

- a. Climb/Descent Area: Predetermined area where aircraft climb/descend to prepare for or complete jump operations.
- b. Drop Zone: Any predetermined area upon which parachutists or objects land after making an intentional parachute jump or drop.
- c. Jump Zone: The airspace directly associated with a drop zone. Vertical and horizontal limits may be locally defined.
- d. Parachute Drop: The descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.
- e. Parachute Jump: A parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when an aircraft is used or intended to be used during all or part of that descent.
- f. Parachute Jump Area: Predetermined area in which a parachute operation will commence.
  - (1) The Perris Valley Airport parachute jump area is defined as a one nautical mile radius of HDF VOR 220° 1NM fix.
  - (2) The Lake Elsinore/Skylark Field parachute jump area is defined as a one nautical mile radius of HDF VOR 198° 10.5NM fix.
- g. Parachute Operation: The performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop. This parachute operation can involve, but is not limited to, the following persons: parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot.

## **6. RESPONSIBILITIES.**

- a. All parties will provide current telephone numbers for each ATC facility and operators.
- b. Skydive Elsinore Inc. and Perris Valley Skydiving Center must:
  - (1) Ensure all pilots operating under this LOA for the purpose of parachute operations:
    - (a) Are familiar with and adhere to the procedures addressed in this LOA, and are aware of traffic flows and air traffic operations impacting the climb/descent areas and

Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

drop zones to include periods of moderate to heavy traffic flows in the vicinity of the drop zones and/or prescribed climb/descent area(s).

(b) Be in communications with SCT at least five minutes before the parachute operation begins to receive information about air traffic activity in vicinity of the parachute operation. Once the last skydiver has departed the aircraft, the aircraft will no longer be considered to be conducting parachute operations.

c. Perris Valley Skydiving Center must:

(1) Remain within prescribed climb/descent area, while in Class C Airspace, depicted in Attachment 1.

d. Skydive Elsinore Inc. must:

(1) Request approval prior to operating outside prescribed climb/descent area depicted in Attachment 2.

e. Radar identification and advisories provided by Air Traffic Control (ATC) to jump aircraft does not imply that separation service is provided. In keeping with 14 CFR Parts 91.123 and 91.155, if ATC issues a clearance or instruction to a parachute pilot, the pilot will comply while still operating under visual flight rules (VFR). If unable, the pilot will advise ATC.

## **7. PROCEDURES.**

a. Pilots conducting parachute operations under this LOA must:

(1) Squawk pre-assigned beacon code from Attachment 4 on departure.

(2) Contact the appropriate ATC facility for VFR traffic advisories. The pilot must advise ATC of the call sign, planned jump altitude(s), and any other pertinent information.

(3) Advise the appropriate ATC facility two minutes prior to releasing jumpers and advise when last jumper is away and aircraft is descending.

(4) Remain above the highest jumper until below 4000' MSL.

b. If during any flight the required radio communication becomes inoperative, any jump activity from the aircraft into controlled airspace must be abandoned. However, if communication becomes inoperative in-flight after release of jumpers, the parachuting activity may be continued. The aircraft must change transponder code to 7600 for one minute and then return to assigned beacon code. This procedure (alternation of beacon codes) must continue until the aircraft is on the ground.

Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

c. Skydive Elsinore Inc. will:

(1) Replace 'November' in call sign/radiotelephony with 'Moonshine' followed by the numbers of the aircraft radiotelephony call sign. *Example: MSI.*

d. Perris Valley Skydiving Center will:

(1) Replace 'November' in call sign/radiotelephony with 'Perris' followed by the numbers of the aircraft radiotelephony call sign. *Example: PSI.*

(2) Contact GCA on frequency 133.5 when open for Class C services.

(3) Contact SCT on frequency 134.0 when GCA is closed or above 5000' MSL.

e. SCT will:

(1) Provide radar flight following service when requested and to the extent possible to parachute jump aircraft contingent upon equipment and workload limitations.

(2) To the extent possible, issue advisories on known traffic that will transit the drop zone.

(3) Advise Skydive Elsinore Inc. and Perris Valley Skydiving Center of any unusual activities that may impact parachute operations.

(4) Point Out jump aircraft prior to entering ZLA or GCA airspace. SCT is not required to point out jump aircraft to GCA that remain within the climb/descent area during ascent.

(5) Advise GCA or ZLA of any intermediate jumps.

f. GCA will:

(1) Upon notification of jump activity:

(a) Ensure that aircraft under their control within Class C and/or delegated airspace remain clear of the drop zone.

(b) Issue advisories in accordance with FAA JO7110.65 to other aircraft under their control that will transit the drop zone.

(c) Provide appropriate separation between aircraft under their control and descending jump aircraft.

(2) Assign frequency 134.0 to aircraft climbing to a jump altitude above 5000' MSL.

Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

g. ZLA will:

(1) Upon acceptance of point out on parachute jump aircraft:

(a) Issue advisories in accordance with FAA JO7110.65 to aircraft under their control that will transit Climb/Descent Area.

(b) Issue traffic advisories on the jump aircraft in accordance with FAA JO7110.65.

(c) Execute Remove Strip on jump aircraft when descending out of ZLA airspace.

## **8. INTER-FACILITY COORDINATION PROCEDURES.**

a. In lieu of a verbal point out, SCT will be authorized to enter ZLA/GCA airspace as described below.

(1) Acceptance of an automated handoff (flashing data block) by ZLA constitutes Point Out Approved for VFR jump aircraft (call signs in Attachment 4) under SCT control to enter Sector 12 airspace up to 14000' MSL within the Climb/Descent Area depicted in Attachment 2. This is also acknowledgment that jump activity will commence when jump aircraft reaches 14000' MSL. ZLA will issue advisories in accordance with FAA JO7110.65.

(2) Acceptance of an automated handoff (flashing data block) by GCA constitutes Point Out Approved for VFR jump aircraft (call signs in Attachment 4) under SCT control to enter GCA airspace as defined in the Climb/Descent area and approval of jump activity. GCA will issue advisories in accordance with FAA JO7110.65.

## **9. SPECIAL OPERATIONS.**

a. Special jump operations must include, but are not limited to, military operations, scheduled special events, competitions, exhibitions, night operations, or anytime a heavier than usual jump schedule is anticipated. To the extent possible, Skydive Elsinore Inc. and Perris Valley Skydiving Center must provide SCT and GCA 10 days advanced notice of such unusual activity.

b. Parachute operations over or into a congested area or an open-air assembly of persons, require an FAA Certificate of Authorization or Waiver and are beyond the purview of this LOA.

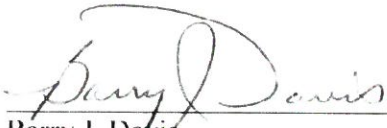
Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

**10. ATTACHMENTS.**


- a. Attachment 1 - Depiction of Climb/Descent Areas
- b. Attachment 2 - Depiction of Parachute Jump Areas
- c. Attachment 3 - Major Traffic Flow Depiction
- d. Attachment 4 - Discrete Beacon Codes
- e. Attachment 5 – Facility Phone Numbers

Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

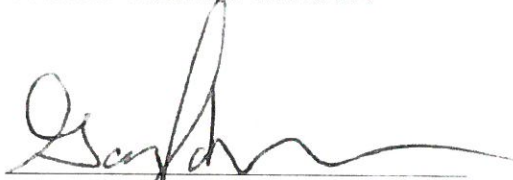
Approved:



Barry J. Davis  
Air Traffic Manager  
Southern California TRACON



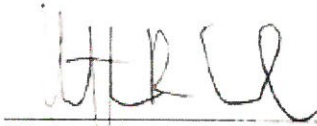
Dale Westall  
Air Traffic Manager  
Los Angeles ARTCC



Gary M. Johnson  
Air Traffic Representative  
Western Service Area



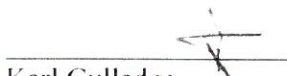
Gerard P. Malloy, Colonel, USAFR  
Commander, 452<sup>d</sup> Operations Group  
452<sup>d</sup> Air Mobility Wing  
March Air Reserve Base, California



Christopher R. Noel, GS-13, DAF  
Air Traffic Manager  
452<sup>d</sup> Operations Support Squadron  
March Air Reserve Base, California



Patrick Conatser  
President  
Perris Valley Aviation Services Inc.

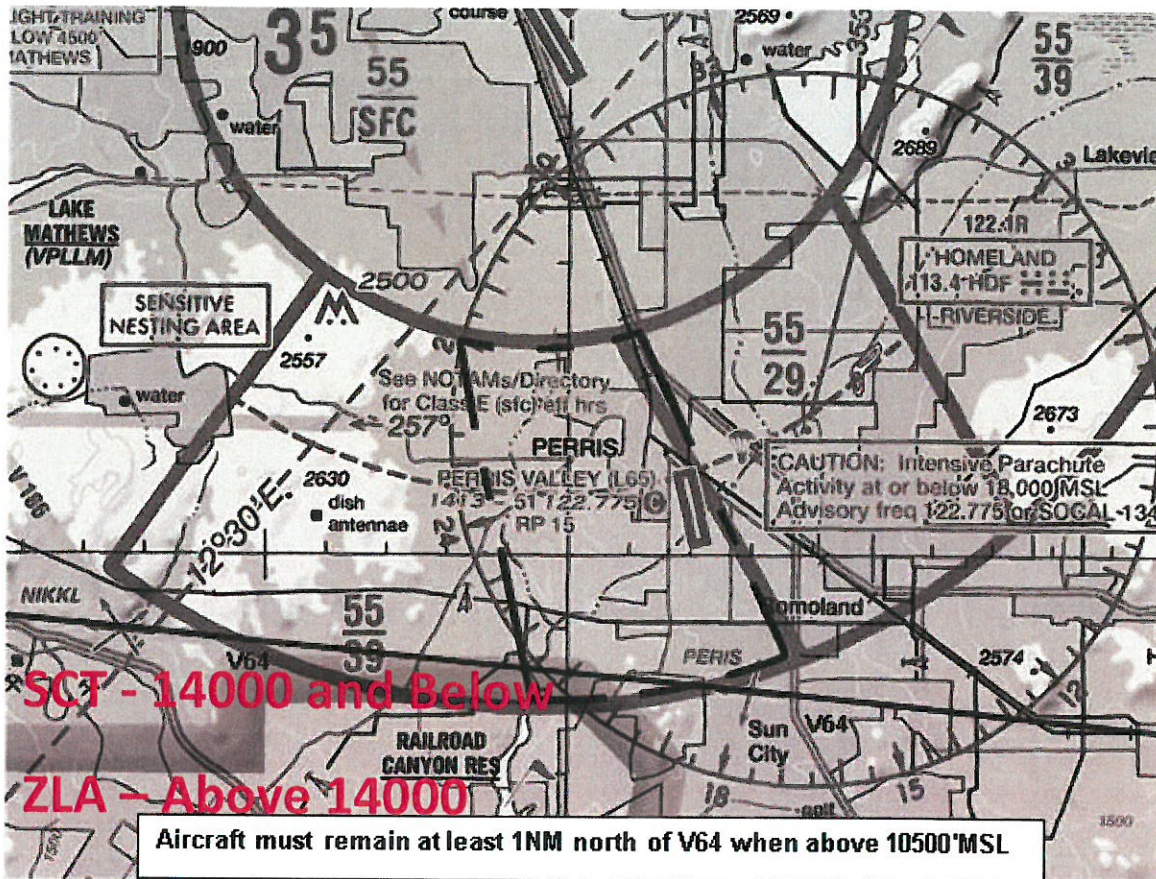
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Karl Gullede  
Chief Operating Office  
Skydive Elsinore Inc.



### DEPICTION OF CLIMB/DESCENT AREAS

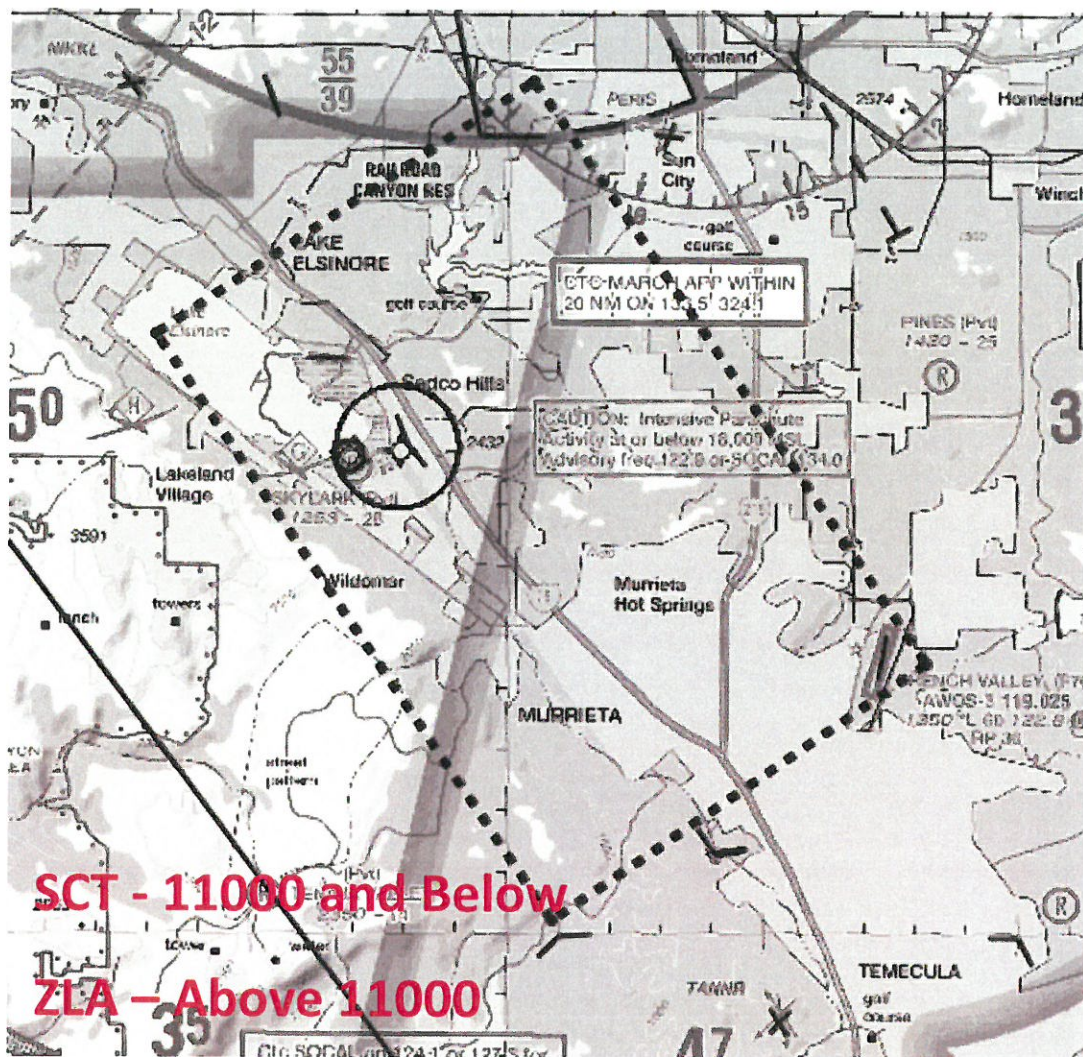
1. Perris Climb/Descent Area is defined as that airspace within the March ARB Class C airspace commencing five nautical miles southeast of March ARB at the intersection of Highway 215 and Nuevo Road (33° 48' 00" North 117° 13' 45" West), then southeast via a straight line to the intersection of Highway 215 and McCall Boulevard (33° 43' 25" North 117° 11' 15" West), then clockwise via the southern boundary of the March ARB Class C airspace to a point just south of Kabian County Park (33° 42' 45" North 117° 15' 30" West), then northwest bound via a straight line to the eastern edge of the Mead Valley Refuse Disposal Area (33° 47' 40" North 117° 16' 40" West), then eastbound via the March ARB Class C airspace five nautical mile arc to the point of beginning, from the surface up to and including 5500 feet MSL





2. Elsinore Climb/Descent Area

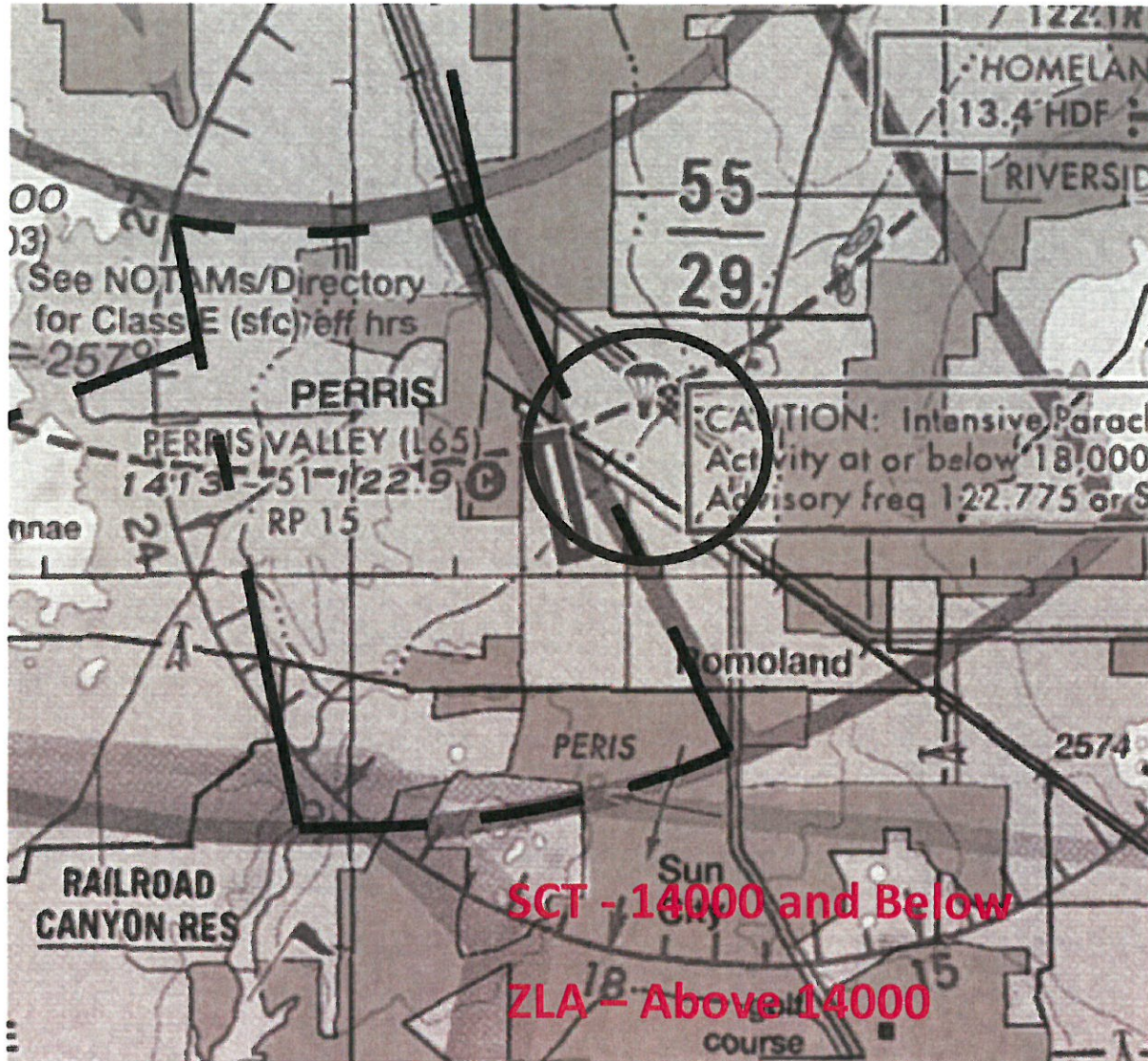
- a. NW lat/long – N33° 39' 48.11" W117° 21' 51.84"
- b. NE lat/long – N33° 43' 54.58" W117° 14' 31.57"
- c. SE lat/long – N33° 34' 26.16" W117° 06' 49.11"
- d. SW lat/long - N33° 30' 15.07" W117° 14' 09.37"





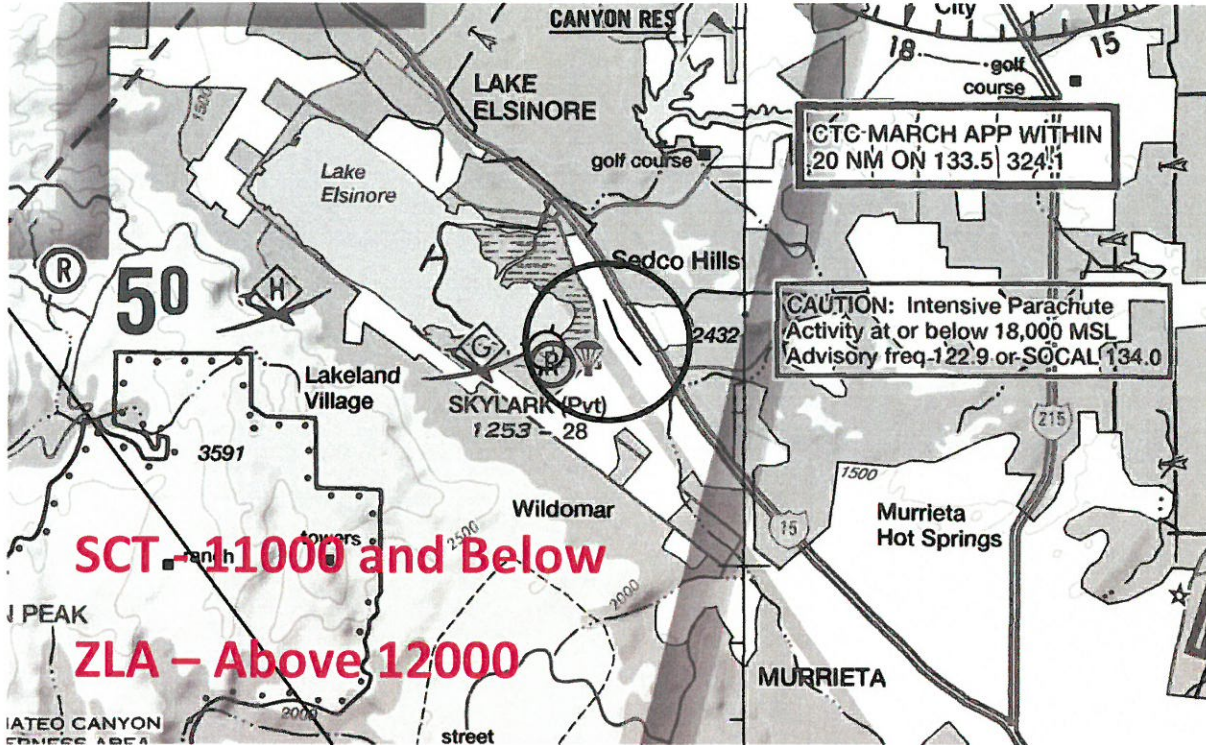
### DEPICTION OF PARACHUTE JUMP AREAS

1. Perris Valley Parachute Jump Area – 1NM radius of N33° 46' 48.73" W117° 11' 53.42"



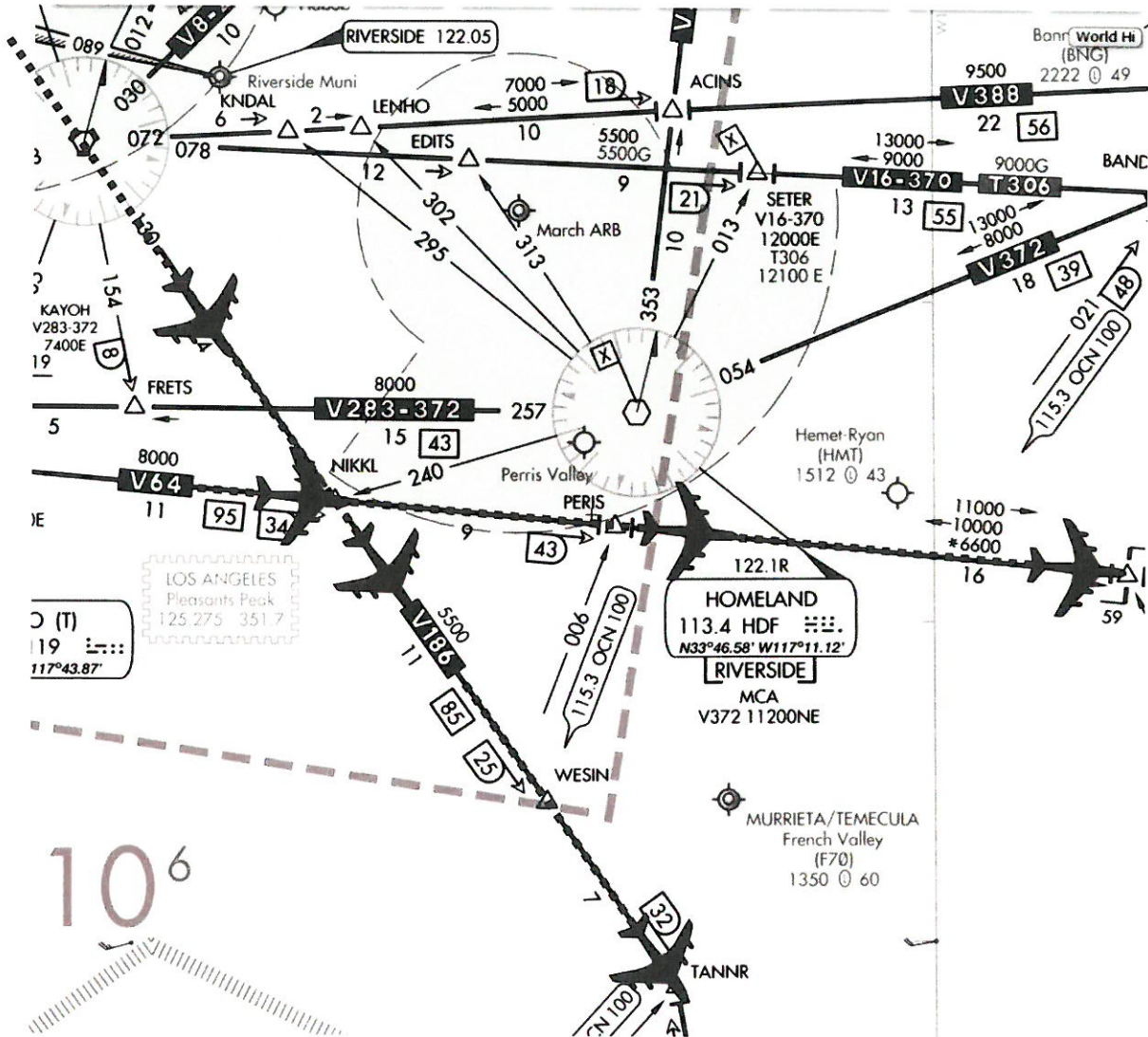


2. Elsinore Parachute Jump Area – 1NM radius of HDF VOR 198° 10.5NM fix



### MAJOR TRAFFIC FLOWS DEPICTION

V64 and V186 are major airways for IFR traffic through SCT's Airspace. Aircraft operate on V186 at 7,000, 9,000, and 11,000 MSL southeast bound. Aircraft operate on V64 at 11,000, 12,000, and 13,000 MSL. Jet departures off Inland Empire airports climbing southeast bound also navigate via V64 climbing to flight levels.



This chart used only as an example to depict traffic flows, and may not be current

## **DISCRETE TRANSPONDER CODES**

**1. The following discrete transponder codes are assigned to the following operators:**

**a. Perris Valley Skydive Center aircraft:**

- (1) 4251, PS1, DHC6
- (2) 4252, PS2, DHC6
- (3) 4253, PS3, DHC6
- (4) 4254, PS4, SC7
- (5) 4255, PS5, SC7
- (6) 4256, PS6, SC7
- (7) 4257, PS7, SC7

**b. Skydive Elsinore Inc. aircraft:**

- (1) 4231, MS1, DHC6
- (2) 4232, MS2, DHC6
- (3) 4233, MS3, C208
- (4) 4236, MS4, C208

### **FACILITY PHONE NUMBERS**

- 1. Los Angeles ARTCC**
  - a. Operations, Area E: 661-265-8235
  - b. Watch Desk: 661-265-8205
- 2. Southern California Approach Control**
  - a. Empire Area Supervisor: 858-537-5914
  - b. Operations Manager: 858-537-5900
- 3. March ARB, Air Traffic Control**
  - a. 951-655-4848
- 4. Skydive Elsinore Inc.**
  - a. 951-245-9939
- 5. Perris Valley Skydiving Center**
  - a. 951-657-3904





July 11, 2023

*Sent via E-Mail to [prull@rivco.org](mailto:prull@rivco.org)*

County of Riverside Airport Land Use Commission  
4080 Lemon Street, 14th Floor  
Riverside, CA 92501

**Re: OBJECTIONS TO STAFF REPORT DETERMINATION AND  
REQUEST FOR RECONSIDERATION**  
**Case Number: ZAP1028PV23**

Dear Commissioner of the County of Riverside Airport Land Use Commission:

Our office represents the Perris Valley Airport, a concerned stakeholder in the Perris community, and while reviewing the County of Riverside Airport Land Use Commission's (the "ALUC") published staff report for the July 13, 2023 hearing it has become apparent that the ALUC's recommendation finding the industrial warehouse building construction with mezzanines and tractor-trailor yard – case number ZAP1028PV23 (the "Project") to be consistent with the ALUC's principles and guidelines is based on an improper presumption that the Federal Aviation Administration (the "FAA") properly classified the Project and complied with all legally required procedures when it issued a determination of "no hazard" related to the Project.

We question the accuracy and validity of the findings and analysis conducted by the FAA in reaching their conclusion and believe the FAA had many fatal insufficiencies in its process and determination making ALUC's reliance on the FAA's findings and the ALUC's subsequent staff recommendation to be misguided and flawed.

In a separate letter to the FAA, which is hereby enclosed as reference, our office has outlined the deficiencies of the FAA during its process including but not limited to failure to provide notice to the community despite it being a legal requirement, failure to categorize the Project as an on-airport development as pointed out by the FAA AJV-A530 Team Manager; failure to consider a Letter of Agreement between the FAA and our client last amended January 6, 2016 describing landing zones

We are writing to express our strong opposition to the proposed Project.

First and foremost, Perris Valley Airport serves as a vital aviation hub for skydiving activities all year round and plays a crucial role in the local community for skydiving enthusiasts as well as internationally for military training purposes. It has been an integral part of the community for several decades and has remained a family-owned business. The Perris Skydiving School, one piece of the Perris Valley Airport, has set several world records for various sky diving jumps and is home to many well-visited skydiving events that involve two hundred jumpers at once. It caters to a diverse range of aircraft operations,

2023-AWP-1817-OE through 2023-AWP-1828-OE

July 10, 2023

Page 2 of 3

including military flight training, and skydiving activities. The airport's proximity to the proposed development site raises concerns regarding the safety of these operations, particularly with the increased potential for conflicts between aircraft and ground-based activities.

The proposed Project, if allowed, would introduce obstacles such as 50-foot high structures, over three hundred trailer-trucks parked, and other buildings which with even the slightest wind turbulence will impede the flight paths, and adversely impact the existing unique aviation use as well as affect the safety of both skydivers and pilots.

Pursuant to *Article 3.5 of the California Government Code Section 21674*, the ALUC has powers and duties related to airport land use planning and specifically to the **health, welfare and safety of airports and the public**. The ALUC's review and approval process must ensure that proposed projects are compatible with airport operations, safety requirements and the public welfare. Furthermore, the ALUC is required to consult with airport operators to gather input and guidance on matters related to land use planning and compatibility.

While the FAA's input is crucial in evaluating aviation-related projects, it is essential to consider the possibility of erroneous or incomplete information in their assessment. Given the complexity of the Project and its close proximity to the the Perris Valley Airport with unique characteristics and uses, it is crucial to thoroughly scrutinize the FAA's findings to ensure that they accurately reflect the potential safety risks associated with the proposed Project.

In light of the aforementioned concerns, ***we strongly urge the ALUC to reconsider its misguided support for the Project.*** Instead, we implore you to prioritize the safety and well-being of the community, the Perris Valley Airport and especially the thousands of patrons of the Perris Valley Skydiving School, taking into account the potential hazards and risks that this Project might introduce.

**Thus, the ALUC's reliance on incorrect findings warrants an immediate retraction of its consistent findings, a rejection of the Project, or in the alternative, postponement of the July 13<sup>th</sup> hearing to undertake a comprehensive review of the FAA's findings and analysis to ensure that such are factually sound and comprehensive including onsite wind analysis studies to understand the impact of the proposed Project to the Perris Valley Airport and its operations. We believe, it will be unconscionable to hand this Project over to the City of Perris and the CEQA review knowing that incorrect data and analysis may have been utilized.**

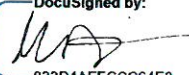
We trust that the ALUC will take into account the concerns raised in this letter and act in the best interests of the airport, its users, the community, and our national safety. We ask the ALUC to uphold its high standards and integrity in protecting our airspace and the public. Development around the Perris Valley Airport and the preservation of its surrounding airspace require careful and pertinent consideration and studies to maintain a safe and thriving aviation community.

2023-AWP-1817-OE through 2023-AWP-1828-OE  
July 10, 2023  
Page 3 of 3

Thank you for your attention to this matter. We look forward to a favorable resolution that prioritizes the safety and well-being of the community, the Perris Valley Airport and its stakeholders.

Sincerely,

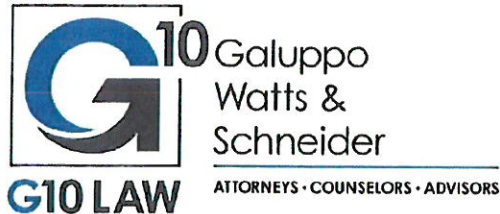
**G10 LAW**  
a Professional Law Corporation

DocuSigned by:  
  
833D4AEFCCC64E8...

**MELANIA MIRZAKHANIAN, ESQ.**

cc: Barbara Santos, ALUC Commission Secretary  
Simon Housman, Project Director for the March Air Reserve Base Compatible Use Study (MCUS)  
Jackie Vega, Urban Regional Planner II  
Raymond Mistica, ALUC Counsel





July 10, 2023

Sent via E-Mail to [dan.shoemaker@faa.gov](mailto:dan.shoemaker@faa.gov)

Mr. Daniel Shoemaker  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

**Re: OBJECTION TO FAA FINDINGS OF NO HAZARD DETERMINATION  
AND REQUEST FOR RECONSIDERATION**

**Applications:** 2023-AWP - 1817-OE through 2023-AWP-1828-OE

Mr. Shoemaker:

Our office represents the Perris Valley Airport, a concerned stakeholder in the community, and while reviewing ALUC's staff report published last week in preparation for the scheduled ALUC meeting on July 13th, it has come to our attention that the FAA received twelve applications from CH Realty (the "Applicant") in January this year and issued a determination on April 19, 2023 (the "Project"). We believe this is an "on-airport" development as described below, especially in light of the Agreement described and defined below. Lastly, one of the FAA's missions is to protect existing aviation use. This includes skydiving.

We are writing this letter to express our strong objection to the recent findings of the Federal Aviation Administration (the "FAA") regarding the determination of no hazard under **Title 14 Chapter 1 Subchapter E Part 77** and the failure to consider and evaluate the effect of the rights of the operators of the Perris Valley Airport as set forth in the enclosed Letter of Agreement regarding: (1) 14 Code of Federal Regulations (CFR) Part 91, General Operating and Flight Rules; (2) 14 CFR Part 105, Parachute Operations; (3) Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control; and (4) FAA Order JO 7210.3 Facility Operation and Administration.

After careful review of the FAA's determination and its possible impact on the surrounding community, especially the Perris Valley Skydiving School and the Perris Valley Airport, we believe that the conclusion reached by the FAA is unjustified and fails to adequately consider the potential risks and perilous adverse impacts on the Perris Valley Skydiving School ("School") and the Perris Valley Airport Aviation Services (military, professional parachutists, and pilots - "Airport"). The Airport and School supports on average 120 to 150 employees.

We highlight the following points of concern and objection regarding the FAA's findings:

- 1. Inadequate Evaluation of Potential Hazards:** The FAA's determination appears to overlook significant hazards and fails to thoroughly evaluate the potential risks posed by the proposed Project as an "on-airport" development.

It is crucial that a comprehensive assessment is conducted, considering factors such as the Project's **proximity to the Perris Valley Skydiving School**, and environmentally sensitive regions.

First, as you are aware of, the FAA mislabeled the proposed Project as an off-airport development when map overlays show that that the proposed Project should be considered an on-airport project which follows different standards for evaluating project. The FAA failed to follow such standards as ***"Evaluations for on-airport proposals are administered by the FAA Airports Division with coordinated assistance from Flight Procedures, Technical Operations and Air Traffic Divisions."***

Secondly, the proposed drawings and notes state that USPA BSR's are met because the minimum radial distance for landing area is 330 feet clear of obstacles. However, this determination is made on the mistaken presumption that the center point of the landing is used to determine the clearance. In reality, the 330-foot radial distance must be calculated from the *edges* of the landing areas.

Pursuant to Section 77.29 (a), *"The FAA conducts an aeronautical study to determine the impact of a proposed structure"*. Please provide us a copy of the report immediately for our review and assessment.

- 2. Lack of Application of the Letter of Agreement, Effective January 7, 2016 ("Agreement"):** The purposes of the letter recognized that Airport and School are near heavy and/or complex traffic flows in Southern California Terminal Radar Approach Control airspace, and Los Angeles Air Route Traffic Control Center airspace. The parties to the Agreement used the contract to set procedures and responsibilities. The FAA cannot ignore an agreement that is a part of its own orders.

The Agreement expressly added the terms, conditions, restrictions, and delineations as supplements to 14 Code of Federal Regulations (CFR) Part 91, General Operating and Flight Rules; 14 CFR Part 105, Parachute Operations; Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control; and FAA Order JO 7210.3 Facility Operation and Administration.

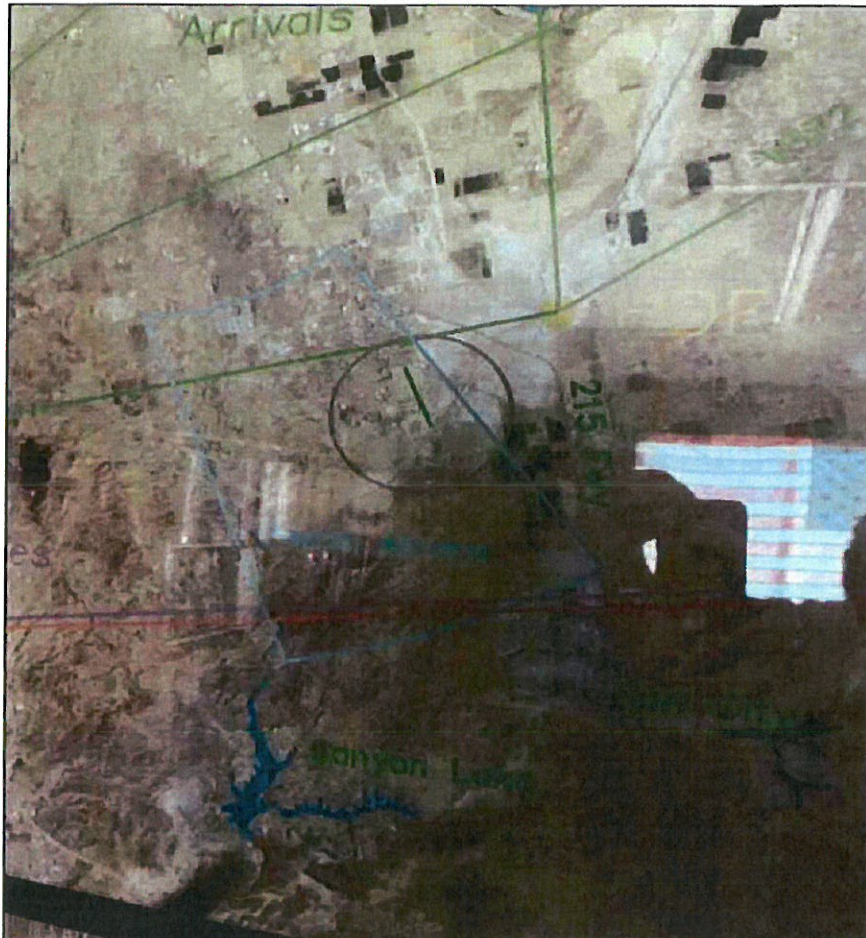
As a supplement the Code of Federal Regulations and FAA orders dealing with skydiving and parachute operations, the Agreement must be considered and the legal and constructional private, service, and property rights set forth in the letter and otherwise maintained and protected (not ignored and adversely impacted) ("**Rights**"). The prime consideration of these Right is found in section 5.f.(1), which states:

(1) The Perris Valley Airport parachute jump area is defined as a one nautical mile radius of HDF VOR 220° INM fix.

The area described in the Agreement is depicted below by the brown circle. The green line in the circle is the runway. And, the blue rectangle is the soaring zone for skydivers. Based



on this map, it is easy to see that the Project directly impacts the operation of the Airport and School in violation of the purpose and spirit of the Agreement. Worse, it seems the Project is an “**on-airport**” development; thus, the impacts must be studied, determined, and mitigated (if such is even possible).



- 3. Need for Parachute Operations at Perris Valley to be fully considered:** These Federal Regulations and Orders by the FAA, supplemented by the Agreement demands that the Parachute Operations at Perris Valley must be fully considered, in every aspect.

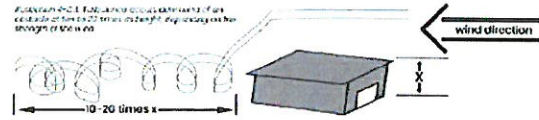
Since April 2011, on average, the Airport has over **76,148** takeoffs/assents, along with **76,148** (on average per year **6,340**) landings/descents. The related drops/jumps during this period are in excess of **1,522,000** (on average per year over **126,000**). In an effort to streamline specification revisions, the U.S. Government has delegated ownership of certain specifications and standards to commercial entities, typically industry groups. The goal is to maintain, update, and disseminate the information contained within such guidelines, specifications, and standards efficiently and accurately. In the United States, the one of best organizations to provide the FAA with safety-based criteria, protocols, and standards for

parachutists in turbulent situations is the U.S. Parachute Association (i.e., [Parachute Industry Association] “**Association**”) and related consultants.

For skydivers, the Association provides a simple presentation and teaching materials related to turbulence. It states:

3. Turbulence sometimes occurs in the landing area.

1. Anticipate turbulence 10-20 times the height of an obstacle on the downwind side.
2. The effects and likelihood of turbulence increase with wind speed.
3. Turbulence often occurs—
  1. near runways
  2. alongside roads
  3. where two areas of different colors or textures meet
  4. behind other canopies (wake turbulence)
  5. over irregular terrain
  6. downwind of the propeller wash of a taxiing aircraft



cite: Sky Diver's Information Manual 2023-2024, Section 4 Category C, Section B.3.

This translates to meaning that a turbulence study needs to be made over a period of one year so we can understand the effect of wind effects at Perris Airport (not March Airport Base). Here is an anecdotal example of why Perris Airport's study is needed:

- March Airforce Base – Winds at 3.45MPH out of NW

**Wind 290° at 3 kts**

- Perris Valley Airport – Winds at 14 MPH out of SE



4. **Lack of Mandatory Notices and Public Engagement:** The findings made by the FAA seem to have been reached without sufficient transparency and public engagement.

The provision of timely and accurate notices is not only crucial to ensure transparency,



accountability, and the opportunity for meaningful engagement from all affected parties but also a legal required under Part 77.9. By neglecting to fulfill this legal obligation, the FAA has denied us the chance to voice our concerns, provide valuable input, and contribute to the decision-making process.

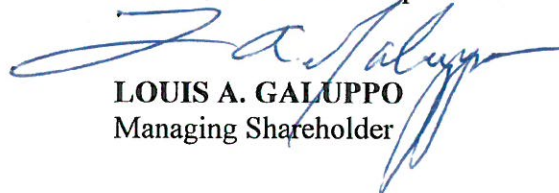
The FAA must maintain the principles of fairness, transparency, and public participation when assessing potential hazards and determining the impact of projects on the surrounding community and provides clear and accessible information. **The failure to provide adequate notice infringes upon our client's constitutional rights of due process and to be informed, participate in the decision-making process, and voice our concerns regarding potential hazards and risks associated with the project.**

Based on the aforementioned concerns and procedural oversight, we respectfully request that the FAA immediately retract its determination letters for all above-mentioned applications, reopen the matter to conduct more thorough and appropriate assessments of the proposed Project, to permit our client's active participation during the report period and evaluation process.

We appreciate your attention to this urgent matter and look forward to a prompt response. Please acknowledge the receipt of this letter. We look forward to your professional cooperation and courtesies. We very much want to work with you in this regard.

Sincerely,

**G10 LAW**  
a Professional Law Corporation



**LOUIS A. GALUPPO**  
Managing Shareholder

Enclosures: Letter of Agreement

cc: Airport Compliance Specialist (via email)  
Airport Safety Specialist (via email)  
Airport Improvement Program (via email)  
Airport Engineer (via email)  
Environmental Program Specialist (via email)  
Paul Rull, ALUC Director (via email)

Southern California Terminal Radar Approach Control, Los Angeles Air Route Traffic Control Center, March Air Reserve Base Airport Traffic Control Tower/Ground Controlled Approach, Skydive Elsinore Inc., and Perris Valley Skydiving Center

## LETTER OF AGREEMENT

Effective: January 7, 2016

SUBJECT: Parachute Operations at Lake Elsinore and Perris Valley

**1. PURPOSE.** To establish procedures and responsibilities for coordinating and conducting parachute operations near heavy and/or complex traffic flows in Southern California Terminal Radar Approach Control airspace, and Los Angeles Air Route Traffic Control Center airspace in the vicinity of Lake Elsinore and Perris Valley.

**2. CANCELLATION.** Southern California Terminal Radar Approach Control, Los Angeles ARTCC, March Field Airport Traffic Control Tower/Ground Controlled Approach, Perris Valley Sky Diving center, Perris Valley Ultralight Park, Adventure Flights Inc., Skydive Elsinore Inc., Skydiving Adventures Parachute School, and Jim Wallace Skydiving School Letter of Agreement, dated May 15, 1996.

**3. BACKGROUND.** Skydive Elsinore Inc. and Perris Valley Skydiving Center engage in non-emergency parachute operations in close proximity to multiple established traffic flows used by turbojet air carrier aircraft. Due to the concentration of other air traffic and the Skydive Elsinore Inc. and Perris Valley Skydiving Center desire to conduct skydiving operations at altitudes up to and including 17,500' MSL, this Letter of Agreement (LOA) describes operating and coordination procedures to help promote safety for all airspace operators. Changes to this LOA may be proposed by any signatory at any time.

**4. SCOPE.** The provisions of this LOA apply to Southern California Terminal Radar Approach Control (SCT), Los Angeles Air Route Traffic Control Center (ZLA), March Air Reserve Base Airport Traffic Control Tower (ATCT)/Ground Controlled Approach (GCA), Skydive Elsinore Inc., and Perris Valley Skydiving Center when conducting parachute operations at the Lake Elsinore and Perris Valley drop zones.

a. Aircraft subject to this LOA must be equipped with VOR/DME, LORAN, RNAV or GPS navigational equipment, an operable transponder having mode 3/a 4096 code capability, and an operating radio transceiver. ATC will assign the transponder code(s) and frequency for use while operating in the vicinity of the drop zone.

b. This letter is supplemental to 14 Code of Federal Regulations (CFR) Part 91, General Operating and Flight Rules; 14 CFR Part 105, Parachute Operations; Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control; and FAA Order JO 7210.3, Facility Operation and Administration.

## **5. DEFINITIONS.**

- a. Climb/Descent Area: Predetermined area where aircraft climb/descend to prepare for or complete jump operations.
- b. Drop Zone: Any predetermined area upon which parachutists or objects land after making an intentional parachute jump or drop.
- c. Jump Zone: The airspace directly associated with a drop zone. Vertical and horizontal limits may be locally defined.
- d. Parachute Drop: The descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.
- e. Parachute Jump: A parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when an aircraft is used or intended to be used during all or part of that descent.
- f. Parachute Jump Area: Predetermined area in which a parachute operation will commence.
  - (1) The Perris Valley Airport parachute jump area is defined as a one nautical mile radius of HDF VOR 220° 1NM fix.
  - (2) The Lake Elsinore/Skylark Field parachute jump area is defined as a one nautical mile radius of HDF VOR 198° 10.5NM fix.
- g. Parachute Operation: The performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop. This parachute operation can involve, but is not limited to, the following persons: parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot.

## **6. RESPONSIBILITIES.**

- a. All parties will provide current telephone numbers for each ATC facility and operators.
- b. Skydive Elsinore Inc. and Perris Valley Skydiving Center must:
  - (1) Ensure all pilots operating under this LOA for the purpose of parachute operations:
    - (a) Are familiar with and adhere to the procedures addressed in this LOA, and are aware of traffic flows and air traffic operations impacting the climb/descent areas and

Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

drop zones to include periods of moderate to heavy traffic flows in the vicinity of the drop zones and/or prescribed climb/descent area(s).

(b) Be in communications with SCT at least five minutes before the parachute operation begins to receive information about air traffic activity in vicinity of the parachute operation. Once the last skydiver has departed the aircraft, the aircraft will no longer be considered to be conducting parachute operations.

c. Perris Valley Skydiving Center must:

(1) Remain within prescribed climb/descent area, while in Class C Airspace, depicted in Attachment 1.

d. Skydive Elsinore Inc. must:

(1) Request approval prior to operating outside prescribed climb/descent area depicted in Attachment 2.

e. Radar identification and advisories provided by Air Traffic Control (ATC) to jump aircraft does not imply that separation service is provided. In keeping with 14 CFR Parts 91.123 and 91.155, if ATC issues a clearance or instruction to a parachute pilot, the pilot will comply while still operating under visual flight rules (VFR). If unable, the pilot will advise ATC.

## **7. PROCEDURES.**

a. Pilots conducting parachute operations under this LOA must:

(1) Squawk pre-assigned beacon code from Attachment 4 on departure.

(2) Contact the appropriate ATC facility for VFR traffic advisories. The pilot must advise ATC of the call sign, planned jump altitude(s), and any other pertinent information.

(3) Advise the appropriate ATC facility two minutes prior to releasing jumpers and advise when last jumper is away and aircraft is descending.

(4) Remain above the highest jumper until below 4000' MSL.

b. If during any flight the required radio communication becomes inoperative, any jump activity from the aircraft into controlled airspace must be abandoned. However, if communication becomes inoperative in-flight after release of jumpers, the parachuting activity may be continued. The aircraft must change transponder code to 7600 for one minute and then return to assigned beacon code. This procedure (alternation of beacon codes) must continue until the aircraft is on the ground.



Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

c. Skydive Elsinore Inc. will:

(1) Replace 'November' in call sign/radiotelephony with 'Moonshine' followed by the numbers of the aircraft radiotelephony call sign. *Example: MSI.*

d. Perris Valley Skydiving Center will:

(1) Replace 'November' in call sign/radiotelephony with 'Perris' followed by the numbers of the aircraft radiotelephony call sign. *Example: PSI.*

(2) Contact GCA on frequency 133.5 when open for Class C services.

(3) Contact SCT on frequency 134.0 when GCA is closed or above 5000' MSL.

e. SCT will:

(1) Provide radar flight following service when requested and to the extent possible to parachute jump aircraft contingent upon equipment and workload limitations.

(2) To the extent possible, issue advisories on known traffic that will transit the drop zone.

(3) Advise Skydive Elsinore Inc. and Perris Valley Skydiving Center of any unusual activities that may impact parachute operations.

(4) Point Out jump aircraft prior to entering ZLA or GCA airspace. SCT is not required to point out jump aircraft to GCA that remain within the climb/descent area during ascent.

(5) Advise GCA or ZLA of any intermediate jumps.

f. GCA will:

(1) Upon notification of jump activity:

(a) Ensure that aircraft under their control within Class C and/or delegated airspace remain clear of the drop zone.

(b) Issue advisories in accordance with FAA JO7110.65 to other aircraft under their control that will transit the drop zone.

(c) Provide appropriate separation between aircraft under their control and descending jump aircraft.

(2) Assign frequency 134.0 to aircraft climbing to a jump altitude above 5000' MSL.

Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

g. ZLA will:

(1) Upon acceptance of point out on parachute jump aircraft:

(a) Issue advisories in accordance with FAA JO7110.65 to aircraft under their control that will transit Climb/Descent Area.

(b) Issue traffic advisories on the jump aircraft in accordance with FAA JO7110.65.

(c) Execute Remove Strip on jump aircraft when descending out of ZLA airspace.

## **8. INTER-FACILITY COORDINATION PROCEDURES.**

a. In lieu of a verbal point out, SCT will be authorized to enter ZLA/GCA airspace as described below.

(1) Acceptance of an automated handoff (flashing data block) by ZLA constitutes Point Out Approved for VFR jump aircraft (call signs in Attachment 4) under SCT control to enter Sector 12 airspace up to 14000' MSL within the Climb/Descent Area depicted in Attachment 2. This is also acknowledgment that jump activity will commence when jump aircraft reaches 14000' MSL. ZLA will issue advisories in accordance with FAA JO7110.65.

(2) Acceptance of an automated handoff (flashing data block) by GCA constitutes Point Out Approved for VFR jump aircraft (call signs in Attachment 4) under SCT control to enter GCA airspace as defined in the Climb/Descent area and approval of jump activity. GCA will issue advisories in accordance with FAA JO7110.65.

## **9. SPECIAL OPERATIONS.**

a. Special jump operations must include, but are not limited to, military operations, scheduled special events, competitions, exhibitions, night operations, or anytime a heavier than usual jump schedule is anticipated. To the extent possible, Skydive Elsinore Inc. and Perris Valley Skydiving Center must provide SCT and GCA 10 days advanced notice of such unusual activity.

b. Parachute operations over or into a congested area or an open-air assembly of persons, require an FAA Certificate of Authorization or Waiver and are beyond the purview of this LOA.

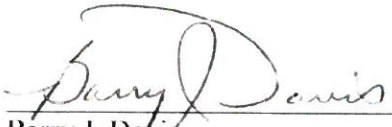
Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

**10. ATTACHMENTS.**

- a. Attachment 1 - Depiction of Climb/Descent Areas
- b. Attachment 2 - Depiction of Parachute Jump Areas
- c. Attachment 3 - Major Traffic Flow Depiction
- d. Attachment 4 - Discrete Beacon Codes
- e. Attachment 5 – Facility Phone Numbers

Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

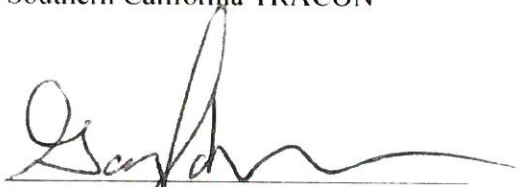
Approved:



Barry J. Davis  
Air Traffic Manager  
Southern California TRACON




Dale Westall  
Air Traffic Manager  
Los Angeles ARTCC



Gary M. Johnson  
Air Traffic Representative  
Western Service Area



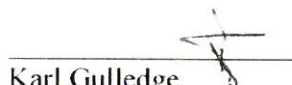
Gerard P. Malloy, Colonel, USAFR  
Commander, 452<sup>d</sup> Operations Group  
452<sup>d</sup> Air Mobility Wing  
March Air Reserve Base, California



Christopher R. Noel, GS-13, DAF  
Air Traffic Manager  
452<sup>d</sup> Operations Support Squadron  
March Air Reserve Base, California



Patrick Conatser  
President  
Perris Valley Aviation Services Inc.

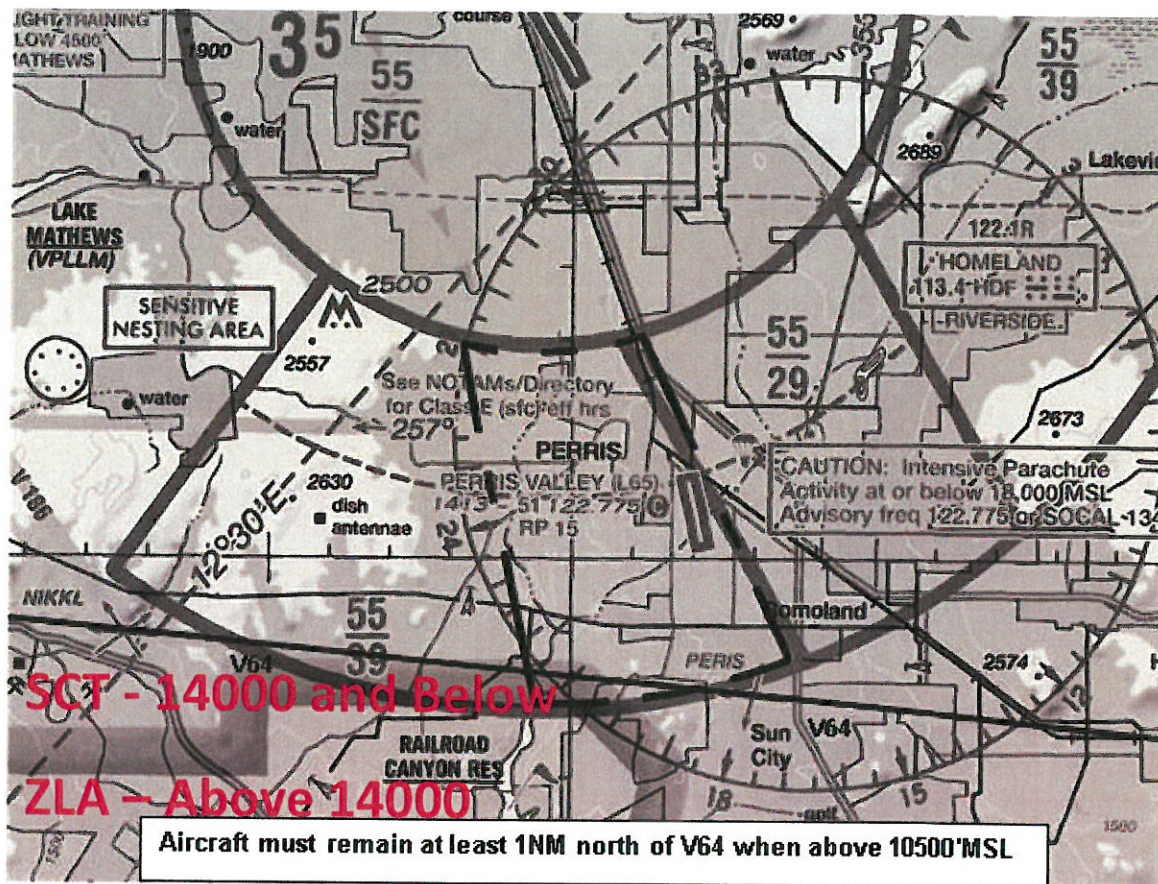
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Karl Gullede  
Chief Operating Office  
Skydive Elsinore Inc.



### DEPICTION OF CLIMB/DESCENT AREAS

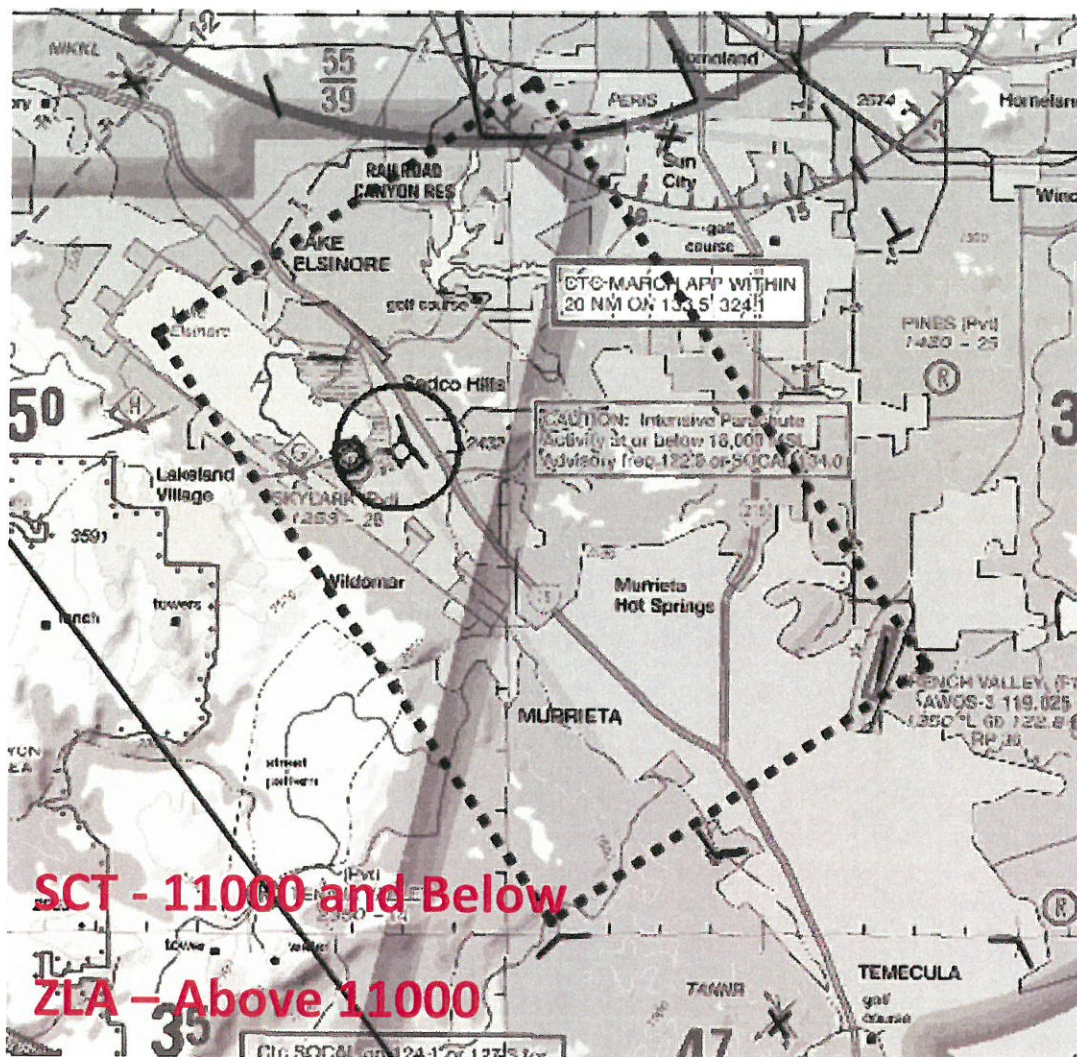
1. Perris Climb/Descent Area is defined as that airspace within the March ARB Class C airspace commencing five nautical miles southeast of March ARB at the intersection of Highway 215 and Nuevo Road (33° 48' 00" North 117° 13' 45" West), then southeast via a straight line to the intersection of Highway 215 and McCall Boulevard (33° 43' 25" North 117° 11' 15" West), then clockwise via the southern boundary of the March ARB Class C airspace to a point just south of Kabian County Park (33° 42' 45" North 117° 15' 30" West), then northwest bound via a straight line to the eastern edge of the Mead Valley Refuse Disposal Area (33° 47' 40" North 117° 16' 40" West), then eastbound via the March ARB Class C airspace five nautical mile arc to the point of beginning, from the surface up to and including 5500 feet MSL





2. Elsinore Climb/Descent Area

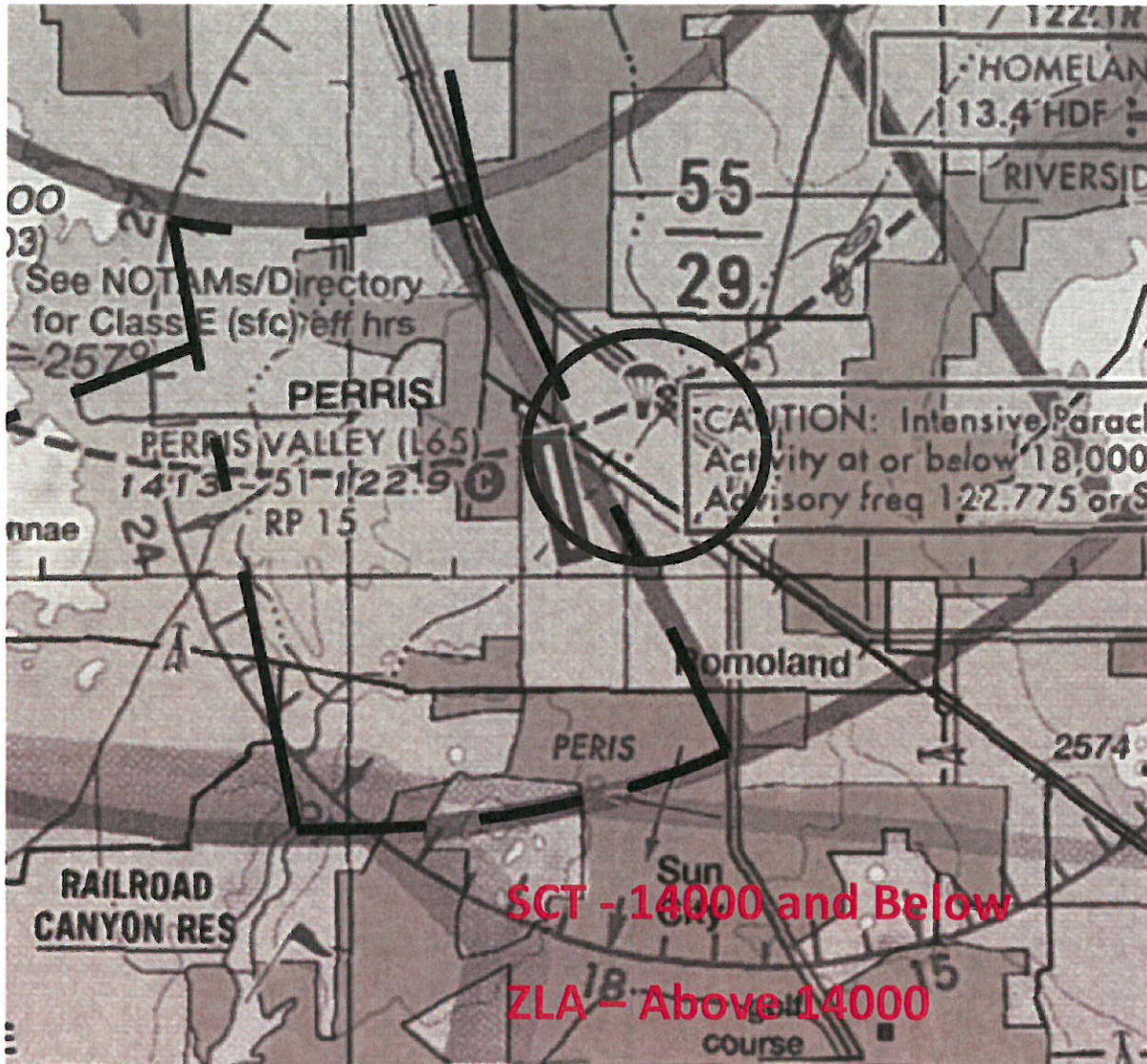
- a. NW lat/long – N33° 39' 48.11" W117° 21' 51.84"
- b. NE lat/long – N33° 43' 54.58" W117° 14' 31.57"
- c. SE lat/long – N33° 34' 26.16" W117° 06' 49.11"
- d. SW lat/long - N33° 30' 15.07" W117° 14' 09.37"





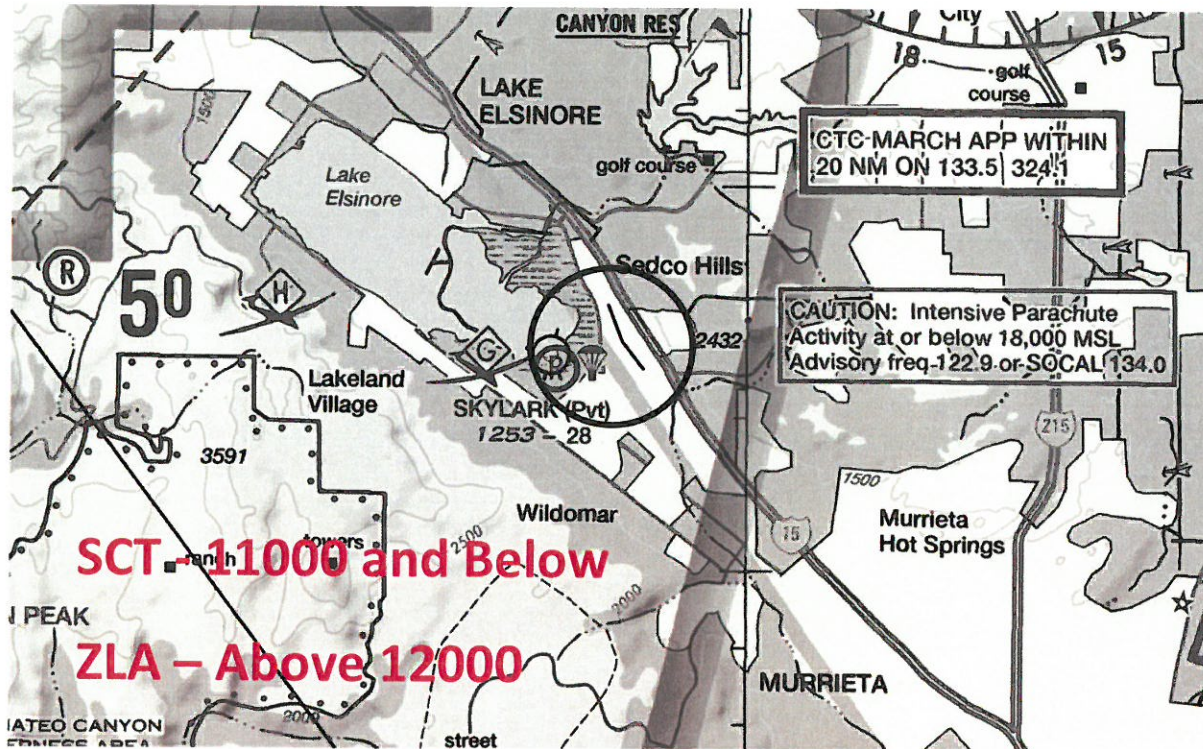
### DEPICTION OF PARACHUTE JUMP AREAS

#### 1. Perris Valley Parachute Jump Area – 1NM radius of N33° 46' 48.73" W117° 11' 53.42"





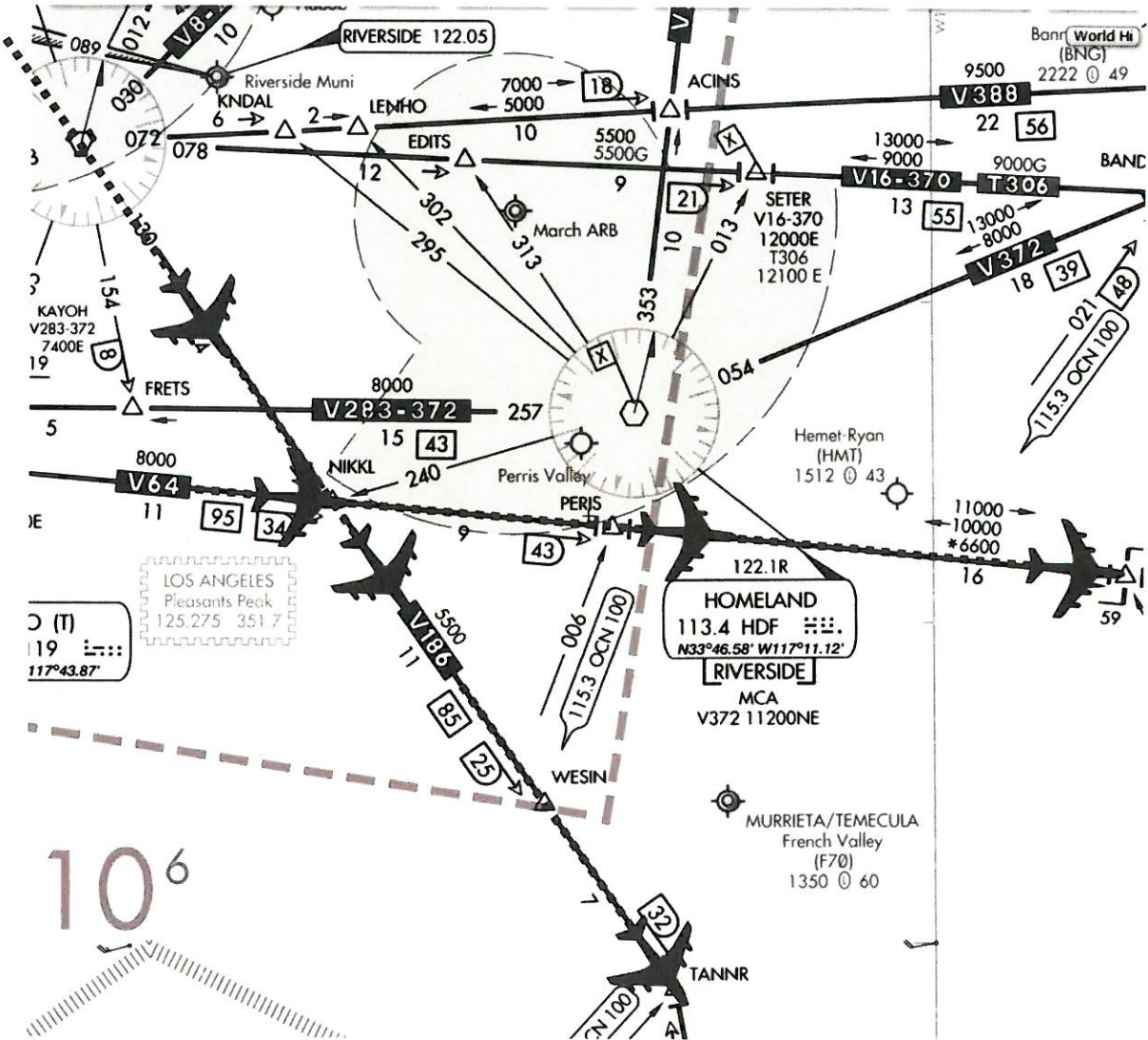
2. Elsinore Parachute Jump Area – 1NM radius of HDF VOR 198° 10.5NM fix





### MAJOR TRAFFIC FLOWS DEPICTION

V64 and V186 are major airways for IFR traffic through SCT's Airspace. Aircraft operate on V186 at 7,000, 9,000, and 11,000 MSL southeast bound. Aircraft operate on V64 at 11,000, 12,000, and 13,000 MSL. Jet departures off Inland Empire airports climbing southeast bound also navigate via V64 climbing to flight levels.



This chart used only as an example to depict traffic flows, and may not be current

### **DISCRETE TRANSPONDER CODES**

**1. The following discrete transponder codes are assigned to the following operators:**

**a. Perris Valley Skydive Center aircraft:**

- (1) 4251, PS1, DHC6
- (2) 4252, PS2, DHC6
- (3) 4253, PS3, DHC6
- (4) 4254, PS4, SC7
- (5) 4255, PS5, SC7
- (6) 4256, PS6, SC7
- (7) 4257, PS7, SC7

**b. Skydive Elsinore Inc. aircraft:**

- (1) 4231, MS1, DHC6
- (2) 4232, MS2, DHC6
- (3) 4233, MS3, C208
- (4) 4236, MS4, C208

### **FACILITY PHONE NUMBERS**

1. Los Angeles ARTCC
  - a. Operations, Area E: 661-265-8235
  - b. Watch Desk: 661-265-8205
2. Southern California Approach Control
  - a. Empire Area Supervisor: 858-537-5914
  - b. Operations Manager: 858-537-5900
3. March ARB, Air Traffic Control
  - a. 951-655-4848
4. Skydive Elsinore Inc.
  - a. 951-245-9939
5. Perris Valley Skydiving Center
  - a. 951-657-3904



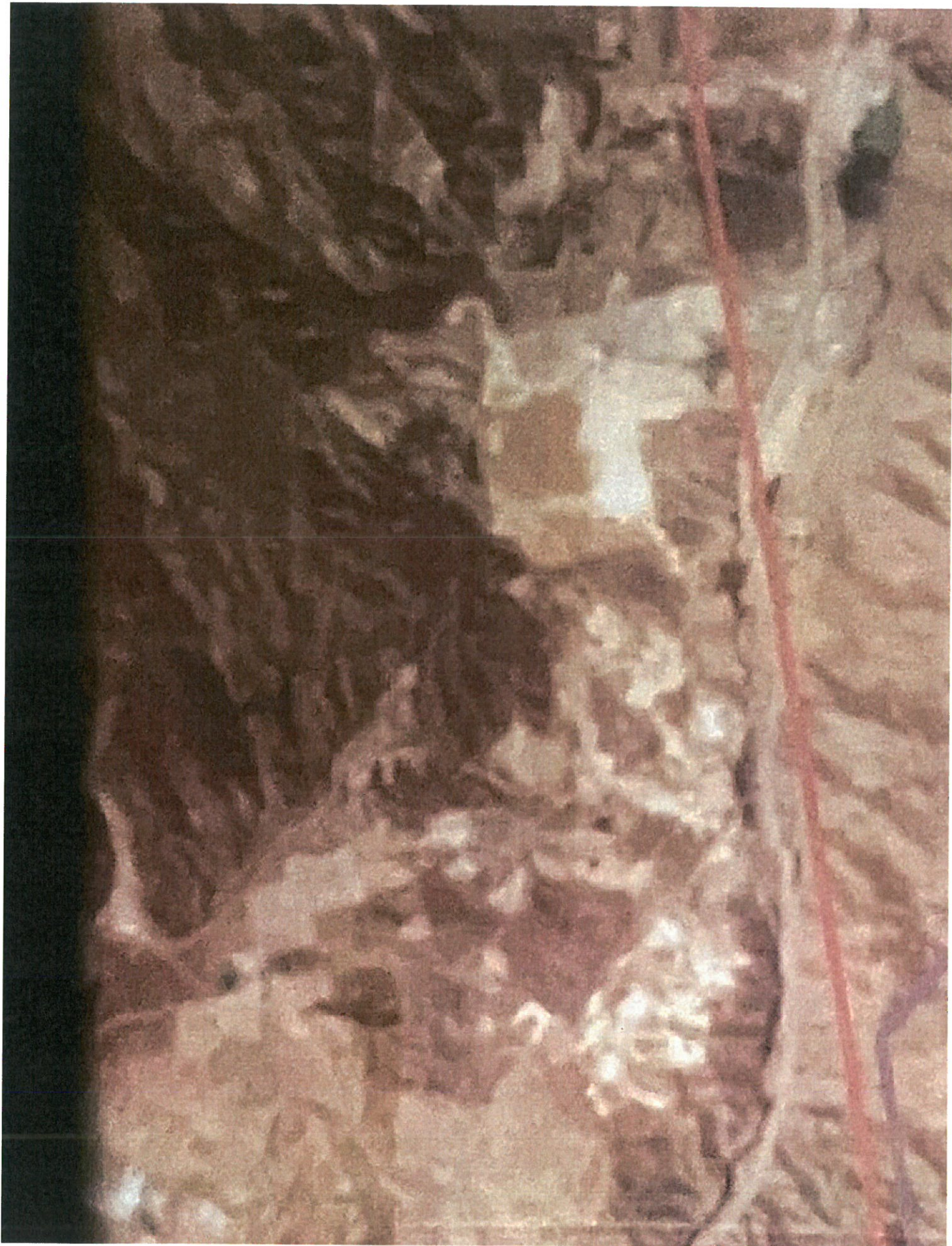
**Rull, Paul**

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**From:** Pat Conatser <skydiveperrispat@me.com>  
**Sent:** Tuesday, July 11, 2023 4:17 PM  
**To:** Rull, Paul  
**Subject:** Map provided by FAA

CAUTION: This email originated externally from the Riverside County email system. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul this is what was provided to us from the FAA social tracon for our Pilot education this is what they see on their screens control wise. Please post if possible Thank you Pat



Sent from my iPad





RIV

SNA Arrivals

V672 / KAYON  
HIGHWAY

215 FWY

Reconnaissance  
area

Parris window

SL080

Features

V64

Sun City

Canyon Lake

## Rull, Paul

---

**From:** Melanie Conatser <melanie@skydiveperris.com>  
**Sent:** Tuesday, July 11, 2023 3:47 PM  
**To:** Rull, Paul; Santos, Barbara; Housman, Simon; Vega, Jaqueline; Mistica, Raymond; Rull, Paul  
**Cc:** Pat Conatser; Lou Galuppo; Melania Mirzakhianian  
**Subject:** ALUC 13 July 2023- ZAP1028PV23 – Landstar Companies (Representative: Johnson Aviation)  
**Attachments:** Patrick Conatser 7-13-2023 ALUC Statment R3.pdf; ALUC MEETING, DAN BC'S STATEMENT .docx; DJ Styles ALUC.docx

CAUTION: This email originated externally from the Riverside County email system. DO NOT click links or open attachments unless you recognize the sender and know the content is safe.

Hello ALUC Commissioners,

My name is Melanie Conatser, Co-Owner of Skydive Perris at the Perris Valley Airport. We look forward to seeing you at the ALUC meeting this Thursday, but thought it might be helpful to send in advance a few letters with our concerns for you review.

Thank you for your consideration,  
Melanie Conatser



Skydive Perris  
Melanie Conatser  
2091 Goetz Road  
Perris, CA. 92572

Re: ZAP1028PV23 – Landstar Companies (Representative: Johnson Aviation)

Hello ALUC Commissioners,

My name is Melanie Conatser, co-owner with my brother Patrick Conatser, of Skydive Perris. We have been business partners for 33+ years and the Perris Valley Airport has been in our family for 47 years. Skydiving and flying have been two of my greatest passions for the past 30 years. I have roughly 6,000 skydives, have traveled around the world skydiving, have numerous skydiving world records, most of which were achieved right here at the Perris Valley Airport. I am a private and multi engine pilot with aspirations of getting my type rating in our DC-3.

Today you heard from a few of our core professional, experts in our field, safety-oriented management team. We employ 125-150 annually, all, like-minded individuals that strive to provide a safe, fun, customer service oriented skydiving center.

There have been conclusions and opinions made, showing architectural renderings of the airport property, our facilities and even assumptions of how we utilize our property. These documents were submitted by the Applicant and included in the Staff Report prior to this meeting. Most are incorrect or at least inaccurate. We plan to address each of them as we work through this process.

In addition to this proposed development, there is at least one other project similar in size. It's proposed location is directly south of this development, on the west side at the other 1/3 end of our runway. We've been shown the plans and met the developer, this project is coming next. We have grave concern about the potentially 5,000 ft long industrial building wall, creating wind shears, mechanical turbulence, not to mention new surrounding hazards leaving more concern for Public Safety.

We ask that as you reconsider approving this project in its current status for a number of reasons. Our shared concerns and the the premature, favorable determination of Part 77 --

- o Without public notice and comment or any reasonable effort to inform Airport owners or City of Perris
- o The project doesn't adhere to the 7 to 1 building restriction's set by ALUC

It is in ALL of our best interest to find resolution. We want to and are ready to work with the Applicant.

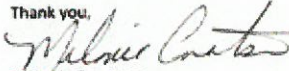


We also know that we deserve the opportunity to continue to grow Skydive Perris, a family business, who's involved in its community, bringing thousands of customers annually to the Inland Empire. Together, we set ourselves up as compatible neighbors AND keep the safety of the public behind our decision making to save human lives first and foremost!

We ask that the Commission recognize the significant public safety concern and request the Applicant, before this project is approved, hire a professional wind analysis company. I have knowledge that they have retained a company that we believe can achieve this. Together, with our management team and other industry professionals we will provide the parachuting and operational data for accurate information and real modeling. Through this process, we can determine and support a safe size, location and the best placement of the other obstacles.

We are asking your help in protecting public safety at the Perris Valley Airport- L65, Skydive Perris.

Thank you,



Melanie Conatser

Co-Owner

Perris Valley Aviation Services, dba Skydive Perris and Perris Valley Skydiving School

Andy Witcomb  
Military Operations Manager of Skydive Perris  
2091 Goetz Road  
Perris, CA. 92570

Re: ALUC 13 July 2023- ZAP1028PV23 – Landstar Companies (Representative: Johnson Aviation)

My name is Andy Witcomb and I am the Military operations Manager at Skydive Perris. I retired from the Military after 22 years and first Parachuted in 1985. I worked in Air Operations in the Special Forces Community. I have just fewer than 11500 jumps; have held all the Military and USPA Instructional Ratings in Skydiving. I served as the Parachute Team Safety Officer for the Seal Community in NSW and hold FAA Pilot and FAA Senior Rigger certificates.

My role at Skydive Perris involves managing the Military and Government Training. Surveys and Safety Audits, management of contracts and the day to day Operations of our Military groups. Safety is of the upmost importance in our line of work. We are proud and privileged to be selected by the Top tier of our Military for this essential training. They have the choice of anywhere in the United States. We are committed to ensuring the continued, safest training environment for our Operators, SOCOM, JSOC and the US Allied Forces at Perris.

At Skydive Perris we routinely land in several different locations on our property to accommodate training requirements. However careful consideration, between the Drop Zone Safety Officer and myself is given to the locations, winds and turbulence prior to jumping. Currently, we have a low concentration of obstacles surrounding the Dropzone training areas. However, if this project and future projects are permitted to go ahead, without the proper impact study and consideration, Public Safety, Aviation and the health and well being of the people using the airport will be severely affected. Eventually our location will have a 60ft wall of incredibly large buildings along it's entire west boundary. The mechanical and thermal turbulence from these structures will threaten the safety of Aviation, the Military that protect our freedoms and the larger public.

Military training is normally over an intensive period of between 2 to 4 weeks per unit. Throughout this period they have to meet all their training objectives, jumping in the day and night, each Operator making up to 8 jumps, in combat configuration with rucksacks loaded up to a AUM of 350lbs. Careful management of the weather conditions and location provide the safe conduct of this training. The changing winds in our high desert location mean turbulence and the effects of obstacles is a real safety concern.

I urge the committee to please consider these Safety issues and apply the appropriate weight to the threat to life and limb. Our Military is one of the Nation's most important assets and continue to select Skydive Perris as an Operational training venue. They are incredibly dedicated and we owe it to them to maintain the maximum safety and protection we can. If they get in an uncomfortable position 'on finals', they cannot simply power up and go around!

Thank you for your consideration,



Andy Witcomb  
Military Operations Manager of Skydive Perris



Patrick Conatser

Perris Valley Airport (L65)

2091 Goetz Rd. Perris, California 92570

July 11, 2023

Hi, I am Patrick Conatser I am the co-owner and manager of the Perris Valley Public Airport (L-65) and am opposed to the project ZAP1028PV23 as proposed.

A little about me I am an Airline Transport Pilot, Type Rated in The Douglas DC-9, a Flight Engineer with approximately 7000 flight hours. A licensed Aircraft Mechanic with Inspection Authorization and a skydiver. I checked my logbook the other day and I have approximately 9000 takeoffs and 9000 landings in and out of the Perris Valley Airport.

We at the airport are adamantly opposed to the proposed project due to public safety concerns that potentially will negatively impact the airports recognized existing aviation uses and public safety as a whole. Public safety concerns not only for the pilots and parachutists but also the occupants of the proposed buildings.

Hopefully you read the letter I sent to Mr. Rull as a part of public comment dated May 5, 2023.

In that letter one of our major Public Safety concerns as stated in the letter was the FAA Part 77 review and the process. The Part 77 review was conducted and completed without any input or knowledge by or from anyone at the airport. Consequently, there was no public opposition and we never received notice that the review was taking place and nor were ever contacted.

I did receive notice that the FAA Part 77 review had been completed and "A Determination of No Hazard to Navigation " was issued. I then tried to contact the P.O.C as listed as a Mrs. Vivian Villaro on the notice. I got a message that she was on an extended leave of absence. I then did some research online and found and contacted Mr. Dan Shoemaker, Mrs. Villaro's manager. I then asked him, why would they approve a project that in a minimum of four places extends into the 7 to 1 clear space requirement as much 27 feet?? He said "there was no public opposition and so they approved it". He then said that when he first looked at the

project due to the proximity, he thought it should probably be reviewed as an "ON Airport Project" as it wraps all around the main runway.

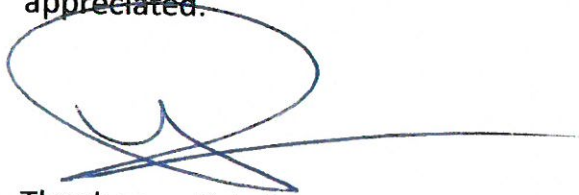
I believe due to the lack of a thorough investigation the study is flawed and even breaks your established clear space rules. Rules that we at the airport on all new construction have had to comply with, our wind tunnel is one example. I would like to see the FAA Part 77 study revisited for the sake of the Public's Safety with all the accurate information available to be considered.

The proposed project as I see it is twofold. A giant wall of concrete maybe 50 feet high that extends for close to a third the length of the runway on one side with many hazards and obstructions parked around it. Then on approximately 30 acres on the east side of the runway over 300 parked trucks and trailers including light standards and water retention basins. Not to mention that This whole project area is an area for approximately 40 years we leased for runway extension and parachute landing area. We did purchase a major portion of this property when it became available, purchased as much as we could afford with the intention to buy the rest.

This in my mind is all a public safety hazard potentially impacting our existing recognized aviation uses at the airport being aircraft operation and parachuting. All of this project is in the Perris Airport Drop Zone which is FAA established and recognized. This drop zone established in 1962 is a one-mile radius of the Perris Airport. Perris is one of, if not the busiest drop zones in the world with an average of 120,00 to 13000 jumps annually. I believe at a minimum a proper in-depth wind aeronautical study taking into all local annual conditions performed to evaluate the potential impacts upon the recognized uses.

You may have seen the picture I added to the public record as well. That is a near fatal aircraft accident in which I was involved in which I directly attribute mechanical turbulence from one of our much smaller buildings, one that measures 30 feet high by 100 feet by 100 feet outside the 7 to 1. Crazy enough a fuel truck actually saved my life and that is why I'm able to speak with you here today. I do believe I have personal experience with turbulence off a building and I

do believe if this project is built as proposed has the potential to kill or injure the public. A public that may be a pilot in an airplane, a parachutist landing or someone just sitting at their desk. Your support, help and diligence is always appreciated.

A handwritten signature in blue ink, appearing to read 'Pat Conatser', with a long horizontal stroke extending to the right.

Thank you. Pat Conatser



**Dan Brodsky-Chenfeld**  
**General Manager of Skydive Perris**  
**2091 Goetz Road**  
**Perris, CA. 92570**

To whom it may concern,

Regarding: ZAP1028PV23 – Landstar Companies (Representative: Johnson Aviation)

My name is Dan Brodsky-Chenfeld. I am the Manager of Skydive Perris and have been since 2003.

- Started skydiving in 1980
- Have made over 30,000 jumps
- Captain for the US Skydiving Team from 1994 to 1999; have jumped at dozens of locations across the US and world
- Single and Multi Engine Pilot with over 2500 hours (nearly all that time flying skydivers)
- FAA Senior Parachute Rigger
- Other USPA skydiving ratings include Tandem, Accelerated Freefall and Static Line Instructor; PRO Rated Demonstration jumper; Safety and Training Advisor
- Within the International Skydiving Community I am considered an expert and authority on safe operations regarding both parachuting and aviation. Last year I was invited to do safety seminars at the European Skydiving Symposium and the Parachute Industry Association Symposium in the US.
- My Safety articles and videos have been seen worldwide and used as training for skydivers and skydiving centers.

Buildings of this size, dimensions and locations of those proposed here are a great safety concern to both skydivers and pilots using our airport. The FAA does extensive research before issuing safety rules and guideline. Part 77.19 states that:

These surfaces must extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1.

Simply put the FAA's own determination of safe clearance is a minimum of 7 feet horizontal for each 1 foot vertical.

The proposed buildings are up to 27' in excess of FAA limitations. They should never have been approved in the current configuration. Skydive Perris strictly follows FAA and USPA safety rules. These are rules we live by and would never intentionally ignore the way Part 77.19 was ignored in this situation by approving these structures. In addition this only took aircraft landing on the runway into consideration. The 120,000+ parachute landings were not considered at all.

I am one of the most experienced skydivers in the world. I have jumped at many different locations and done difficult demonstration or production jumps into very tight locations. The first things I do when looking at a new landing location is evaluate open space, obstacles and potential mechanical turbulence. I have experienced different degrees of mechanical turbulence

coming off of structures and several times have cancelled or postponed a jump because these conditions caused it to be unsafe.

There is a large building adjacent to the Perris Airport, which was built before the adoption of ALUC protections was established. It is west of our grass landing area. This building which is much smaller than the buildings proposed, causes significant turbulence in our grass landing area when there are westerly winds. If the jumpers are expecting westerly winds they avoid this area by staying north or south of the building. But the winds in our area are very variable and sometimes switch to westerly too late for jumpers to change their pattern. Unfortunately, skydivers can't go around like an aircraft can.

The proposed new buildings would run the entire northern half of the runway without leaving the same outs to our jumpers. In addition skydivers would not have enough available space to the east to safely share the airspace. It would be very difficult for them to be able to stay clear of each other in the minimal area that would be free of the turbulence these conditions would cause.

Skydive Perris is one of, if not the, largest skydiving center in the world. Because of our facilities, aircraft fleet and location we host many large international sport skydiving events that at times have in excess of 200 skydivers jumping at once. The sport skydivers regularly utilize our entire available landing area. We also are the training location for US, UK, Canadian and German special forces units who also spread out across our landing area.

In any conditions with westerly winds the proposed structures will produce significant turbulent conditions for aircraft landing on Runway 15. This is why the rule in Part 77 was written as is. This would also significantly reduce if not eliminate the safe landing area for skydivers.

The proposed development on the North and East sides of the airport, though less severe, will also cause dangerous mechanical turbulence when the winds are from that direction. This along with the reduction in available safe landing area caused by using this area for parking will nearly eliminate safe parachute landing areas with certain, very common, wind conditions.

Because of thermal activity and other conditions desert like areas such as ours have very variable wind conditions. The wind direction and speed can change with little warning. It is not unusual to be flying in on base and turning to final when suddenly we're downwind. But in downwind or crosswind conditions we can still land safely. However, regardless of the pilot's or skydiver's skill and experience, serious mechanical turbulence can leave us unable to control our flight and insure safe landings. If the proposed structures were to be completed as designed every time there were steady or variable westerly winds a potentially dangerous landing situation would be created, every time. But, I guess there is no reason for me to point this out. This is why the rules in Part 77.19 are written as they are. And why they should be followed.

Sincerely,

Dan Brodsky-Chenfeld  
[danbc@skydiveperris.com](mailto:danbc@skydiveperris.com)  
951-551-4825





Perris Valley Skydiving School  
2091 Goetz Rd.  
Perris, CA 92570  
(951)657-1664

To Whom It May Concern,

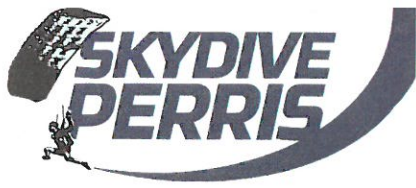
My name is Dj Styles UPT Tandem Instructor Examiner, USPA Safety and Training Advisor, Tandem Instructor, AFF Instructor, Static Line Instructor, Assisted Deployment Instructor, FAA Rigger, and I am the manager at Perris Valley Skydiving School.

The management and instructors at the skydiving school have concerns about this proposed structure and how it will affect our ability to operate safely. Our school is known as one of the best in the industry and students travel from all over the world to participate in our student program. We do thousands of students skydives each year. Students are individuals with no prior experience, who are learning to skydive. As you can imagine, these students do not start out being great. This is especially true for landing accuracy. In the proposed drawings and notes it is stated that USPA BSR's are met because the minimum radial distance for landing area is 330 feet clear of obstacles. However, they make this circle from the center of a point. Our students are not going to be accurate enough to land in the center of anything. Trust me, we wish this were the case as this would make our jobs significantly easier. But you must remember how good you were the first time you tried something new. Odds are, you weren't great. Our student landing area is not a small spot on the ground, it is the entirety of the dirt in the South field. It is also the entirety of the dirt in the North field. The 330-foot radial distance should be from the edges of the entirety of these landing areas, not from the center. What is great about our dropzone is the clear open space we have allows students to learn in the safest environment possible.

Additionally, I would like to note that our students routinely use the North landing area. This has become one of two primary student landing areas. Our North field is also an important landing area for students to avoid other canopies, avoid dust devils, as well as a variety of other scenarios that would make this a safer landing option. Our students are taught to use both landing areas and determine which one is best and the safest at the time. By adding a large parking structure in the North field, we are eliminating safe, clean airspace for our students to land. We are creating hazards and obstacles for students to hit. Additionally, we are creating turbulence and affecting the microclimate in this field. Turbulence can have dramatic and dire effects on canopies, resulting in partial or total collapses.

The United States Parachute Association (or USPA) advises that we can expect turbulence downwind of an obstacle at ten to 20 times its height, depending on the strength of the winds. If we have a 50-foot structure, we can expect turbulence 500 to 1000 feet downwind of the object. So, any wind out of the W or NW will have a significant impact on the runway and our landing areas. This is also true for the semis and large vehicles that will now be parked in this parking structure and now North winds will also create turbulence. In the reading a response stated that, and a I quote, "none of the accident data found attributes any of the accidents, injuries, or fatalities due to the existence of buildings." You can very easily access the USPA website incident reports and find many incidents related to turbulence and the effect it has on parachutists. Some of these incidents being fatal to the parachutist. I've experienced and seen many instances of turbulence and just how badly it can affect landings. The turbulence from these structures as well as the added hazards to the landing area will, without a doubt, put our





Perris Valley Skydiving School  
2091 Goetz Rd.  
Perris, CA 92570  
(951)657-1664

students' lives at risk. Like any other individual landing in the turbulent zones these structures will create, whether they are under a parachute or in an airplane. Our parachutists do not have an engine, they cannot power up and do a go around. They are forced to land in whatever condition is present. We want to want to provide them the safest options and conditions we can.

We ask that you ensure proper research is conducted before agreeing to approve these buildings. As it stands, I do not see due diligence being met in any of the data or responses. Instead, the information is being cherry picked and viewed from only the side that benefits the builders. We ask that the safety of those who come here to visit, jump, or fly are a top priority. We do not want to see people get hurt, as I know you don't either. But I am telling you, based on my professional experience, the currently proposed structures will hurt, or even worse, kill people.

Thank you,  
Dj Styles  
Manager/Lead Instructor  
Perris Valley Skydiving School

**Rull, Paul**

---

**From:** skydiveperrispat@aol.com  
**Sent:** Tuesday, July 11, 2023 12:04 PM  
**To:** Rull, Paul  
**Subject:** Letter of Agreement with the FAA  
**Attachments:** 110 - INLAND EMPIRE SKYDIVING COORDINATION PROCEDURES .pdf

**CAUTION:** This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul I hope this is not too late to add it shows the legal drop zone 1 mile radius for the airport. I may have an additional couple pages a little later. Thank you your help is appreciated. Pat Conatser

Southern California Terminal Radar Approach Control, Los Angeles Air Route Traffic Control Center, March Air Reserve Base Airport Traffic Control Tower/Ground Controlled Approach, Skydive Elsinore Inc., and Perris Valley Skydiving Center

## LETTER OF AGREEMENT

Effective: January 7, 2016

SUBJECT: Parachute Operations at Lake Elsinore and Perris Valley

**1. PURPOSE.** To establish procedures and responsibilities for coordinating and conducting parachute operations near heavy and/or complex traffic flows in Southern California Terminal Radar Approach Control airspace, and Los Angeles Air Route Traffic Control Center airspace in the vicinity of Lake Elsinore and Perris Valley.

**2. CANCELLATION.** Southern California Terminal Radar Approach Control, Los Angeles ARTCC, March Field Airport Traffic Control Tower/Ground Controlled Approach, Perris Valley Sky Diving center, Perris Valley Ultralight Park, Adventure Flights Inc., Skydive Elsinore Inc., Skydiving Adventures Parachute School, and Jim Wallace Skydiving School Letter of Agreement, dated May 15, 1996.

**3. BACKGROUND.** Skydive Elsinore Inc. and Perris Valley Skydiving Center engage in non-emergency parachute operations in close proximity to multiple established traffic flows used by turbojet air carrier aircraft. Due to the concentration of other air traffic and the Skydive Elsinore Inc. and Perris Valley Skydiving Center desire to conduct skydiving operations at altitudes up to and including 17,500' MSL, this Letter of Agreement (LOA) describes operating and coordination procedures to help promote safety for all airspace operators. Changes to this LOA may be proposed by any signatory at any time.

**4. SCOPE.** The provisions of this LOA apply to Southern California Terminal Radar Approach Control (SCT), Los Angeles Air Route Traffic Control Center (ZLA), March Air Reserve Base Airport Traffic Control Tower (ATCT)/Ground Controlled Approach (GCA), Skydive Elsinore Inc., and Perris Valley Skydiving Center when conducting parachute operations at the Lake Elsinore and Perris Valley drop zones.

a. Aircraft subject to this LOA must be equipped with VOR/DME, LORAN, RNAV or GPS navigational equipment, an operable transponder having mode 3/a 4096 code capability, and an operating radio transceiver. ATC will assign the transponder code(s) and frequency for use while operating in the vicinity of the drop zone.

b. This letter is supplemental to 14 Code of Federal Regulations (CFR) Part 91, General Operating and Flight Rules; 14 CFR Part 105, Parachute Operations; Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control; and FAA Order JO 7210.3, Facility Operation and Administration.



## **5. DEFINITIONS.**

- a. Climb/Descent Area: Predetermined area where aircraft climb/descend to prepare for or complete jump operations.
- b. Drop Zone: Any predetermined area upon which parachutists or objects land after making an intentional parachute jump or drop.
- c. Jump Zone: The airspace directly associated with a drop zone. Vertical and horizontal limits may be locally defined.
- d. Parachute Drop: The descent of an object to the surface from an aircraft in flight when a parachute is used or intended to be used during all or part of that descent.
- e. Parachute Jump: A parachute operation that involves the descent of one or more persons to the surface from an aircraft in flight when an aircraft is used or intended to be used during all or part of that descent.
- f. Parachute Jump Area: Predetermined area in which a parachute operation will commence.
  - (1) The Perris Valley Airport parachute jump area is defined as a one nautical mile radius of HDF VOR 220° 1NM fix.
  - (2) The Lake Elsinore/Skylark Field parachute jump area is defined as a one nautical mile radius of HDF VOR 198° 10.5NM fix.
- g. Parachute Operation: The performance of all activity for the purpose of, or in support of, a parachute jump or a parachute drop. This parachute operation can involve, but is not limited to, the following persons: parachutist, parachutist in command and passenger in tandem parachute operations, drop zone or owner or operator, jump master, certificated parachute rigger, or pilot.

## **6. RESPONSIBILITIES.**

- a. All parties will provide current telephone numbers for each ATC facility and operators.
- b. Skydive Elsinore Inc. and Perris Valley Skydiving Center must:
  - (1) Ensure all pilots operating under this LOA for the purpose of parachute operations:
    - (a) Are familiar with and adhere to the procedures addressed in this LOA, and are aware of traffic flows and air traffic operations impacting the climb/descent areas and

Southern California TRACON, Los Angeles ARTCC,  
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drop zones to include periods of moderate to heavy traffic flows in the vicinity of the drop zones and/or prescribed climb/descent area(s).

(b) Be in communications with SCT at least five minutes before the parachute operation begins to receive information about air traffic activity in vicinity of the parachute operation. Once the last skydiver has departed the aircraft, the aircraft will no longer be considered to be conducting parachute operations.

c. Perris Valley Skydiving Center must:

(1) Remain within prescribed climb/descent area, while in Class C Airspace, depicted in Attachment 1.

d. Skydive Elsinore Inc. must:

(1) Request approval prior to operating outside prescribed climb/descent area depicted in Attachment 2.

e. Radar identification and advisories provided by Air Traffic Control (ATC) to jump aircraft does not imply that separation service is provided. In keeping with 14 CFR Parts 91.123 and 91.155, if ATC issues a clearance or instruction to a parachute pilot, the pilot will comply while still operating under visual flight rules (VFR). If unable, the pilot will advise ATC.

## **7. PROCEDURES.**

a. Pilots conducting parachute operations under this LOA must:

(1) Squawk pre-assigned beacon code from Attachment 4 on departure.

(2) Contact the appropriate ATC facility for VFR traffic advisories. The pilot must advise ATC of the call sign, planned jump altitude(s), and any other pertinent information.

(3) Advise the appropriate ATC facility two minutes prior to releasing jumpers and advise when last jumper is away and aircraft is descending.

(4) Remain above the highest jumper until below 4000' MSL.

b. If during any flight the required radio communication becomes inoperative, any jump activity from the aircraft into controlled airspace must be abandoned. However, if communication becomes inoperative in-flight after release of jumpers, the parachuting activity may be continued. The aircraft must change transponder code to 7600 for one minute and then return to assigned beacon code. This procedure (alternation of beacon codes) must continue until the aircraft is on the ground.

Southern California TRACON, Los Angeles ARTCC,  
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c. Skydive Elsinore Inc. will:

(1) Replace 'November' in call sign/radiotelephony with 'Moonshine' followed by the numbers of the aircraft radiotelephony call sign. *Example: MSI.*

d. Perris Valley Skydiving Center will:

(1) Replace 'November' in call sign/radiotelephony with 'Perris' followed by the numbers of the aircraft radiotelephony call sign. *Example: PSI.*

(2) Contact GCA on frequency 133.5 when open for Class C services.

(3) Contact SCT on frequency 134.0 when GCA is closed or above 5000' MSL.

e. SCT will:

(1) Provide radar flight following service when requested and to the extent possible to parachute jump aircraft contingent upon equipment and workload limitations.

(2) To the extent possible, issue advisories on known traffic that will transit the drop zone.

(3) Advise Skydive Elsinore Inc. and Perris Valley Skydiving Center of any unusual activities that may impact parachute operations.

(4) Point Out jump aircraft prior to entering ZLA or GCA airspace. SCT is not required to point out jump aircraft to GCA that remain within the climb/descent area during ascent.

(5) Advise GCA or ZLA of any intermediate jumps.

f. GCA will:

(1) Upon notification of jump activity:

(a) Ensure that aircraft under their control within Class C and/or delegated airspace remain clear of the drop zone.

(b) Issue advisories in accordance with FAA JO7110.65 to other aircraft under their control that will transit the drop zone.

(c) Provide appropriate separation between aircraft under their control and descending jump aircraft.

(2) Assign frequency 134.0 to aircraft climbing to a jump altitude above 5000' MSL.



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g. ZLA will:

- (1) Upon acceptance of point out on parachute jump aircraft:
  - (a) Issue advisories in accordance with FAA JO7110.65 to aircraft under their control that will transit Climb/Descent Area.
  - (b) Issue traffic advisories on the jump aircraft in accordance with FAA JO7110.65.
  - (c) Execute Remove Strip on jump aircraft when descending out of ZLA airspace.

## **8. INTER-FACILITY COORDINATION PROCEDURES.**

a. In lieu of a verbal point out, SCT will be authorized to enter ZLA/GCA airspace as described below.

(1) Acceptance of an automated handoff (flashing data block) by ZLA constitutes Point Out Approved for VFR jump aircraft (call signs in Attachment 4) under SCT control to enter Sector 12 airspace up to 14000' MSL within the Climb/Descent Area depicted in Attachment 2. This is also acknowledgment that jump activity will commence when jump aircraft reaches 14000' MSL. ZLA will issue advisories in accordance with FAA JO7110.65.

(2) Acceptance of an automated handoff (flashing data block) by GCA constitutes Point Out Approved for VFR jump aircraft (call signs in Attachment 4) under SCT control to enter GCA airspace as defined in the Climb/Descent area and approval of jump activity. GCA will issue advisories in accordance with FAA JO7110.65.

## **9. SPECIAL OPERATIONS.**

a. Special jump operations must include, but are not limited to, military operations, scheduled special events, competitions, exhibitions, night operations, or anytime a heavier than usual jump schedule is anticipated. To the extent possible, Skydive Elsinore Inc. and Perris Valley Skydiving Center must provide SCT and GCA 10 days advanced notice of such unusual activity.

b. Parachute operations over or into a congested area or an open-air assembly of persons, require an FAA Certificate of Authorization or Waiver and are beyond the purview of this LOA.

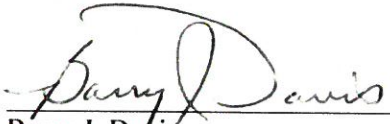
Southern California TRACON, Los Angeles ARTCC,  
March Air Reserve Base ATCT/GCA, Skydive Elsinore Inc., and  
Perris Valley Skydiving Center  
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**10. ATTACHMENTS.**

- a. Attachment 1 - Depiction of Climb/Descent Areas
- b. Attachment 2 - Depiction of Parachute Jump Areas
- c. Attachment 3 - Major Traffic Flow Depiction
- d. Attachment 4 - Discrete Beacon Codes
- e. Attachment 5 – Facility Phone Numbers

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Perris Valley Skydiving Center  
Subject: Parachute Operations at Lake Elsinore and Perris Valley  
Effective: January 7, 2016

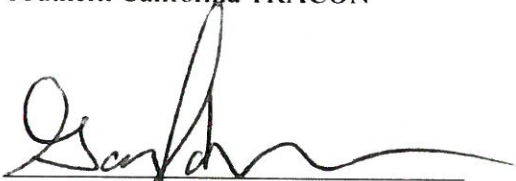
Approved:



Barry J. Davis  
Air Traffic Manager  
Southern California TRACON



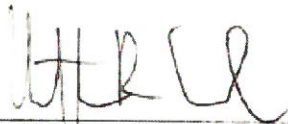
Dale Westall  
Air Traffic Manager  
Los Angeles ARTCC



Gary M. Johnson  
Air Traffic Representative  
Western Service Area



Gerard P. Malloy, Colonel, USAFR  
Commander, 452<sup>d</sup> Operations Group  
452<sup>d</sup> Air Mobility Wing  
March Air Reserve Base, California



Christopher R. Noel, GS-13, DAF  
Air Traffic Manager  
452<sup>d</sup> Operations Support Squadron  
March Air Reserve Base, California



Patrick Conatser  
President  
Perris Valley Aviation Services Inc.

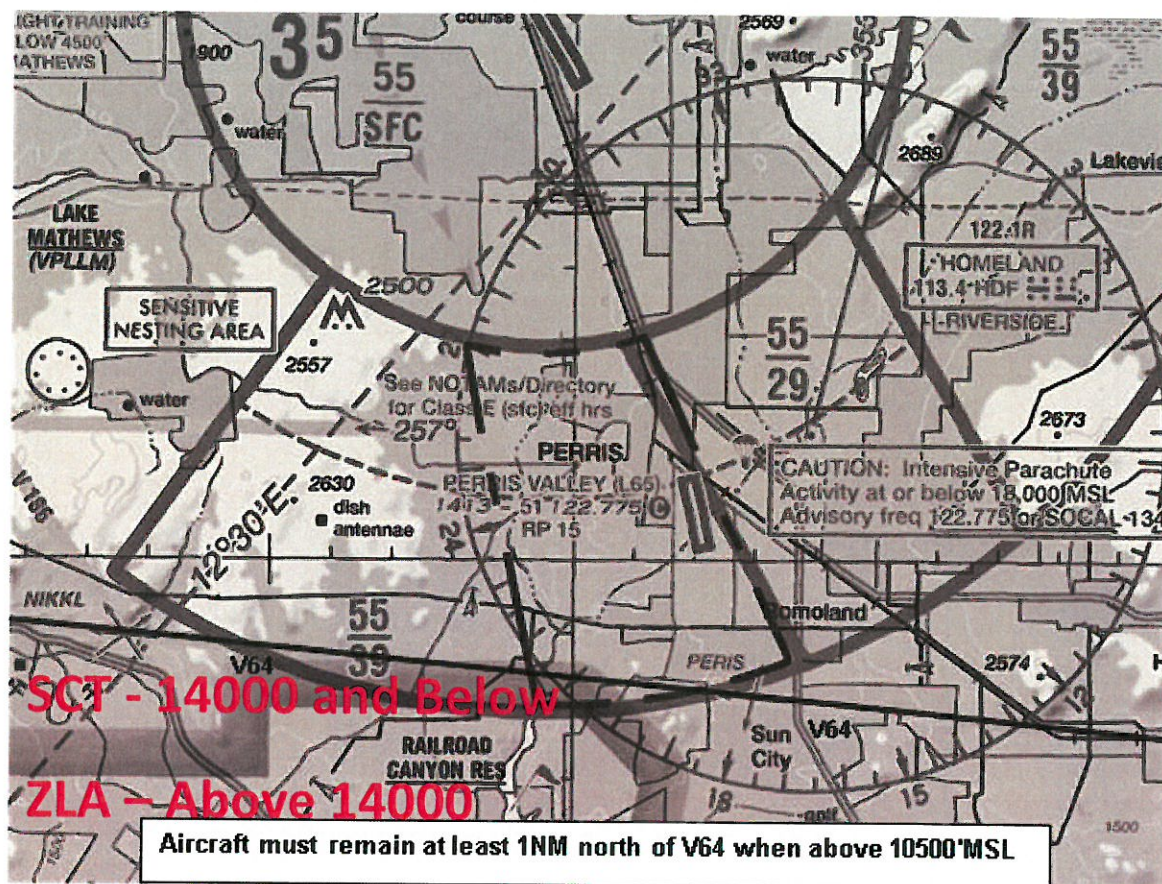


Karl Gullede  
Chief Operating Office  
Skydive Elsinore Inc.



### DEPICTION OF CLIMB/DESCENT AREAS

1. Perris Climb/Descent Area is defined as that airspace within the March ARB Class C airspace commencing five nautical miles southeast of March ARB at the intersection of Highway 215 and Nuevo Road (33° 48' 00" North 117° 13' 45" West), then southeast via a straight line to the intersection of Highway 215 and McCall Boulevard (33° 43' 25" North 117° 11' 15" West), then clockwise via the southern boundary of the March ARB Class C airspace to a point just south of Kabian County Park (33° 42' 45" North 117° 15' 30" West), then northwest bound via a straight line to the eastern edge of the Mead Valley Refuse Disposal Area (33° 47' 40" North 117° 16' 40" West), then eastbound via the March ARB Class C airspace five nautical mile arc to the point of beginning, from the surface up to and including 5500 feet MSL





2. Elsinore Climb/Descent Area

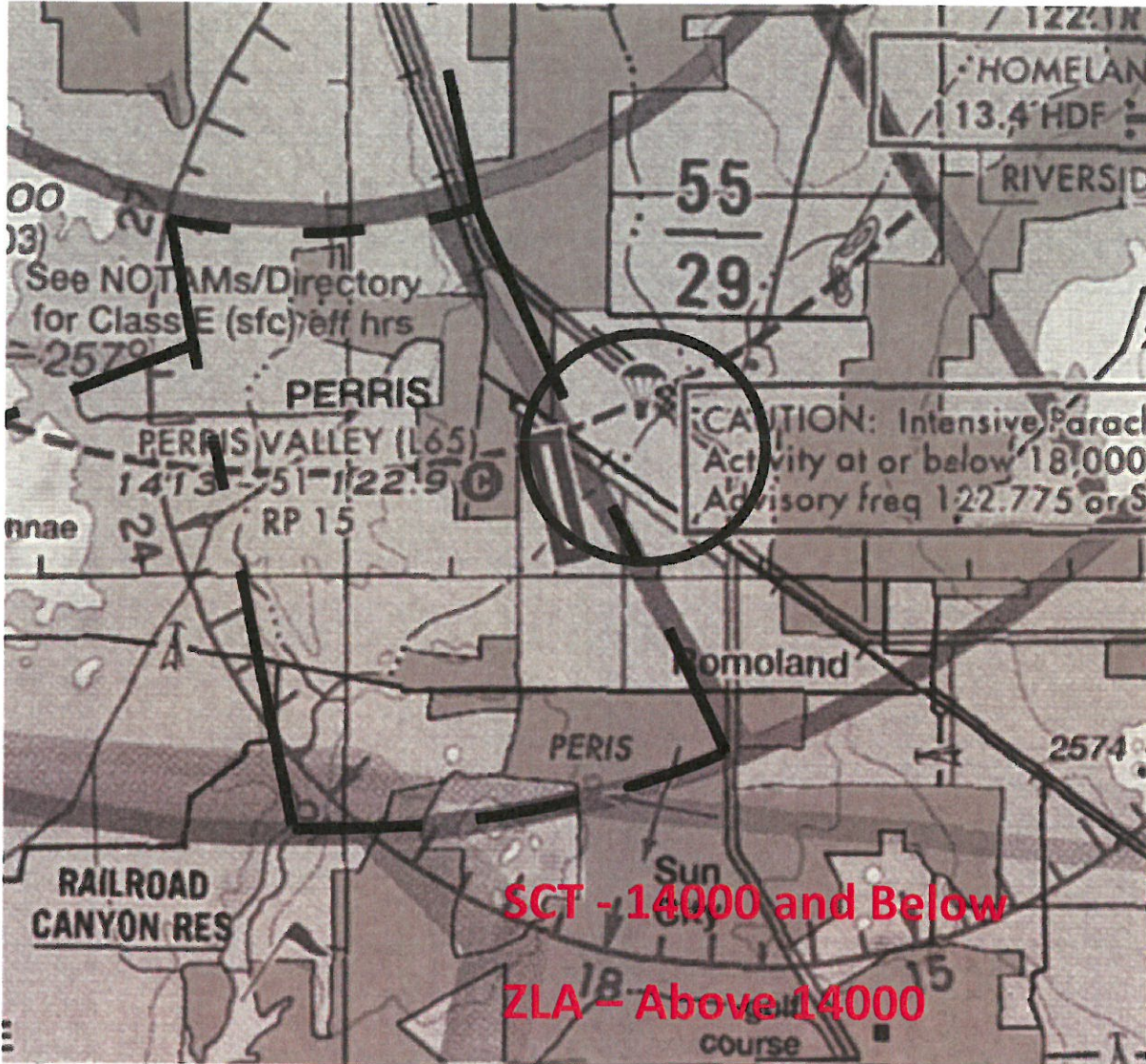
- a. NW lat/long – N33° 39' 48.11" W117° 21' 51.84"
- b. NE lat/long – N33° 43' 54.58" W117° 14' 31.57"
- c. SE lat/long – N33° 34' 26.16" W117° 06' 49.11"
- d. SW lat/long - N33° 30' 15.07" W117° 14' 09.37"





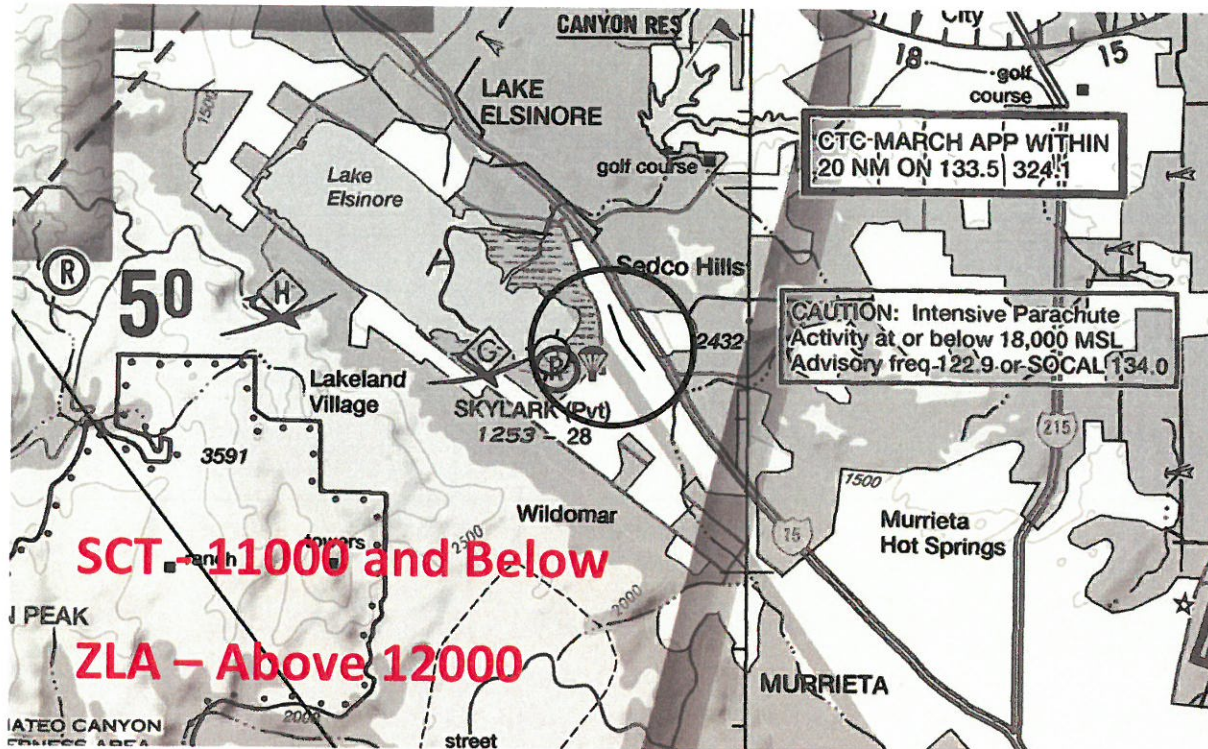
### DEPICTION OF PARACHUTE JUMP AREAS

#### 1. Perris Valley Parachute Jump Area – 1NM radius of N33° 46' 48.73" W117° 11' 53.42"



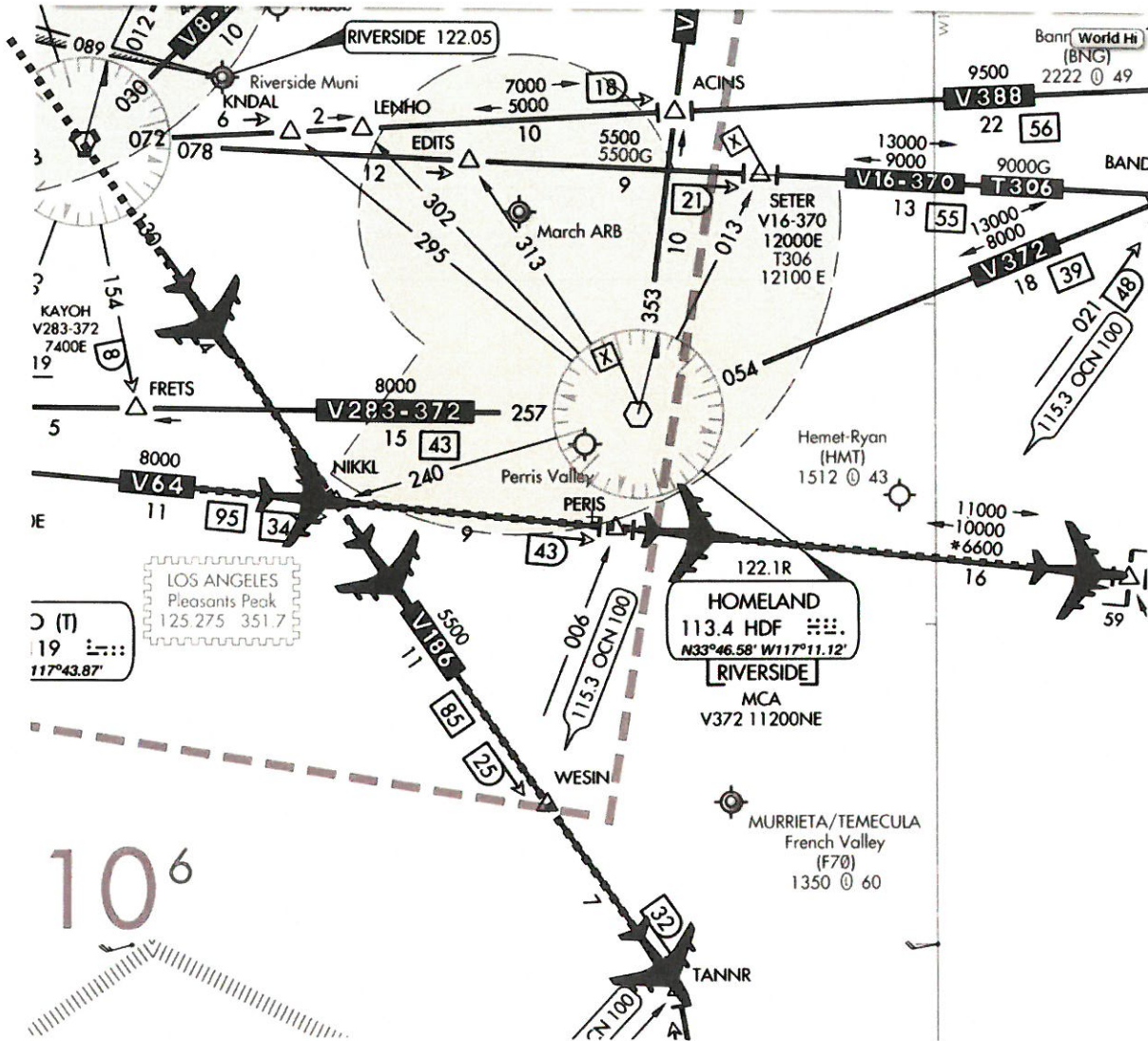


2. Elsinore Parachute Jump Area – 1NM radius of HDF VOR 198° 10.5NM fix



### MAJOR TRAFFIC FLOWS DEPICTION

V64 and V186 are major airways for IFR traffic through SCT's Airspace. Aircraft operate on V186 at 7,000, 9,000, and 11,000 MSL southeast bound. Aircraft operate on V64 at 11,000, 12,000, and 13,000 MSL. Jet departures off Inland Empire airports climbing southeast bound also navigate via V64 climbing to flight levels.



This chart used only as an example to depict traffic flows, and may not be current

## **DISCRETE TRANSPONDER CODES**

**1. The following discrete transponder codes are assigned to the following operators:**

**a. Perris Valley Skydive Center aircraft:**

- (1) 4251, PS1, DHC6
- (2) 4252, PS2, DHC6
- (3) 4253, PS3, DHC6
- (4) 4254, PS4, SC7
- (5) 4255, PS5, SC7
- (6) 4256, PS6, SC7
- (7) 4257, PS7, SC7

**b. Skydive Elsinore Inc. aircraft:**

- (1) 4231, MS1, DHC6
- (2) 4232, MS2, DHC6
- (3) 4233, MS3, C208
- (4) 4236, MS4, C208



## **FACILITY PHONE NUMBERS**

1. Los Angeles ARTCC
  - a. Operations, Area E: 661-265-8235
  - b. Watch Desk: 661-265-8205
2. Southern California Approach Control
  - a. Empire Area Supervisor: 858-537-5914
  - b. Operations Manager: 858-537-5900
3. March ARB, Air Traffic Control
  - a. 951-655-4848
4. Skydive Elsinore Inc.
  - a. 951-245-9939
5. Perris Valley Skydiving Center
  - a. 951-657-3904

Perris Valley Airport  
2091 Goetz RD.  
Perris, California 92570  
Ph. 951-657-3904  
Cell 951-203-5668

May 5, 2023

City of Perris

Planning Department

Attn: Mr. Nathan Perez

The Proposed Project:

This is regarding the proposed Perris Airport Industrial Project the project consists of the following I believe six APNs 330-090-031,-033,-034,-036,-038,-040.

This project is bounded by Goetz Rd. to the West, Ellis Rd. to the North, Case Rd. to the East and is bisected by the Perris Valley Airport. This project literally wraps around the Perris Airport Runway and Parachute landing zones. This proposed project will be in what was a property we leased for over 40 years for the sole purpose of a parachute landing area.

Airport Background:

As I'm sure you know the Perris Valley Airport was first certified as the city Perris Valley Airport in 1933. The airport has been an FAA approved parachute drop zone since 1962. The airport is zoned Public and operated as such. The Conatser family has owned and operated the airport since 1976. The Perris Valley Airport today is most likely the largest and busiest parachute drop zone in the world. We currently have numerous military contracts training pretty much all NATO militaries including many units of our own.

Potential Public Safety Issues:

We do approximately 120,000 +/- jumps annually, that means over 100,00 times a year people and equipment will be in the air at 130 mph directly over or near this proposed project site. There are many public safety concerns for not only the skydiver but the people inside the proposed structures. A few of the factors that are potential hazards are the physical Size of these proposed structures. The sheer size alone will have a change in the natural microclimate surrounding the airport. The mechanical turbulence off these huge structures potentially

effecting not only the of safe flying aircraft but the safe landing of parachutes. Parachutes do not have the ability to power up and go around like an airplane. If a parachute hits wind turbulence/ mechanical turbulence and it's strong enough it can just collapse the parachute. There are many other potential safety factors if an off target landing occurs, and it does happen. The proposed project is directly adjacent to one of our primary Military Landing Areas. Physical hazards like light standards, fences, vehicle parking, all being a safety hazard if hit. Then there is the mechanical turbulence off those structures as well. As you can see heights and distances from the runway and the parachute landing areas are critical for Public Safety.

#### Recent Developments:

We at the airport try and stay informed and in front of the local surrounding projects to maintain the safety of the airport operation as a whole and have done so for almost 50 years. We attend any City or ALUC meetings to ascertain the potential impacts of any proposed construction. Last week I was notified that the Federal Aviation Administration conducted and concluded a site study regarding the safety of navigation regarding this proposed project. A "Determination of No Hazard to Air Navigation" was found, not sure really what that means. The study was supposed to be open for public comment yet we at the airport were Never contacted or notified so we had no input in the determination. I spoke to Mr. Dan Shoemaker of the obstruction evaluation group and he said" there was no opposing public comment so they approved it". Hard for me to believe as the proposed structures exceed the federal standards by as much as 26 feet in one case??? In my mind these studies were done very poorly without looking at actual data and public safety concerns. The OE/AA report numbers are as follows 2023-AWP-1818-OE through 2023-1828 inclusive. The ALUC review of this project is currently scheduled for July 13, 2023. We will be there on record opposing the proposed project as proposed.

#### Our opinion:

The project will be a Safety to the Public issue that will more than likely kill or injure the Public in the air and or on the ground if it is built as planned.

As long as we are here and this is the Perris Valley Airport we will continue to fight for the City's Airport.

For the record we at the airport are adamantly opposed to this project for Safety of the Public concerns.

Your help in these matters is always appreciated.

Patrick Conatser

Melanie Conatser

Perris Valley Airport



**From:** [skydiveperrispat@aol.com](mailto:skydiveperrispat@aol.com)  
**To:** [guerin060872@outlook.com](mailto:guerin060872@outlook.com); [Rull, Paul](#); [Vega, Jaqueline](#)  
**Subject:** Re: L65 Perris Valley AirportFAA OEAAA Study 2023-AWP-1817-OE thru 1828 OE Inclusive  
**Date:** Tuesday, May 9, 2023 9:57:20 AM  
**Attachments:** [Proposed Perris Airport Industrial Letter R1.docx](#)

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**CAUTION:** This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Guerin, Mr. Rull, Mrs. Vega, We had a meeting with the City of Peris Planning yesterday and I'm attaching a letter we provided. I'm forwarding it to you as delivered but if you like I can send one directed to you in this regard. Your attention is always appreciated. Pat Conatser Perris Valley Airport 951-203-5668 anytime

-----Original Message-----

From: skydiveperrispat@aol.com  
To: guerin060872@outlook.com <guerin060872@outlook.com>; prull@rivco.org <prull@rivco.org>; javega@rivco.org <javega@rivco.org>  
Sent: Thu, May 4, 2023 10:31 am  
Subject: L65 Perris Valley AirportFAA OEAAA Study 2023-AWP-1817-OE thru 1828 OE Inclusive

Hi John, Paul and Jackie, This is regarding FAA studies 2023-AWP-1817-OE thru 1823-OE inclusive. I just received notice last Friday April 28th that these studies were done by the FAA without any input from anyone at L65. These studies came up with a "Determination of No Hazard to Air Navigation" ?? They clearly show in at least four locations that the proposed structures exceed the 7 to 1 by as much as 27 feet, crazy in my mind. These proposed huge structures, close to one million square feet and 1/3 of a mile long Will affect the microclimate of the airport. Adjacent to main parachute landing areas and the whole North end of runway 15. I have personal experience of mechanical turbulence and the effect on airplanes let alone unpowered parachutes. I just about got killed in an airplane at Perris from a rotor off of a 100'x100' X 32' high building that was out of the 7 to 1, fraction of the size destroyed the airplane. I know this project has been pushed back a few times and I understand it will come back to you on July 13th 2023. I definitely would like to be there for that, we at the Perris Valley Airport are adamantly opposed to the project as proposed. I know in the past we have been opposed to and modified local projects for public safety reasons, but this project Will kill people, Skydivers and Pilots. Yor help is always appreciated.

Patrick Conatser  
Perris Valley Airport Owner/ Manager  
2091 Goetz Rd. Perris, CA. 92570  
my cell 951-203-5668 anytime

## Rull, Paul

---

**From:** skydiveperrispat@aol.com  
**Sent:** Thursday, February 16, 2023 11:10 AM  
**To:** Rull, Paul  
**Cc:** melanie@skydiveperris.com  
**Subject:** Re: ZAP1028PV23 ALUC project

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Hi Paul, after a quick review of the proposed project this is what I'm seeing. As you probably figured we at the airport are opposed to the project as a whole for many safety concerns. Safety concerns for all of these reasons and probably more: First safety of aircraft landing and departing with such a large wall of building adjacent to the runway causing potential mechanical turbulence. This mechanical turbulence effecting not only airplanes but parachutists landing in adjacent field drop zone landing areas. Mechanical turbulence causes not only airplanes to crash but parachutes to collapse and potentially kill people. Second this proposed building or buildings are located directly in the world's largest parachute drop zone. Persons and property being dropped day and night directly over, potentially causing damage or injury/fatalities to persons within these structures. 120,000 to 130,000 drops annually on an average. Third it appears from the site plan that the RPZ for runway 15 is encroached with parking and potentially lighting and light poles. Based upon uses his project will have parked truck and trailers that will end up close to 14' high. Fourth and I'm sure not last is the basins located adjacent to the runway, we already have a bird problem and I'm thinking this will make it worse. In a nutshell it's the sheer size of the project with heights close to 50' changing historic wind and thermal patterns that really scare me. I'm sure you have heard these concerns from me on other projects but this one is literally on the airport. I also know you are aware we are The Perris Valley Public Airport and are open to the public and licensed as such although privately owned. Your help and attention is always appreciated. Pat Conatser 951-203-5668 anytime

-----Original Message-----

From: Patrick Conatser <skydiveperrispat@aol.com>  
To: Rull, Paul <PRull@rivco.org>  
Cc: melanie@skydiveperris.com  
Sent: Tue, Jan 31, 2023 1:21 pm  
Subject: Re: ZAP1028PV23 ALUC project

Thank you Paul we will see you there! Pat Conatser 951-203-5668 anytime

Sent from my iPhone

On Jan 31, 2023, at 9:23 AM, Rull, Paul <PRull@rivco.org> wrote:

Good Morning Pat and Melanie,

I wanted to inform you that the ALUC has received the Perris Valley Airport Industrial Project and is reviewing the project for a tentative public hearing meeting date of March 9 (which you will get an official notice). The project is located within Airport Zones A, B1, B2, C, and D and I have attached the project's site plan and project description.

If you have any questions, please feel free to contact me.

Paul Rull  
ALUC Director

## Rull, Paul

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**From:** Dan Brodsky-Chenfeld <danbc@skydiveperris.com>  
**Sent:** Monday, March 6, 2023 2:52 PM  
**To:** Rull, Paul  
**Subject:** RE: ZAP1028PV23 ALUC project

**CAUTION:** This email originated externally from the Riverside County email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr. Rull,

My name is Dan Brodsky-Chenfeld. Please allow me to give you a little background about myself. I have been the Manager of Skydive Perris for the last 20 years. In addition to my long history in Perris I have a degree in Aviation from the Ohio State University. I am a Single and Multi Engine Pilot, and FAA Parachute Rigger and United States Parachute Association Safety and Training advisor. I have been skydiving for 43 years, have over 30,000 jumps and am considered an international expert in the sport especially in regard to skydiving safety. Over the last few months I have done safety seminars at both the US and European Parachute Industry Symposiums.

It is my opinion that the Perris Valley Airport Industrial Project will negatively impact safety at the Perris Airport. A building that large, both vertically and horizontally, will inevitably cause significantly increased turbulence on the runway and parachute landing areas. This turbulence can make landing at the airport hazardous for both light airplanes and skydivers. In doing so greatly reducing both our usable landing area and the range of wind conditions we will be comfortable operating in. Not to mention the parking lot being proposed in the north corner.

Skydive Perris is arguably the largest skydiving center in the world. We are uniquely set up as a training facility for international military groups and to host large skydiving events. We often do jumps with over 200 skydivers at a time. One of the reasons Skydive Perris is chosen as the host for these groups and events is because we have a large open area on and surrounding the airport. This allows hundreds of jumpers the safe space to land at the same time. We have this while also being nicely tucked into the highly developed Inland Empire. Other skydiving centers who can host the same groups and events are deep in the desert in the middle of nowhere. Skydivers and military groups don't want to travel to the middle of nowhere.

The negative impact the Perris Valley Airport Industrial Project would have on the airport could limit the size and frequency of groups and events we host at Perris. This would not only negatively impact our business. This will have a negative impact on the local economy as literally the thousands of people who travel from around the world to Perris with these military groups and for these events may no longer do so.

The buildings and lots as proposed will at times create unsafe wind conditions and will always limit potential landing areas. Anything that can be done to reduce the height and coverage of both of these would be a benefit. Not building them at all would be ideal.

Thank you for your time and consideration.

Dan Brodsky-Chenfeld



## Rull, Paul

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**From:** andy witcomb <andy@skydiveperris.com>  
**Sent:** Tuesday, March 7, 2023 5:35 PM  
**To:** Rull, Paul  
**Subject:** Aluc L65  
**Attachments:** winmail.dat

**CAUTION:** This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Hello Sir,

I wonder if you could help me. I wasn't sure of the correct channels to comment on the above Project being reviewed on Thursday 9 March 2023. My apologies, if this is the incorrect method. I look after the Military and Government Groups that currently train at L65. We are privileged to be selected by these groups for essential training. They have the choice of anywhere in the United States and select our location to train and our community to invest in.

I read the documents with interest and are concerned about the impact it may have. The study seems to focus on the effects on Aircraft operations and the FAA guidance. There are some comments relating to 'safety and over flights', but as a formal recognized aviation activity, under Federal Aviation Regulation Pt 105, parachuting and parachutists routinely (sometimes several times a day) overfly the subject area at relatively lower altitudes. Reducing the surrounding area footprint, placing large structures and increasing the likely hood of turbulence, will have a negative impact on our essential training and the safety, of all personnel on the ground and in the air.

It surprised me that the aviation activity under FAR Pt 105 wasn't mentioned and I wondered if I could politely ask for consideration in this important matter. The safety of all is paramount, parachuting is just one facet of aviation, but I felt the need to highlight my concerns.

Very Respectfully

Andy Witcomb

[cid:15B772D8-6F6D-472C-A66B-EE3C036718AD](mailto:andy@skydiveperris.com)

## Technical Memorandum



To: Philip Cyburt, CH Realty Partners, LLC  
From: Nick Johnson, Johnson Aviation, Inc.  
Date: May 29, 2023

Subject: **Response to Comments, Riverside County ALUC - Perris Valley Airport Industrial Project**

### Purpose

The Riverside County Airport Land Use Commission (ALUC) staff and City of Perris (“City”) Planning Department staff received comments related to the Perris Valley Airport Industrial Project (“Project”) in response to ALUC staff emailing a copy of the Project site plan and Project description to the owners/operators of the Perris Valley Airport (L65 or “Airport”) and Skydive Perris. The purpose of this technical memorandum is to provide responses to the comments received by ALUC. Comments in each of the email messages sent to the ALUC are parsed to directly address the subject of each comment offered. The full comments are provided for reference as Exhibits A through E to this memo.

### Background

The Project is a proposed industrial use, with two warehouse buildings and a trailer storage yard, located in the City and within the Airport Influence Area (AIA) of the Airport and March Air Reserve Base/Inland Port Airport (MARB/IPA). The Project site is compatible with the City’s existing Light Industrial zoning. Allowed Light Industrial uses include limited assembly and packaging operations, self-storage warehouses, distribution centers, and business-to-business retail operations. An Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) is currently in preparation for the Project. That study will fully address the environmental impacts of the Project including health and safety issues and hazards impacts raised in the comments to the ALUC.

An airport land use compatibility assessment was completed for the Project based on the adopted Perris Valley Airport Land Use Compatibility Plan (ALUCP) and other relevant documents for the Airport, which consider the compatibility concerns of aircraft noise, safety, overflight, and airspace protection. The Project site is within ALUCP Safety Compatibility Zones A through D. The warehouses, trailer storage, employee parking, and retention basins are specifically in Zones B1 through D. The assessment found the Project compatible within Zones B1 through D and consistent with the development criteria in the ALUCP. The assessment also found the Project compatible within the MARB/IP ALUCP Zone E.

Review of the Project by ALUC was documented in a draft staff report prepared for the July 13, 2023 Project hearing date and recommends a finding of **CONDITIONALLY CONSISTENT** with the 2011 Perris Valley Airport Land Use Compatibility Plan and the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan. This finding is subject to the conditions included therein, and such additional conditions as may be required by the Federal Aviation Administration (FAA).

The FAA completed an aeronautical study of the Project buildings and issued Determinations of No Hazard to Air Navigation associated with the proposed location and heights of the buildings on April 19, 2023.

The Airport and all its facilities are owned and operated by the Conatser Family (“Conatsers”). They are responsible for the location and use of the Airport facilities on their property as a public use airport (available for use by the general public without a requirement for prior approval of the owner or

operator) (See Figure 1). The Airport has a landing permit issued by the State of California<sup>1</sup>, Division of Aeronautics and Notice to the FAA<sup>2</sup> that the Airport is open and available to the public. Both the FAA and the State require that the Airport be operated and maintained to meet the basic runway safety area standards for airport design. There are three primary safety areas associated with the FAA's Airport Design<sup>3</sup> standards that provide critical separation distances from runways to on- and off-airport land uses. These include the Runway Safety Area (RSA), Runway Object Free Area (ROFA) and Runway Protection Zone (RPZ). These setback distances associated with these safety areas correspond to the size and speed of the aircraft that regularly use the runway. The current aircraft hangars, aircraft parking areas, public assembly areas, restaurant, recreational facilities, automobile parking, fences, trees, parachute landing zones on the Airport do not meet these basic safety setback standards (See Figure 1).

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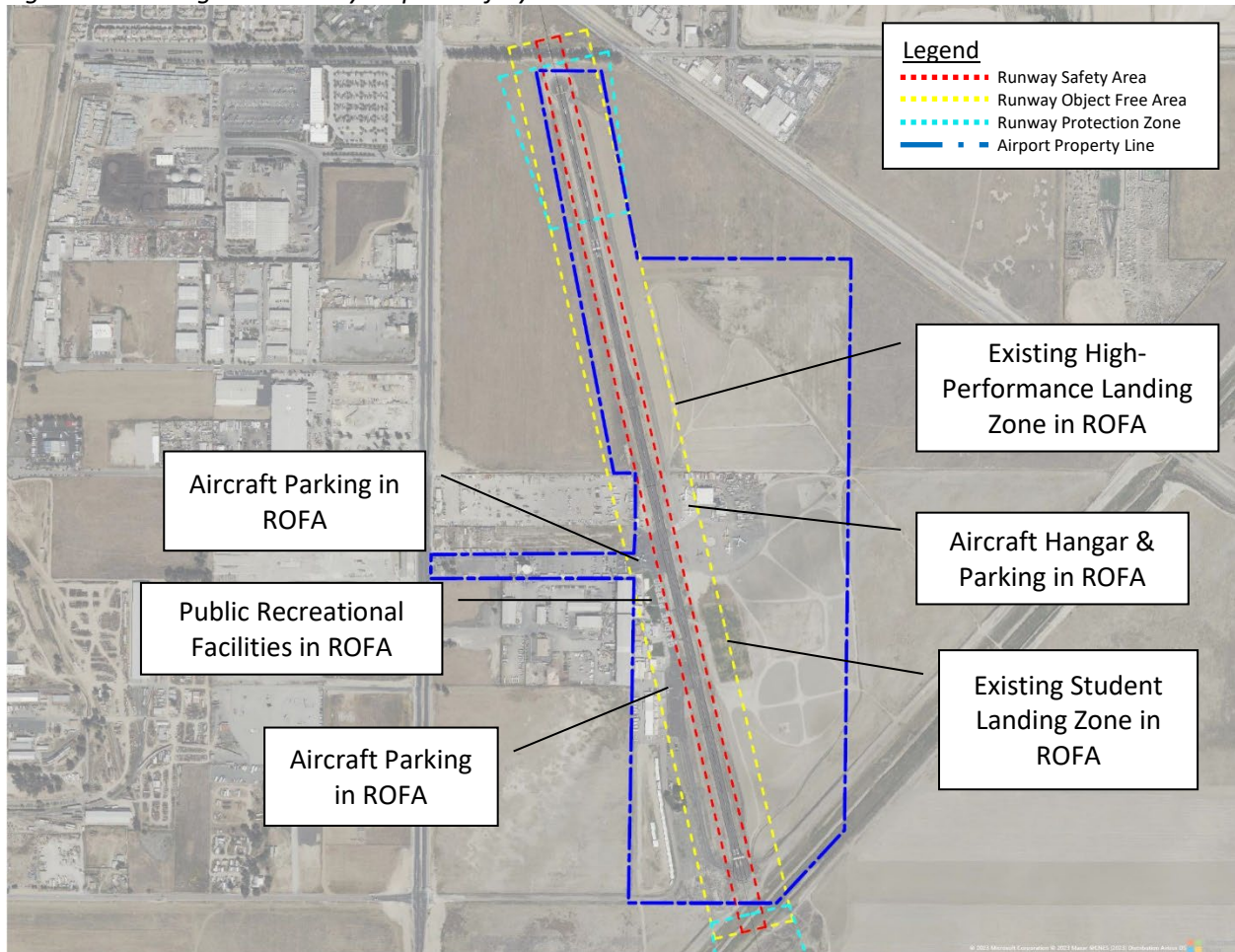
<sup>1</sup> California Department of Transportation, Division of Aeronautics, Corrected Airport Permit No. RIV-020, Pursuant to California Public Utilities Code, Section 21662, August 22, 2011. The most recent State permit compliance inspection was conducted on May 18, 2022 and corrective action was issued on June 7, 2022.

<sup>2</sup> 14 CFR Part 157, Notice of Construction, Alteration, Activation and Deactivation of Airports, <https://www.govinfo.gov/content/pkg/CFR-2013-title14-vol3/xml/CFR-2013-title14-vol3-part157.xml>

<sup>3</sup> Advisory Circular 150/5300-13B, *Airport Design*, issued March 31, 2022, available at, [https://www.faa.gov/airports/resources/advisory\\_circulars/index.cfm/go/document.current/documentnumber/150\\_5300-13](https://www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5300-13)



Figure 1: Existing Perris Valley Airport Safety Areas Encroachment



The Project has been designed to comply with FAA Airport Design standards with building setbacks, entrance road locations, truck parking, trailer storage, fence lines, storm water quality basins, and security lighting (See Figure 2). These facilities are also positioned to exceed FAA and United States Parachute Association (USPA) landing zone setback guidelines to avoid conflicts with parachute operations and parachute landing zones associated with the Skydive Perris operation. The existing Airport facilities and parachute land zone locations do not meet the FAA and USPA safety setbacks as depicted in Figures 2, 3 and 4.

Figure 2: Proposed Project Consistent with Perris Valley Airport Safety Areas

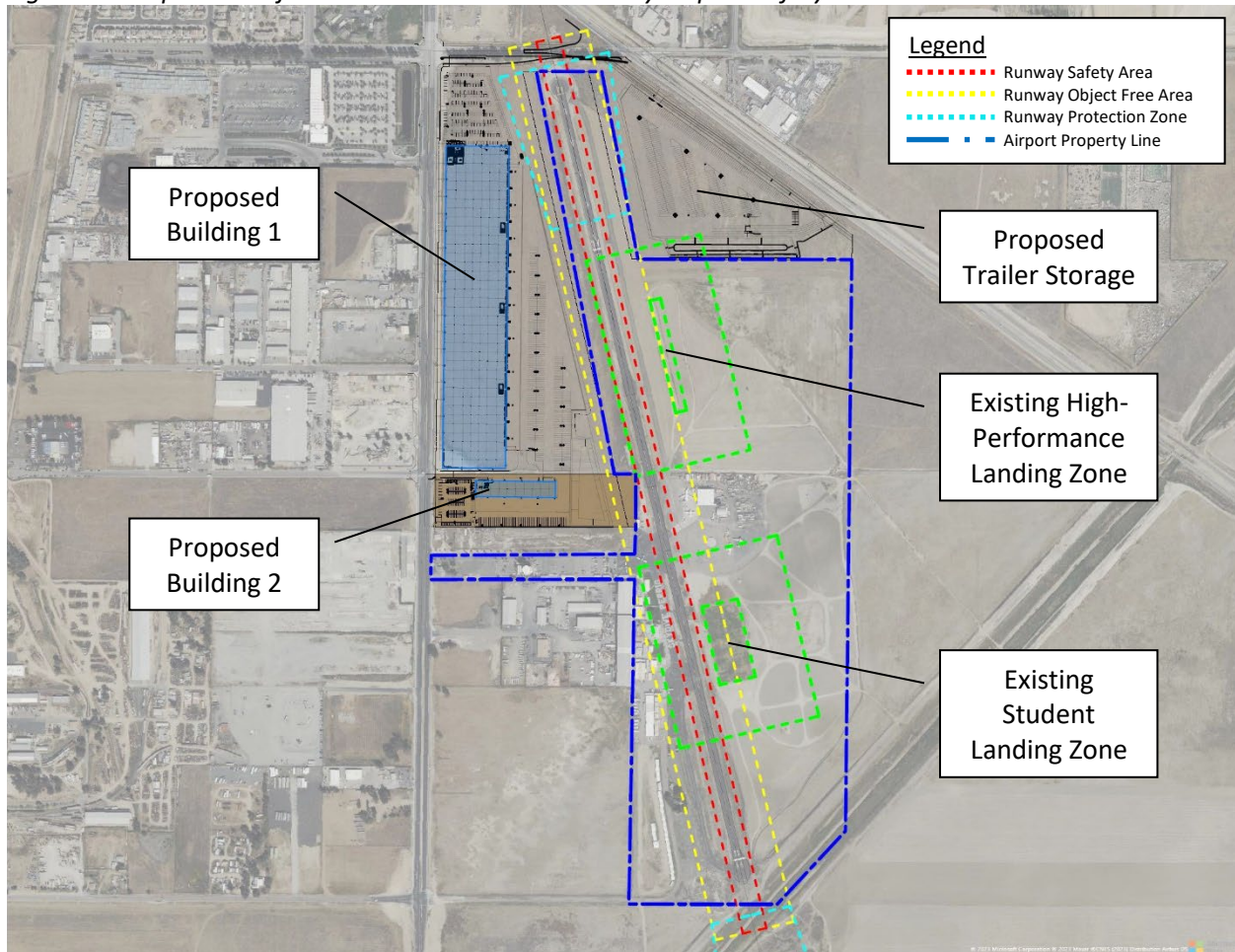




Figure 3: Comparison of Existing Airport Facilities to Proposed Project Facilities

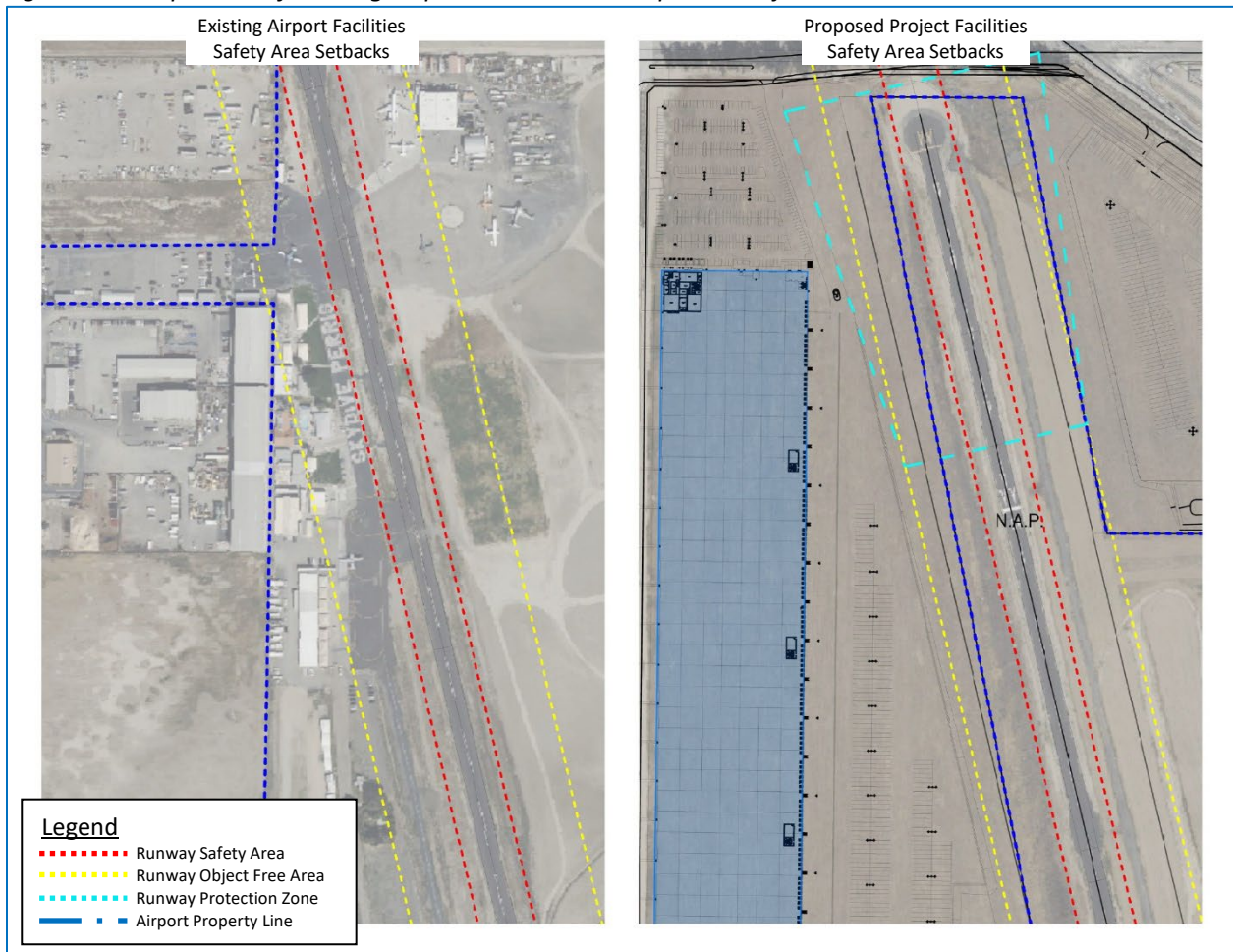
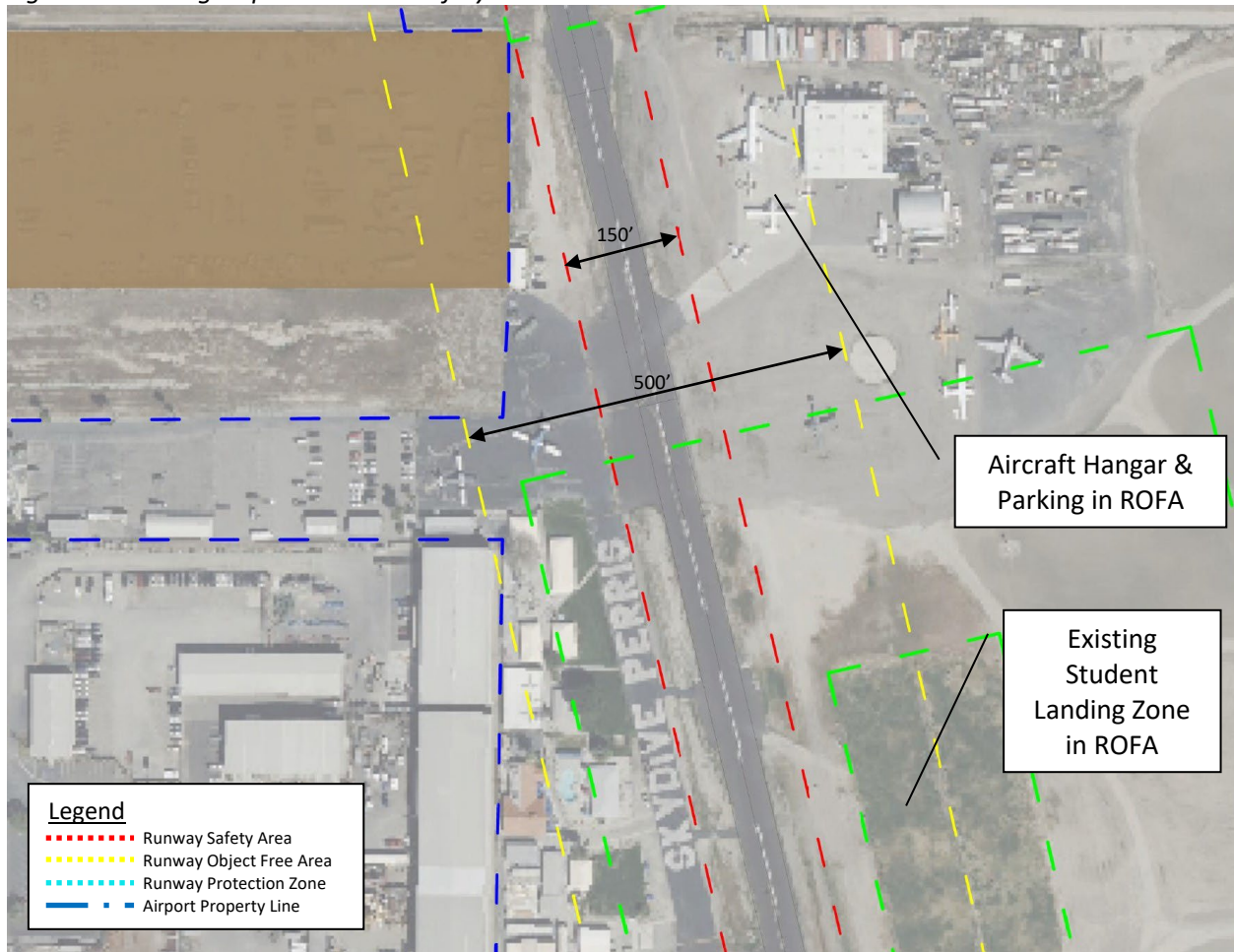




Figure 4: Existing Airport Facilities Safety Area Setbacks



## Response to Comments

The following comments and responses are parsed by letter and by subject. Each comment reference corresponds to the letter received and the sequential comments raised in each letter.

Email to ALUC Staff on February 16, 2023 (See Exhibit A)

**Comment A1.** “First safety of aircraft landing and departing with such a large wall of building adjacent to the runway causing potential mechanical turbulence.”

**Response A1.** The commenter provides no study or report data that supports the assertion in the comment. Pilots encounter mechanical turbulence, which is caused by the friction between air and ground from terrain and built structures that cause eddies and associated turbulence close to the ground. The intensity of this turbulence is proportional to the wind speed, the nature of the surface and the stability of the air mass. Generally, the surface winds need to be 20 knots or greater to create significant turbulence. Pilots train to recognize and prepare for wind variability when taking off and landing. Aircraft are also rated by the FAA and manufacturer for demonstrated crosswind capability and individual pilots train for their own crosswind proficiency.

Aircraft land and takeoff using the runway best aligned into the direction of the prevailing wind. The Project's proposed buildings would be located on the west side of Runway 15/33 and north of the runway midpoint. When winds are from the west or northwest, aircraft arriving and departing the Airport will be using Runway 33 toward the north/northwest. With 5,100 feet of runway length, aircraft in the Skydive Perris fleet have the performance to take off and land over a 50-foot obstacle within the first third of the runway length (approximately 1,700 feet or less). This allows them to operate currently without encountering surface wind mechanical turbulence from their own existing buildings and facilities and immediately adjacent shop buildings that are located west of the runway centerline and south of the runway midpoint. Also, the proposed buildings are set back from the runway by more than 500 feet from the runway to clear the effective distance of wind over a 50-foot obstacle when winds exceed 20 knots (23 miles per hour). When winds are from the south or southeast, aircraft arriving and departing the Airport will be using Runway 15 toward the south/southeast. The Project's proposed buildings would be downwind from the runway and of no consequence to the operation. However, Skydive Perris' existing hangars east of the runway at midfield will continue to interrupt wind flows over the runway and potentially cause mechanical turbulence.

The Project also meets or exceeds the FAA Airport Design Standards for Airports. The Project facilities are being designed to comply with the FAA's Runway Safety Area (RSA), Runway Object Free Area (ROFA), and Runway Protection Zone (RPZ) setbacks and the building heights are designed to comply with federal airspace protection regulations<sup>4</sup>. These design standards comply with the FAA's airport design standards and substantially exceed the existing conditions under which the Airport and its various facilities, aircraft parking locations, aircraft fueling and aircraft operations are currently maintained by the Airport Owners and operators.

Therefore, the proposed Project buildings would be in a location where they would not cause mechanical turbulence for aircraft operations to and from the Airport runway. These proposed Project buildings are designed to comply with FAA Airport design standards for setback from the runway. However, existing facilities owned and operated by the Airport owners would remain in locations that could cause mechanical turbulence for their own aircraft operations and those of the general public due to the public-use status of the Airport.

**Comment A2. This mechanical turbulence [a]ffecting not only airplanes but parachutists landing in adjacent field drop zone landing areas.**

Response A2. The commenter provides no study or report data that supports the assertion in the comment. Skydive Perris has two designated parachute landing areas that are located more than 500 feet from the proposed Project buildings and proposed Project trailer storage yard. The identified landing areas for both students and "high-performance" landings are located on the east side of the runway centerline. The proposed Project buildings are on the west side of the runway centerline and the proposed trailer storage lot is located north of the "high-performance" landing zone (See Figure 3).

FAA AC 150/105-2E, Sport Parachuting, provides suggestions to improve sport parachuting safety, and disseminates information to assist all parties associated with sport parachuting to be conducted in compliance with Title 14 of CFR Part 105. Section 5, Skydiver Safety, (f), Parachute Landing Area. This recommendation states: "The FAA recommends that areas used as parachute landing areas remain

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<sup>4</sup> 14 CFR Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77>

unobstructed, with sufficient minimum radial distances to the nearest hazard.” The guidelines in the United States Parachute Association (USPA) Basic Safety Requirements (BSR)<sup>5</sup> provide an industry measure for determining the adequacy of the landing area.

The USPA BSRs state the following with regard to drop zone requirements:

J. Drop Zone Requirements - Areas used for skydiving should be unobstructed, with the following minimum radial distances to the nearest hazard:

Solo students and A-license holders—330 feet

B- and C-license holders and all tandem skydives—165 feet

D-license holders—40 feet

The proposed Project buildings and trailer storage lot are more than 500 feet from the student landing area and the high-performance landing area and therefore would exceed skydiving industry standards for landing area clearing and setbacks and thereby avoid the potential for mechanical turbulence effects on skydiving operations. However, existing facilities owned and operated by the Skydive Perris owners would remain in locations that could cause mechanical turbulence from their own facilities, aircraft parking areas, runway, RSA and ROFA in proximity to the student landing area.

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<sup>5</sup> Skydiver’s Information Manual, Section 2: Basic Safety Requirements and Waivers, <https://www.uspa.org/SIM/2>



Figure 5: Skydive Perris High Performance Parachute Landing Zone and Project Setbacks

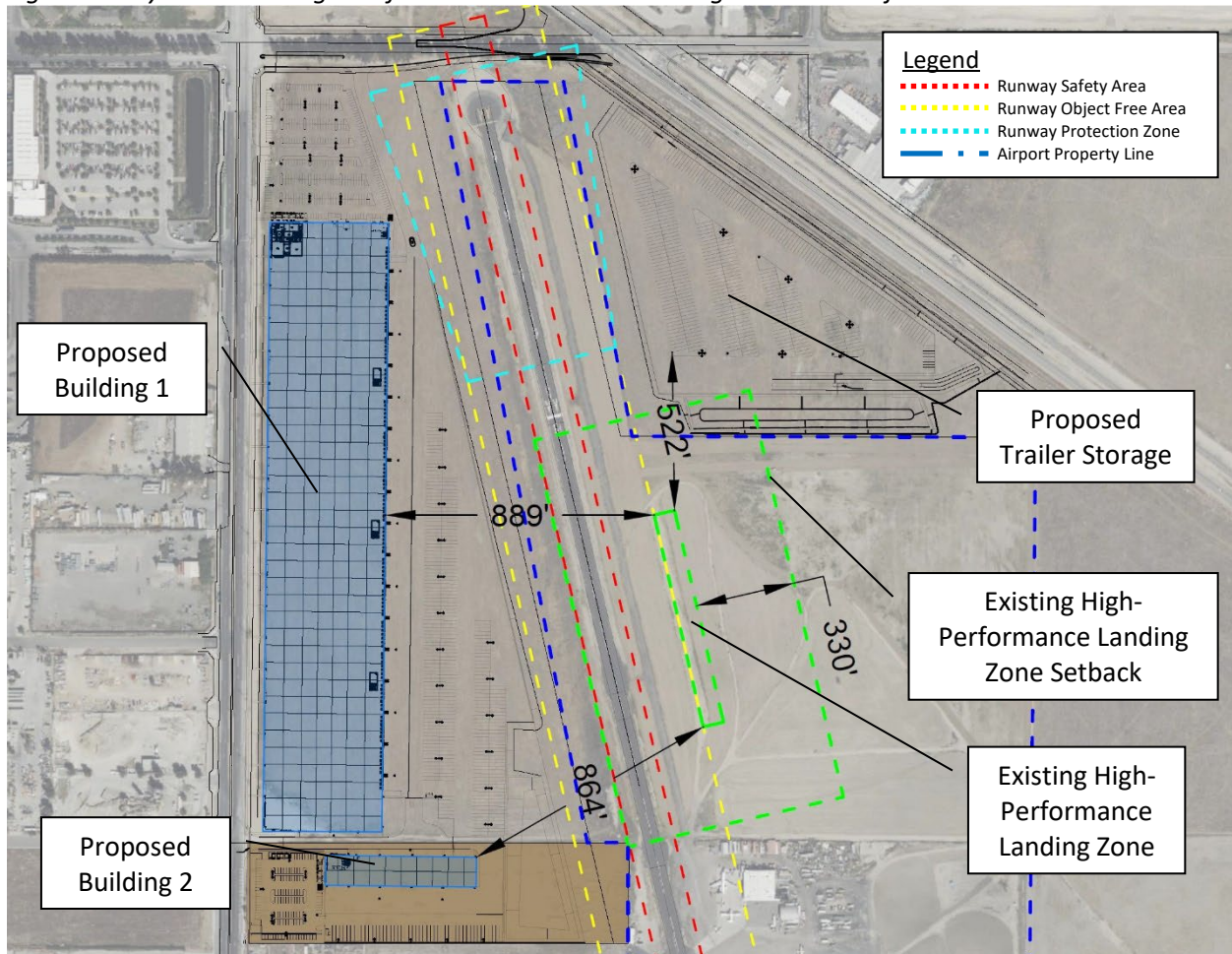
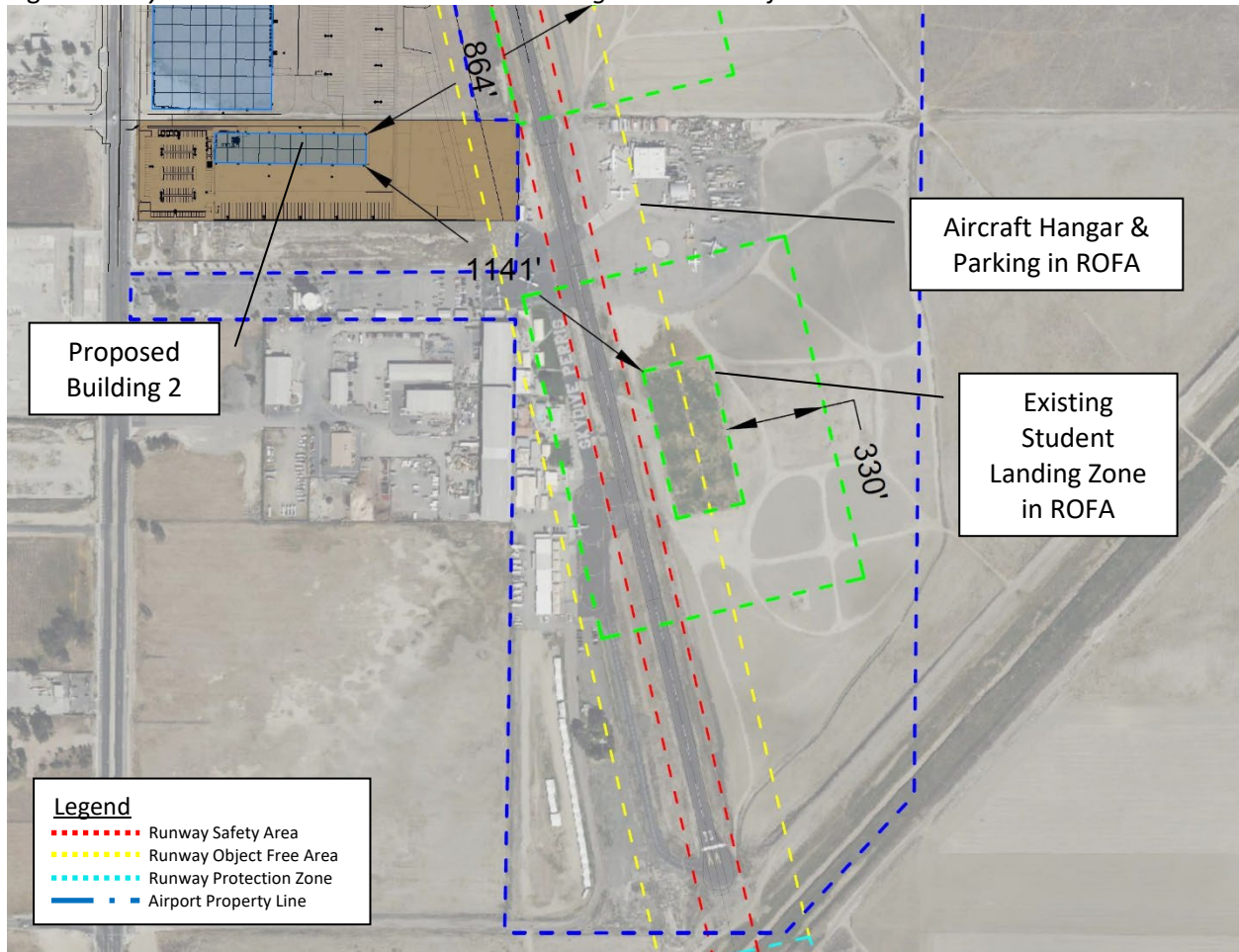


Figure 6: Skydive Perris Student Parachute Landing Zone and Project Setbacks



**Comment A3. Mechanical turbulence causes not only airplanes to crash but parachutes to collapse and potentially kill people.**

**Response A3.** Specific to the Project site, the National Transportation Safety Board (NTSB) recorded and investigated 24 accidents at Perris Valley Airport between 1984 to present (<https://data.nts.gov/carol-main-public>). Of these accidents, seven included fatalities. Based on the type of aircraft that are used by Skydive Perris and the NTSB reports, five of those 24 accidents are attributed to skydiving, and two involved fatalities. Most significantly, in 1992, 16 people were killed and six were seriously injured when the pilot inadvertently feathered the wrong propeller following an engine power loss. The NTSB does not report on skydiving accidents or incidents separately from aircraft. An internet search for news articles related to skydiving accidents at Perris Valley Airport found that there have been approximately 15 skydiving deaths reported since 2000.

Of the NTSB investigated accidents at Perris Valley Airport, 15 (65%) occurred during the takeoff, climb, approach, landing, or traffic pattern phase of flight; the remainder occurred during the enroute (cruise) portion of flight. One accident involved people on the ground when an aircraft collided with a parked DC-3 and three people were waiting to board the DC-3 (one was seriously injured). One accident involved impact with a building under construction and a camping trailer.

Pilots are required to be aware of the wind conditions in which they are operating and to not exceed their own proficiency with crosswinds and general wind conditions. Likewise, skydivers and skydiving instructors are required to be aware of the wind conditions in which they are performing and not exceed their own proficiency or that of their students. None of the accident data found attributes any of the accidents, injuries, or fatalities due to the existence of buildings.

**Comment A4. Second this proposed building or buildings are located directly in the world's largest parachute drop zone. Persons and property being dropped day and night directly over, potentially causing damage or injury/fatalities to persons within these structures. 120,000 to 130,000 drops annually on an average.**

Response A4. The commenter provides no study or report data that supports the assertion in the comment. The Project is not located in a parachute drop zone or in a "hazardous area" as shown in Figure 5. As per the SkyDive Perris website (<https://skydiveperris.com/experienced/skydiving-safety-rules>) the student landing area is east of Runway 15-33, directly adjacent to the airport operator's existing facilities. A high-performance landing area is also east of Runway 15-33 on the opposite side of the runway from the proposed Project buildings and south of the trailer storage lot. This landing area is more than 889 feet from the nearest proposed building and more than 522 feet from the nearest trailer storage position.

**Comment A5. Third it appears from the site plan that the RPZ for runway 15 is encroached with parking and potentially lighting and light poles. Based upon uses this project will have parked truck and trailers that will end up close to 14' high.**

Response A5. The RPZ for Runway 15 is not encroached with parking, lighting, or poles. All Project facilities are designed outside of the RPZ including the warehouses, truck yards, employee parking, entrance/exit roads and retention basins as shown in Figure 5.

**Comment A6. Fourth and I'm sure not last is the basins located adjacent to the runway, we already have a bird problem and I'm thinking this will make it worse.**

Response A6. The commenter provides no study or report data that supports the assertion in the comment. The two bioretention basins are dry-bottom facilities designed to the best management practices (BMPs) in the Riverside County Wildlife Hazard Management Plan for Riverside County Airports, which aims to deter birds by requiring that stormwater management basins must be capable of draining within 48 hours of a rain event. Landscaping near the proposed basins and on all of the Project property is also compliant with the Wildlife Hazard Management Plan.

**Comment A7. In a nutshell it's the sheer size of the project with heights close to 50' changing historic wind and thermal patterns that really scare me.**

Response A7. The commenter provides no study or report data that supports the assertion in the comment. The building height for Building 1 ranges from 47 feet to 50 feet to top of parapet; for Building 2 it is 41 feet to 45 feet to top of parapet. An aeronautical study by the FAA was initiated for the buildings associated with the Project and each received Determinations of No Hazard to Air Navigation. The aeronautical studies assessed the building locations, planned heights and whether there is a need for any associated lighting or markings to ensure that the buildings are conspicuous at night and during low visibility weather conditions. Also see Response A1 with regard to the position of the proposed buildings relative to the takeoff and landing of aircraft on Runway 15/33.



**Comment A8.** I'm sure you have heard these concerns from me on other projects but this one is literally on the airport.

Response A8. The proposed Project is located on private property adjacent to the Perris Valley Airport and is not located on property owned or otherwise controlled by the airport operators. The closest structures to the Airport and the runway are structures owned by the Airport operator that do not meet FAA Airport Design safety standards for public use airports.

**Comment A9.** I also know you are aware we are The Perris Valley Public Airport and are open to the public and licensed as such although privately owned.

Response A9. The proposed Project is located on private property adjacent to the Perris Valley Airport and is not located on property owned or otherwise controlled by the airport operators. Further the proposed Project is designed to meet or exceed FAA Airport Design separation standards from runways. The existing airport facilities and skydiving facilities do not currently meet the FAA Airport Design standards or the FAA design guidelines for sport parachuting drop zones despite being open to the public for public use.

[Email to ALUC Staff on March 6, 2023 \(See Exhibit B\)](#)

**Comment B1.** It is my opinion that the Perris Valley Airport Industrial Project will negatively impact safety at the Perris Airport.

Response B1. The commenter provides no study or report data that supports the assertion in the comment. The Project design follows the airport safety design criteria, as per FAA AC 150/5300-13B, Airport Design. The Project does not encroach on parachute landing areas, as per FAA AC 150/105-2E, Sport Parachuting and the diagrams provided on the SkyDive Perris website. The FAA issued Determinations of No Hazard to Air Navigation associated with the proposed Project buildings. The Project is compatible within ALUCP Safety Compatibility Zones A through D as per the safety criteria outlined in Table 2A in the Countywide Policies of the Riverside County ALUCP.

**Comment B2.** A building that large, both vertically and horizontally, will inevitably cause significantly increased turbulence on the runway and parachute landing areas. This turbulence can make landing at the airport hazardous for both light airplanes and skydivers. In doing so greatly reducing both our usable landing area and the range of wind conditions we will be comfortable operating in.

Response B2. SEE RESPONSES A1, A2, AND A3.

**Comment B3.** Not to mention the parking lot being proposed in the north corner.

Response B3. SEE RESPONSES A1, A2, AND A3.

**Comment B4.** Skydive Perris is arguably the largest skydiving center in the world. We are uniquely set up as a training facility for international military groups and to host large skydiving events. We often do jumps with over 200 skydivers at a time. One of the reasons Skydive Perris is chosen as the host for these groups and events is because we have a large open area on and surrounding the airport. This allows hundreds of jumpers the safe space to land at the same time. We have this while also being nicely tucked into the highly developed Inland Empire. Other skydiving centers who can host the same groups and events are deep in the desert in the middle of nowhere. Skydivers and military groups don't want to travel to the middle of nowhere.

Response B4. The proposed Project is designed to meet or exceed the FAA Airport Design standards and the FAA Sport Parachuting recommendations for designated landing areas. Use of additional airport property east of the designated landing zones is unobstructed by the proposed Project. The airport owners own approximately 74 acres east of the runway and east of the existing Runway Object Free Area (ROFA) that is theirs to continue to use and accommodate large skydiving events and would be compliant with FAA Airport Design standards.

**Comment B5. The negative impact the Perris Valley Airport Industrial Project would have on the airport could limit the size and frequency of groups and events we host at Perris. This would not only negatively impact our business. This will have a negative impact on the local economy as literally the thousands of people who travel from around the world to Perris with these military groups and for these events may no longer do so.**

Response B5. The proposed Project is located on private property and is not affiliated with the skydiving operations at Perris Valley Airport. The airport owners own approximately 74 acres east of the runway and east of the existing Runway Object Free Area (ROFA) that is theirs to continue to use and accommodate large skydiving events and would be compliant with FAA Airport Design standards. Also, as stated in the above responses, development and operation of the Project will not have safety impacts on the Airport or its skydiving operations.

**Comment B6. The buildings and lots as proposed will at times create unsafe wind conditions and will always limit potential landing areas. Anything that can be done to reduce the height and coverage of both of these would be a benefit. Not building them at all would be ideal.**

Response B6. SEE RESPONSES A1, A2, AND A3.

[Email to ALUC Staff on March 7, 2023 \(See Exhibit C\)](#)

**Comment C1. There are some comments relating to 'safety and over flights', but as a formal recognized aviation activity, under Federal Aviation Regulation Pt 105, parachuting and parachutists routinely (sometimes several times a day) overfly the subject area at relatively lower altitudes.**

Response C1. Safety and Overflight as used in the context of airport land use compatibility planning refers to the limitation of people living and working in the vicinity of the airport and the type of land uses that are compatible with airport operations.

To the commenter's point, parachutists similarly cannot fly at any altitude or in any airspace and cannot create a hazard to air traffic or to persons and property on the ground. As the commenter notes and as per 14 CFR Part 105, Section 23, at non-towered airports, "a parachutist may drift over that airport with a fully deployed and properly functioning parachute if the parachutist is at least 2,000 feet above that airport's traffic pattern and avoids creating a hazard to air traffic or to persons and property on the ground".

As per 14 CFR Part 105, Section 25, no parachute operation may be conducted in "Class E or G airspace area unless the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude is notified of the parachute operation no earlier than 24 hours before or no later than 1 hour before the parachute operation begins".

Therefore, the parachutists are required to comply with 14 CFR Part 105 and thus have a duty to surrounding landowners to avoid creating hazards to people and property on the ground and to avoid creating hazards in the air to aircraft.

**Comment C2.** Reducing the surrounding area footprint, placing large structures and increasing the likely hood [sic] of turbulence, will have a negative impact on our essential training and the safety, of all personnel on the ground and in the air.

Response C2. SEE RESPONSES A1, A2, AND A3.

**Comment C3.** It surprised me that the aviation activity under FAR Pt 105 wasn't mentioned and I wondered if I could politely ask for consideration in this important matter. The safety of all is paramount, parachuting is just one facet of aviation, but I felt the need to highlight my concerns.

Response C3. Perris Valley Airport is a public-use, privately-owned airport without an operating control tower, and is known as a skydiving center. 14 CFR Part 105 (also referred to as FAR Part 105) provides regulations for parachute operations. Section 23 and Section 25 address airports and airspace safety. The following excerpts from the regulations are provided for information regarding these responsibilities skydivers and skydiving instructors operating at Skydive Perris. FAR Part 105 only imposes obligations on those who operate parachute facilities pilots and the parachuters themselves and does not impose regulations upon the development and operation of the Proposed Project.

Section 105.23, Parachute operations over or onto airports:

No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft, over or onto any airport unless -

(a) For airports with an operating control tower [DOES NOT APPLY TO PERRIS VALLEY]:

- (1) Prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.
- (2) Approval has been obtained from the control tower to conduct parachute operations over or onto that airport.
- (3) Two-way radio communications are maintained between the pilot of the aircraft involved in the parachute operation and the control tower of the airport over or onto which the parachute operation is being conducted.

(b) [APPLIES TO PERRIS VALLEY] For airports without an operating control tower, prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.

(c) [APPLIES TO PERRIS VALLEY] A parachutist may drift over that airport with a fully deployed and properly functioning parachute if the parachutist is at least 2,000 feet above that airport's traffic pattern, and avoids creating a hazard to air traffic or to persons and property on the ground.

Section 105.25, Parachute operations in designated airspace:

(a) No person may conduct a parachute operation, and no pilot in command of an aircraft may allow a parachute operation to be conducted from that aircraft -



(1) Over or within a restricted area or prohibited area unless the controlling agency of the area concerned has authorized that parachute operation;

(2) Within or into a Class A, B, C, D airspace area without, or in violation of the requirements of, an air traffic control authorization issued under this section;

(3) Except as provided in paragraph (c) and (d) of this section, within or into Class E or G airspace area unless the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude is notified of the parachute operation no earlier than 24 hours before or no later than 1 hour before the parachute operation begins.

(b) Each request for a parachute operation authorization or notification required under this section must be submitted to the air traffic control facility having jurisdiction over the airspace at the first intended exit altitude and must include the information prescribed by § 105.15(a) of this part.

(c) For the purposes of paragraph (a)(3) of this section, air traffic control facilities may accept a written notification from an organization that conducts parachute operations and lists the scheduled series of parachute operations to be conducted over a stated period of time not longer than 12 calendar months. The notification must contain the information prescribed by § 105.15(a) of this part, identify the responsible persons associated with that parachute operation, and be submitted at least 15 days, but not more than 30 days, before the parachute operation begins. The FAA may revoke the acceptance of the notification for any failure of the organization conducting the parachute operations to comply with its requirements.

(d) Paragraph (a)(3) of this section does not apply to a parachute operation conducted by a member of an Armed Force within a restricted area that extends upward from the surface when that area is under the control of an Armed Force.

[Email to ALUC Staff on May 4, 2023 \(See Exhibit D\)](#)

**Comment D1.** This is regarding FAA studies 2023-AWP-1817-OE thru 1823-OE inclusive. I just received notice last Friday April 28th that these studies were done by the FAA without any input from anyone at L65.

Response D1. FAA performs aeronautical studies of proposed development on and near airports under the requirements of 14 CFR Part 77<sup>6</sup>. The Project owners prepared proper notice to the FAA of the proposed buildings associated with the Project. The FAA prepared aeronautical studies based on the height and location of the proposed buildings to ensure that they would meet FAA safety standards. The FAA notifies airport owners and operators of these studies as well as other interested aviation parties. It is the responsibility of airport owners and operators to respond timely to these studies to provide substantive aeronautical comment.

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<sup>6</sup> 14 CFR Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*, <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77>

**Comment D2.** These studies came up with a "Determination of No Hazard to Air Navigation" ?? They clearly show in at least four locations that the proposed structures exceed the 7 to 1 by as much as 27 feet, crazy in my mind.

Response D2. 14 CFR Part 77 imaginary surfaces around the runway are in place to identify objects planned around the runway for further study. The FAA considers the specific types of aircraft operations taking place on the runway during its aeronautical study and the exact location of the planned building or facility. Exceeding Part 77 surfaces, particularly the sideline transitional surface to the runway, is not considered a hazard to air navigation when a facility is outside of the Runway Safety Area (RSA), Runway Object Free Area (ROFA) and Runway Protection Zone (RPZ) as is the case of the proposed Project.

**Comment D3.** These proposed huge structures, close to one million square feet and 1/3 of a mile long Will affect the microclimate of the airport.

Response D3. The commenter provides no study or report data that supports the assertion in the comment. The FAA's aeronautical study of the proposed Project buildings included the height, size and location of the buildings relative to Runway 15/33 at Perris Valley Airport. Also see Responses A1, A2, AND A3 for responses regarding wind and weather effects of the Project.

**Comment D4.** Adjacent to main parachute landing areas and the whole North end of runway 15. I have personal experience of mechanical turbulence and the effect on airplanes let alone unpowered parachutes. I just about got killed in an airplane at Perris from a rotor off of a 100'x100' X 32' high building that was out of the 7 to 1, fraction of the size destroyed the airplane.

Response D4. SEE RESPONSES A1, A2, AND A3. The commenter provides no study or report data that supports the assertion in the comment. Also see Appendix A for the full NTSB Aviation Investigation Final Report on the referenced accident by the commentator. Of note is the fact that the accident airplane ran into a fuel truck parked within the ROFA that sheared off the right wing of the aircraft and came to rest approximately 90 feet from the skydiving parachute packing facilities that are also located within the ROFA (See Figure 7). These substandard existing facilities in fact put unsuspecting members of the public within unenclosed tents and outdoor facilities within the ROFA. Parked aircraft and other airport vehicles within the ROFA increase the risk to pilots and their passengers in the case of runway excursions like the subject aircraft accident.

Figure 7: NTSB Accident Investigation Docket GAA17CA30 (Photo Courtesy of FAA)



**Comment D5.** I know this project has been pushed back a few times and I understand it will come back to you on July 13th 2023. I definitely would like to be there for that, we at the Perris Valley Airport are adamantly opposed to the project as proposed. I know in the past we have been opposed to and modified local projects for public safety reasons, but this project Will kill people, Skydivers and Pilots. Yor help is always appreciated.

**Response D5.** The commenter provides no study or report data that supports the assertion in the comment.

[Letter to City of Perris Planning Department and Copied to ALUC Staff \(See Exhibit E\)](#)

**Comment E1.** This project is bounded by Goetz Rd. to the West, Ellis Rd. to the North, Case Rd. to the East and is bisected by the Perris Valley Airport. This project literally wraps around the Perris Airport Runway and Parachute landing zones. This proposed project will be in what was a property we leased for over 40 years for the sole purpose of a parachute landing area.

**Response E1.** The property associated with the proposed Project is wholly owned by the Project proponent. The Airport operators do not currently have a lease or operating rights associated with the Project property.

**Comment E2.** We do approximately 120,000 +/- jumps annually, that means over 100,00 times a year people and equipment will be in the air at 130 mph directly over or near this proposed project site. There are many public safety concerns for not only the skydiver but the people inside

**the proposed structures. A few of the factors that are potential hazards are the physical Size of these proposed structures.**

Response E2. The commenter provides no study or report data that supports the assertion in the comment. The proposed Project buildings and their industrial warehouse use are consistent with the ALUCP Safety Zones and with the City's Zoning Code. Also SEE RESPONSES A1, A2, AND A3.

**Comment E3. The sheer size alone will have a change in the natural microclimate surrounding the airport. The mechanical turbulence off these huge structures potentially effecting not only the of safe flying aircraft but the safe landing of parachutes. Parachutes do not have the ability to power up and go around like an airplane. If a parachute hits wind turbulence/ mechanical turbulence and it's strong enough it can just collapse the parachute. There are many other potential safety factors if an off target landing occurs, and it does happen. The proposed project is directly adjacent to one of our primary Military Landing Areas. Physical hazards like light standards, fences, vehicle parking, all being a safety hazard if hit. Then there is the mechanical turbulence off those structures as well. As you can see heights and distances from the runway and the parachute landing areas are critical for Public Safety.**

Response E3. SEE RESPONSES A1, A2, AND A3. The commenter provides no study or report data that supports the assertion in the comment.

**Comment E4. Recent Developments: We at the airport try and stay informed and in front of the local surrounding projects to maintain the safety of the airport operation as a whole and have done so for almost 50 years. We attend any City or ALUC meetings to ascertain the potential impacts of any proposed construction. Last week I was notified that the Federal Aviation Administration conducted and concluded a site study regarding the safety of navigation regarding this proposed project. A "Determination of No Hazard to Air Navigation" was found, not sure really what that means. The study was supposed to be open for public comment yet we at the airport were Never contacted or notified so we had no input in the determination. I spoke to Mr. Dan Shoemaker of the obstruction evaluation group and he said" there was no opposing public comment so they approved it". Hard for me to believe as the proposed structures exceed the federal standards by as much as 26 feet in one case??? In my mind these studies were done very poorly without looking at actual data and public safety concerns. The OE/AA report numbers are as follows 2023-AWP-1818-OE through 2023-1828 inclusive. The ALUC review of this project is currently scheduled for July 13, 2023. We will be there on record opposing the proposed project as proposed.**

Response E4. SEE RESPONSES D1, D2, AND D3.

**Comment E5. Our opinion: The project will be a Safety to the Public issue that will more than likely kill or injure the Public in the air and or on the ground if it is built as planned.**

Response E5. The commenter provides no study or report data that supports the assertion in the comment.

**Comment E6. As long as we are here and this is the Perris Valley Airport we will continue to fight for the City's Airport. For the record we at the airport are adamantly opposed to this project for Safety of the Public concerns. Your help in these matters is always appreciated.**



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Response E6. As stated previously, the Airport is privately owned and open to the public. It is not owned and/or operated by the City of Perris or any other public entity and the City has no financial stake in the Airport ownership or operation. Comment noted.

## Comment Letters Received by ALUC regarding ALUC Case ZAP1028PV23

The following letters were received by ALUC staff regarding the Project.

### Exhibit A: Email to ALUC Staff on February 16, 2023

Subject: Re: ZAP1028PV23 ALUC project

Hi Paul, after a quick review of the proposed project this is what I'm seeing. As you probably figured we at the airport are Opposed to the project as a whole for many safety concerns. Safety concerns for all of these reasons and probably more: First safety of aircraft landing and departing with such a Large wall of building adjacent to the runway causing potential mechanical turbulence . This mechanical turbulence effecting not only airplanes but parachutists landing in adjacent field drop zone landing areas. Mechanical turbulence causes not only airplanes to crash but parachutes to collapse and potentially kill people. Second this proposed building or buildings are located directly in the world's largest parachute drop zone. Persons and property being dropped day and night directly over, potentially causing damage or injury/fatalities to persons within these structures . 120,000 to 130,000 drops annually on an average. Third it appears from the site plan that the RPZ for runway 15 is encroached with parking and potentially lighting and light poles. Based upon uses his project will have parked truck and trailers that will end up close to 14' high. Fourth and I'm sure not last is the basins located adjacent to the runway, we already have a bird problem and I'm thinking this will make it worse. In a nutshell it's the sheer size of the project with heights close to 50' changing historic wind and thermal patterns that really scare me. I'm sure you have heard these concerns from me on other projects but this one is literally on the airport. I also know you are aware we are The Perris Valley Public Airport and are open to the public and licensed as such although privately owned. Your help and attention is always appreciated. Pat Conatser 951-203-5668 anytime

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Exhibit B: [Email to ALUC Staff on March 6, 2023](#)

Subject: RE: ZAP1028PV23 ALUC project

Hello Mr. Rull,

My name is Dan Brodsky-Chenfeld. Please allow me to give you a little background about myself. I have been the Manager of Skydive Perris for the last 20 years. In addition to my long history in Perris I have a degree in Aviation from the Ohio State University. I am a Single and Multi Engine Pilot, and FAA Parachute Rigger and United States Parachute Association Safety and Training advisor. I have been skydiving for 43 years, have over 30,000 jumps and am considered an international expert in the sport especially in regard to skydiving safety. Over the last few months I have done safety seminars at both the US and European Parachute Industry Symposiums.

It is my opinion that the Perris Valley Airport Industrial Project will negatively impact safety at the Perris Airport. A building that large, both vertically and horizontally, will inevitably cause significantly increased turbulence on the runway and parachute landing areas. This turbulence can make landing at the airport hazardous for both light airplanes and skydivers. In doing so greatly reducing both our usable landing area and the range of wind conditions we will be comfortable operating in. Not to mention the parking lot being proposed in the north corner.

Skydive Perris is arguably the largest skydiving center in the world. We are uniquely set up as a training facility for international military groups and to host large skydiving events. We often do jumps with over 200 skydivers at a time. One of the reasons Skydive Perris is chosen as the host for these groups and events is because we have a large open area on and surrounding the airport. This allows hundreds of jumpers the safe space to land at the same time. We have this while also being nicely tucked into the highly developed Inland Empire. Other skydiving centers who can host the same groups and events are deep in the desert in the middle of nowhere. Skydivers and military groups don't want to travel to the middle of nowhere.

The negative impact the Perris Valley Airport Industrial Project would have on the airport could limit the size and frequency of groups and events we host at Perris. This would not only negatively impact our business. This will have a negative impact on the local economy as literally the thousands of people who travel from around the world to Perris with these military groups and for these events may no longer do so.

The buildings and lots as proposed will at times create unsafe wind conditions and will always limit potential landing areas. Anything that can be done to reduce the height and coverage of both of these would be a benefit. Not building them at all would be ideal.

Thank you for your time and consideration.

Dan Brodsky-Chenfeld

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Exhibit C: Email to ALUC Staff on March 7, 2023

Subject: Aluc L65

Hello Sir,

I wonder if you could help me. I wasn't sure of the correct channels to comment on the above Project being reviewed on Thursday 9 March 2023. My apologies, if this is the incorrect method. I look after the Military and Government Groups that currently train at L65. We are privileged to be selected by these groups for essential training. They have the choice of anywhere in the United States and select our location to train and our community to invest in.

I read the documents with interest and are concerned about the impact it may have. The study seems to focus on the effects on Aircraft operations and the FAA guidance. There are some comments relating to

'safety and over flights', but as a formal recognized aviation activity, under Federal Aviation Regulation Pt 105, parachuting and parachutists routinely (sometimes several times a day) overfly the subject area at relatively lower altitudes. Reducing the surrounding area footprint, placing large structures and increasing the likely hood of turbulence, will have a negative impact on our essential training and the safety, of all personnel on the ground and in the air.

It surprised me that the aviation activity under FAR Pt 105 wasn't mentioned and I wondered if I could politely ask for consideration in this important matter. The safety of all is paramount, parachuting is just one facet of aviation, but I felt the need to highlight my concerns.

Very Respectfully

Andy Witcomb

Andy Witcomb

Military Operations Manager

Skydive Perris

Office:(951) 657-3904

Cell: (619)971-1362



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Exhibit D: Email to ALUC Staff on May 4, 2023

Subject: L65 Perris Valley Airport FAA OEAAA Study 2023-AWP-1817-OE thru 1828 OE Inclusive

Hi John, Paul and Jackie, This is regarding FAA studies 2023-AWP-1817-OE thru 1823-OE inclusive. I just received notice last Friday April 28th that these studies were done by the FAA without any input from anyone at L65. These studies came up with a "Determination of No Hazard to Air Navigation" ?? They clearly show in at least four locations that the proposed structures exceed the 7 to 1 by as much as 27 feet, crazy in my mind. These proposed huge structures, close to one million square feet and 1/3 of a mile long Will affect the microclimate of the airport. Adjacent to main parachute landing areas and the whole North end of runway 15. I have personal experience of mechanical turbulence and the effect on airplanes let alone unpowered parachutes. I just about got killed in an airplane at Perris from a rotor off of a 100'x100' X 32' high building that was out of the 7 to 1, fraction of the size destroyed the airplane. I know this project has been pushed back a few times and I understand it will come back to you on July 13th 2023. I definitely would like to be there for that, we at the Perris Valley Airport are adamantly opposed to the project as proposed. I know in the past we have been opposed to and modified local projects for public safety reasons, but this project Will kill people, Skydivers and Pilots. Yor help is always appreciated.

Patrick Conatser

Perris Valley Airport Owner/ Manager

2091 Goetz Rd. Perris, CA. 92570

my cell 951-203-5668 anytime

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Exhibit E: Letter to City of Perris Planning Department on May 5, 2023

Perris Valley Airport  
2091 Goetz RD.  
Perris, California 92570  
Ph. 951-657-3904  
Cell 951-203-5668

May 5, 2023  
City of Perris  
Planning Department  
Attn: Mr. Nathan Perez

The Proposed Project:

This is regarding the proposed Perris Airport Industrial Project the project consists of the following I believe six APNs 330-090-031,-033,-034,-036,-038,-040.

This project is bounded by Goetz Rd. to the West, Ellis Rd. to the North, Case Rd. to the East and is bisected by the Perris Valley Airport. This project literally wraps around the Perris Airport Runway and Parachute landing zones. This proposed project will be in what was a property we leased for over 40 years for the sole purpose of a parachute landing area.

Airport Background:

As I'm sure you know the Perris Valley Airport was first certified as the city Perris Valley Airport in 1933. The airport has been an FAA approved parachute drop zone since 1962. The airport is zoned Public and operated as such. The Conatser family has owned and operated the airport since 1976. The Perris Valley Airport today is most likely the largest and busiest parachute drop zone in the world. We currently have numerous military contracts training pretty much all NATO militaries including many units of our own.

Potential Public Safety Issues:

We do approximately 120,000 +/- jumps annually, that means over 100,00 times a year people and equipment will be in the air at 130 mph directly over or near this proposed project site. There are many public safety concerns for not only the skydiver but the people inside the proposed structures. A few of the factors that are potential hazards are the physical Size of these proposed structures. The sheer size alone will have a change in the natural microclimate surrounding the airport. The mechanical turbulence off these huge structures potentially effecting not only the of safe flying aircraft but the safe landing of parachutes. Parachutes do not have the ability to power up and go around like an airplane. If a parachute hits wind turbulence/ mechanical turbulence and it's strong enough it can just collapse the parachute. There are many other potential safety factors if an off target landing occurs, and it does happen. The proposed project is directly adjacent to one of our primary Military Landing Areas. Physical hazards like light standards, fences, vehicle parking, all being a safety hazard if hit. Then there is the mechanical turbulence off those structures as well. As you can see heights and distances from the runway and the parachute landing areas are critical for Public Safety.

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Recent Developments:

We at the airport try and stay informed and in front of the local surrounding projects to maintain the safety of the airport operation as a whole and have done so for almost 50 years. We attend any City or ALUC meetings to ascertain the potential impacts of any proposed construction. Last week I was notified that the Federal Aviation Administration conducted and concluded a site study regarding the safety of navigation regarding this proposed project. A "Determination of No Hazard to Air Navigation" was found, not sure really what that means. The study was supposed to be open for public comment yet we at the airport were Never contacted or notified so we had no input in the determination. I spoke to Mr. Dan Shoemaker of the obstruction evaluation group and he said" there was no opposing public comment so they approved it". Hard for me to believe as the proposed structures exceed the federal standards by as much as 26 feet in one case??? In my mind these studies were done very poorly without looking at actual data and public safety concerns. The OE/AA report numbers are as follows 2023-AWP-1818-OE through 2023-1828 inclusive. The ALUC review of this project is currently scheduled for July 13, 2023. We will be there on record opposing the proposed project as proposed.

Our opinion:

The project will be a Safety to the Public issue that will more than likely kill or injure the Public in the air and or on the ground if it is built as planned.

As long as we are here and this is the Perris Valley Airport we will continue to fight for the City's Airport. For the record we at the airport are adamantly opposed to this project for Safety of the Public concerns. Your help in these matters is always appreciated.

Patrick Conatser

Melanie Conatser

Perris Valley Airport

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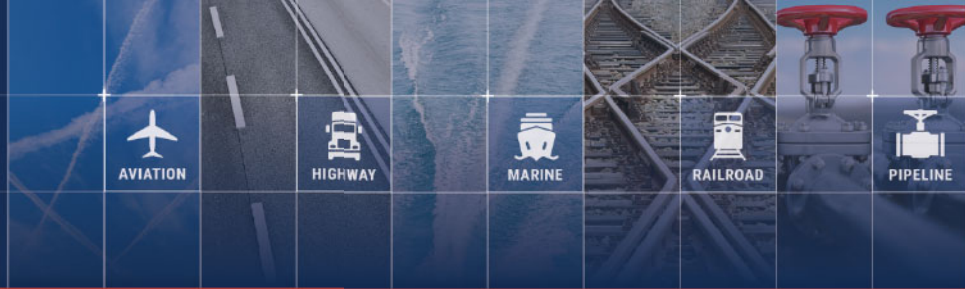
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Appendix A – National Transportation Safety Board – Aviation Investigation Final Report, GAA17CA303, May 24, 2017.





# Aviation Investigation Final Report

<b>Location:</b>	Perris, California	<b>Accident Number:</b>	GAA17CA303
<b>Date &amp; Time:</b>	May 24, 2017, 15:15 Local	<b>Registration:</b>	N708PV
<b>Aircraft:</b>	DEHAVILLAND DHC 6	<b>Aircraft Damage:</b>	Substantial
<b>Defining Event:</b>	Loss of control in flight	<b>Injuries:</b>	2 None
<b>Flight Conducted Under:</b>	Part 91: General aviation - Skydiving		

## Analysis

The pilot of the twin-engine, turbine-powered airplane reported that, while providing flights for skydivers throughout the day, he had a potential new hire pilot flying with him in the right seat. He added that, on the eighth flight of the day, the new pilot was flying during the approach and "approximately 200' [ft.] south from the threshold of [runway] 15 at approximately 15 feet AGL [above ground level] the bottom violently and unexpectedly dropped out. [He] believe[d] some kind of wind shear caused the aircraft [to] slam onto [the] runway and bounce into the air at a 45 to 60-degree bank angle to the right." The prospective pilot then said, "you got it." The pilot took control of the airplane and initiated a go-around by increasing power, which aggravated the "off runway heading." The right wing contacted the ground, the airplane exited the runway to the right and impacted a fuel truck, and the right wing separated from the airplane. The impact caused the pilot to unintentionally add max power, and the airplane, with only the left engine functioning, ground looped to the right, coming to rest nose down.

The airplane sustained substantial damage to the fuselage and right wing.

The pilot reported that there were no preaccident mechanical failures or malfunctions with the airplane that would have precluded normal operation.

The automated weather observation system about 8 nautical miles from the accident site reported that, about the time of the accident, the wind was from 280° at 7 knots, visibility 10 statute miles, few clouds at 20,000 ft agl, temperature 86°F, dew point 45°F, and altimeter 29.81 inches of mercury. The pilot landed on runway 15.

## Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be:

The prospective pilot's improper landing flare and the pilot's delayed remedial action to initiate a go-around, which resulted in a runway excursion.

## Findings

<b>Aircraft</b>	Landing flare - Not attained/maintained
<b>Personnel issues</b>	Aircraft control - Copilot
<b>Personnel issues</b>	Delayed action - Pilot
<b>Environmental issues</b>	Windshear - Effect on operation
<b>Environmental issues</b>	Ground vehicle - Contributed to outcome

## Factual Information

### History of Flight

<b>Landing</b>	Windshear or thunderstorm
<b>Landing</b>	Loss of control in flight (Defining event)
<b>Landing-aborted after touchdown</b>	Abnormal runway contact
<b>Landing-aborted after touchdown</b>	Attempted remediation/recovery
<b>Landing-aborted after touchdown</b>	Dragged wing/rotor/float/other
<b>Landing-aborted after touchdown</b>	Runway excursion
<b>Landing-aborted after touchdown</b>	Collision with terr/obj (non-CFIT)
<b>Landing-aborted after touchdown</b>	Nose over/nose down

### Pilot Information

<b>Certificate:</b>	Airline transport; Flight engineer	<b>Age:</b>	56, Male
<b>Airplane Rating(s):</b>	Single-engine land; Multi-engine land	<b>Seat Occupied:</b>	Left
<b>Other Aircraft Rating(s):</b>	None	<b>Restraint Used:</b>	Lap only
<b>Instrument Rating(s):</b>	Airplane	<b>Second Pilot Present:</b>	Yes
<b>Instructor Rating(s):</b>	None	<b>Toxicology Performed:</b>	No
<b>Medical Certification:</b>	Class 2 Without waivers/limitations	<b>Last FAA Medical Exam:</b>	December 27, 2016
<b>Occupational Pilot:</b>	Yes	<b>Last Flight Review or Equivalent:</b>	January 23, 2017
<b>Flight Time:</b>	(Estimated) 3358 hours (Total, all aircraft), 2131 hours (Total, this make and model), 3198 hours (Pilot In Command, all aircraft), 31 hours (Last 90 days, all aircraft), 27 hours (Last 30 days, all aircraft), 4 hours (Last 24 hours, all aircraft)		

## Co-pilot Information

<b>Certificate:</b>	Commercial	<b>Age:</b>	31, Male
<b>Airplane Rating(s):</b>	Single-engine land; Multi-engine land	<b>Seat Occupied:</b>	Right
<b>Other Aircraft Rating(s):</b>	None	<b>Restraint Used:</b>	Lap only
<b>Instrument Rating(s):</b>	Airplane	<b>Second Pilot Present:</b>	Yes
<b>Instructor Rating(s):</b>	None	<b>Toxicology Performed:</b>	No
<b>Medical Certification:</b>	Class 1 Without waivers/limitations	<b>Last FAA Medical Exam:</b>	September 22, 2016
<b>Occupational Pilot:</b>	Yes	<b>Last Flight Review or Equivalent:</b>	March 15, 2016
<b>Flight Time:</b>	(Estimated) 1893 hours (Total, all aircraft), 12 hours (Total, this make and model), 1725 hours (Pilot In Command, all aircraft), 26 hours (Last 90 days, all aircraft), 24 hours (Last 30 days, all aircraft), 4 hours (Last 24 hours, all aircraft)		

## Aircraft and Owner/Operator Information

<b>Aircraft Make:</b>	DEHAVILLAND	<b>Registration:</b>	N708PV
<b>Model/Series:</b>	DHC 6 300	<b>Aircraft Category:</b>	Airplane
<b>Year of Manufacture:</b>	1976	<b>Amateur Built:</b>	
<b>Airworthiness Certificate:</b>	Normal	<b>Serial Number:</b>	489
<b>Landing Gear Type:</b>	Tricycle	<b>Seats:</b>	24
<b>Date/Type of Last Inspection:</b>	May 1, 2017 100 hour	<b>Certified Max Gross Wt.:</b>	12500 lbs
<b>Time Since Last Inspection:</b>		<b>Engines:</b>	2 Turbo prop
<b>Airframe Total Time:</b>	37885.7 Hrs at time of accident	<b>Engine Manufacturer:</b>	Pratt & Whitney
<b>ELT:</b>	C126 installed, not activated	<b>Engine Model/Series:</b>	PT6A-27
<b>Registered Owner:</b>		<b>Rated Power:</b>	620 Horsepower
<b>Operator:</b>	On file	<b>Operating Certificate(s) Held:</b>	None
<b>Operator Does Business As:</b>	SKYDIVE PERRIS	<b>Operator Designator Code:</b>	



## Meteorological Information and Flight Plan

<b>Conditions at Accident Site:</b>	Visual (VMC)	<b>Condition of Light:</b>	Day
<b>Observation Facility, Elevation:</b>	KRIV,1536 ft msl	<b>Distance from Accident Site:</b>	8 Nautical Miles
<b>Observation Time:</b>	21:58 Local	<b>Direction from Accident Site:</b>	349°
<b>Lowest Cloud Condition:</b>	Few / 20000 ft AGL	<b>Visibility</b>	10 miles
<b>Lowest Ceiling:</b>		<b>Visibility (RVR):</b>	
<b>Wind Speed/Gusts:</b>	7 knots /	<b>Turbulence Type Forecast/Actual:</b>	/ None
<b>Wind Direction:</b>	280°	<b>Turbulence Severity Forecast/Actual:</b>	/ N/A
<b>Altimeter Setting:</b>	29.8 inches Hg	<b>Temperature/Dew Point:</b>	30°C / 7°C
<b>Precipitation and Obscuration:</b>	No Obscuration; No Precipitation		
<b>Departure Point:</b>	Perris, CA (L65 )	<b>Type of Flight Plan Filed:</b>	None
<b>Destination:</b>	Perris, CA (L65 )	<b>Type of Clearance:</b>	VFR;Traffic advisory
<b>Departure Time:</b>	14:45 Local	<b>Type of Airspace:</b>	Class G

## Airport Information

<b>Airport:</b>	PERRIS VALLEY L65	<b>Runway Surface Type:</b>	Asphalt
<b>Airport Elevation:</b>	1413 ft msl	<b>Runway Surface Condition:</b>	Dry
<b>Runway Used:</b>	15	<b>IFR Approach:</b>	None
<b>Runway Length/Width:</b>	5100 ft / 50 ft	<b>VFR Approach/Landing:</b>	Full stop;Straight-in;Traffic pattern

## Wreckage and Impact Information

<b>Crew Injuries:</b>	2 None	<b>Aircraft Damage:</b>	Substantial
<b>Passenger Injuries:</b>		<b>Aircraft Fire:</b>	None
<b>Ground Injuries:</b>	N/A	<b>Aircraft Explosion:</b>	None
<b>Total Injuries:</b>	2 None	<b>Latitude, Longitude:</b>	33.761112,-117.218055(est)

## Administrative Information

<b>Investigator In Charge (IIC):</b>	Swenson, Eric
<b>Additional Participating Persons:</b>	Patrick Gates; FAA; Riverside, CA
<b>Original Publish Date:</b>	August 3, 2017
<b>Note:</b>	This accident report documents the factual circumstances of this accident as described to the NTSB.
<b>Investigation Docket:</b>	<a href="https://data.nts.gov/Docket?ProjectID=95231">https://data.nts.gov/Docket?ProjectID=95231</a>

The National Transportation Safety Board (NTSB), established in 1967, is an independent federal agency mandated by Congress through the Independent Safety Board Act of 1974 to investigate transportation accidents, determine the probable causes of the accidents, issue safety recommendations, study transportation safety issues, and evaluate the safety effectiveness of government agencies involved in transportation. The NTSB makes public its actions and decisions through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews.

The Independent Safety Board Act, as codified at 49 U.S.C. Section 1154(b), precludes the admission into evidence or use of any part of an NTSB report related to an incident or accident in a civil action for damages resulting from a matter mentioned in the report. A factual report that may be admissible under 49 U.S.C. § 1154(b) is available [here](#).



Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1817-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 1-1  
 Location: Perris, CA  
 Latitude: 33-46-13.66N NAD 83  
 Longitude: 117-13-23.62W  
 Heights: 1422 feet site elevation (SE)  
 53 feet above ground level (AGL)  
 1475 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1817-OE.

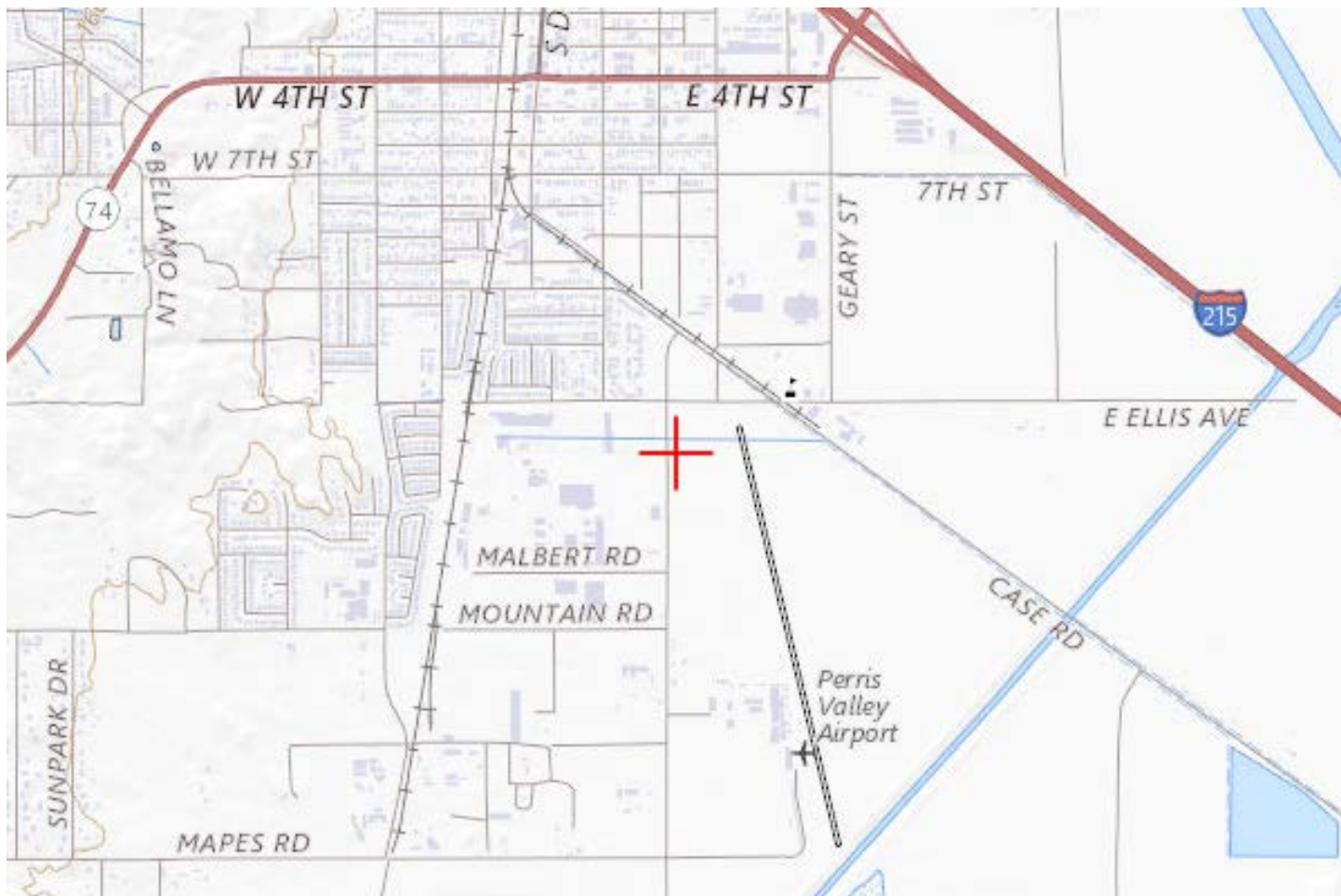
**Signature Control No: 569690155-581801816**

( DNE )

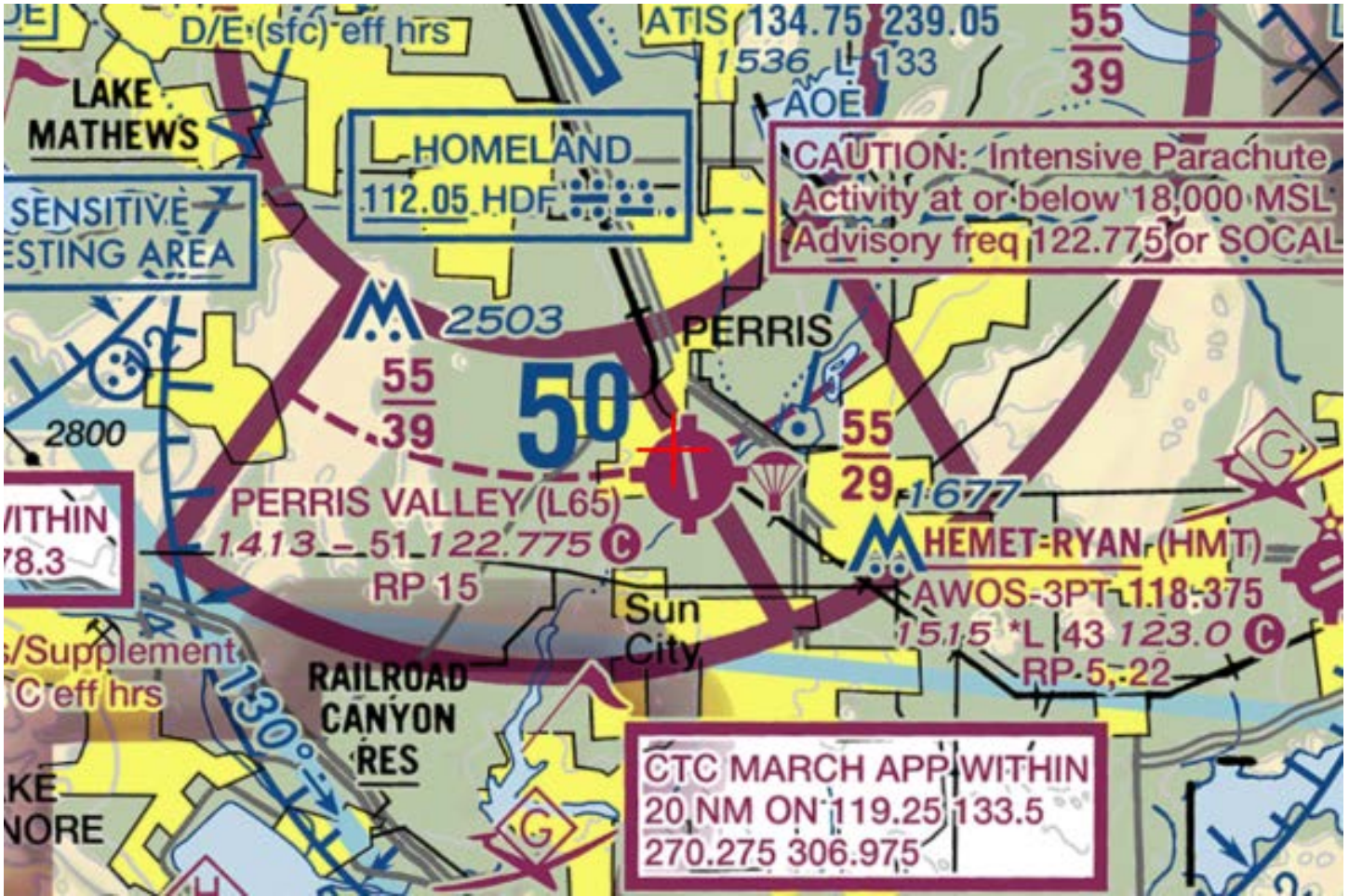
Vivian Vilaro  
Specialist

Attachment(s)  
Map(s)





Sectional Map for ASN 2023-AWP-1817-OE





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2023-AWP-1818-OE

Issued Date: 04/19/2023

Michael Masterson  
CH Realty IX-MC I Riverside Perris Airport Center  
18032 Lemon Drive  
Suite 367  
Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 1-2
Location:	Perris, CA
Latitude:	33-46-13.64N NAD 83
Longitude:	117-13-18.99W
Heights:	1421 feet site elevation (SE) 51 feet above ground level (AGL) 1472 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before May 19, 2023. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager of the Rules and Regulations Group via e-mail at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW, Washington, DC 20591, or via facsimile (202) 267-9328. FAA encourages the use of email to ensure timely processing.

This determination becomes final on May 29, 2023 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.



This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Vivian Vilaro, at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1818-OE.

**Signature Control No: 569690156-581799326**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2023-AWP-1818-OE

AERONAUTICAL STUDY NO. 2023-AWP-1818-through-1821-OE

### Abbreviations

VFR - Visual Flight Rules

AGL - Above Ground Level

RWY - Runway

IFR - Instrument Flight Rules

MSL - Mean Sea Level

NM - Nautical Mile

AMSL - Above Mean Sea Level

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

### 1. LOCATION OF PROPOSED CONSTRUCTION

CH Realty IX-MC I Riverside Perris Airport Center is proposing to construct two industrial buildings west of Perris Valley Airport. The proposed structures have been identified as an obstruction under Part 77 standards.

The proposal would be located 0.29 nautical miles northwest of the Perris Valley Airport (L65) airport reference point (ARP) in Perris, CA. L65 elevation is 1413 feet MSL.

Aeronautical Study Number	AGL/AMSL	L65 ARP	Coordinates	BLDG
2023-AWP-1818-OE	51/1472	0.38	33-46-13.64/117-13-18.99	1-2
2023-AWP-1819-OE	50/1472	0.35	33-46-11.66/117-13-18.99	1-3
2023-AWP-1820-OE	50/1472	0.32	33-46-09.60/117-13-19.00	1-4
2023-AWP-1821-OE	50/1472	0.29	33-46-07.56/117-13-19.01	1-5

### 2. OBSTRUCTION STANDARDS EXCEEDED

Section 77.19(e) - These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. The proposed structure would exceed L65 transitional surface for the existing RWY 15/33 by the values shown below:

Aeronautical Study Number	Transitional Surface exceeds by
2023-AWP-1818-OE	27 feet
2023-AWP-1819-OE	20 feet
2023-AWP-1820-OE	13 feet
2023-AWP-1821-OE	6 feet

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows: The VFR traffic pattern airspace (TPA) is not penetrated.

#### FAA Findings

There are no effects on any existing or proposed arrival, departure, or en route IFR operations or procedures.

There are no effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes.

There is no penetration into the VFR traffic pattern airspace.

There are no physical or electromagnetic effects on the operation of air navigation and communications facilities.

There are no effects on any airspace and routes used by the military.

The L65 Airport Master Record can be viewed or downloaded at <https://adip.faa.gov/agis/public/#/airportData/L65> It states that there are eight (8) single engine, twelve (12) multi-engine and one (1) jet aircraft based there with 27,550 operations for the 12 months ending 04/30/2022 (latest information).

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR follows:

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival or en route IFR operations or procedures.

c. The impact on all planned public-use airports and aeronautical facilities follows: Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposed structure affect the capacity of any known existing or planned public-use or military airport.

d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures is not considered to be significant.

#### 4. CIRCULATION AND COMMENTS RECEIVED

As a result of the negotiation process the sponsor requested circularization of the proposed structure. The proposal was circularized for public comment on March 7, 2023. No comments were received as a result of the circularization.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

#### 6. BASIS FOR DECISION

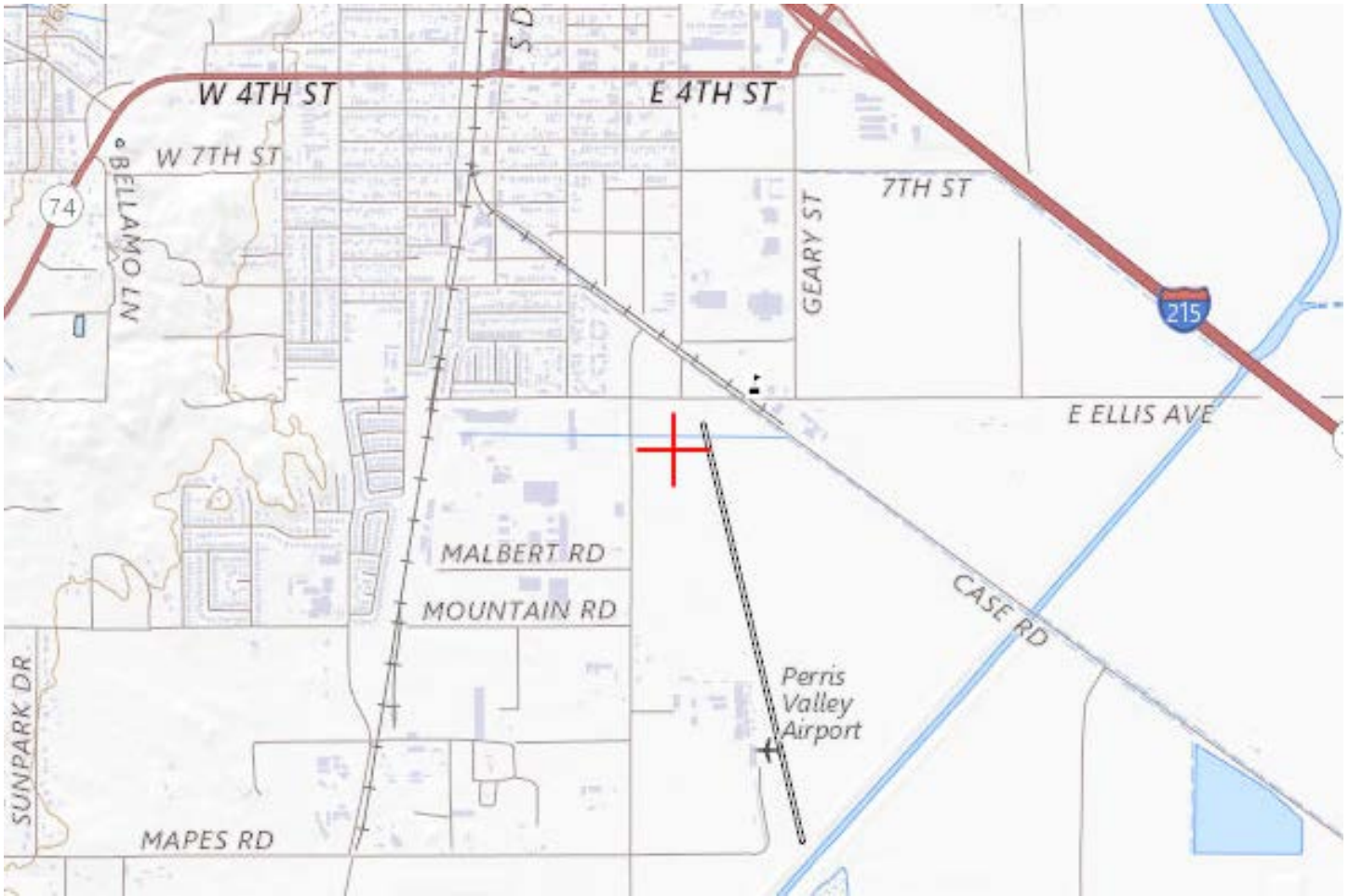
Part 77 establishes standards for determining obstructions to air navigation. A structure that exceeds one or more of these standards is presumed to be a hazard to air navigation unless the obstruction evaluation study determines otherwise. Just because a proposed structure exceeds a Part 77 surface does not automatically make it a hazard. In this case the proposal would exceed the RWY 15/33 transitional surface by the values listed above, however, it would not conflict with airspace required to conduct normal VFR traffic pattern operations. There are no IFR impacts and the VFR traffic pattern airspace is not impacted. The incorporation of obstruction lighting will provide pilot conspicuity for VFR and IFR aircraft operations in the vicinity of the airport.

#### 7. CONDITIONS

The structure shall be lighted as outlined in Chapters 4, 5(Red) & 15 of the Advisory Circular AC 70/7460-1M.

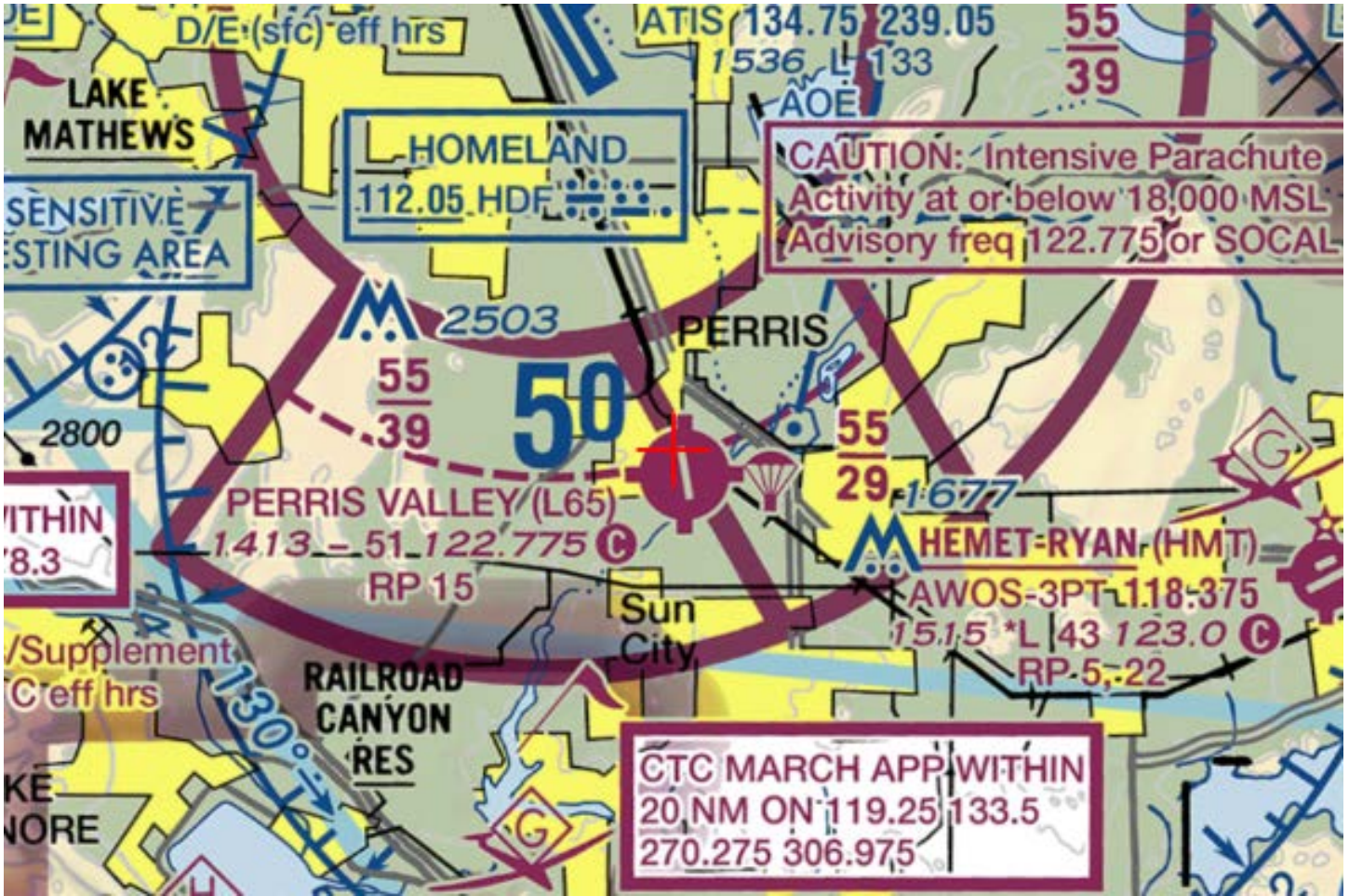
The advisory circular is available online at [https://www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/1038519](https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1038519).

Within five days after the structure reaches its greatest height, the proponent is required to file on line the Supplemental Notice, FAA form 7460-2, with actual construction details, at the OE/AAA website (<https://oeaaa.faa.gov/oeaaa>). Detailed instructions are available under the Instructions link. This Supplemental Notice notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national database.





Sectional Map for ASN 2023-AWP-1818-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1819-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 1-3  
 Location: Perris, CA  
 Latitude: 33-46-11.66N NAD 83  
 Longitude: 117-13-18.99W  
 Heights: 1422 feet site elevation (SE)  
 50 feet above ground level (AGL)  
 1472 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

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- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before May 19, 2023. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager of the Rules and Regulations Group via e-mail at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW, Washington, DC 20591, or via facsimile (202) 267-9328. FAA encourages the use of email to ensure timely processing.

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If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Vivian Vilaro, at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1819-OE.

**Signature Control No: 569690158-581799328**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)



## Additional information for ASN 2023-AWP-1819-OE

AERONAUTICAL STUDY NO. 2023-AWP-1818-through-1821-OE

### Abbreviations

VFR - Visual Flight Rules                      AGL - Above Ground Level                      RWY - Runway  
IFR - Instrument Flight Rules                      MSL - Mean Sea Level                      NM - Nautical Mile  
AMSL - Above Mean Sea Level

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

### 1. LOCATION OF PROPOSED CONSTRUCTION

CH Realty IX-MC I Riverside Perris Airport Center is proposing to construct two industrial buildings west of Perris Valley Airport. The proposed structures have been identified as an obstruction under Part 77 standards.

The proposal would be located 0.29 nautical miles northwest of the Perris Valley Airport (L65) airport reference point (ARP) in Perris, CA. L65 elevation is 1413 feet MSL.

Aeronautical Study Number	AGL/AMSL	L65 ARP	Coordinates	BLDG
2023-AWP-1818-OE	51/1472	0.38	33-46-13.64/117-13-18.99	1-2
2023-AWP-1819-OE	50/1472	0.35	33-46-11.66/117-13-18.99	1-3
2023-AWP-1820-OE	50/1472	0.32	33-46-09.60/117-13-19.00	1-4
2023-AWP-1821-OE	50/1472	0.29	33-46-07.56/117-13-19.01	1-5

### 2. OBSTRUCTION STANDARDS EXCEEDED

Section 77.19(e) - These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. The proposed structure would exceed L65 transitional surface for the existing RWY 15/33 by the values shown below:

Aeronautical Study Number	Transitional Surface exceeds by
2023-AWP-1818-OE	27 feet
2023-AWP-1819-OE	20 feet
2023-AWP-1820-OE	13 feet
2023-AWP-1821-OE	6 feet

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows: The VFR traffic pattern airspace (TPA) is not penetrated.

#### FAA Findings

There are no effects on any existing or proposed arrival, departure, or en route IFR operations or procedures.

There are no effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes.

There is no penetration into the VFR traffic pattern airspace.

There are no physical or electromagnetic effects on the operation of air navigation and communications facilities.

There are no effects on any airspace and routes used by the military.

The L65 Airport Master Record can be viewed or downloaded at <https://adip.faa.gov/agis/public/#/airportData/L65> It states that there are eight (8) single engine, twelve (12) multi-engine and one (1) jet aircraft based there with 27,550 operations for the 12 months ending 04/30/2022 (latest information).

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR follows:

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival or en route IFR operations or procedures.

c. The impact on all planned public-use airports and aeronautical facilities follows: Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposed structure affect the capacity of any known existing or planned public-use or military airport.

d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures is not considered to be significant.

#### 4. CIRCULATION AND COMMENTS RECEIVED

As a result of the negotiation process the sponsor requested circularization of the proposed structure. The proposal was circularized for public comment on March 7, 2023. No comments were received as a result of the circularization.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

#### 6. BASIS FOR DECISION

Part 77 establishes standards for determining obstructions to air navigation. A structure that exceeds one or more of these standards is presumed to be a hazard to air navigation unless the obstruction evaluation study determines otherwise. Just because a proposed structure exceeds a Part 77 surface does not automatically make it a hazard. In this case the proposal would exceed the RWY 15/33 transitional surface by the values listed above, however, it would not conflict with airspace required to conduct normal VFR traffic pattern operations. There are no IFR impacts and the VFR traffic pattern airspace is not impacted. The incorporation of obstruction lighting will provide pilot conspicuity for VFR and IFR aircraft operations in the vicinity of the airport.

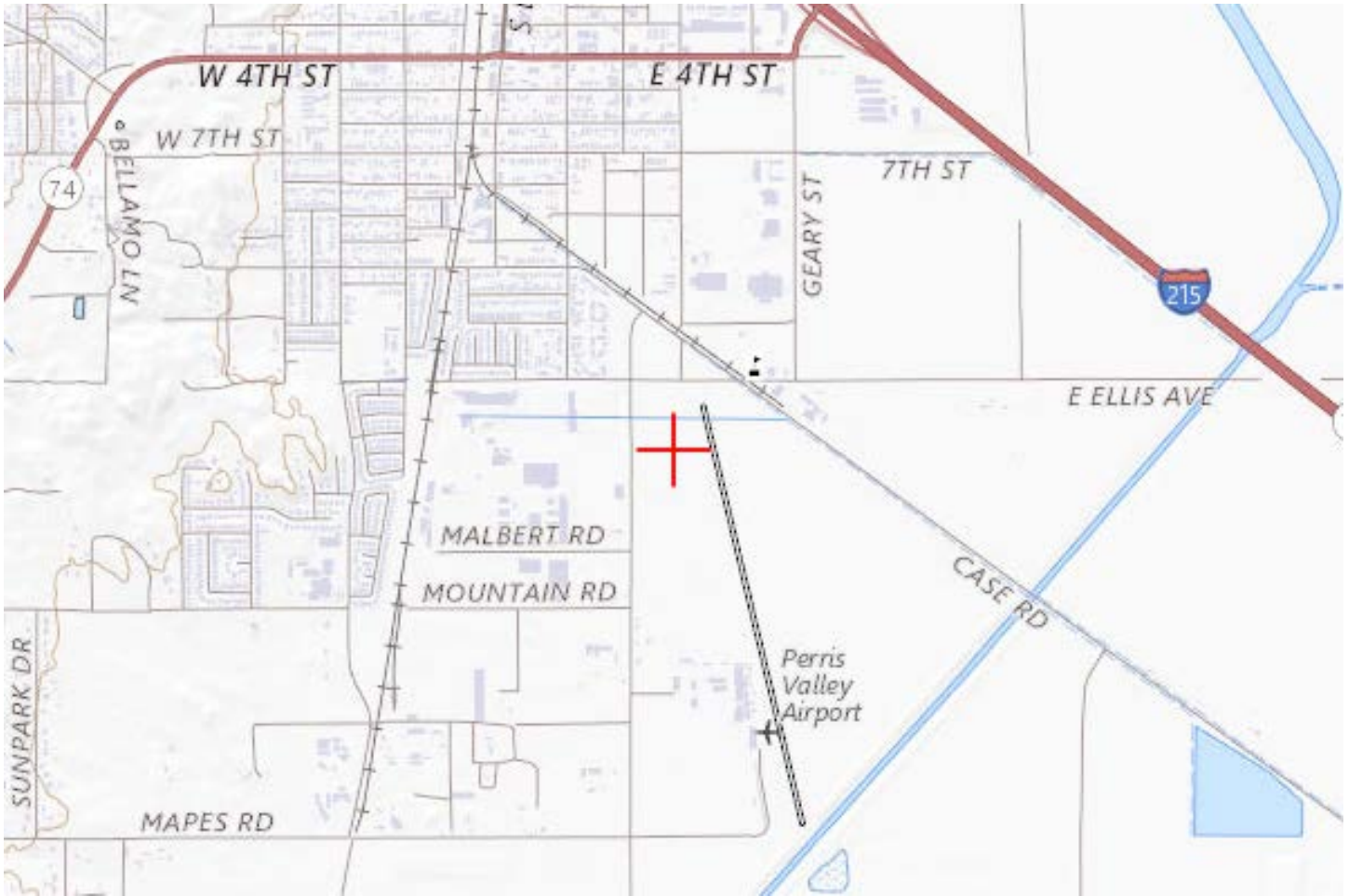
#### 7. CONDITIONS

The structure shall be lighted as outlined in Chapters 4, 5(Red) & 15 of the Advisory Circular AC 70/7460-1M.

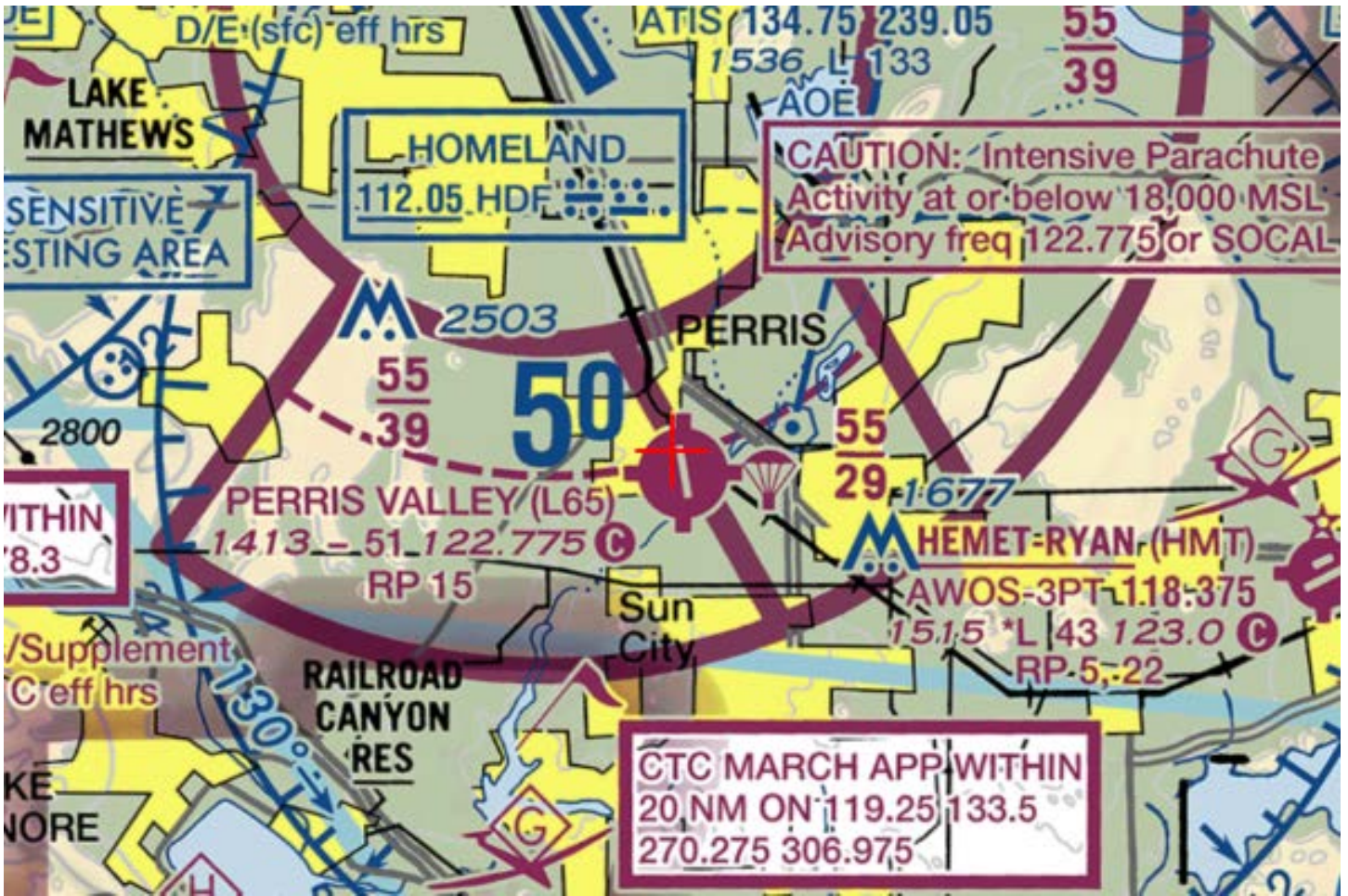
The advisory circular is available online at [https://www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/1038519](https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1038519).

Within five days after the structure reaches its greatest height, the proponent is required to file on line the Supplemental Notice, FAA form 7460-2, with actual construction details, at the OE/AAA website (<https://oeaaa.faa.gov/oeaaa>). Detailed instructions are available under the Instructions link. This Supplemental Notice notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national database.

TOPO Map for ASN 2023-AWP-1819-OE



Sectional Map for ASN 2023-AWP-1819-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1820-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 1-4
Location:	Perris, CA
Latitude:	33-46-09.60N NAD 83
Longitude:	117-13-19.00W
Heights:	1422 feet site elevation (SE) 50 feet above ground level (AGL) 1472 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before May 19, 2023. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager of the Rules and Regulations Group via e-mail at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW, Washington, DC 20591, or via facsimile (202) 267-9328. FAA encourages the use of email to ensure timely processing.

This determination becomes final on May 29, 2023 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Vivian Vilaro, at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1820-OE.

**Signature Control No: 569690159-581799329**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2023-AWP-1820-OE

AERONAUTICAL STUDY NO. 2023-AWP-1818-through-1821-OE

### Abbreviations

VFR - Visual Flight Rules

AGL - Above Ground Level

RWY - Runway

IFR - Instrument Flight Rules

MSL - Mean Sea Level

NM - Nautical Mile

AMSL - Above Mean Sea Level

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

### 1. LOCATION OF PROPOSED CONSTRUCTION

CH Realty IX-MC I Riverside Perris Airport Center is proposing to construct two industrial buildings west of Perris Valley Airport. The proposed structures have been identified as an obstruction under Part 77 standards.

The proposal would be located 0.29 nautical miles northwest of the Perris Valley Airport (L65) airport reference point (ARP) in Perris, CA. L65 elevation is 1413 feet MSL.

Aeronautical Study Number	AGL/AMSL	L65 ARP	Coordinates	BLDG
2023-AWP-1818-OE	51/1472	0.38	33-46-13.64/117-13-18.99	1-2
2023-AWP-1819-OE	50/1472	0.35	33-46-11.66/117-13-18.99	1-3
2023-AWP-1820-OE	50/1472	0.32	33-46-09.60/117-13-19.00	1-4
2023-AWP-1821-OE	50/1472	0.29	33-46-07.56/117-13-19.01	1-5

### 2. OBSTRUCTION STANDARDS EXCEEDED

Section 77.19(e) - These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. The proposed structure would exceed L65 transitional surface for the existing RWY 15/33 by the values shown below:

Aeronautical Study Number	Transitional Surface exceeds by
2023-AWP-1818-OE	27 feet
2023-AWP-1819-OE	20 feet
2023-AWP-1820-OE	13 feet
2023-AWP-1821-OE	6 feet

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows: The VFR traffic pattern airspace (TPA) is not penetrated.

#### FAA Findings

There are no effects on any existing or proposed arrival, departure, or en route IFR operations or procedures.

There are no effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes.

There is no penetration into the VFR traffic pattern airspace.

There are no physical or electromagnetic effects on the operation of air navigation and communications facilities.

There are no effects on any airspace and routes used by the military.



The L65 Airport Master Record can be viewed or downloaded at <https://adip.faa.gov/agis/public/#/airportData/L65> It states that there are eight (8) single engine, twelve (12) multi-engine and one (1) jet aircraft based there with 27,550 operations for the 12 months ending 04/30/2022 (latest information).

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR follows:

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival or en route IFR operations or procedures.

c. The impact on all planned public-use airports and aeronautical facilities follows: Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposed structure affect the capacity of any known existing or planned public-use or military airport.

d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures is not considered to be significant.

#### 4. CIRCULATION AND COMMENTS RECEIVED

As a result of the negotiation process the sponsor requested circularization of the proposed structure. The proposal was circularized for public comment on March 7, 2023. No comments were received as a result of the circularization.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

#### 6. BASIS FOR DECISION

Part 77 establishes standards for determining obstructions to air navigation. A structure that exceeds one or more of these standards is presumed to be a hazard to air navigation unless the obstruction evaluation study determines otherwise. Just because a proposed structure exceeds a Part 77 surface does not automatically make it a hazard. In this case the proposal would exceed the RWY 15/33 transitional surface by the values listed above, however, it would not conflict with airspace required to conduct normal VFR traffic pattern operations. There are no IFR impacts and the VFR traffic pattern airspace is not impacted. The incorporation of obstruction lighting will provide pilot conspicuity for VFR and IFR aircraft operations in the vicinity of the airport.

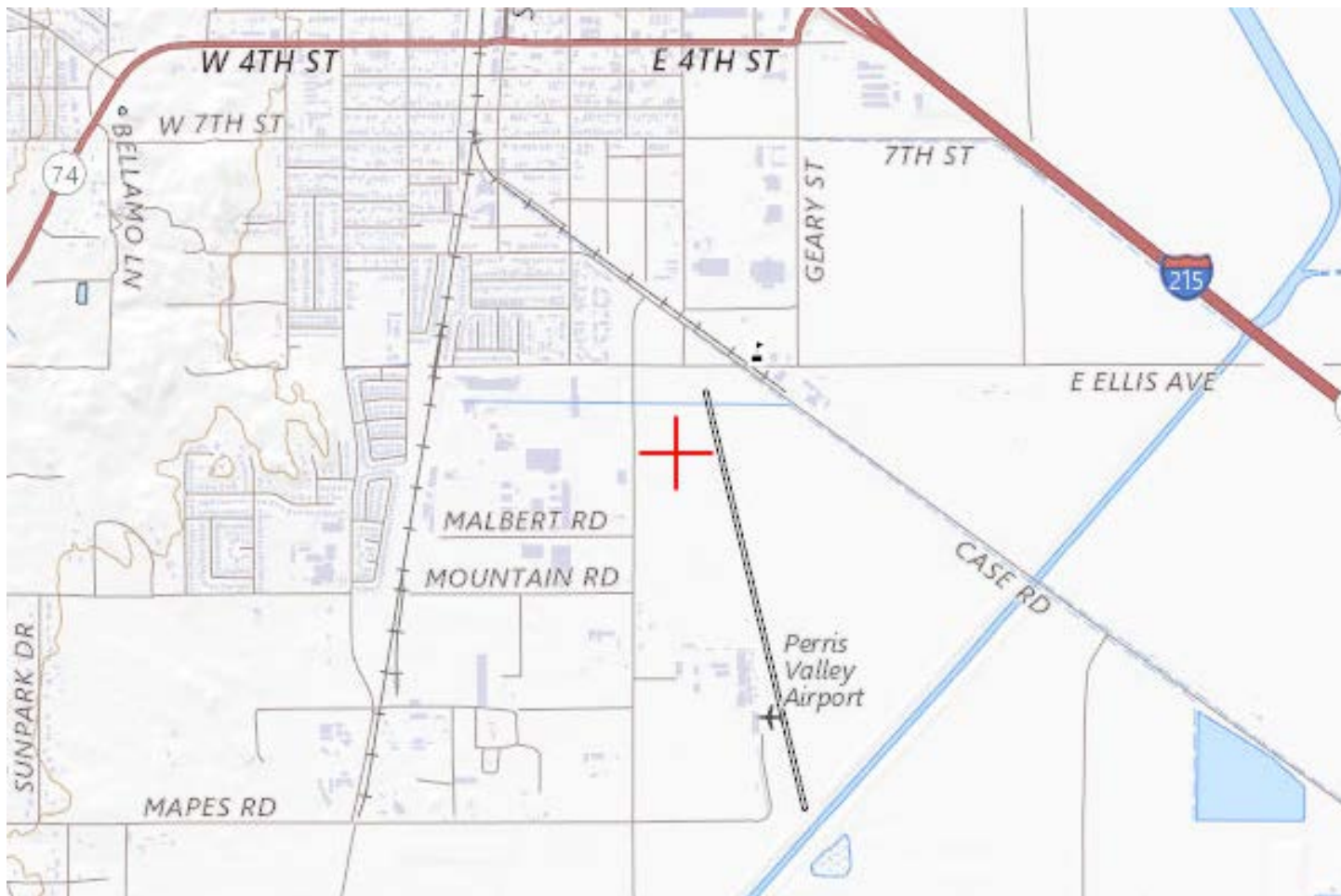
#### 7. CONDITIONS

The structure shall be lighted as outlined in Chapters 4, 5(Red) & 15 of the Advisory Circular AC 70/7460-1M.

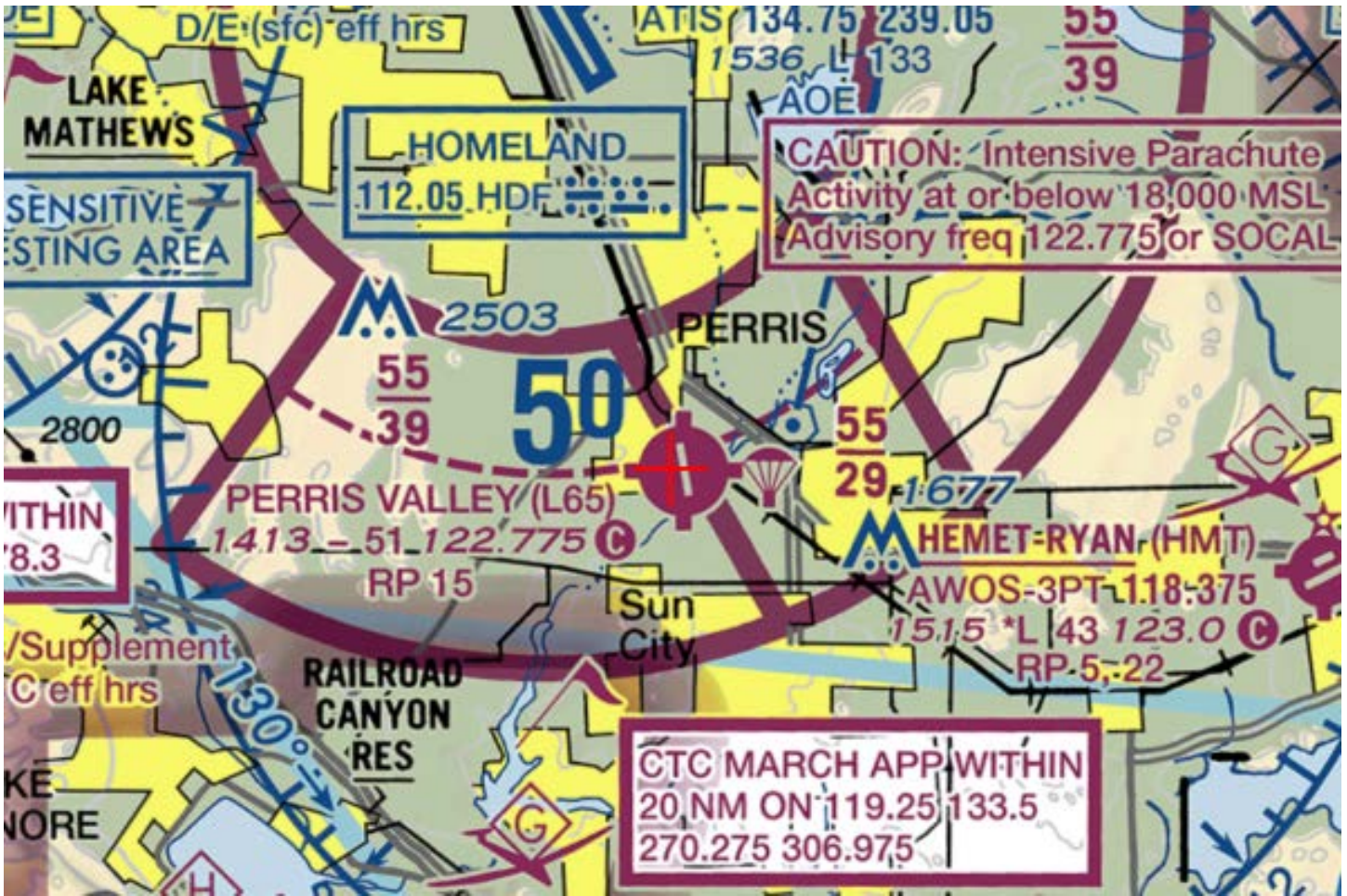
The advisory circular is available online at [https://www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/1038519](https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1038519).

Within five days after the structure reaches its greatest height, the proponent is required to file on line the Supplemental Notice, FAA form 7460-2, with actual construction details, at the OE/AAA website (<https://oeaaa.faa.gov/oeaaa>). Detailed instructions are available under the Instructions link. This Supplemental Notice notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national database.

TOPO Map for ASN 2023-AWP-1820-OE



Sectional Map for ASN 2023-AWP-1820-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1821-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 1-5  
 Location: Perris, CA  
 Latitude: 33-46-07.56N NAD 83  
 Longitude: 117-13-19.01W  
 Heights: 1422 feet site elevation (SE)  
 50 feet above ground level (AGL)  
 1472 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the structure would not be a hazard to air navigation provided the following condition(s) is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.



The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is subject to review if an interested party files a petition that is received by the FAA on or before May 19, 2023. In the event an interested party files a petition for review, it must contain a full statement of the basis upon which the petition is made. Petitions can be submitted to the Manager of the Rules and Regulations Group via e-mail at [OEPetitions@faa.gov](mailto:OEPetitions@faa.gov), via mail to Federal Aviation Administration, Air Traffic Organization, Rules and Regulations Group, Room 425, 800 Independence Ave, SW, Washington, DC 20591, or via facsimile (202) 267-9328. FAA encourages the use of email to ensure timely processing.

This determination becomes final on May 29, 2023 unless a petition is timely filed. In which case, this determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review. For any questions regarding your petition, please contact Rules and Regulations Group via telephone – 202-267-8783.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

This aeronautical study considered and analyzed the impact on existing and proposed arrival, departure, and en route procedures for aircraft operating under both visual flight rules and instrument flight rules; the impact on all existing and planned public-use airports, military airports and aeronautical facilities; and the cumulative impact resulting from the studied structure when combined with the impact of other existing or proposed structures. The study disclosed that the described structure would have no substantial adverse effect on air navigation.

An account of the study findings, aeronautical objections received by the FAA during the study (if any), and the basis for the FAA's decision in this matter can be found on the following page(s).

If we can be of further assistance, please contact Vivian Vilaro, at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1821-OE.

**Signature Control No: 569690160-581799327**

( DNH )

Mike Helvey

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Map(s)

## Additional information for ASN 2023-AWP-1821-OE

AERONAUTICAL STUDY NO. 2023-AWP-1818-through-1821-OE

### Abbreviations

VFR - Visual Flight Rules

AGL - Above Ground Level

RWY - Runway

IFR - Instrument Flight Rules

MSL - Mean Sea Level

NM - Nautical Mile

AMSL - Above Mean Sea Level

Part 77 - Title 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace

### 1. LOCATION OF PROPOSED CONSTRUCTION

CH Realty IX-MC I Riverside Perris Airport Center is proposing to construct two industrial buildings west of Perris Valley Airport. The proposed structures have been identified as an obstruction under Part 77 standards.

The proposal would be located 0.29 nautical miles northwest of the Perris Valley Airport (L65) airport reference point (ARP) in Perris, CA. L65 elevation is 1413 feet MSL.

Aeronautical Study Number	AGL/AMSL	L65 ARP	Coordinates	BLDG
2023-AWP-1818-OE	51/1472	0.38	33-46-13.64/117-13-18.99	1-2
2023-AWP-1819-OE	50/1472	0.35	33-46-11.66/117-13-18.99	1-3
2023-AWP-1820-OE	50/1472	0.32	33-46-09.60/117-13-19.00	1-4
2023-AWP-1821-OE	50/1472	0.29	33-46-07.56/117-13-19.01	1-5

### 2. OBSTRUCTION STANDARDS EXCEEDED

Section 77.19(e) - These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. The proposed structure would exceed L65 transitional surface for the existing RWY 15/33 by the values shown below:

Aeronautical Study Number	Transitional Surface exceeds by
2023-AWP-1818-OE	27 feet
2023-AWP-1819-OE	20 feet
2023-AWP-1820-OE	13 feet
2023-AWP-1821-OE	6 feet

### 3. EFFECT ON AERONAUTICAL OPERATIONS

a. The impact on arrival, departure, and en route procedures for aircraft operating under VFR follows: The VFR traffic pattern airspace (TPA) is not penetrated.

#### FAA Findings

There are no effects on any existing or proposed arrival, departure, or en route IFR operations or procedures.

There are no effects on any existing or proposed arrival, departure, or en route IFR/VFR minimum flight altitudes.

There is no penetration into the VFR traffic pattern airspace.

There are no physical or electromagnetic effects on the operation of air navigation and communications facilities.

There are no effects on any airspace and routes used by the military.

The L65 Airport Master Record can be viewed or downloaded at <https://adip.faa.gov/agis/public/#/airportData/L65> It states that there are eight (8) single engine, twelve (12) multi-engine and one (1) jet aircraft based there with 27,550 operations for the 12 months ending 04/30/2022 (latest information).

b. The impact on arrival, departure, and en route procedures for aircraft operating under IFR follows:

Aeronautical study disclosed that the proposed structure would have no effect on any existing or proposed arrival or en route IFR operations or procedures.

c. The impact on all planned public-use airports and aeronautical facilities follows: Study did not disclose any significant adverse effect on existing or proposed public-use or military airports or navigational facilities, nor would the proposed structure affect the capacity of any known existing or planned public-use or military airport.

d. The cumulative impact resulting from the proposed construction or alteration of a structure when combined with the impact of other existing or proposed structures is not considered to be significant.

#### 4. CIRCULATION AND COMMENTS RECEIVED

As a result of the negotiation process the sponsor requested circularization of the proposed structure. The proposal was circularized for public comment on March 7, 2023. No comments were received as a result of the circularization.

#### 5. DETERMINATION - NO HAZARD TO AIR NAVIGATION

It is determined that the proposed structure would not have a substantial adverse effect on the safe and efficient use of navigable airspace by aircraft.

#### 6. BASIS FOR DECISION

Part 77 establishes standards for determining obstructions to air navigation. A structure that exceeds one or more of these standards is presumed to be a hazard to air navigation unless the obstruction evaluation study determines otherwise. Just because a proposed structure exceeds a Part 77 surface does not automatically make it a hazard. In this case the proposal would exceed the RWY 15/33 transitional surface by the values listed above, however, it would not conflict with airspace required to conduct normal VFR traffic pattern operations. There are no IFR impacts and the VFR traffic pattern airspace is not impacted. The incorporation of obstruction lighting will provide pilot conspicuity for VFR and IFR aircraft operations in the vicinity of the airport.

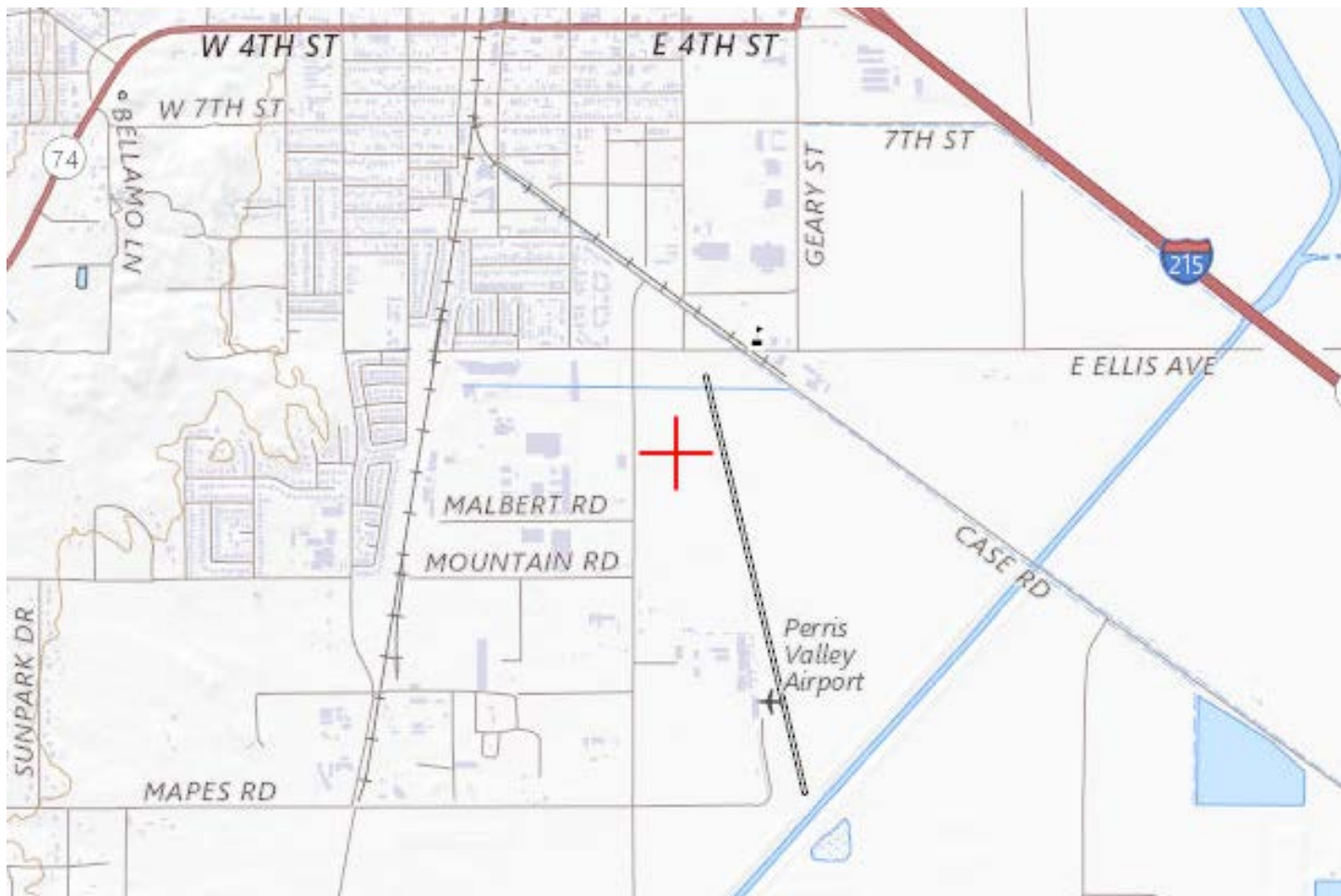
#### 7. CONDITIONS

The structure shall be lighted as outlined in Chapters 4, 5(Red) & 15 of the Advisory Circular AC 70/7460-1M.

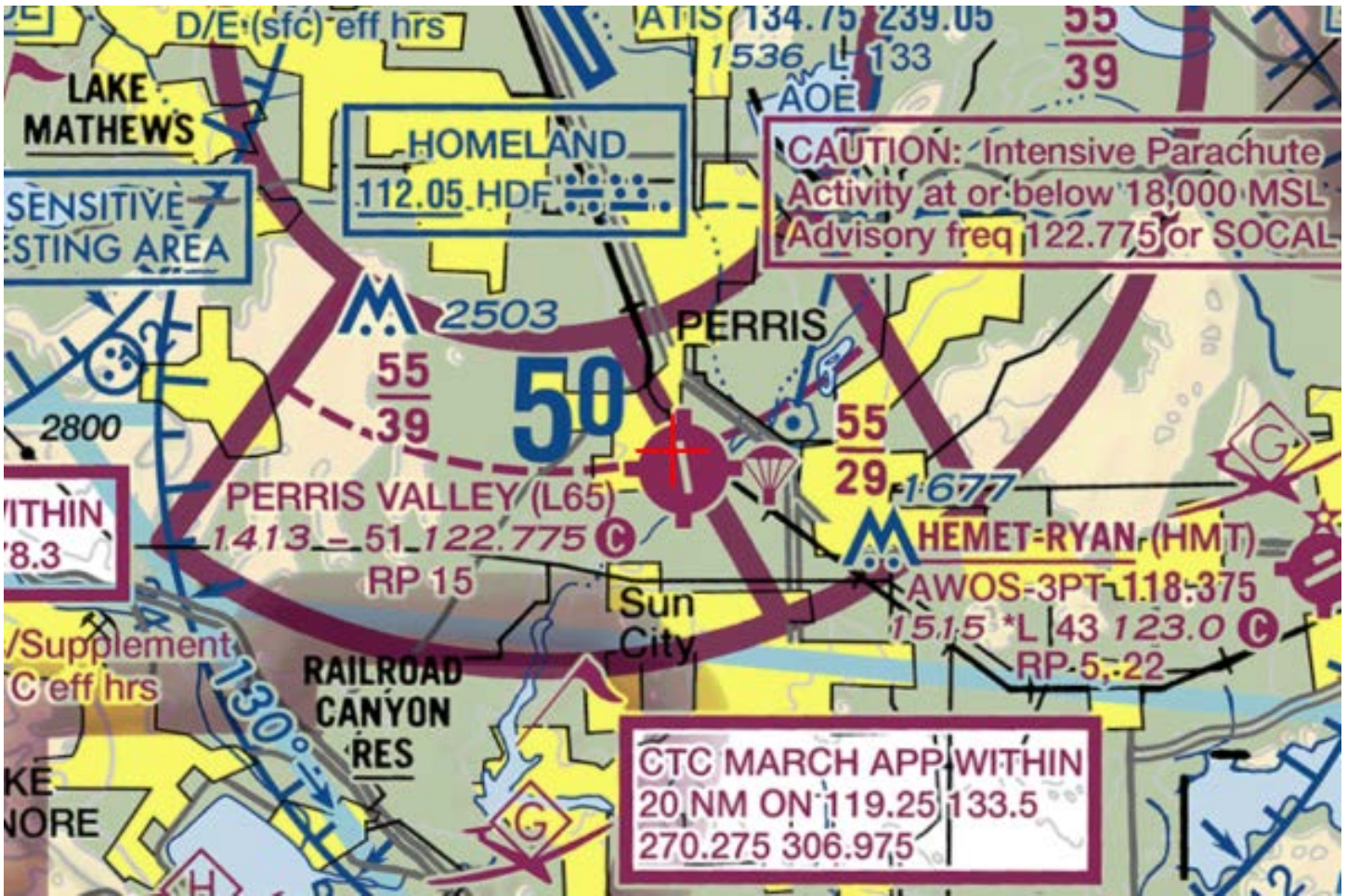
The advisory circular is available online at [https://www.faa.gov/regulations\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/1038519](https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1038519).

Within five days after the structure reaches its greatest height, the proponent is required to file on line the Supplemental Notice, FAA form 7460-2, with actual construction details, at the OE/AAA website (<https://oeaaa.faa.gov/oeaaa>). Detailed instructions are available under the Instructions link. This Supplemental Notice notification will be the source document detailing the site location, site elevation, structure height, and date structure was built for the FAA to map the structure on aeronautical charts and update the national database.





Sectional Map for ASN 2023-AWP-1821-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1822-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 1-6
Location:	Perris, CA
Latitude:	33-46-02.83N NAD 83
Longitude:	117-13-19.02W
Heights:	1422 feet site elevation (SE) 50 feet above ground level (AGL) 1472 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1822-OE.

**Signature Control No: 569690161-581801817**

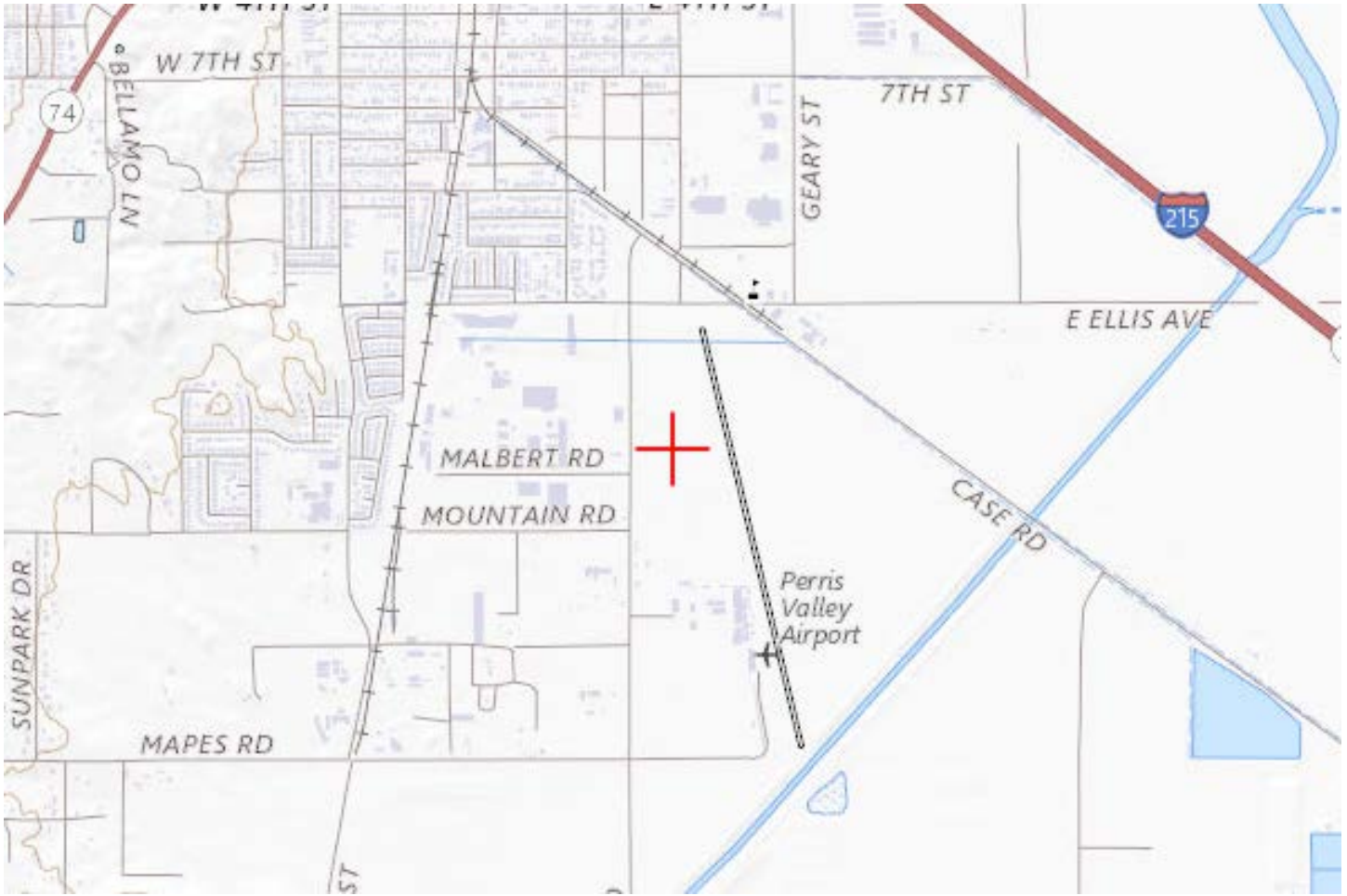
( DNE )

Vivian Vilaro  
Specialist

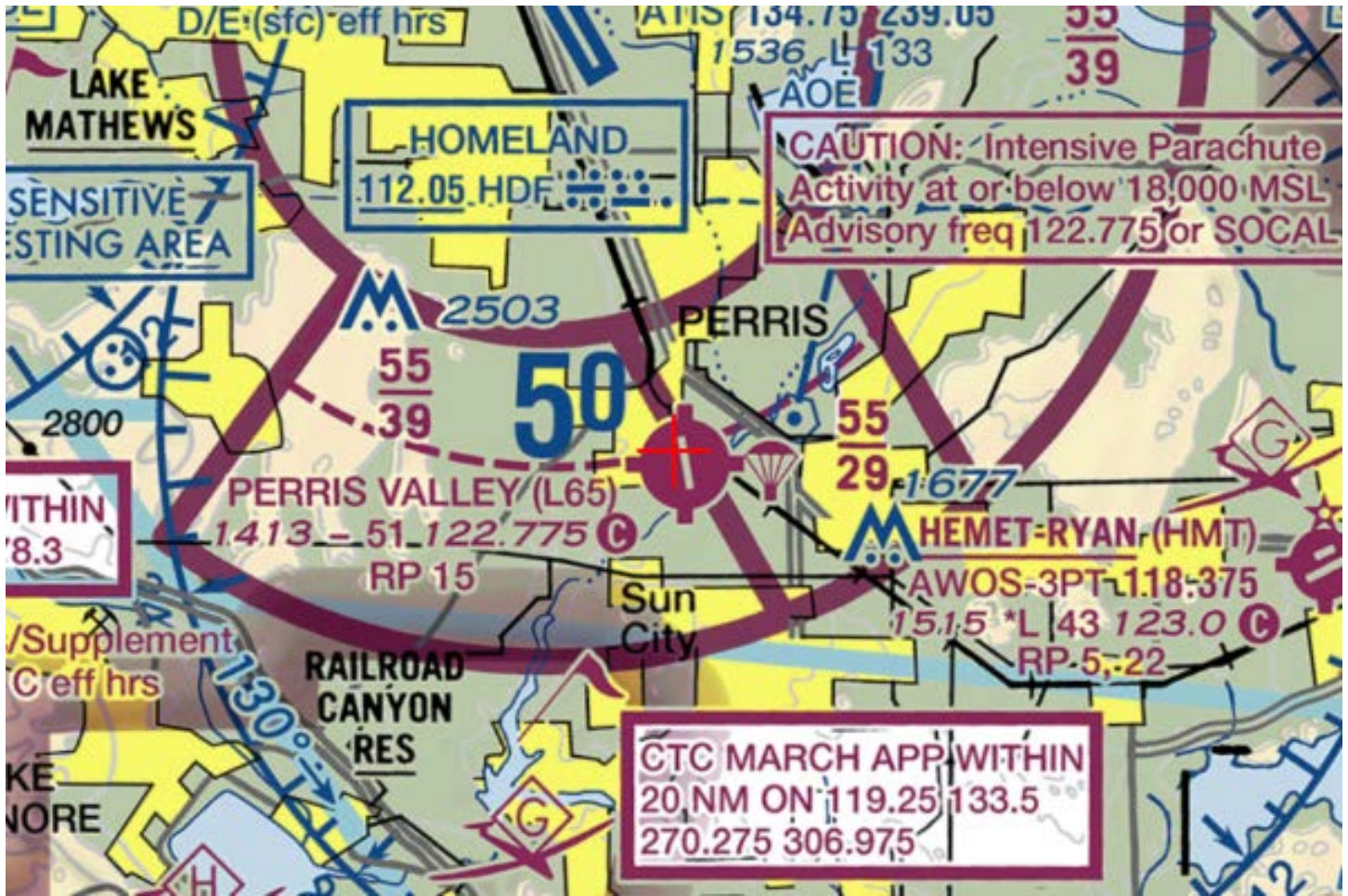
Attachment(s)  
Map(s)



TOPO Map for ASN 2023-AWP-1822-OE



Sectional Map for ASN 2023-AWP-1822-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1823-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 1-7
Location:	Perris, CA
Latitude:	33-45-53.79N NAD 83
Longitude:	117-13-19.07W
Heights:	1420 feet site elevation (SE)
	52 feet above ground level (AGL)
	1472 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1823-OE.

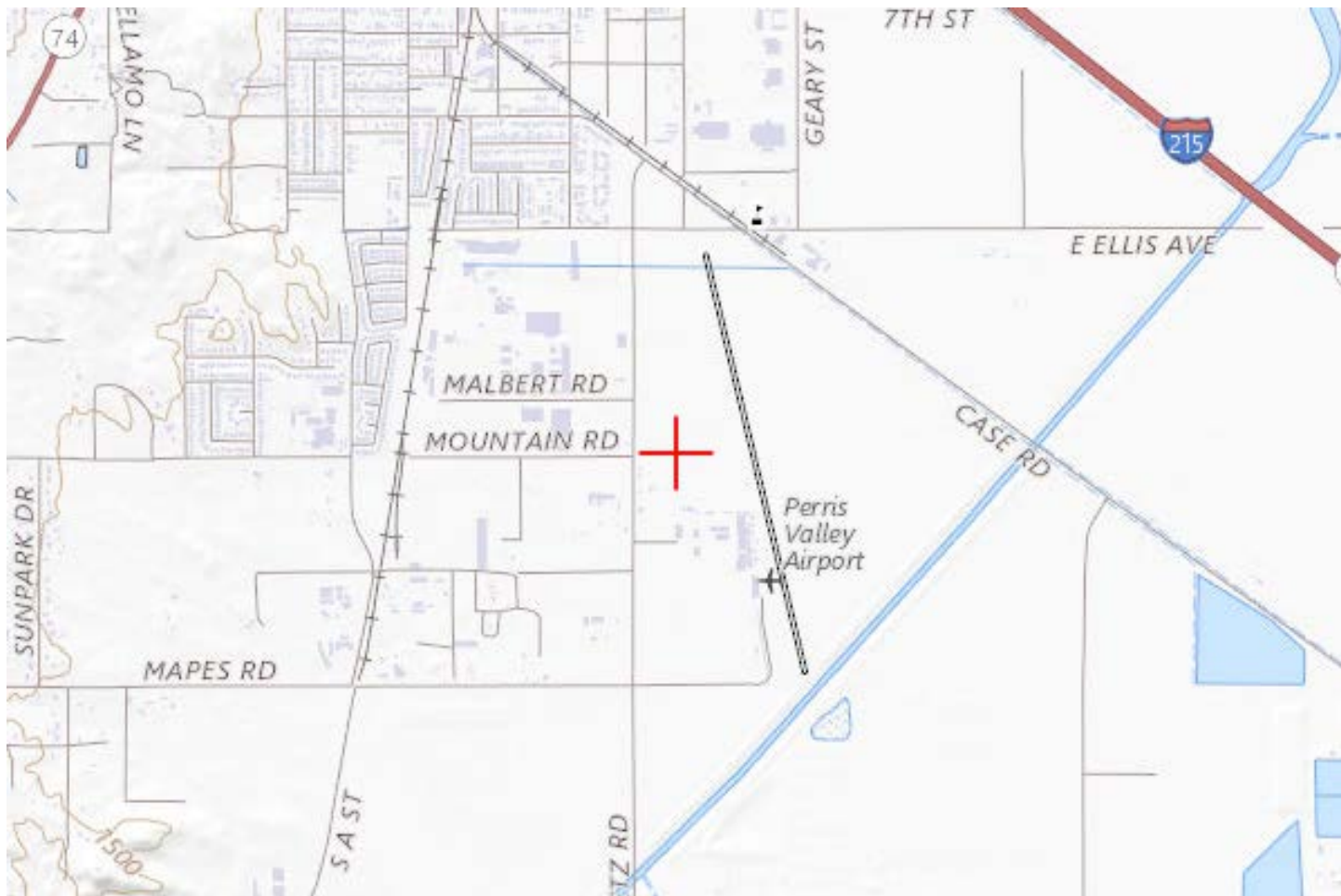
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( DNE )

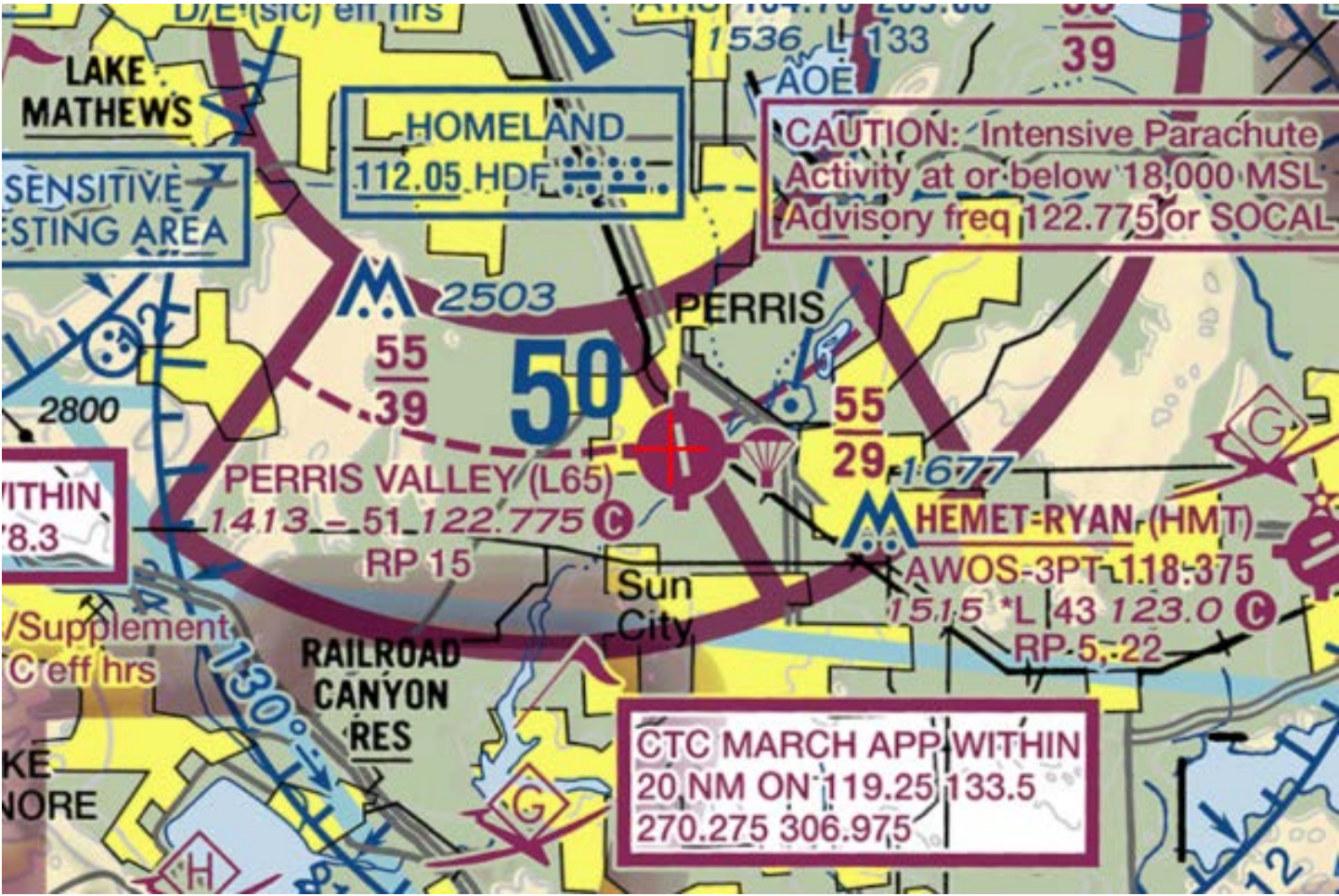
Vivian Vilaro  
Specialist

Attachment(s)  
Map(s)





Sectional Map for ASN 2023-AWP-1823-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1824-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 1-8  
 Location: Perris, CA  
 Latitude: 33-45-53.81N NAD 83  
 Longitude: 117-13-23.67W  
 Heights: 1423 feet site elevation (SE)  
 52 feet above ground level (AGL)  
 1475 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 M, Obstruction Marking and Lighting, red lights-Chapters 4,5(Red),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Air Missions (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1824-OE.

**Signature Control No: 569690163-581801815**

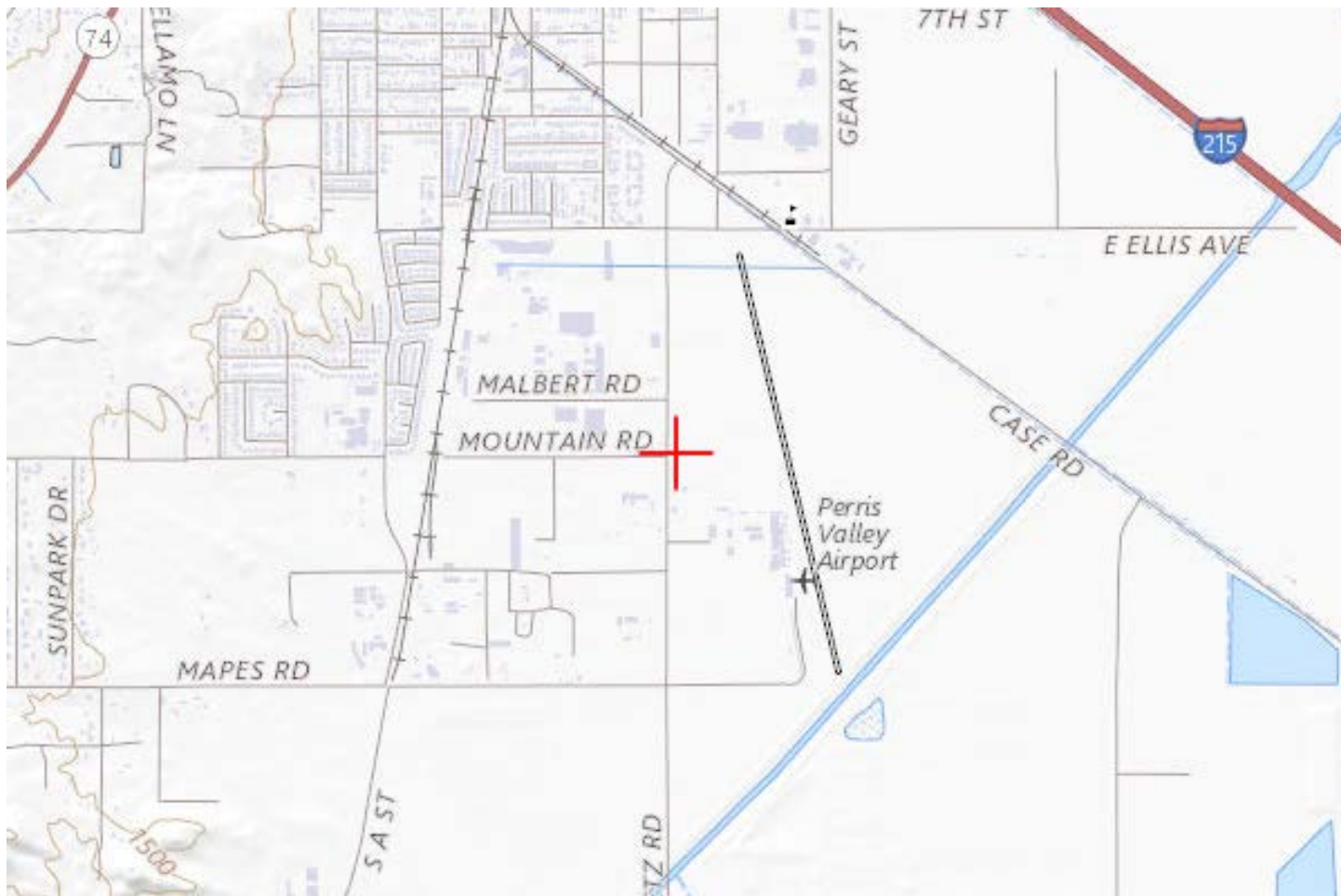
( DNE )

Vivian Vilaro  
Specialist

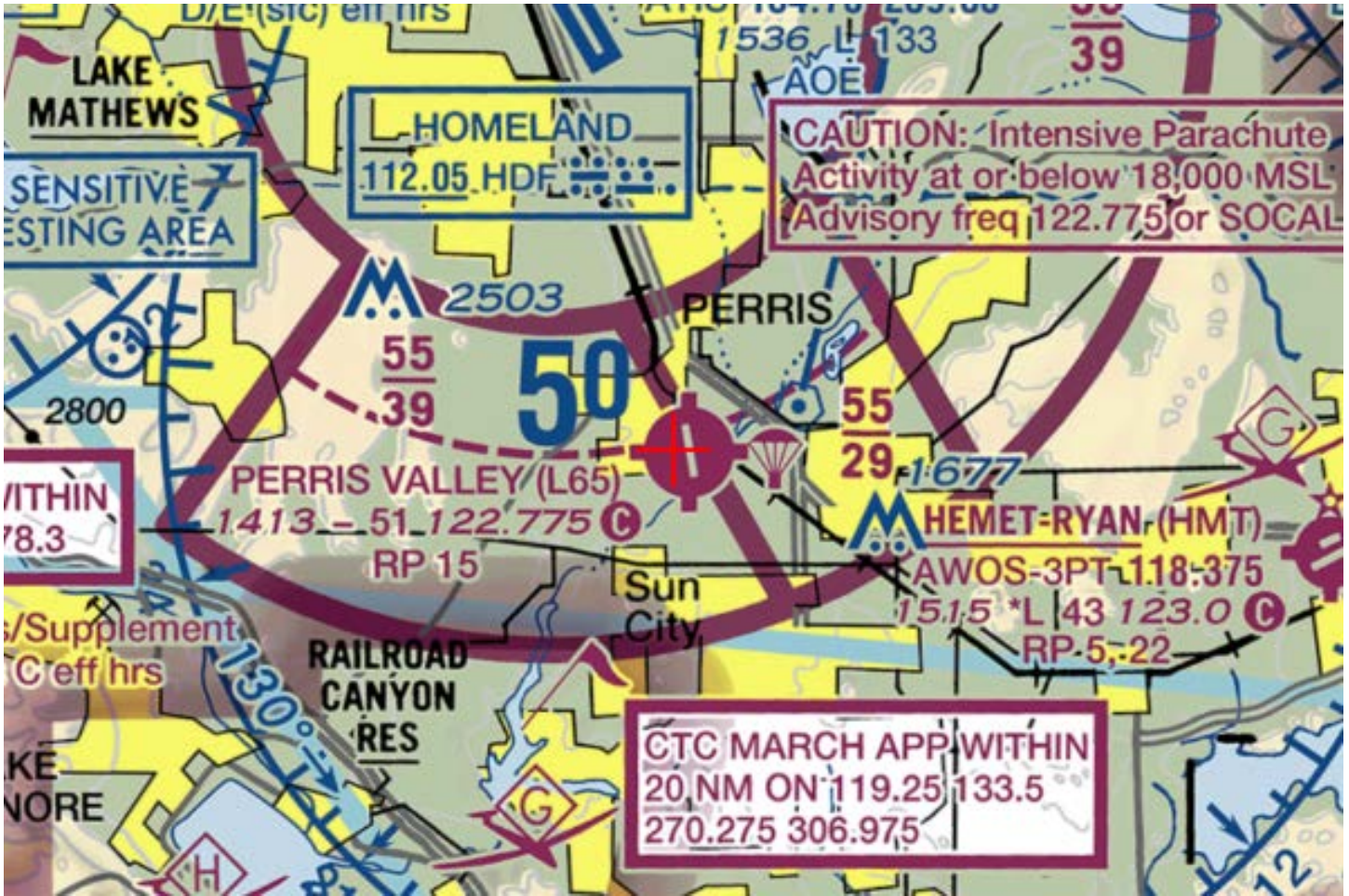
Attachment(s)  
Map(s)



TOPO Map for ASN 2023-AWP-1824-OE



Sectional Map for ASN 2023-AWP-1824-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1825-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 2-1  
 Location: Perris, CA  
 Latitude: 33-45-53.02N NAD 83  
 Longitude: 117-13-21.22W  
 Heights: 1419 feet site elevation (SE)  
 51 feet above ground level (AGL)  
 1470 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1825-OE.

**Signature Control No: 569690164-581800011**

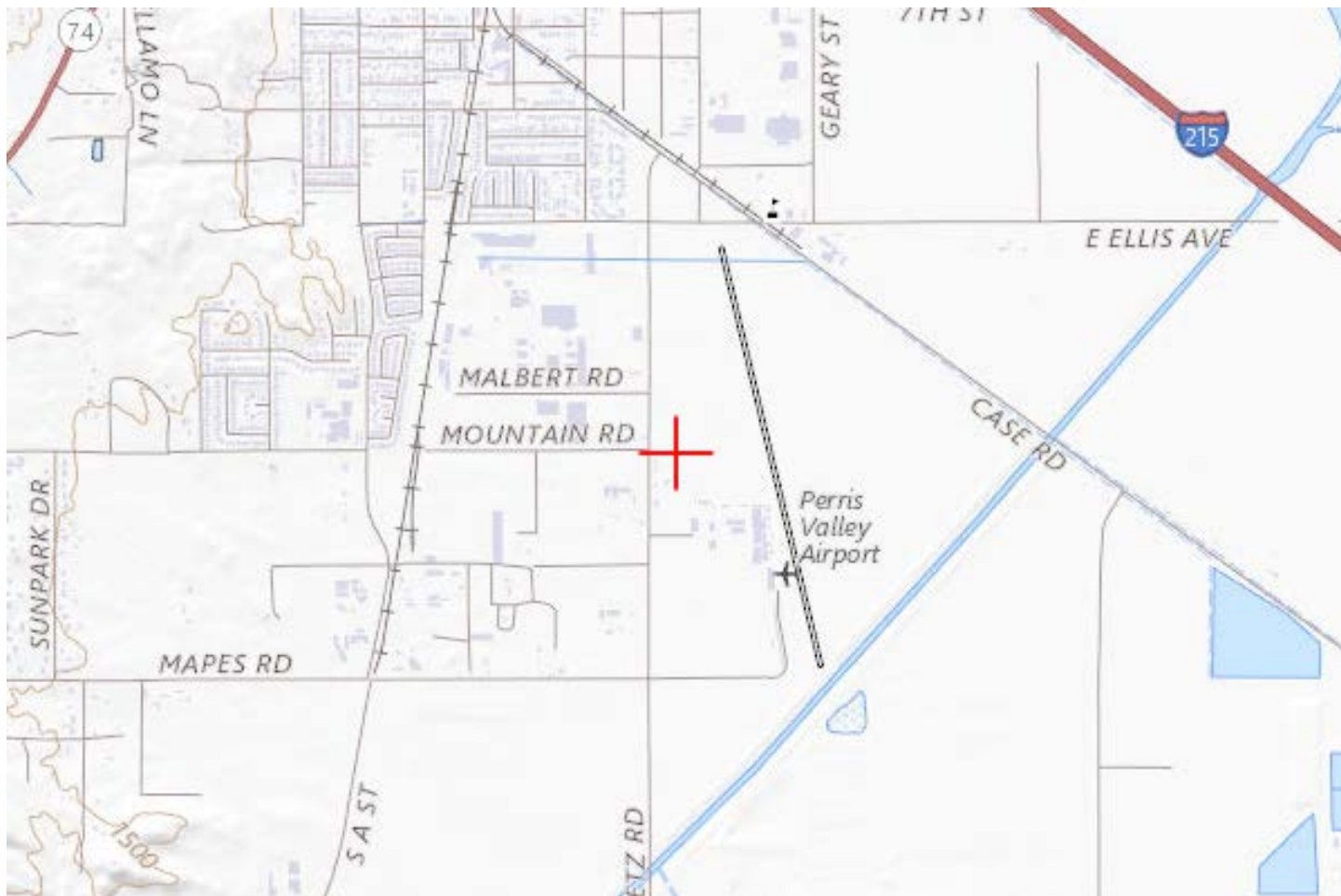
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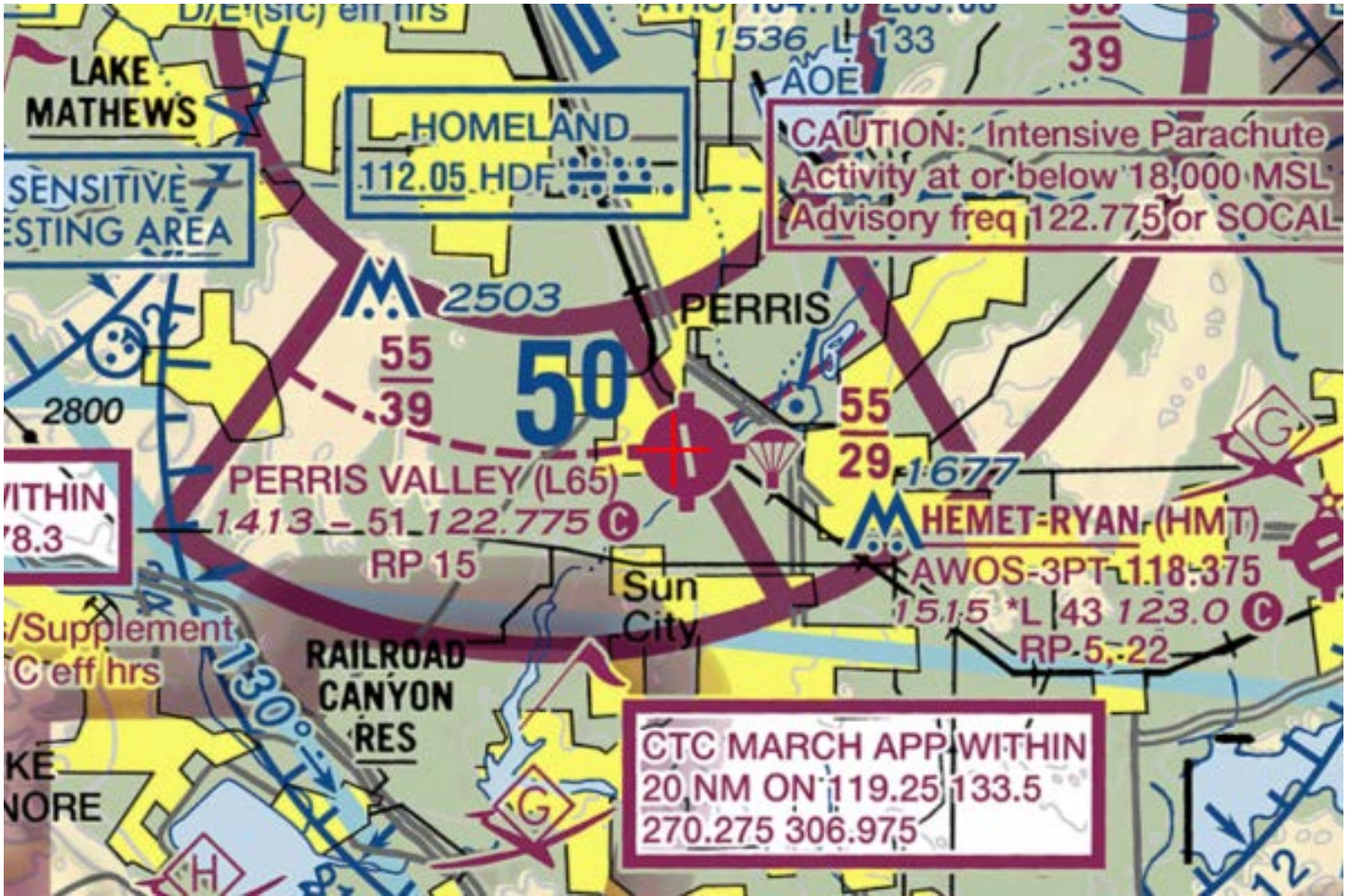
Vivian Vilaro  
Specialist

Attachment(s)  
Map(s)



TOPO Map for ASN 2023-AWP-1825-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1826-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 2-2  
 Location: Perris, CA  
 Latitude: 33-45-53.01N NAD 83  
 Longitude: 117-13-15.35W  
 Heights: 1417 feet site elevation (SE)  
 53 feet above ground level (AGL)  
 1470 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1826-OE.

**Signature Control No: 569690165-581800013**

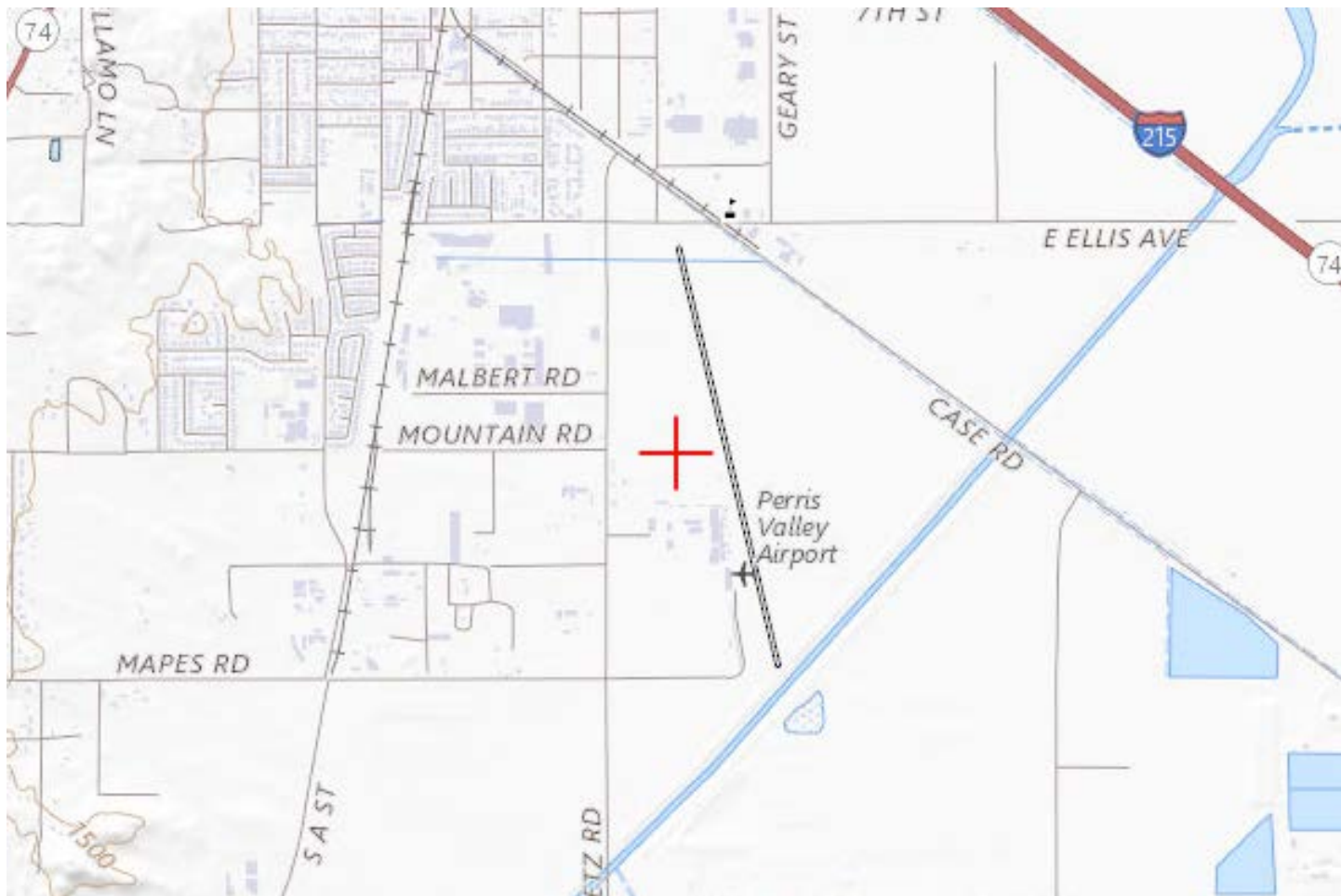
( DNE )

Vivian Vilaro  
Specialist

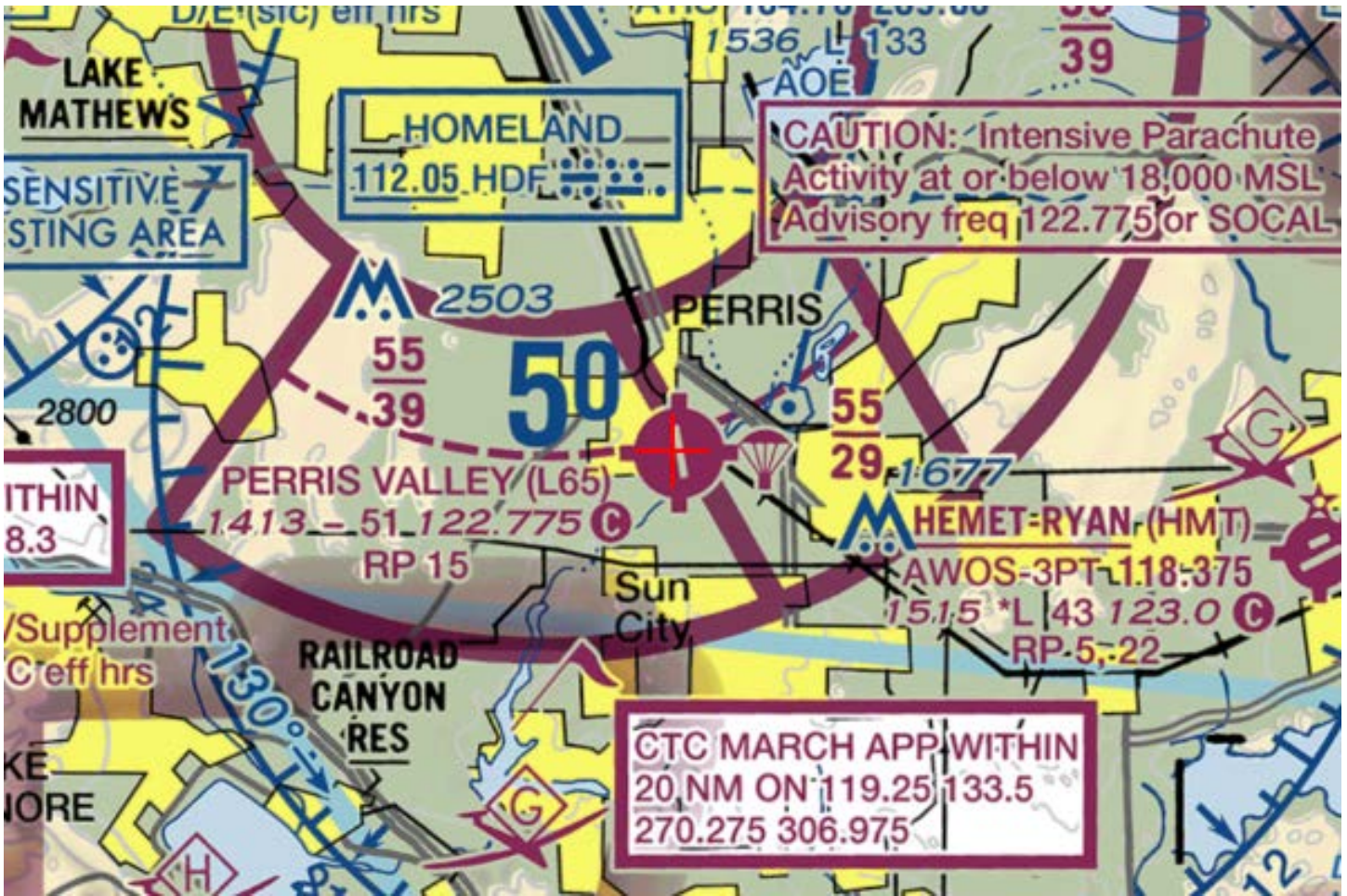
Attachment(s)  
Map(s)



TOPO Map for ASN 2023-AWP-1826-OE



Sectional Map for ASN 2023-AWP-1826-OE





Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1827-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Building 2-3  
 Location: Perris, CA  
 Latitude: 33-45-52.02N NAD 83  
 Longitude: 117-13-15.36W  
 Heights: 1416 feet site elevation (SE)  
 54 feet above ground level (AGL)  
 1470 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1827-OE.

**Signature Control No: 569690166-581800015**

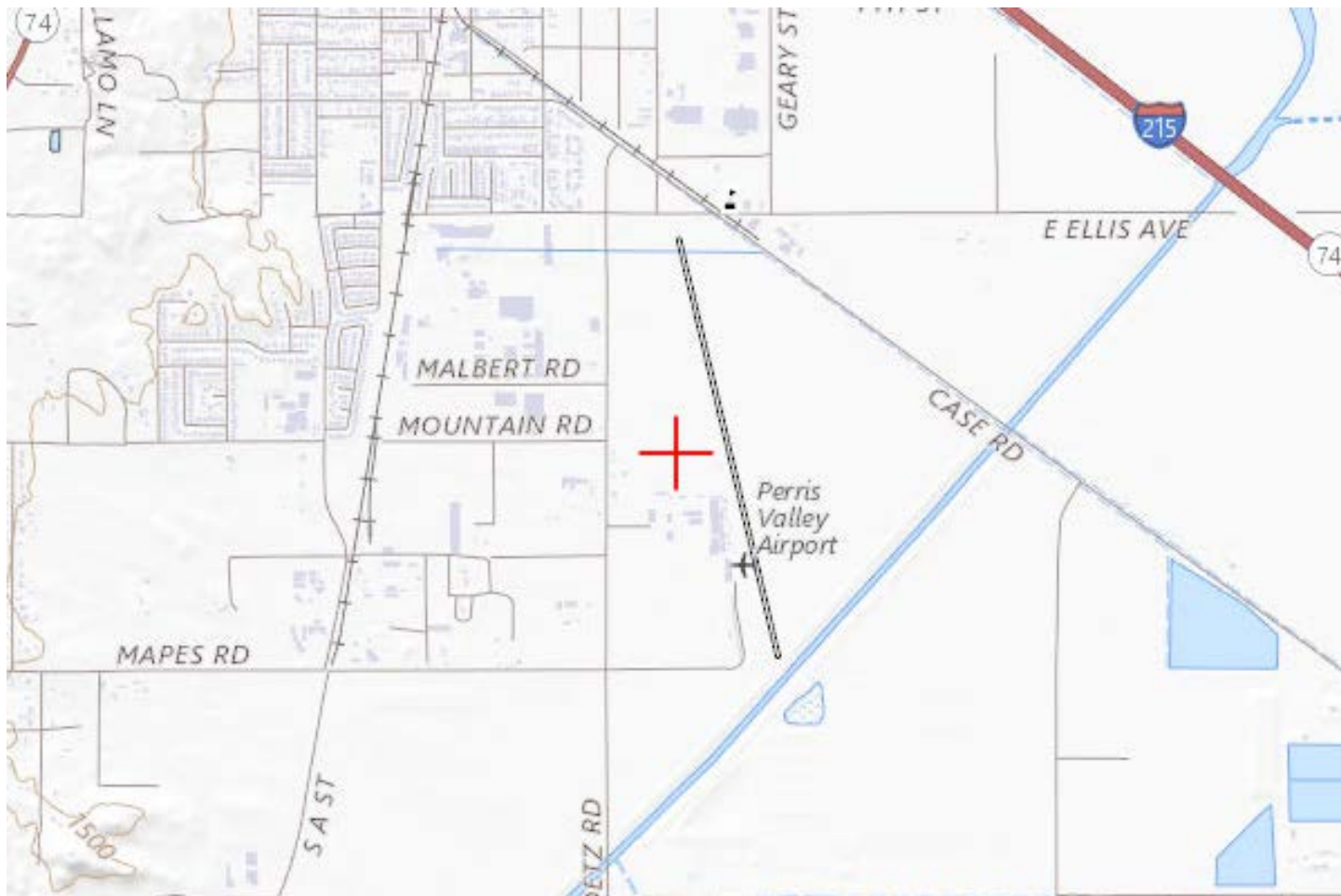
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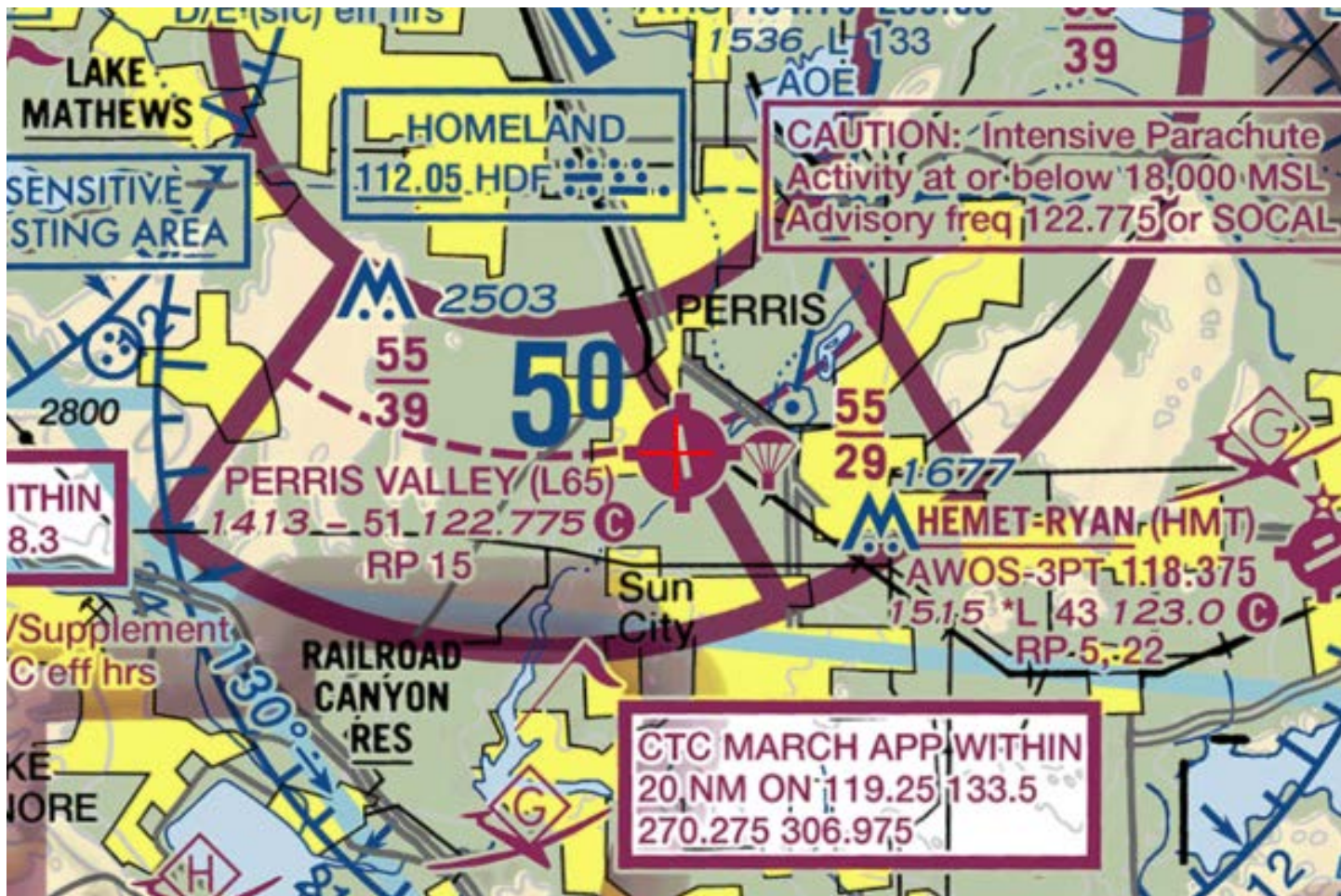
Vivian Vilaro  
Specialist

Attachment(s)  
Map(s)



TOPO Map for ASN 2023-AWP-1827-OE







Mail Processing Center  
 Federal Aviation Administration  
 Southwest Regional Office  
 Obstruction Evaluation Group  
 10101 Hillwood Parkway  
 Fort Worth, TX 76177

Aeronautical Study No.  
 2023-AWP-1828-OE

Issued Date: 04/19/2023

Michael Masterson  
 CH Realty IX-MC I Riverside Perris Airport Center  
 18032 Lemon Drive  
 Suite 367  
 Yorba Linda, CA 92886

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building 2-4
Location:	Perris, CA
Latitude:	33-45-52.04N NAD 83
Longitude:	117-13-21.28W
Heights:	1419 feet site elevation (SE)
	51 feet above ground level (AGL)
	1470 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 10/19/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

**NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.**

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (847) 294-7575, or [vivian.vilaro@faa.gov](mailto:vivian.vilaro@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AWP-1828-OE.

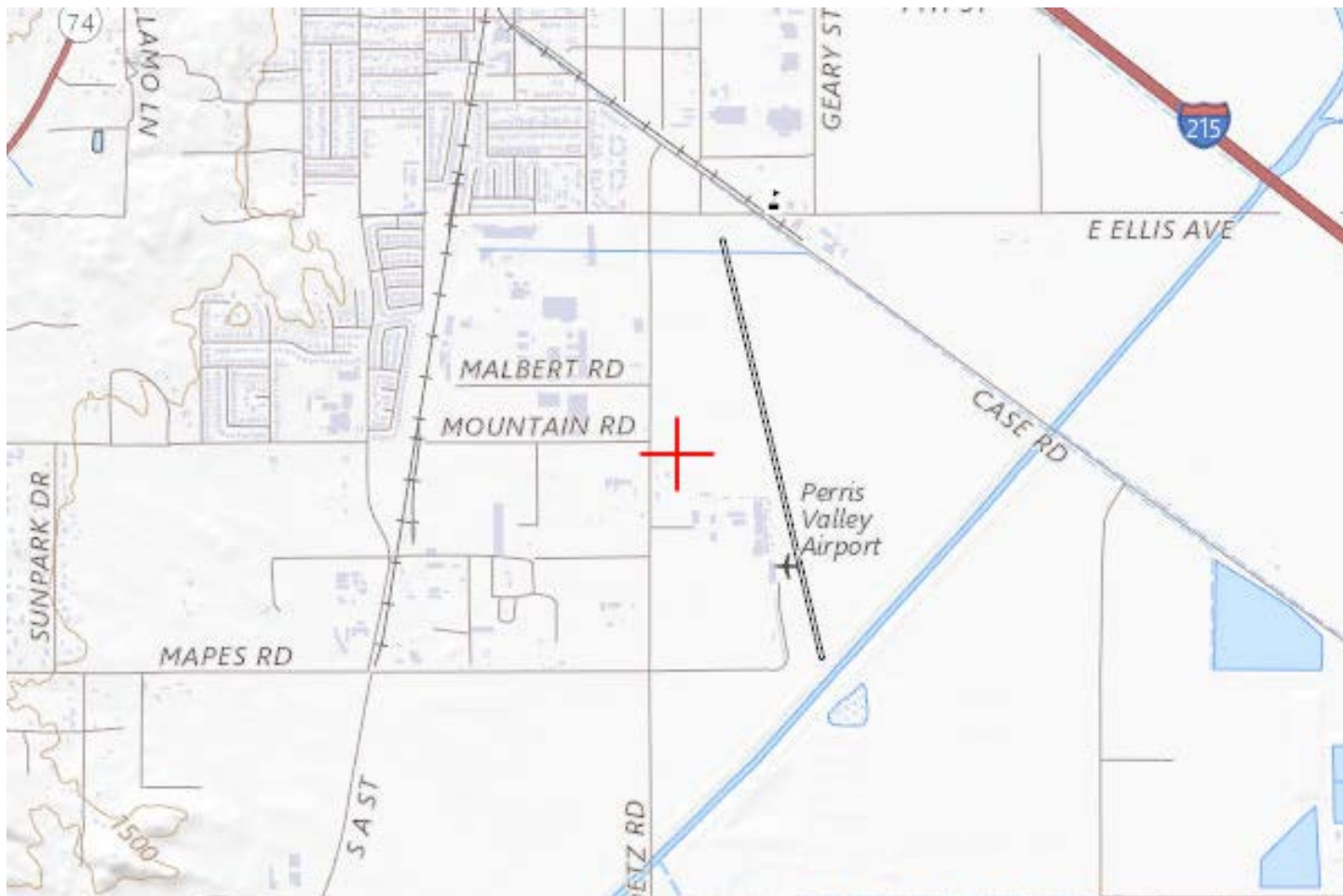
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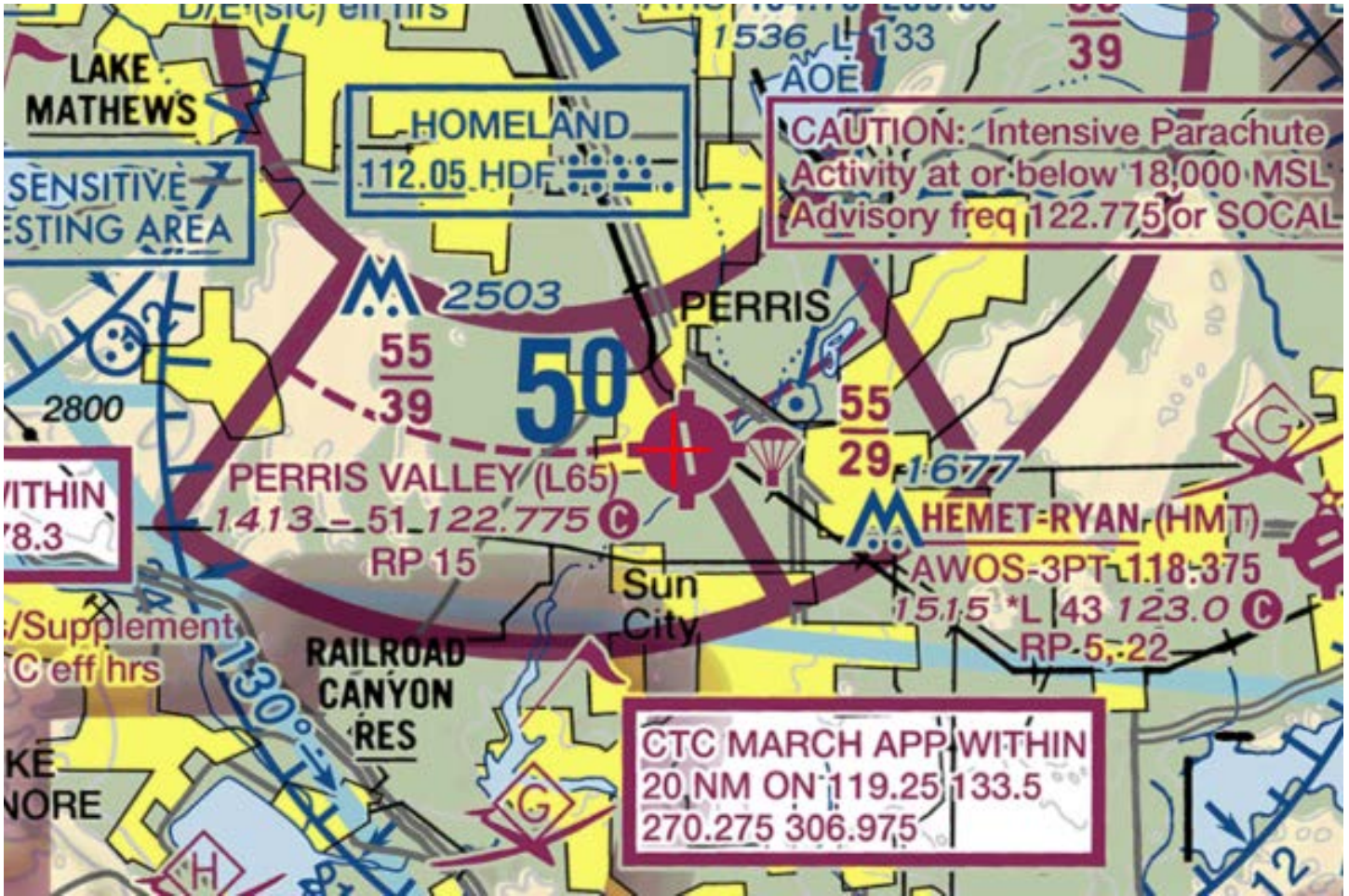
( DNE )

Vivian Vilaro  
Specialist

Attachment(s)  
Map(s)







## Technical Memorandum - DRAFT

To: Christine Saunders, Christine Saunders & Associates  
From: Nick Johnson, Johnson Aviation, Inc.  
Date: February 14, 2023



Subject: Perris Valley Airport Industrial Project - Goetz Road & Mountain Avenue, Perris, CA - Airport Land Use Compatibility

### A. Introduction and Finding

The Perris Valley Airport Industrial Project (Project) is a proposed industrial use, with two warehouse buildings and a trailer parking yard (truck yard), located in the City of Perris, California (City) and within the Airport Influence Area (AIA) of Perris Valley Airport (L65 or Airport). The Project is also located within the AIA of the March Air Reserve Base/Inland Port (MARB/IP). Coordination with the City of Perris and Riverside County Airport Land Use Commission (ALUC) staff are required. The Perris Valley Airport Land Use Compatibility Plan<sup>1</sup> (ALUCP) was adopted by the ALUC in 2011 and provides specific airport land use guidance in addition to the ALUC's Countywide Policies<sup>2</sup> adopted in 2004. The Project is also subject to height restrictions by the Federal Aviation Administration (FAA) and other development restrictions by the City of Perris and the owners of the Airport. The FAA is required under 14 Code of Federal Regulations (CFR) Part 77<sup>3</sup> to protect navigable airspace by studying proposed developments and issuing determinations that a project would not be a hazard to air navigation. The City adopted its General Plan Land Use Element in 2005 and amended it in 2016<sup>4</sup>.

The Project site is zoned Light Industrial, which includes limited assembly and packaging operations, self-storage warehouses, distribution centers, and business-to-business retail operations. The allowable floor area ratio (FAR) for light industrial is 0.75:1 FAR and the minimum lot size is 10,000 square feet. The Project is compatible with the General Plan and zoning.

Countywide ALUC Policies, Section 1.5.1(a) and State Law require an ALUC determination of consistency with the ALUCP prior to approval by the City. The intended use of the Project site is compatible within both the Perris Valley and MARB/IP AIAs. The Project site is compatible within the Perris Valley ALUCP Zones B1, B2, C, and D. The Project site is compatible within the MARB/IP ALUCP Zones E. The occupancy analysis using the Perris Valley ALUCP guidance indicates that the total site intensity (people per acre) is less than the allowable parameters and both average and single-acre intensity are consistent with the ALUCP Zone limits. The Project site meets the open land requirements of the Perris Valley ALUCP. Because the MARB/IP Zone E has no explicit upper limit on usage intensity, an occupancy analysis is not required. The MARB/IP Zone E has no open land requirements. **Therefore, the proposed Project is found to be compatible with the parameters of the General Plan, the 2011 Perris Valley ALUCP, and the 2014 MARB/IP ALUCP.**

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<sup>1</sup> [https://rcaluc.org/Portals/13/19%20-%20Vol.%201%20Perris%20Valley%20\(Final-Mar.2011\).pdf?ver=2016-08-15-155627-183](https://rcaluc.org/Portals/13/19%20-%20Vol.%201%20Perris%20Valley%20(Final-Mar.2011).pdf?ver=2016-08-15-155627-183)

<sup>2</sup> <https://www.rcaluc.org/Portals/13/PDFGeneral/plan/newplan/04-%20Vol.%201%20County%20wide%20Policies.pdf>

<sup>3</sup> 14 CFR Part 77 – *Safe, Efficient Use, and Preservation of the Navigable Airspace*, <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-E/part-77>

<sup>4</sup> <https://www.cityofperris.org/home/showpublisheddocument/457/637203139714030000>



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## B. Purpose and Project Description

The purpose of this Technical Memorandum is to complete an airport land use compatibility assessment for the Project that addresses aviation safety, aircraft noise impacts, aircraft overflight, airspace protection, and the operational risk to people and property within the Project site. This assessment is based on a review of relevant documents, local knowledge, and publicly available information.

The Project site is 85.2 net-acres located in Planning Area 8 – Perris Valley Airport, of the City of Perris General Plan. The Project site is on either side of Runway 15-33. Goetz Road is to the west; Case Road is to the east and East Ellis Avenue is to the north of the Project site. The Project is two warehouse buildings and a truck yard. Building 1 is a total of 792,688 SF that includes 20,000 SF of office space. Building 1 has a racking system and product staging areas in front of the dock doors (Figure 3). Building 2 is a total of 50,026 SF that includes 6,500 SF of office space. The truck yard is 996,653 SF.

The Project site is within the airport influence area (AIA) of Perris Valley Airport, which is privately-owned, has one runway (Runway 15-33) and is a skydiving center. Figure 1 shows the Property in relation to the Airport. Figure 2 shows the site plan for the Project.

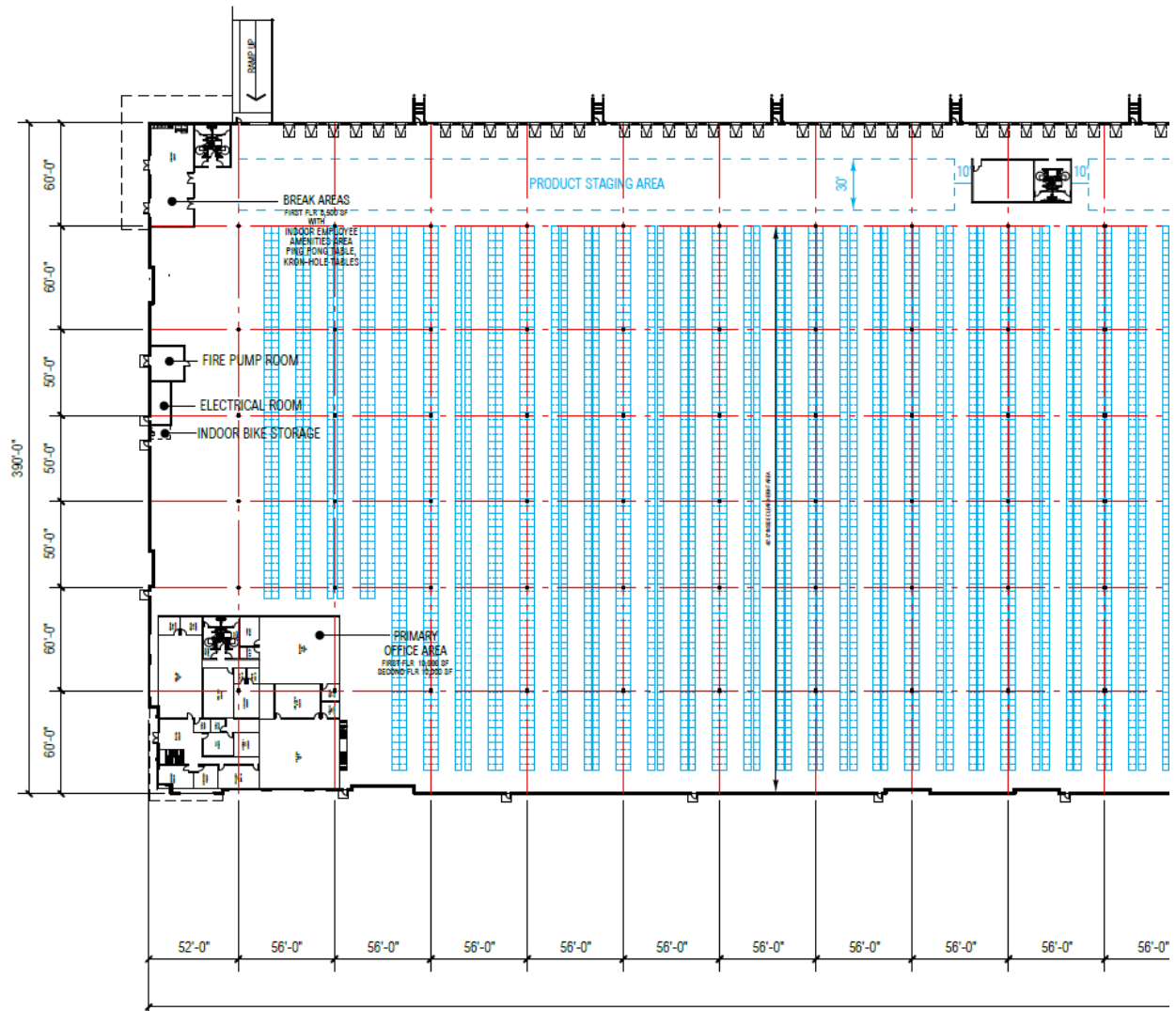
*Figure 1 - Project Site Relative to L65*







Figure 3 – Building 1 Racking System



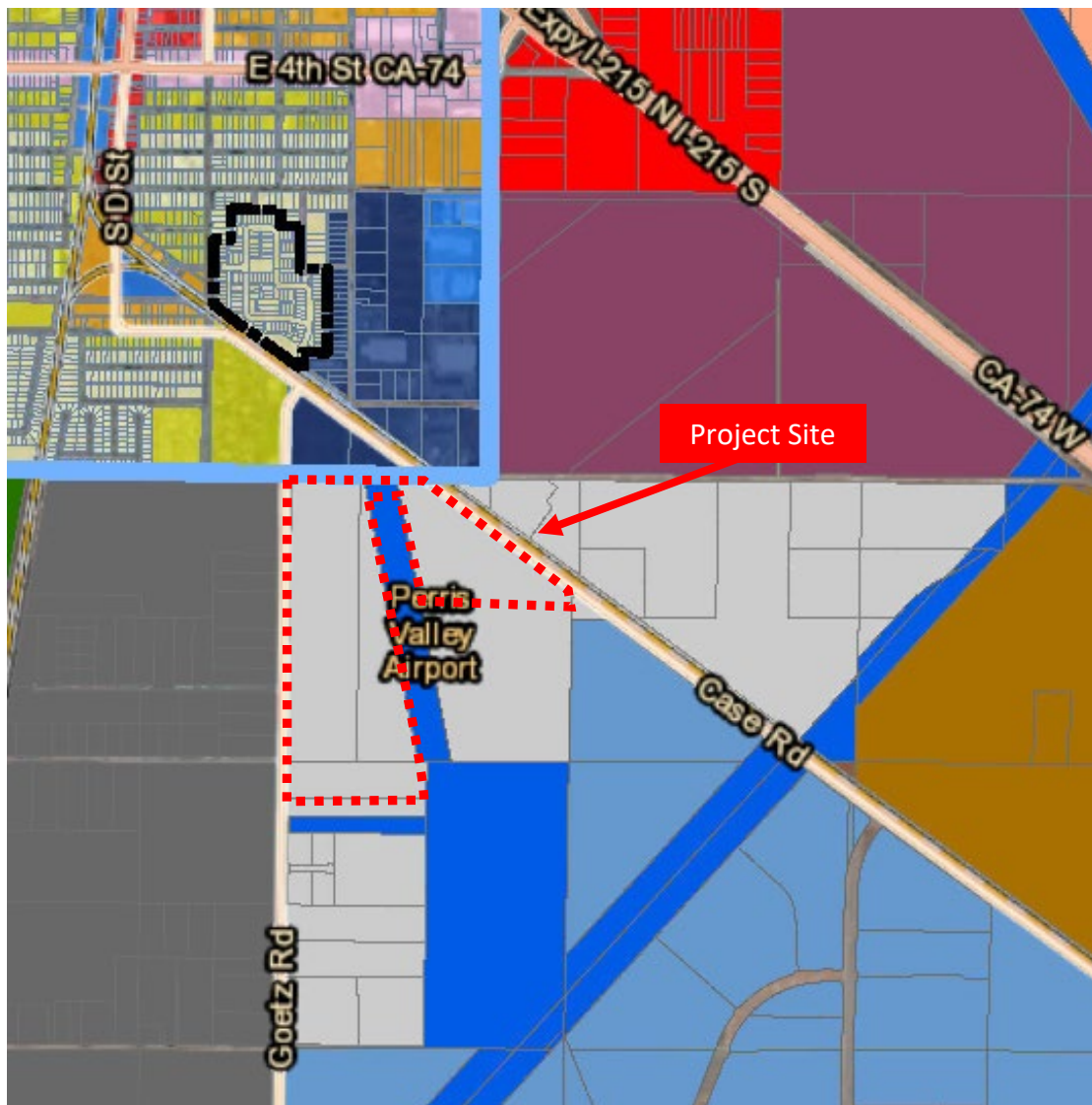
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## C. Land Use Jurisdiction and Compatibility

### **City of Perris General Plan**

The City of Perris adopted the Land Use Element of its General Plan in 2005 and last amended the Land Use Element in 2016. The Project site is zoned Light Industrial, which includes limited assembly and packaging operations, self-storage warehouses, distribution centers, and business-to-business retail operations (Figure 4). The allowable floor area ratio (FAR) for light industrial is 0.75:1FAR and the minimum lot size is 10,000 square feet.

*Figure 4 – Perris Valley General Plan Land Use Designations*



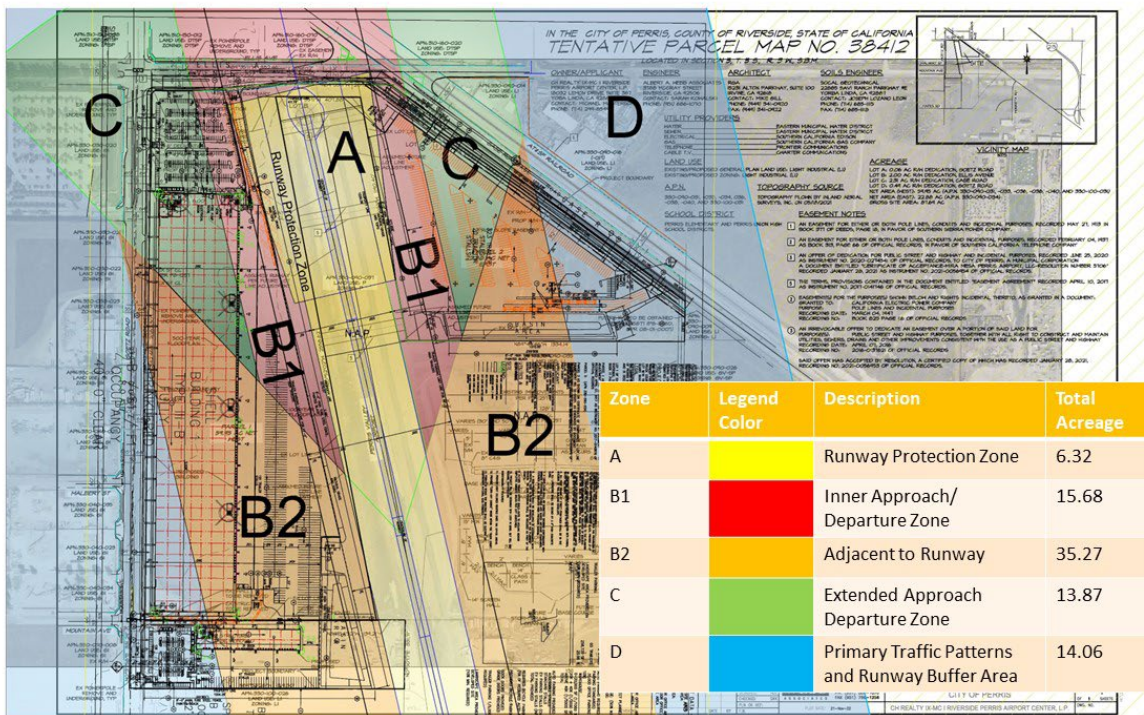


**Perris Valley ALUCP**

The Project is within the Perris Valley Airport AIA. The Perris Valley ALUCP was adopted by the ALUC in 2011 and provides specific airport land use guidance in addition to the ALUC’s Countywide Policies adopted in 2004. The ALUCP is used to evaluate land use compatibility and development proposals in the vicinity of the Airport. The primary compatibility concerns are aircraft noise, the safety of people and property on the ground and in aircraft, the protection of airspace, and concerns related to overflights. The development restrictions associated with each zone consider the compatibility concerns of noise, safety, overflight, and airspace protection.

Because of its proximity to the runway, the Project site is within Compatibility Zones A through D (Figure 5). The warehouses, truck yard, employee parking, and retention basins are specifically in Zones B1 through D. Table 1 summarizes the noise, safety, and land use compatibility criteria in the ALUCP for Zones A through D. Warehouses and truck yards are permitted in Zones B1 through D.

Figure 5 – Property Safety Zone Split



With regards to the maximum density for “other uses”, i.e. non-residential, the ALUCP allows a range depending on the zone. Zone B1 is most restrictive, allowing an average intensity (people per acre) of 25. This means the total number of people permitted on a project site at any time, except rare special events, must not exceed the indicated usage intensity times the gross acreage of the site. Zone D is less restrictive and has an average intensity of 100. The ALUCP allows a single acre intensity of 50 in Zone B1 and 300 in Zone D. Clustering of nonresidential development is permitted in Zones B1 through D; however no single acre of a project site shall exceed the indicated number of people per acre. Intensive manufacturing or office uses do not comply in Zone B1. An intensity bonus may be allowed if the building design includes features intended to reduce risks to occupants if an aircraft collides with the building:



The number of people permitted to occupy a single nonresidential building may be increased by a factor of up to 1.3 times the limitations set by the preceding policy on clustering if special measures are taken to reduce the risks to building occupants in the event that the building is struck by an aircraft.

Building design features which would enable application of an intensity bonus include, but are not limited to, the following: using concrete walls, limiting the number and size of windows, upgrading the strength of the building roof, avoiding skylights, enhancing the fire sprinkler system, limiting buildings to a single story, and increasing the number of emergency exits.

Zone B1 has an open land requirement of 30 percent. Zone C has an open land requirement of 20 percent and Zone D has open land requirement of 10 percent. All land in Zone A should be open as that is the intent of the RPZ. As per the ALUCP, to qualify as open land, an area should be: 1) Free of most structures and other major obstacles such as walls, large trees, or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires, and 2) Have minimum dimensions of approximately 75 feet by 300 feet. Roads and automobile parking lots are acceptable as open land areas if they meet the above criteria. Figure 6 shows the available open land in each zone. Based on the ALUCP, there is enough open land in each zone to accommodate the ALUCP requirements.

Figure 6 – Available Open Land

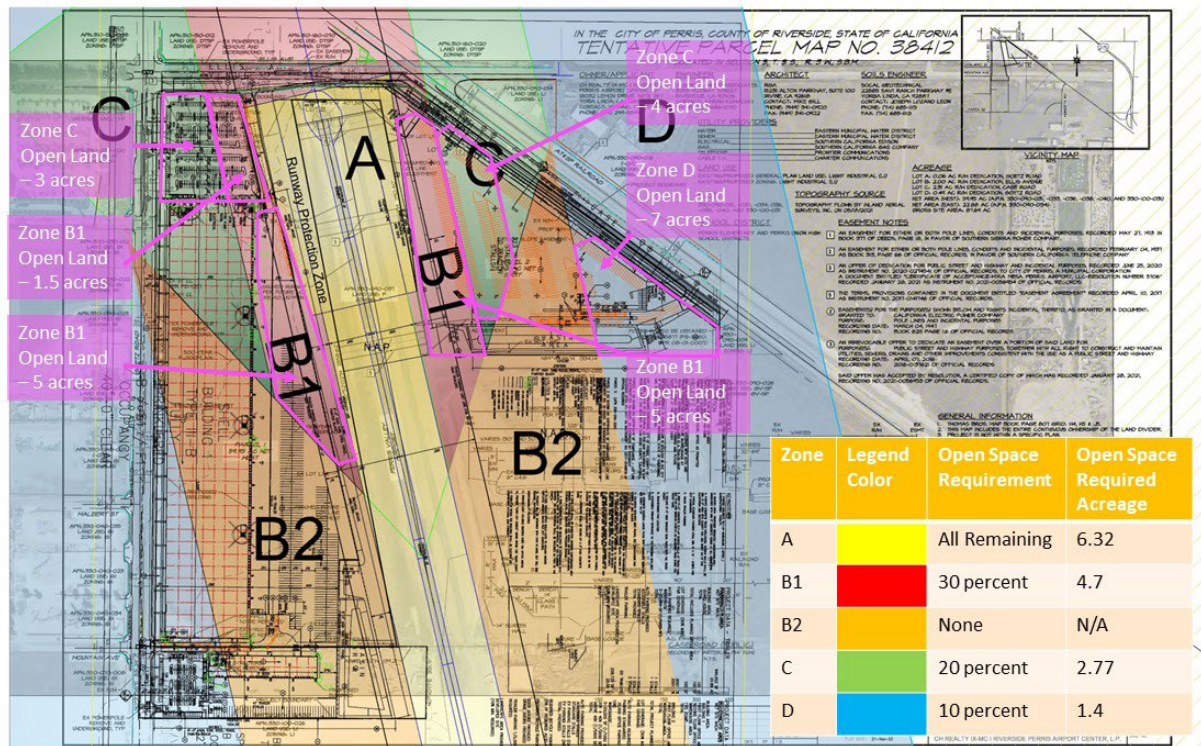


Table 1 – ALUCP Safety Zone Compatibility

Zone	Locations	Maximum Densities / Intensities					Additional Criteria	
		Residential (d.u./ac) <sup>1</sup>	Other Uses (people/ac) <sup>2</sup>			Req'd Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
Average <sup>6</sup>	Single Acre <sup>7</sup>	with Bonus <sup>8</sup>						
<b>A</b>	Runway Protection Zone and within Building Restriction Line	0	0	0	0	All Remaining	<ul style="list-style-type: none"> <li>› All structures except ones with location set by aeronautical function</li> <li>› Assemblages of people</li> <li>› Objects exceeding FAR Part 77 height limits</li> <li>› Storage of hazardous materials</li> <li>› Hazards to flight <sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Avigation easement dedication</li> </ul>
<b>B1</b>	Inner Approach/Departure Zone	0.05 (average parcel size ≥20.0 ac.)	25	50	65	30%	<ul style="list-style-type: none"> <li>› Children's schools, day care centers, libraries</li> <li>› Hospitals, nursing homes</li> <li>› Places of worship</li> <li>› Bldgs with &gt;2 aboveground habitable floors</li> <li>› Highly noise-sensitive outdoor nonresidential uses <sup>10</sup></li> <li>› Aboveground bulk storage of hazardous materials <sup>11</sup></li> <li>› Critical community infrastructure facilities <sup>12</sup></li> <li>› Hazards to flight <sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Locate structures maximum distance from extended runway centerline</li> <li>› Minimum NLR of 25 dB in residences (including mobile homes) and office buildings <sup>13</sup></li> <li>› Airspace review required for objects &gt; 35 feet tall <sup>14</sup></li> <li>› Avigation easement dedication</li> </ul>
<b>B2</b>	Adjacent to Runway	0.1 (average parcel size ≥10.0 ac.)	100	200	260	No Req't	Same as Zone B1	<ul style="list-style-type: none"> <li>› Locate structures maximum distance from runway</li> <li>› Minimum NLR of 25 dB in residences (including mobile homes) and office buildings <sup>13</sup></li> <li>› Airspace review required for objects &gt; 35 feet tall <sup>14</sup></li> <li>› Avigation easement dedication</li> </ul>
<b>C</b>	Extended Approach/Departure Zone	0.2 (average parcel size ≥5.0 ac.)	75	150	195	20%	<ul style="list-style-type: none"> <li>› Children's schools, day care centers, libraries</li> <li>› Hospitals, nursing homes</li> <li>› Bldgs with &gt;3 aboveground habitable floors</li> <li>› Highly noise-sensitive outdoor nonresidential uses <sup>10</sup></li> <li>› Hazards to flight <sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Minimum NLR of 20 dB in residences (including mobile homes) and office buildings <sup>13</sup></li> <li>› Airspace review required for objects &gt; 70 feet tall <sup>15</sup></li> <li>› Deed notice required</li> </ul>
<b>D</b>	Primary Traffic Patterns and Runway Buffer Area	(1) ≤0.2 (average parcel size ≥5.0 ac.) or <sup>16</sup> (2) ≥5.0 (average parcel size ≤0.2 ac.)	100	300	390	10%	<ul style="list-style-type: none"> <li>› Highly noise-sensitive outdoor nonresidential uses <sup>10</sup></li> <li>› Hazards to flight <sup>9</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Airspace review required for objects &gt; 70 feet tall <sup>15</sup></li> <li>› Children's schools, hospitals, nursing homes discouraged <sup>17</sup></li> <li>› Deed notice required</li> </ul>

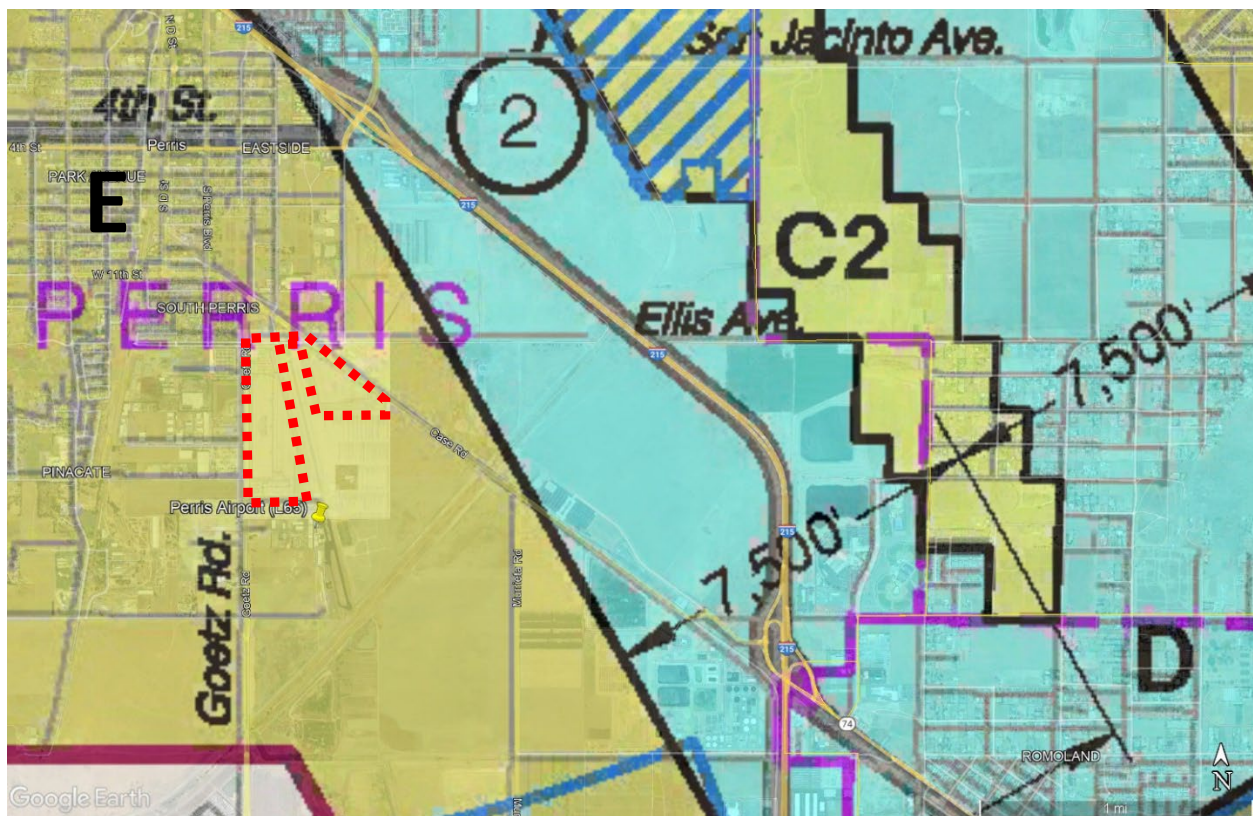


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**March Air Reserve Base ALUCP**

The Project is also within the March Air Reserve Base/Inland Port (MARB/IP) AIA (Figure 7). The MARB/IP ALUCP was adopted by the ALUC in 2014 and provides specific airport land use guidance in addition to the ALUC's Countywide Policies adopted in 2004. The Project is within Compatibility Zone E, which means noise impacts are low and the accident risk level is low. Zone E has no explicit upper limit on usage intensity and no open land requirements. Uses that attract very high concentrations of people in confined areas are discouraged near the arrival and departure flight tracks. Hazards to flight are prohibited (physical, visual, and electronic forms of interference with the safety of aircraft operations; practices that attract birds and the growth of certain crops). Based on the compatibility criteria associated within the MARB/IP Zone E and the proposed uses for the Project site (industrial, warehouse use), the Project is considered compatible.

Figure 7 – MARB/IP Zone E



## D. Maximum Occupancy

The intended use of the Property is industrial. The Project consists of two warehouse buildings and a trailer parking yard (truck yard). One warehouse building has a total of 792,688 SF and includes 20,000 SF of office area. Building 1 has a racking system and product staging areas in front of the dock doors. The second warehouse building is 50,026 SF and includes 6,500 SF of office area. The site includes 530 parking stalls, parking for 338 trailers, and two bioretention basins (approximately 250,00 SF total).

The Perris Valley ALUCP provides methods for determining concentrations of people using either the number of parking spaces provided or the California Building Code. The following tables provide the occupancy levels for the two warehouse buildings. The total site intensity falls within the allowable parameters. The maximum single-acre intensity and average people per acre are also within the allowable parameters of the ALUCP.

Table 2 – Industrial Warehouse Occupancy

Industrial Building Occupancy										
Industrial Building Zone	Land Use	Building Size (sqft)	Zone Site Area (acreage)	Single Acre Area	Occupancy Rate (sqft/occupant) <sup>1</sup>	ALUCP Single Acre Intensity (people/acre) <sup>2</sup>	Maximum Single Acre Intensity (people/acre)	ALUCP Average Intensity (people/acre) <sup>3</sup>	Occupancy (average people/acre)	
B1	Warehouse 1	17,792	15.68	17,792	500	50	36	25	2.27	
	Unoccupied Product Staging	7,928	15.68							
	Unoccupied Restroom	544	15.68							
	Office/ Breakroom 1	1,500	15.68	1,500	100	50	8	25	0.48	
<b>TOTAL ZONE B1</b>							<b>43</b>	<b>TOTAL ZONE B1</b>	<b>2.75</b>	
B2	Warehouse 1	389,919	35.27	43,560	500	200	87	100	22.11	
	Unoccupied Product Staging	37,181								
B2	Warehouse 2	42,565	35.27	42,565	500	200	85	100	2.41	
<b>TOTAL ZONE B2</b>							<b>172</b>	<b>TOTAL ZONE B2</b>	<b>24.52</b>	
C	Warehouse 1	179,418	13.87	23,560	500	150	47	75	25.87	
	Unoccupied Product Staging	12,841								
C	Office 1	10,000	13.87	10,000	100	150	50	75	3.60	
C	Office Mezzanine 1	10,000	13.87	10,000	100	150	50	75	3.60	
<b>TOTAL ZONE C</b>							<b>147</b>	<b>TOTAL ZONE C</b>	<b>33.08</b>	
D	Warehouse 1	125,565	14.06	43,560	500	300	87	100	17.86	
D	Warehouse 2	961	14.06	961	500	300	2	100	0.14	
D	Office 2	6,500	14.06	6,500	100	300	33	100	2.31	
<b>TOTAL ZONE D</b>							<b>122</b>	<b>TOTAL ZONE D</b>	<b>20.31</b>	
<b>TOTAL BLDG SQFT</b>		<b>842,714</b>								
1 - Occupancy rates as per Riverside County ALUCP California Building Code table (Appendix C) 2 - Single Acre Intensity Allowed as per Perris Valley ALUCP 3 - Average Intensity Allowed as per Perris Valley ALUCP										



Table 3 – Industrial Warehouse Occupancy - Total on Site

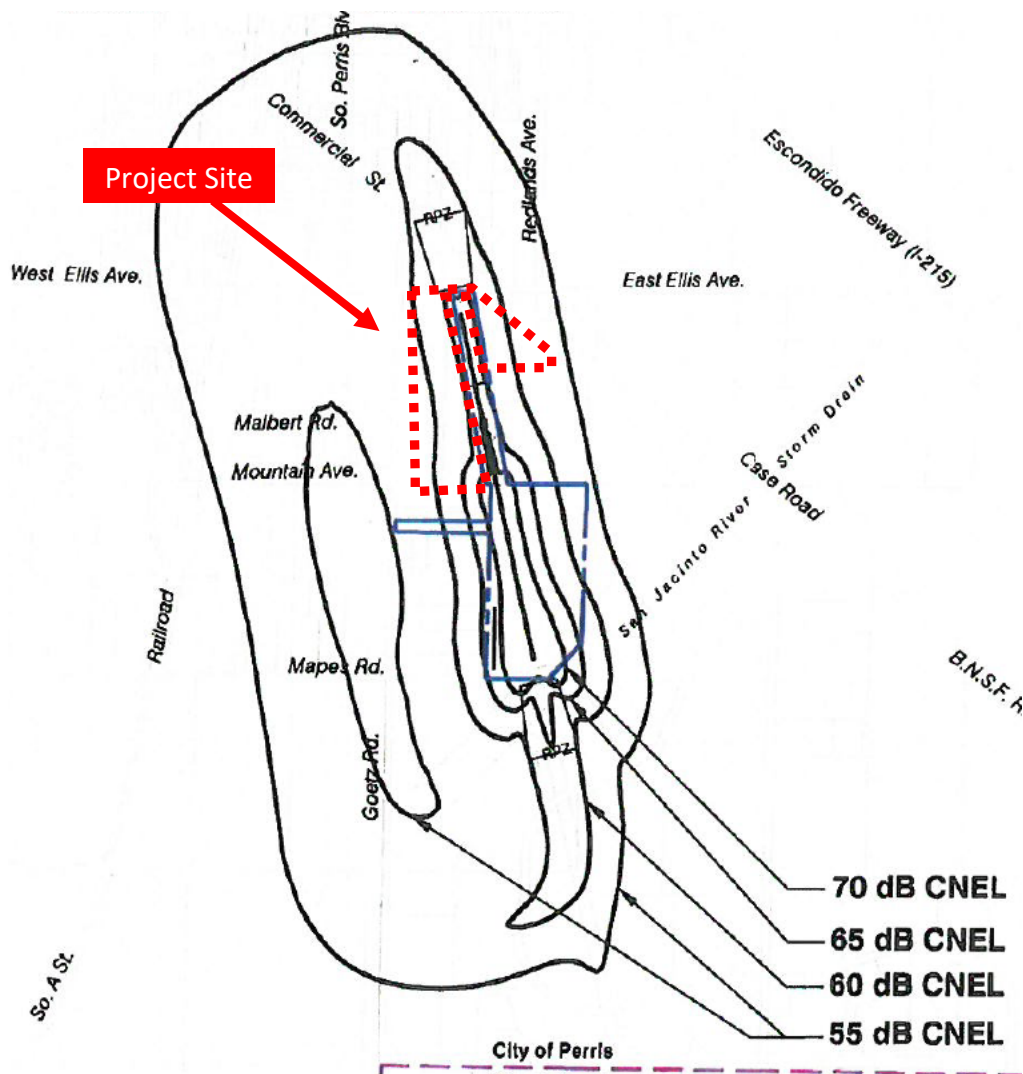
<b>Industrial Building Occupancy - TOTAL ON SITE</b>								
Industrial Building Zone	Land Use	Building Size (sqft)	Zone Site Area (acreage)	Single Acre Area	Occupancy Rate (sqft/occupant) <sup>1</sup>	Maximum on Site Permitted (people)	Maximum on Site (people)	
B1	Warehouse 1	17,792	15.68	17,792	500	392	36	
	Unoccupied Product Staging	7,928						
	Unoccupied Restroom	544						
	Office/ Breakroom 1	1,500	15.68	1,500	100		15	
B2	Warehouse 1	389,919	35.27	43,560	500	3,527	780	
	Unoccupied Product Staging	37,181						
B2	Warehouse 2	42,565	35.27	42,565	500		85	
C	Warehouse 1	179,418	13.87	23,560	500	1,040	359	
	Unoccupied Product Staging	12,841						
C	Office 1	10,000	13.87	10,000	100		50	
C	Office Mezzanine 1	10,000	13.87	10,000	100		50	
D	Warehouse 1	125,565	14.06	43,560	500	1,406	251	
D	Warehouse 2	961	14.06	961	500		2	
D	Office 2	6,500	14.06	6,500	100		33	
<b>TOTAL BLDG SQFT</b>		<b>842,714</b>				<b>6,365</b>	<b>1,660</b>	
1 - Occupancy rates as per Riverside County ALUCP California Building Code table (Appendix C)								

## E. Aircraft Noise Impacts

Federal and state regulations set 65 decibels (dB) as the normally acceptable limit for aircraft noise, especially in urban areas. The ultimate noise contours presented in the ALUCP are based on 52,000 annual operations (141 average annual day). At the time of the ALUCP preparation (2010) this was considered a 53 percent increase over the estimated activity level of 34,000 operations. The most recent Airport Master Record (FAA Form 5010) notes 27,550 total operations (for 12 months ending December 2022). Highly noise-sensitive outdoor nonresidential uses such as amphitheatres and drive-in theaters are prohibited within Zones B1, B2, C, and D. A minimum NRL of 20 dB in residences and office buildings is required in Zones B1, B2, and C. The maximum, aircraft-related, interior noise level considered acceptable for office buildings is 45 dB CNEL.

As shown in Figure 8, the Property is within the 65-, 60-, and 55-dB community noise equivalent level (CNEL) contours. Since the property will be used for industrial purposes, no noise impacts are anticipated.

Figure 8 – 2011 Perris Valley ALUCP Noise Contours



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## F. Airspace Protection/Height Zoning/Hazards to Air Navigation

The FAA is responsible for protecting and preserving airspace from hazards to air navigation. Title 14 of the United States Code of Federal Regulations Part 77 defines the regulations and process for providing these protections. 14 CFR § 77.19 establishes civil airport imaginary surfaces around each runway to ensure that proposed temporary and permanent structures and activities near airports will be studied by the FAA for their effects on the safe and efficient use of navigable airspace.

The building height for the larger industrial warehouse (Building 1) ranges from 47 feet to 50 feet to parapet; for the smaller industrial warehouse (Building 2) it is 41 feet to 45 feet to parapet. Figures 9 and 10 show the elevation ranges for both buildings. The ALUCP states that Airspace review is required for objects greater than 35 feet tall in Zones B1 and B2 and for objects greater than 70 feet tall in Zones C and D, however, that is considered general guidance. An aeronautical study by the FAA was initiated for the buildings associated with the Property (Appendix A). The aeronautical study will assess the building locations, planned heights and whether there is a need for any associated lighting or markings to ensure that the buildings are conspicuous at night and during low visibility weather conditions. Within Zone B1 and B2, new buildings are limited to no more than two occupied floors above ground. Within Zone C, new buildings are limited to no more than three occupied floors above ground.

Avigation easements are required in Zones B1 and B2. A deed notice and disclosure are required within Zones C and D as a condition of residential development, which does not apply to this Project. Hazards to flight are prohibited in Zones B1, B2, C, and D; this includes physical, visual, and electronic forms of interference to aircraft operations, and land uses that attract birds. In Zones B1 and B2, aboveground bulk storage of hazardous materials and critical community infrastructure facilities are prohibited.

Figure 9 – Building 1 Elevation Range

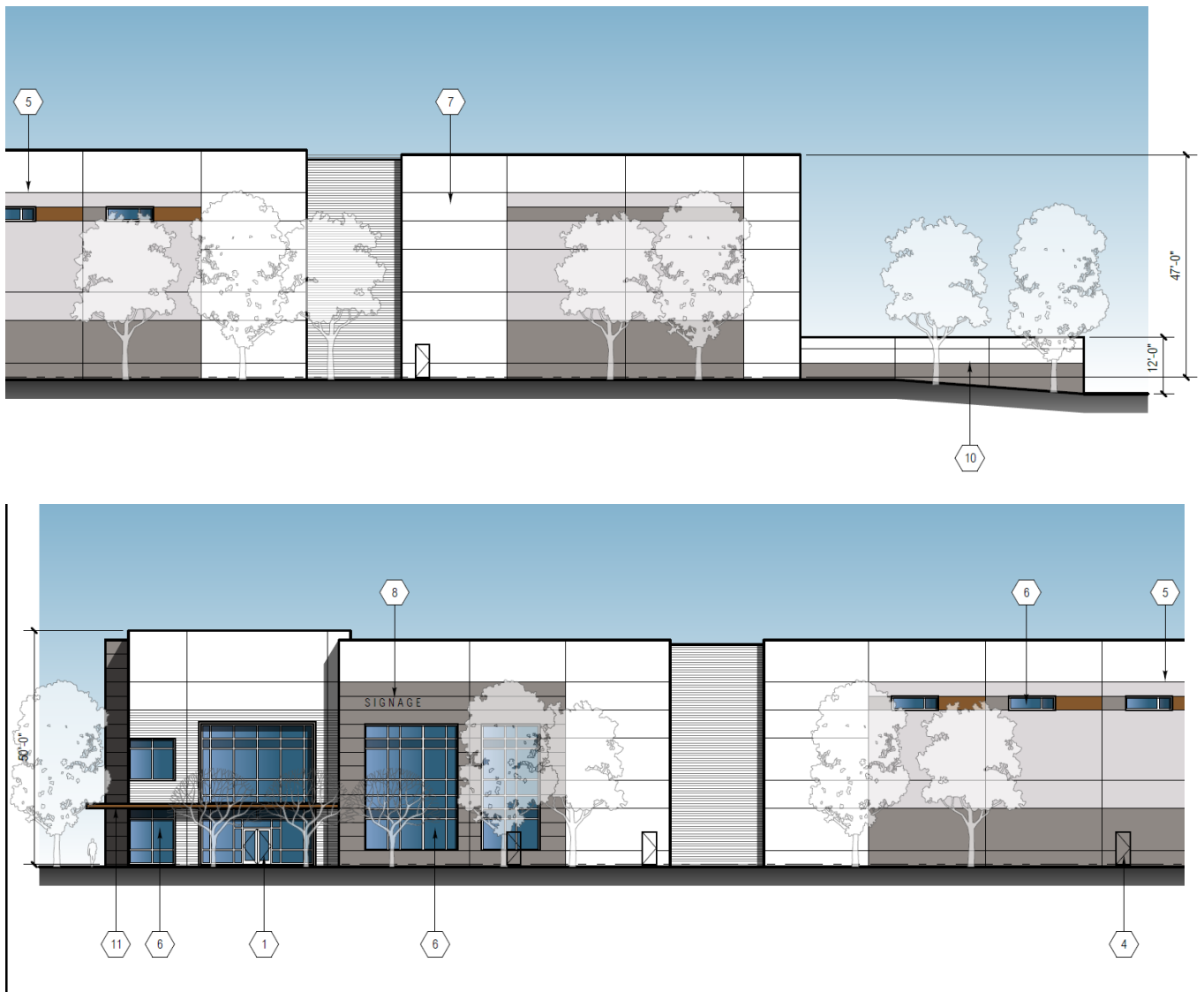




Figure 10 – Building 2 Elevation Range



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## G. Aircraft Overflight

Perris Valley Airport is a public-use, privately-owned airport, and known as a skydiving center. A variety of aircraft service the skydiving industry at L65; from DC-9s to smaller jump planes. There is also a high volume of ultralight aircraft operations. The Airport has one runway (Runway 15-33) that is 5,100 feet in length. There is also a separate turf strip in the southwestern corner of the property. Because of the nearby approach to March Air Reserve Base to the east, most aircraft approach and depart L65 to the west. Nearby land uses vary from agricultural to urban. Residential and commercial areas within central Perris lie within a couple of blocks of the runway end to the north and northwest. The City of Menifee also has residential about a mile south of Runway 15-33.

All property within the airport influence area (AIA) is subject to routine aircraft overflight. The outer edge of the Part 77 conical surface defines the AIA to the north, west, and south of the Airport. The designated traffic pattern is right traffic for Runway 15 and left traffic for Runway 33. This locates all local traffic on the west side of L65. The AIA to the east is not as broad and ends 5,000 feet from the runway centerline. The boundaries of Zone E define the AIA.

The Project site is not directly under the general traffic pattern envelope. However, because of its proximity to the runway, the Project site is within an area where aircraft departure and approach accident risk is greater.

## H. Findings

The following airport land use compatibility findings for the Project are provided for consideration during the review process.

### Findings of Fact

- The Project is a proposed industrial use, with two warehouse buildings and a truck yard, located within the AIA of Perris Valley Airport and located on either side of Runway 15-33.
- The Project site is zoned Light Industrial, which includes limited assembly and packaging operations, self-storage warehouses, distribution centers, and business-to-business retail operations. The Project is compatible with the General Plan and zoning.
- Because of its proximity to the runway, the Project site is within Compatibility Zones A through D. The warehouses, truck staging (long term parking), employee parking, and retention basins are specifically in Zones B1 through D. Zone B1 is most restrictive with regards to uses and maximum density and Zone D is less restrictive. Based on the proposed uses for the Project site (industrial, warehouse use), the Project is considered compatible within Zones B1 through D.
- Zone B1, C, and D have open land requirements. Based on the site layout, there is enough open land in each zone to accommodate the ALUCP requirement.
- The Perris Valley ALUCP provides methods for determining concentrations of people (occupancy). The total site intensity falls within the allowable parameters. The maximum single-acre intensity and average people per acre are also within the allowable parameters of the ALUCP.
- The Project is also within the MARB/IP AIA and Compatibility Zone E, which means noise impacts are low and the accident risk level is low. Zone E has no explicit upper limit on usage intensity and no open land requirements. The Project is considered compatible within this zone.
- Federal and state regulations set 65 decibels (dB) as the normally acceptable limit for aircraft noise, especially in urban areas. The Property is within the 65-, 60-, and 55-dB community noise

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equivalent level (CNEL) contours. Since the property will be used for industrial purposes, no noise impacts are anticipated.

- The FAA is responsible for protecting and preserving airspace from hazards to air navigation. An aeronautical study by the FAA was initiated for the buildings associated with the Property (Appendix A). Avigation easements are required in Zones B1 and B2.
- All property within the airport influence area (AIA) is subject to routine aircraft overflight. the Project site is not directly under the general traffic pattern envelope. However, because of its proximity to the runway, the Project site is within an area where aircraft departure and approach accident risk is greater.

## APPENDIX A





## Project Submission Success

### Project Name: CH RE-000772835-23

Project CH RE-000772835-23 has been submitted successfully to the FAA.

Your filing is assigned Aeronautical Study Number (ASN):

**2023-AWP-1817-OE**  
**2023-AWP-1818-OE**  
**2023-AWP-1819-OE**  
**2023-AWP-1820-OE**  
**2023-AWP-1821-OE**  
**2023-AWP-1822-OE**  
**2023-AWP-1823-OE**  
**2023-AWP-1824-OE**  
**2023-AWP-1825-OE**  
**2023-AWP-1826-OE**  
**2023-AWP-1827-OE**  
**2023-AWP-1828-OE**

Please refer to the assigned ASN on all future inquiries regarding this filing.

Please return to the system at a later date for status updates.

It is the responsibility of each e-filer to exercise due diligence to determine if coordination of the proposed construction or alteration is necessary with their state aviation department. Please use the link below to contact your state aviation department to determine their requirements:

[State Aviation Contacts](#)

*To ensure e-mail notifications are delivered to your inbox please add [noreply@faa.gov](mailto:noreply@faa.gov) to your address book. Notifications sent from this address are system generated FAA e-mails and replies to this address will NOT be read or forwarded for review. Each system generated e-mail will contain specific FAA contact information in the text of the message.*

## Industrial Building Occupancy

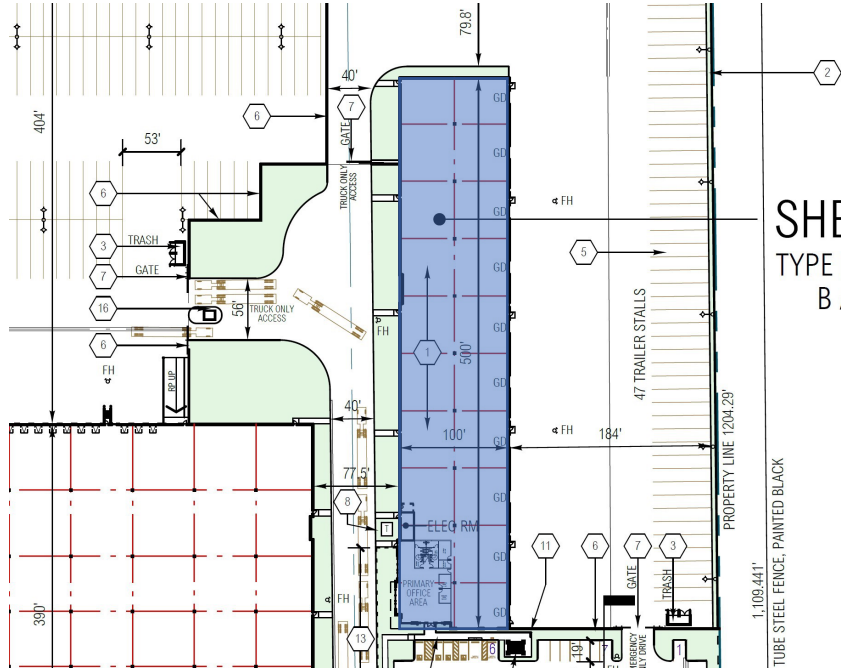
Industrial Building Zone	Land Use	Building Size (sqft)	Zone Site Area (acreage)	Single Acre Area	Occupancy Rate (sqft/occupant) <sup>1</sup>	ALUCP Single Acre Intensity (people/acre) <sup>2</sup>	Single Acre Occupancy (people/acre)	Maximum on Site Permitted (people)	Maximum Occupancy on Site (people)	ALUCP Average Intensity (people/acre) <sup>3</sup>	Average Occupancy (average people/acre)
B1	Warehouse 1	16,197	17.49	16,197	500	50	32	437	32	25	1.85
	Unoccupied										
	Product Staging	8,113									
	Unoccupied										
	Racking	1,123									
	Unoccupied										
	Restroom	544									
	Office/ Breakroom 1	1,500	17.49	1,500	100	50	8			25	0.43
<b>TOTAL ZONE B1</b>							<b>40</b>			<b>TOTAL ZONE B1</b>	<b>2.28</b>
B2	Warehouse 1	389,919	30.44	43,560	500	200	87	3,044	780	100	25.62
	Unoccupied										
	Product Staging	37,181									
B2	Warehouse 2	60,315	30.44	42,500	500	200	85	3,044	121	100	3.96
<b>TOTAL ZONE B2</b>							<b>172</b>			<b>TOTAL ZONE B2</b>	<b>29.58</b>
C	Warehouse 1	169,786	14.00	23,644	500	150	47	1,050	340	75	24.26
	Unoccupied										
	Product Staging	12,841									
	Unoccupied										
	Racking	9,916									
C	Office 1	10,000	14.00	10,000	100	150	50		50	75	3.57
	Office Mezzanine										
C	1	10,000	14.00	10,000	100	150	50			75	3.57
<b>TOTAL ZONE C</b>							<b>147</b>			<b>TOTAL ZONE C</b>	<b>31.40</b>
D	Warehouse 1	127,989	19.09	43,560	500	300	87	1,909	256	100	13.41
D	Warehouse 2	5,146	19.09	961	500	300	2	1,909	10	100	0.54
D	Office 2	6,500	19.09	6,500	100	300	33		33	100	1.70
<b>TOTAL ZONE D</b>							<b>122</b>			<b>TOTAL ZONE D</b>	<b>15.65</b>
<b>TOTAL BLDG SQFT</b>		<b>867,070</b>						<b>11,393</b>	<b>1,621</b>		

1 - Occupancy rates as per Riverside County ALUCP California Building Code table (Appendix C)

2 - Single Acre Intensity Allowed as per Perris Valley ALUCP

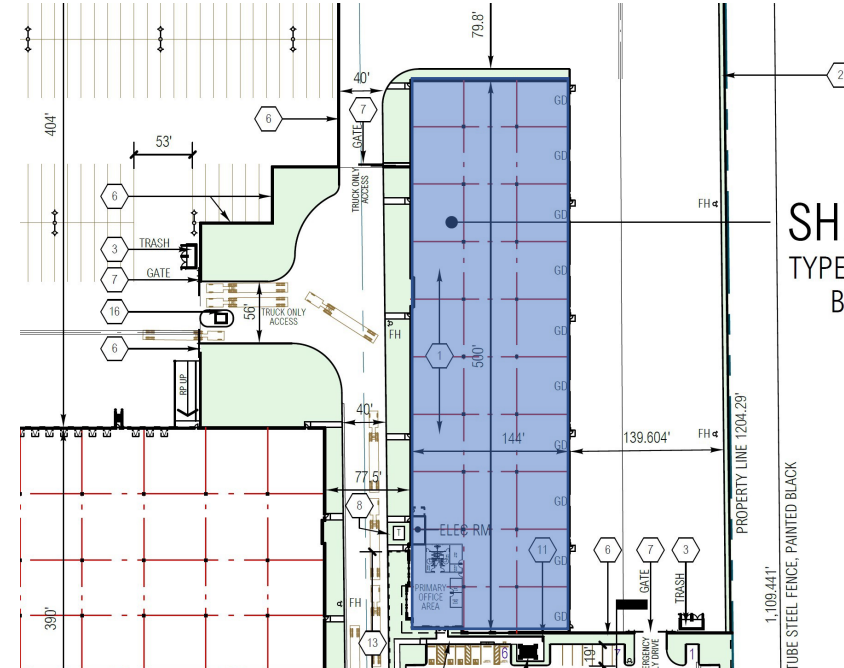
3 - Average Intensity Allowed as per Perris Valley ALUCP

# ZAP1028PV23 – Landstar Companies Building 2 Revision



**SHELL BUILDING 2**  
TYPE III-B FULLY SPRINKLERED  
B / S1 / F1 OCCUPANCY  
32'-0" CLEAR

Original Building 2 – 49,961 sf  
Approx. 500' x 100'  
42,565 sf Zone B1; 7,396 sf Zone D



**SHELL BUILDING 2**  
TYPE III-B FULLY SPRINKLERED  
B / S1 / F1 OCCUPANCY  
32'-0" CLEAR

Revised Building 2 – 71,961 sf  
Approx. 500' x 144'  
+22,000 sf (+17,750 Zone B1; +4,250 Zone D)  
Total – 60,315 sf Zone B1; 11,646 sf Zone D



CONSULTANT

PROFESSIONAL SEALS

PERRIS AIRPORT LOGISTICS CENTER

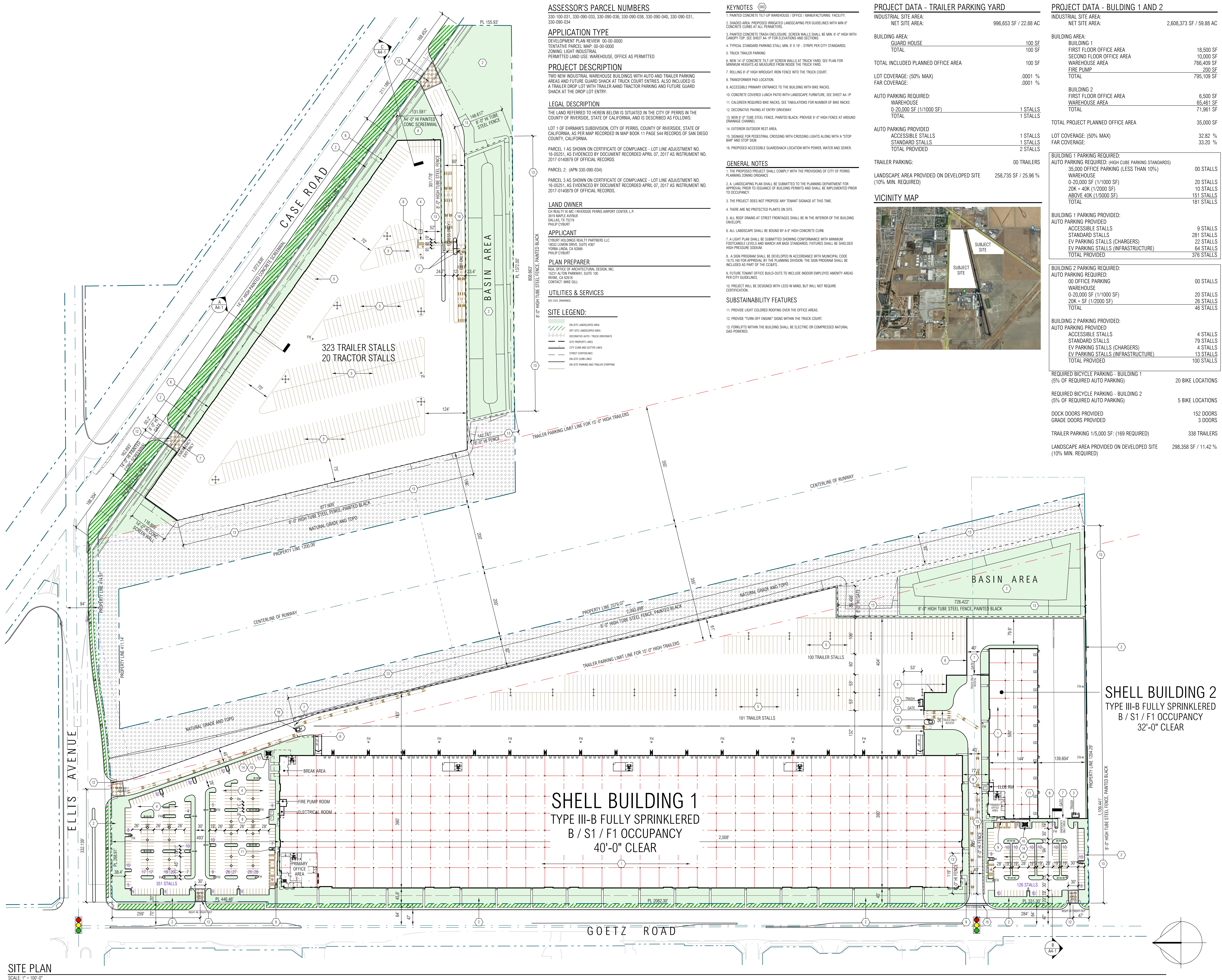
00000 GOETZ ROAD  
 CITY OF PERRIS, CA

CH REALTY PARTNERS LLC  
 REAL ESTATE GROUP  
 CH REALTY IX-MC I RIVERSIDE  
 PERRIS AIRPORT CENTER, L.P.  
 3819 MAPLE AVENUE  
 DALLAS, TX 75219  
 PHILIP CYBURT

MARK	DATE	DESCRIPTION
SD	4/1/2023	SCHEMATIC DESIGN

RG	PROJECT NO:	22138.00
RG	OWNER PROJECT NO:	00000.00
RG	CAD FILE NAME:	22138-00-1-A1-1P
RG	DRAWN BY:	MG
RG	CHKD BY:	DR
RG	COPYRIGHT:	RG, OFFICE OF ARCHITECTURAL DESIGN
RG	SHEET TITLE:	SITE PLAN

SITE PLAN



**ASSESSOR'S PARCEL NUMBERS**

330-090-031, 330-090-033, 330-090-036, 330-090-038, 330-090-040, 330-090-031, 330-090-034

**APPLICATION TYPE**

DEVELOPMENT PLAN REVIEW: 00-00-0000  
 TENTATIVE PARCEL MAP: 00-00-0000  
 ZONING: LIGHT INDUSTRIAL  
 PERMITTED LAND USE: WAREHOUSE, OFFICE AS PERMITTED

**PROJECT DESCRIPTION**

TWO NEW INDUSTRIAL WAREHOUSE BUILDINGS WITH AUTO AND TRAILER PARKING AREAS AND FUTURE GUARD SHACK AT TRUCK COURT ENTRIES. ALSO INCLUDED IS A TRAILER DROP LOT WITH TRAILER AND TRACTOR PARKING AND FUTURE GUARD SHACK AT THE DROP LOT ENTRY.

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PERRIS IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:  
 LOT 1 OF EHRMANN'S SUBDIVISION, CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN MAP BOOK 11 PAGE 544 RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.

PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS

PARCEL 2: (APN 330-090-034)

PARCEL 3 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS.

**LAND OWNER**

CH REALTY IX-MC I RIVERSIDE PERRIS AIRPORT CENTER, L.P.  
 3819 MAPLE AVENUE  
 DALLAS, TX 75219  
 PHILIP CYBURT

**APPLICANT**

CYBURT HOLDINGS REALTY PARTNERS LLC  
 18032 LEMON DRIVE, SUITE 1067  
 YORBA LINDA, CA 92688  
 PHILIP CYBURT

**PLAN PREPARER**

RG, OFFICE OF ARCHITECTURAL DESIGN, INC.  
 15231 ALTON PARKWAY, SUITE 100  
 IRVINE, CA 92618  
 CONTACT: MIKE GILL

**UTILITIES & SERVICES**

SEE CIVIL DRAWINGS

**SITE LEGEND:**

- ON-SITE LANDSCAPED AREA
- OFF-SITE LANDSCAPED AREA
- DESIGNATED DRIVE/ TRUCK DRIVEWAYS
- SITE PROPERTY LINES
- CITY CURB AND GUTTER LINES
- STREET CENTER LINES
- ON-SITE CURB LINES
- ON-SITE PARKING AND TRAILER STRIPING

**KEYNOTES**

- PAINTED CONCRETE TILT-UP WAREHOUSE / OFFICE / MANUFACTURING FACILITY.
- SHADED AREA, PROPOSED IRRIGATED LANDSCAPING PER GUIDELINES WITH MIN 6" CONCRETE CURBS AT ALL PERIMETERS.
- PAINTED CONCRETE TRASH ENCLOSURE, SCREEN WALLS SHALL BE MIN. 6'-0" HIGH WITH CANOPY TOP. SEE SHEET A4-1P FOR ELEVATIONS AND SECTIONS.
- TYPICAL STANDARD PARKING STALL MIN. 9' X 19' - STRIPE PER CITY STANDARDS.
- TRUCK TRAILER PARKING
- NEW 14'-0" CONCRETE TILT-UP SCREEN WALLS AT TRUCK YARD. SEE PLAN FOR MINIMUM HEIGHTS AS MEASURED FROM INSIDE THE TRUCK YARD.
- ROLLING 6'-0" HIGH WROUGHT IRON FENCE INTO THE TRUCK COURT.
- TRANSFORMER PAD LOCATION.
- ACCESSIBLE PRIMARY ENTRANCE TO THE BUILDING WITH BIKE RACKS.
- CONCRETE COVERED LUNCH PATIO WITH LANDSCAPE FURNITURE, SEE SHEET A4-1P
- CALGREEN REQUIRED BIKE RACKS, SEE TABULATIONS FOR NUMBER OF BIKE RACKS.
- DECORATIVE PAVING AT ENTRY DRIVEWAY.
- NEW 6'-0" TUBE STEEL FENCE, PAINTED BLACK, PROVIDE 6'-0" HIGH FENCE AT AROUND DRAINAGE CHANNEL.
- EXTERIOR OUTDOOR REST AREA.
- SCENIC FOR PEDESTAL CROSSING WITH CROSSING LIGHTS ALONG WITH A "STOP BAR" AND STOP SIGN.
- PROPOSED ACCESSIBLE GUARDSHACK LOCATION WITH POWER, WATER AND SEWER.

**GENERAL NOTES**

- THE PROPOSED PROJECT SHALL COMPLY WITH THE PROVISIONS OF CITY OF PERRIS PLANNING ZONING ORDINANCE
- A LANDSCAPING PLAN SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT FOR APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMITS AND SHALL BE IMPLEMENTED PRIOR TO OCCUPANCY.
- THE PROJECT DOES NOT PROPOSE ANY TENANT STORAGE AT THIS TIME.
- THERE ARE NO PROTECTED PLANTS ON SITE.
- ALL ROOF DRAINS AT STREET FRONTS SHALL BE IN THE INTERIOR OF THE BUILDING ENVELOPE.
- ALL LANDSCAPE SHALL BE BOUND BY A 6" HIGH CONCRETE CURB.
- A LIGHT PLAN SHALL BE SUBMITTED SHOWING CONFORMANCE WITH MINIMUM FOOTCANDLE LEVELS AND MARCH AIR BASE STANDARDS. FIXTURES SHALL BE SHIELDED HIGH PRESSURE SODIUM.
- A SIGN PROGRAM SHALL BE DEVELOPED IN ACCORDANCE WITH MUNICIPAL CODE 18.75.180 FOR APPROVAL BY THE PLANNING DIVISION. THE SIGN PROGRAM SHALL BE INCLUDED AS PART OF THE OCCAS.
- FUTURE TENANT OFFICE BUILD-OUTS TO INCLUDE INDOOR EMPLOYEE AMENITY AREAS PER CITY GUIDELINES.
- PROJECT WILL BE DESIGNED WITH LEED IN MIND, BUT WILL NOT REQUIRE CERTIFICATION.

**SUSTAINABILITY FEATURES**

- PROVIDE LIGHT COLORED ROOFING OVER THE OFFICE AREAS.
- PROVIDE "TURN-OFF ENGINE" SIGNS WITHIN THE TRUCK COURT.
- FORKLIFTS WITHIN THE BUILDING SHALL BE ELECTRIC OR COMPRESSED NATURAL GAS-POWERED.

**PROJECT DATA - TRAILER PARKING YARD**

INDUSTRIAL SITE AREA:	996,853 SF / 22.88 AC
NET SITE AREA:	
BUILDING AREA:	
GUARD HOUSE	100 SF
TOTAL	100 SF
TOTAL INCLUDED PLANNED OFFICE AREA	100 SF
LOT COVERAGE: (50% MAX)	.0001 %
FAR COVERAGE:	.0001 %
AUTO PARKING REQUIRED:	
WAREHOUSE	1 STALLS
TOTAL	1 STALLS
AUTO PARKING PROVIDED:	
ACCESSIBLE STALLS	1 STALLS
STANDARD STALLS	2 STALLS
TOTAL PROVIDED	
TRAILER PARKING:	00 TRAILERS
LANDSCAPE AREA PROVIDED ON DEVELOPED SITE (10% MIN. REQUIRED)	258,735 SF / 25.96 %

**VICINITY MAP**



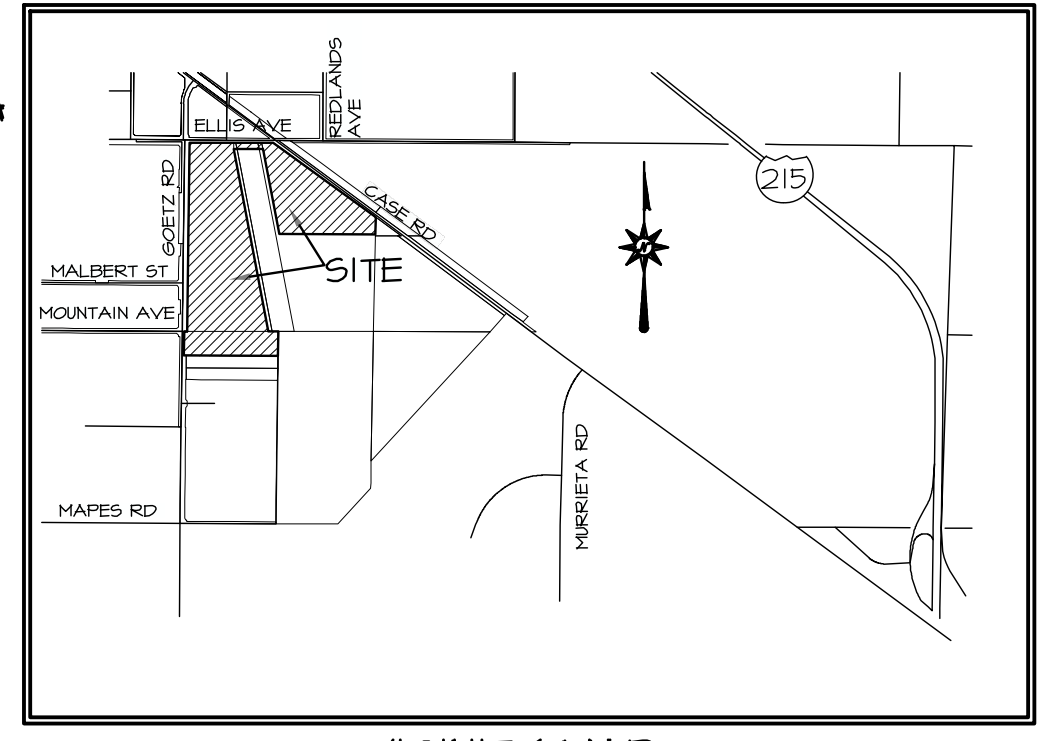
**PROJECT DATA - BUILDING 1 AND 2**

INDUSTRIAL SITE AREA:	2,608,373 SF / 59.88 AC
NET SITE AREA:	
BUILDING AREA:	
BUILDING 1	18,500 SF
FIRST FLOOR OFFICE AREA	10,000 SF
SECOND FLOOR OFFICE AREA	766,409 SF
WAREHOUSE AREA	200 SF
FIRE PUMP	795,109 SF
TOTAL	
BUILDING 2	6,500 SF
FIRST FLOOR OFFICE AREA	65,461 SF
WAREHOUSE AREA	71,961 SF
TOTAL	
TOTAL PROJECT PLANNED OFFICE AREA	35,000 SF
LOT COVERAGE: (50% MAX)	32.82 %
FAR COVERAGE:	33.20 %
BUILDING 1 PARKING REQUIRED:	
AUTO PARKING REQUIRED: (HIGH CUBE PARKING STANDARDS)	00 STALLS
35,000 OFFICE PARKING (LESS THAN 10%)	
WAREHOUSE	20 STALLS
0-20,000 SF (1/1000 SF)	13 STALLS
20K - 40K (1/2000 SF)	151 STALLS
ABOVE 40K (1/5000 SF)	181 STALLS
TOTAL	
BUILDING 1 PARKING PROVIDED:	
AUTO PARKING PROVIDED	9 STALLS
ACCESSIBLE STALLS	281 STALLS
STANDARD STALLS	22 STALLS
EV PARKING STALLS (CHARGERS)	64 STALLS
EV PARKING STALLS (INFRASTRUCTURE)	376 STALLS
TOTAL PROVIDED	
BUILDING 2 PARKING REQUIRED:	
AUTO PARKING REQUIRED:	00 STALLS
00 OFFICE PARKING	
WAREHOUSE	20 STALLS
0-20,000 SF (1/1000 SF)	26 STALLS
20K + SF (1/2000 SF)	46 STALLS
TOTAL	
BUILDING 2 PARKING PROVIDED:	
AUTO PARKING PROVIDED	4 STALLS
ACCESSIBLE STALLS	79 STALLS
STANDARD STALLS	4 STALLS
EV PARKING STALLS (CHARGERS)	13 STALLS
EV PARKING STALLS (INFRASTRUCTURE)	100 STALLS
TOTAL PROVIDED	
REQUIRED BICYCLE PARKING - BUILDING 1 (5% OF REQUIRED AUTO PARKING)	20 BIKE LOCATIONS
REQUIRED BICYCLE PARKING - BUILDING 2 (5% OF REQUIRED AUTO PARKING)	5 BIKE LOCATIONS
DOCK DOORS PROVIDED	152 DOORS
GRADE DOORS PROVIDED	3 DOORS
TRAILER PARKING 1/5,000 SF; (169 REQUIRED)	338 TRAILERS
LANDSCAPE AREA PROVIDED ON DEVELOPED SITE (10% MIN. REQUIRED)	298,358 SF / 11.42 %



# IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA TENTATIVE PARCEL MAP NO. 38412

LOCATED IN SECTION 5, T. 5 S., R. 3 W., S.B.M.



**OWNER/APPLICANT**  
CH REALTY IX-MC | RIVERSIDE PERRIS AIRPORT CENTER, L.P.  
10032 LEMON DRIVE, SUITE 367  
YOBA LINDA, CA 92506  
CONTACT: MICHAEL MATTERS  
PHONE: (714) 249-8544

**ENGINEER**  
ALBERT A. WEBB ASSOCIATES  
3788 MCCRAY STREET  
RIVERSIDE, CA 92506  
CONTACT: SARAH KOVALSKI  
PHONE: (951) 686-1070

**ARCHITECT**  
RGA  
15231 ALTON PARKWAY, SUITE 100  
IRVINE, CA 92618  
CONTACT: MIKE GILL  
PHONE: (414) 341-0420  
FAX: (414) 341-0422

**SOILS ENGINEER**  
SOCAL GEOTECHNICAL  
22025 SAVI RANCH PARKWAY #E  
YORBA LINDA, CA 92807  
CONTACT: JOSEPH LOZANO LEON  
PHONE: (714) 685-1115  
FAX: (714) 685-1118

**UTILITY PROVIDERS**  
WATER: EASTERN MUNICIPAL WATER DISTRICT  
SEWER: EASTERN MUNICIPAL WATER DISTRICT  
ELECTRICAL: SOUTHERN CALIFORNIA EDISON  
GAS: SOUTHERN CALIFORNIA GAS COMPANY  
TELEPHONE: FRONTIER COMMUNICATIONS  
CABLE T.V.: CHARTER COMMUNICATIONS

**LAND USE**  
EXISTING/PROPOSED GENERAL PLAN LAND USE: LIGHT INDUSTRIAL (LI)  
EXISTING/PROPOSED ZONING: LIGHT INDUSTRIAL (LI)

**AP.N.**  
330-040-031, -033, -034, 036, -038, -040, AND 330-100-031

**TOPOGRAPHY SOURCE**  
TOPOGRAPHY FLOWN BY INLAND AERIAL SURVEYS, INC. ON 05/18/2021

**SCHOOL DISTRICT**  
PERRIS ELEMENTARY AND PERRIS UNION HIGH SCHOOL DISTRICTS

**EASEMENT NOTES**

- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS AND INCIDENTAL PURPOSES, RECORDED MAY 27, 1913 IN BOOK 371 OF DEEDS, PAGE 18, IN FAVOR OF SOUTHERN SIERRA POWER COMPANY.
  - AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 04, 1937 AS BOOK 313, PAGE 66 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA TELEPHONE COMPANY
  - AN OFFER OF DEDICATION FOR PUBLIC STREET AND HIGHWAY AND INCIDENTAL PURPOSES, RECORDED JUNE 25, 2020 AS INSTRUMENT NO. 2020-0274541 OF OFFICIAL RECORDS, TO CITY OF PERRIS, A MUNICIPAL CORPORATION A DOCUMENT ENTITLED "CERTIFICATE OF ACCEPTANCE-MIRA MESA PERRIS AIRPORT, LLC-RESOLUTION NUMBER 5706" RECORDED JANUARY 28, 2021 AS INSTRUMENT NO. 2021-0056454 OF OFFICIAL RECORDS.
  - THE TERMS, PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" RECORDED APRIL 10, 2017 AS INSTRUMENT NO. 2017-0141746 OF OFFICIAL RECORDS.
  - EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY PURPOSE: POLE LINES AND INCIDENTAL PURPOSES RECORDING DATE: MARCH 04, 1947 RECORDING NO.: BOOK 823 PAGE 116 OF OFFICIAL RECORDS
  - AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR PURPOSE(S): PUBLIC STREET AND HIGHWAY PURPOSES, TOGETHER WITH ALL RIGHT TO CONSTRUCT AND MAINTAIN UTILITIES, SEWERS, DRAINS AND OTHER IMPROVEMENTS CONSISTENT WITH THE USE AS A PUBLIC STREET AND HIGHWAY RECORDING DATE: APRIL 07, 2016 RECORDING NO.: 2016-0131621 OF OFFICIAL RECORDS
- SAID OFFER WAS ACCEPTED BY RESOLUTION, A CERTIFIED COPY OF WHICH WAS RECORDED JANUARY 28, 2021, RECORDING NO. 2021-0056453 OF OFFICIAL RECORDS.

### GENERAL INFORMATION

- THOMAS BROS. MAP BOOK PAGE 807 GRID: H4, H5 & J5.
- THIS MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDER.
- PROJECT IS NOT WITHIN A SPECIFIC PLAN.
- EASEMENTS OF RECORD ARE PLOTTED HEREIN.
- PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT.
- PROJECT IS WITHIN MEAD VALLEY AREA PLAN (R/G/P).
- THERE ARE NO EXISTING WELLS ON THE PROPERTY.
- TOPOGRAPHY FLOWN BY INLAND AERIAL SURVEYS, INC.
- SETBACKS OF SLOPES TO PROPERTY LINES SHALL CONFORM TO COUNTY OF RIVERSIDE ORDINANCE 457 REQUIREMENTS.
- ALL SLOPES ARE 2:1 RATIO, UNLESS OTHERWISE NOTED.
- LAND IS NOT WITHIN A SPECIAL STUDIES ZONE.
- LAND IS SUBJECT TO LOW LIQUEFACTION
- NO SUBSURFACE SEPTIC SEWAGE DISPOSAL IS INTENDED.
- EXISTING STRUCTURES ON APN 330-100-001 ARE TO BE REMOVED.
- THE PROJECT WILL COMPLY WITH NPDES REQUIREMENTS AS REQUIRED BY NPDES SUPPLEMENT "A".
- FLOOD ZONE AE, AREA OF SPECIAL FLOOD HAZARD PER FEMA PANEL 06065C1440H.
- PROJECT IS WITHIN AIRPORT COMPATIBILITY ZONE E (MARCH AIR FORCE BASE).

### LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:  
APN: 330-040-031, -033, -034, 036, -038, AND 040

**PARCEL 1:** PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS.

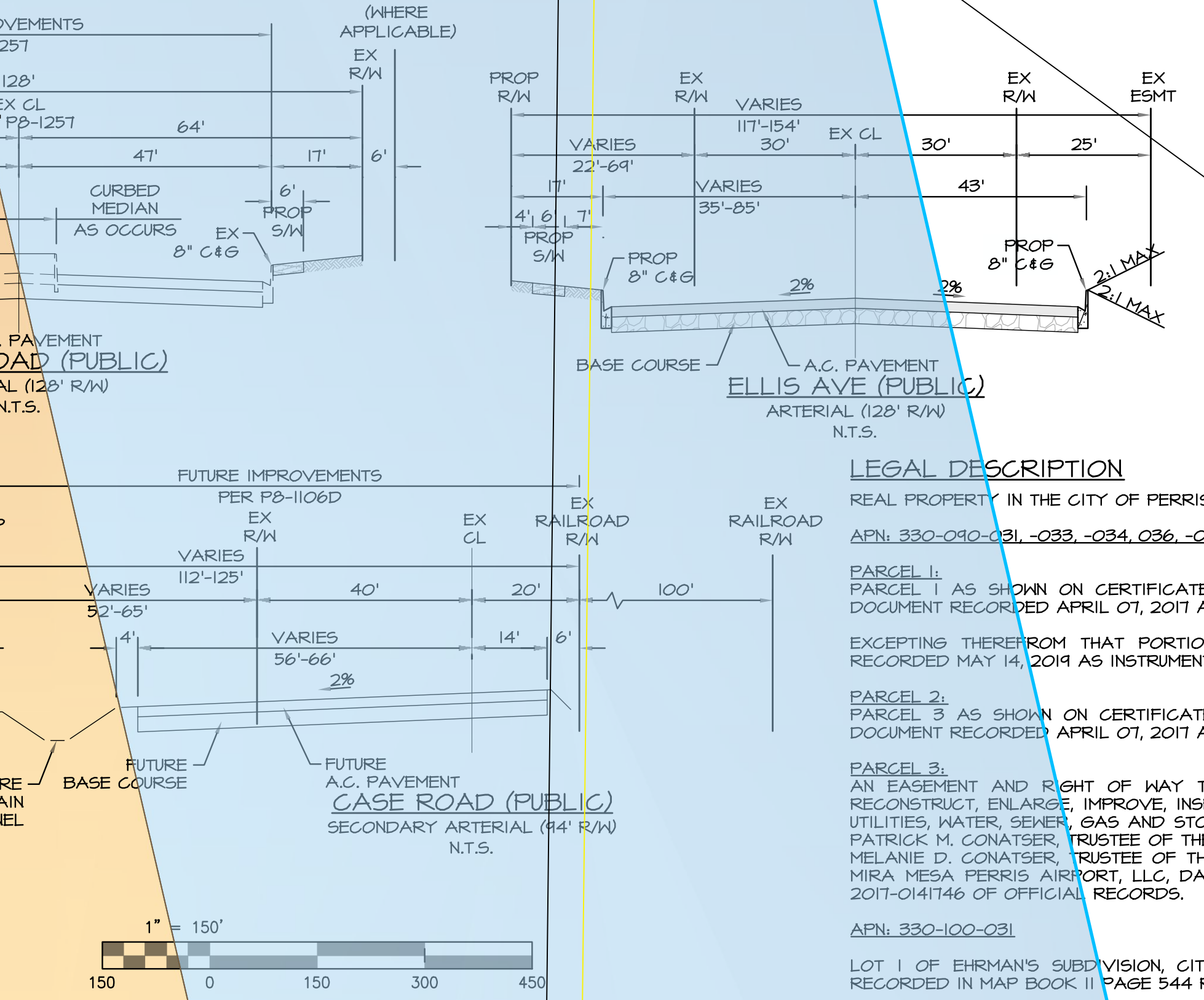
EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF PERRIS AS DESCRIBED IN A GRANT DEED RECORDED MAY 14, 2019 AS INSTRUMENT NO. 2019-0167315 OF OFFICIAL RECORDS.

**PARCEL 2:** PARCEL 3 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS.

**PARCEL 3:** AN EASEMENT AND RIGHT OF WAY TO CONSTRUCT, USE, MAINTAIN, OPERATE, ALTER, ADD TO, REPAIR, REPLACE, RECONSTRUCT, ENLARGE, IMPROVE, INSPECT, AND REMOVE, AND RELOCATE UNDERGROUND PIPELINES AND MAINS FOR UTILITIES, WATER, SEWER, GAS AND STORM SYSTEMS, AS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT BETWEEN PATRICK M. CONATSER, TRUSTEE OF THE PATRICK M. CONATSER IRREVOCABLE TRUST, DATED DECEMBER 28, 2021, AND MELANIE D. CONATSER, TRUSTEE OF THE MELANIE D. CONATSER IRREVOCABLE TRUST DATED DECEMBER 28, 2021 TO MIRA MESA PERRIS AIRPORT, LLC, DATED DECEMBER 28, 2021 AND RECORDED APRIL 10, 2017 AS INSTRUMENT NO. 2017-0141746 OF OFFICIAL RECORDS.

APN: 330-100-031

LOT 1 OF EHRMAN'S SUBDIVISION, CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN MAP BOOK 11 PAGE 544 RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.



SCALE: 1" = 150'	DATE: 2022-11-21	DESIGNED: ABE	CHECKED: SKK	PLN. CK. REF: F.B.
DATE: 21-Nov-22	BY: [Signature]	DATE: 21-Nov-22	BY: [Signature]	DATE: 21-Nov-22

**ALBERT A. WEBB ASSOCIATES**  
ENGINEERING CONSULTANTS  
3788 MCCRAY STREET  
RIVERSIDE, CA 92506  
PH. (951) 686-1070  
FAX (951) 785-1256

**TENTATIVE PARCEL MAP NO. 38412**  
CITY OF PERRIS

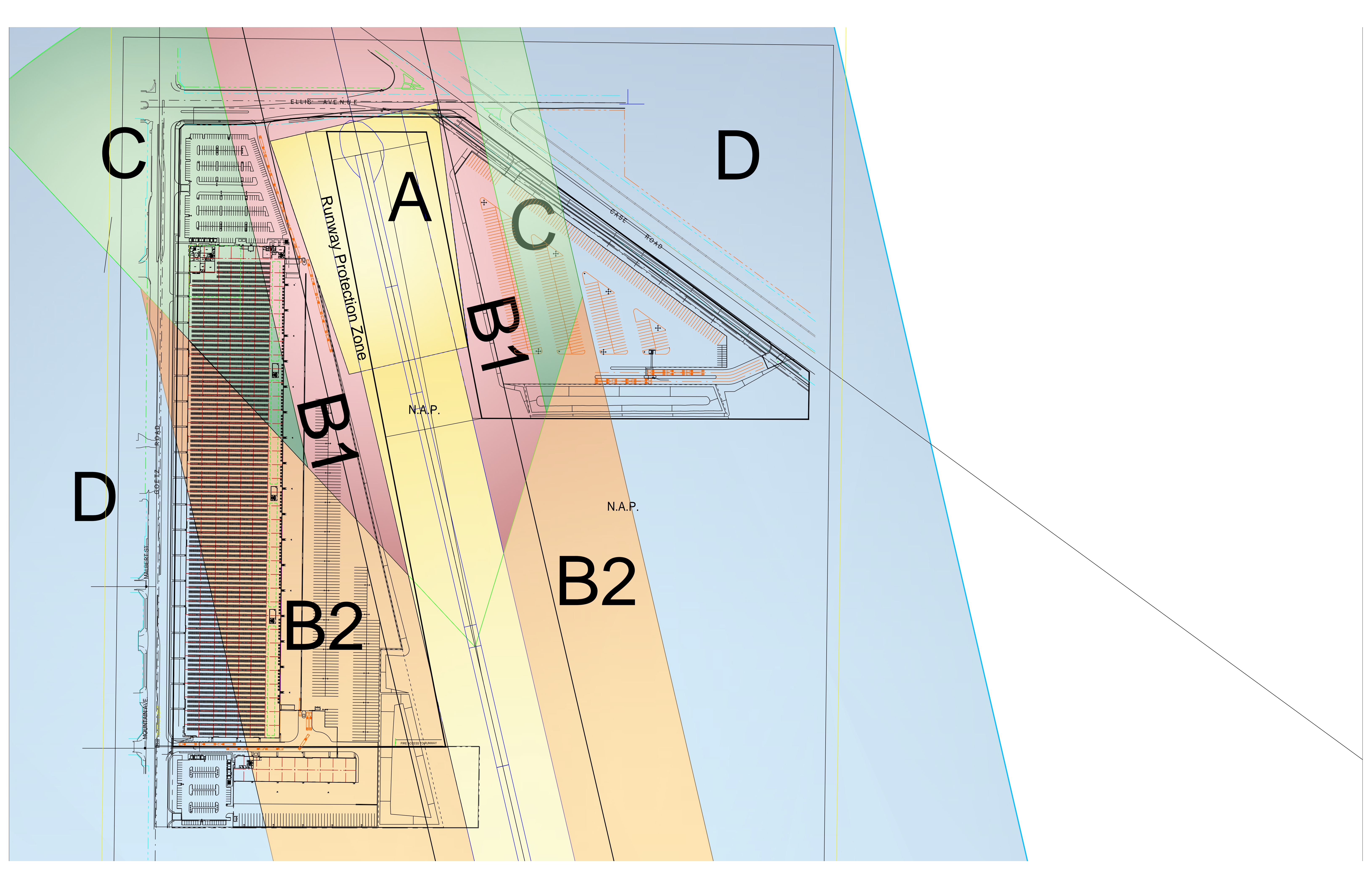
W.O. 2021-0235  
SHEET 1  
OF 1 SHEETS  
DWG. NO.

CH REALTY IX-MC | RIVERSIDE PERRIS AIRPORT CENTER, L.P.

PRELIMINARY

PKL 2021-12-10-0235-DRAWINGS-ENTIREMAP-21-0235-FPM.DWG 11/21/2022 10:23:19 AM





C

D

A

C

B1

B1

N.A.P.

N.A.P.

B2

B2

D

ELLIS AVENUE

CASE ROAD

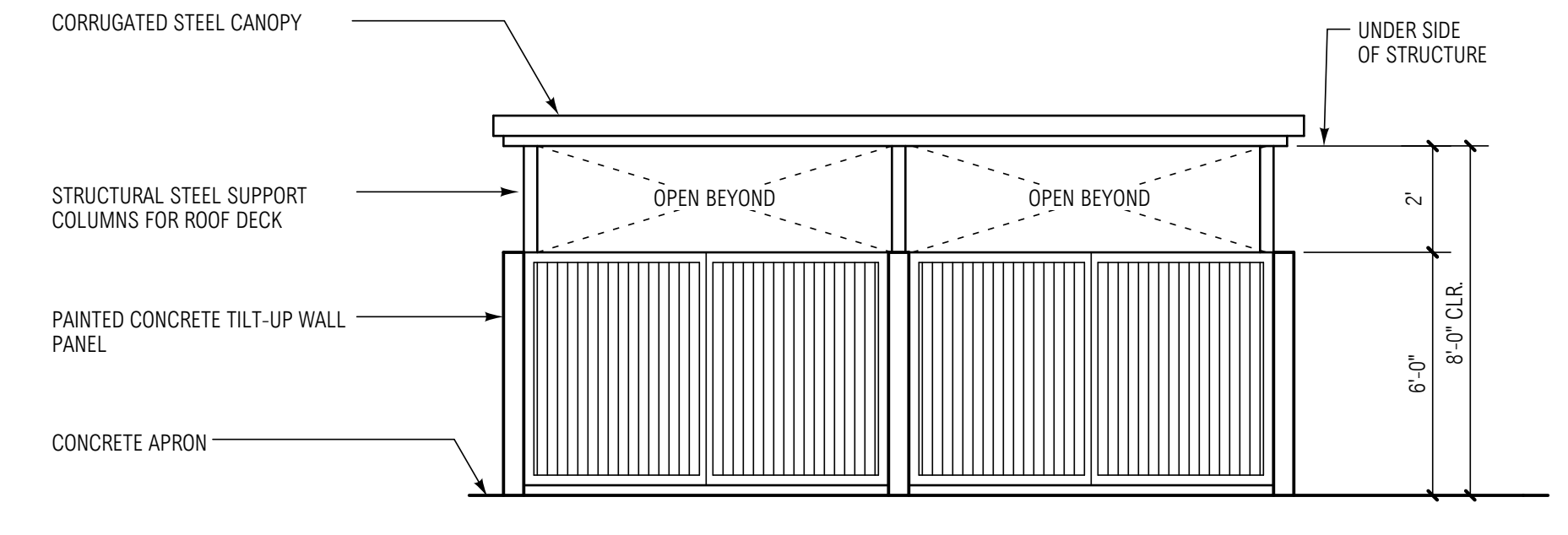
GOFF RD

WALBERT ST

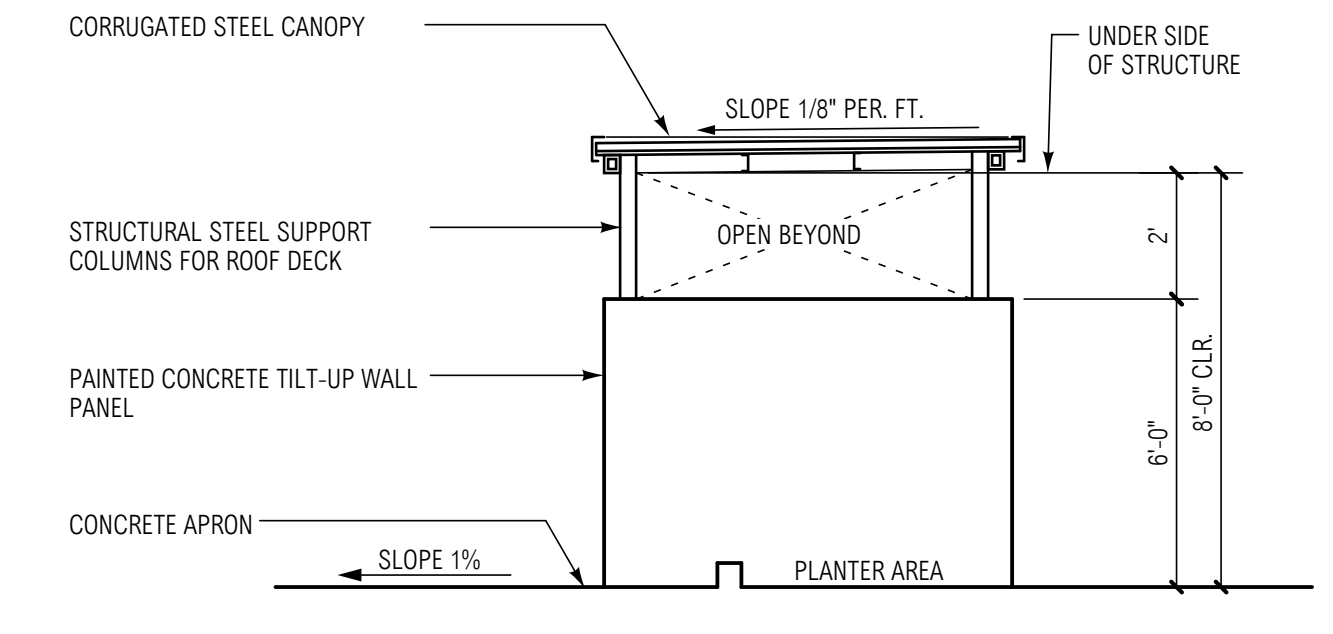
MOUNTAINEER AVE

FIRE ACCESS TO RUNWAY

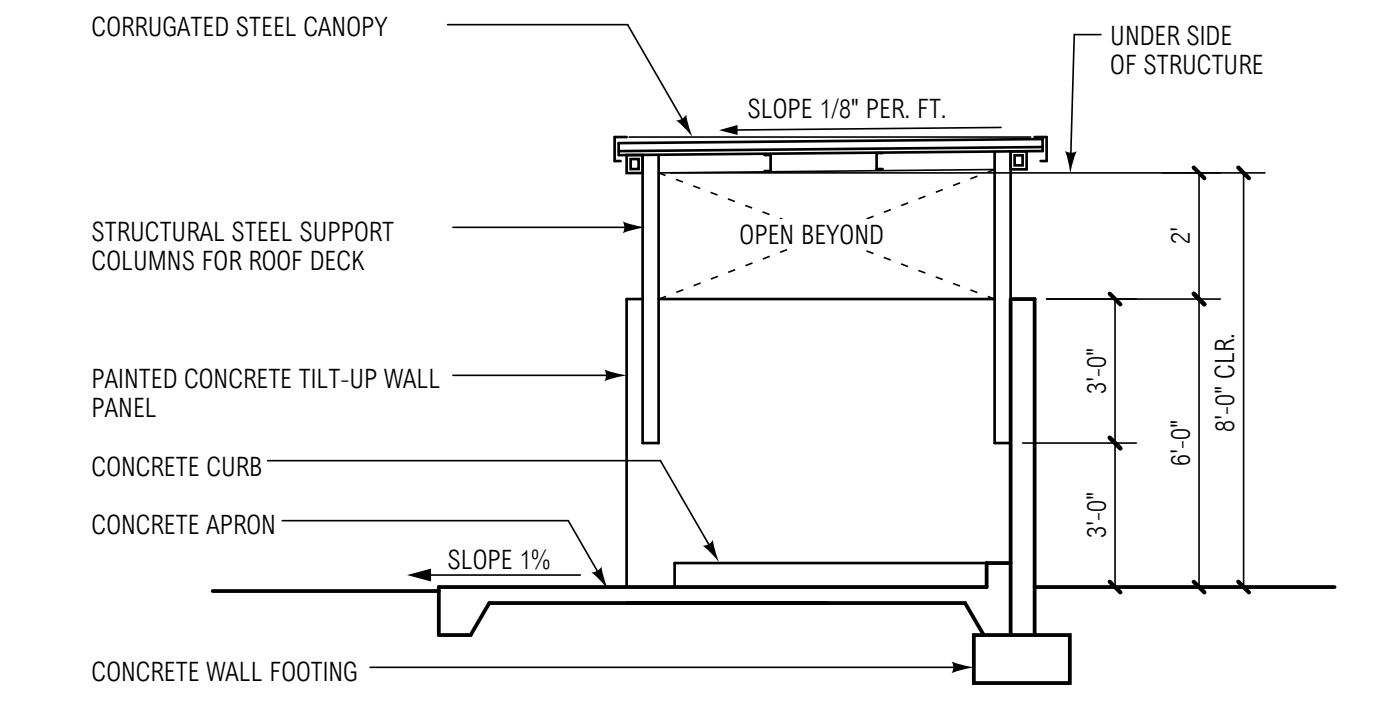




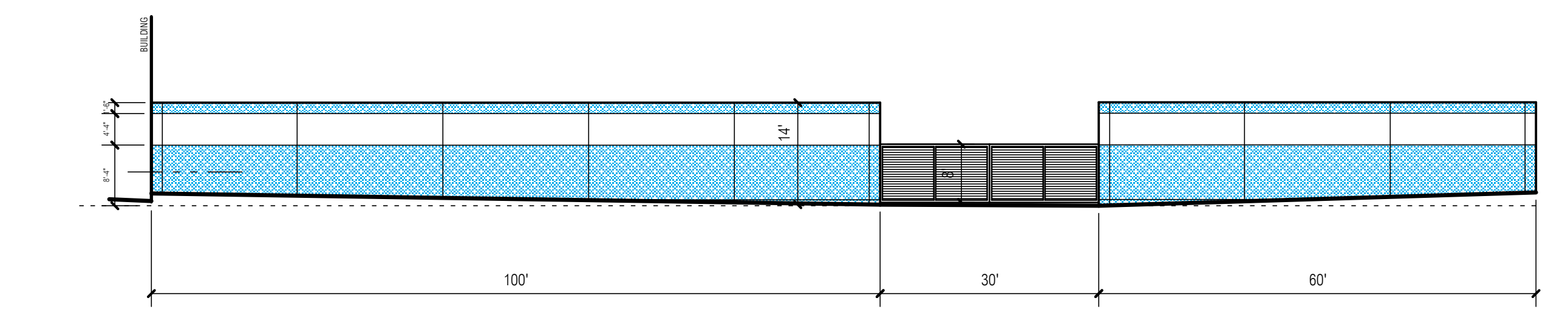
**TRASH ENCLOSURE FRONT ELEVATIONS**  
 SCALE: 1/4" = 1'-0"



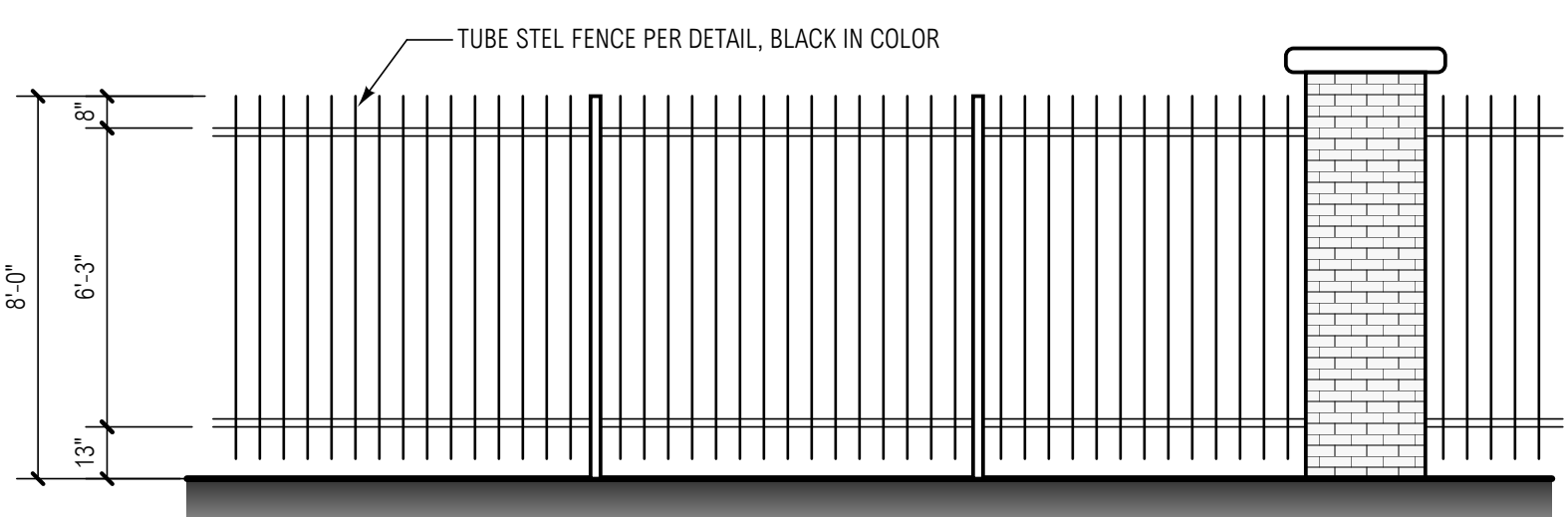
**TRASH ENCLOSURE SIDE ELEVATIONS**  
 SCALE: 1/4" = 1'-0"



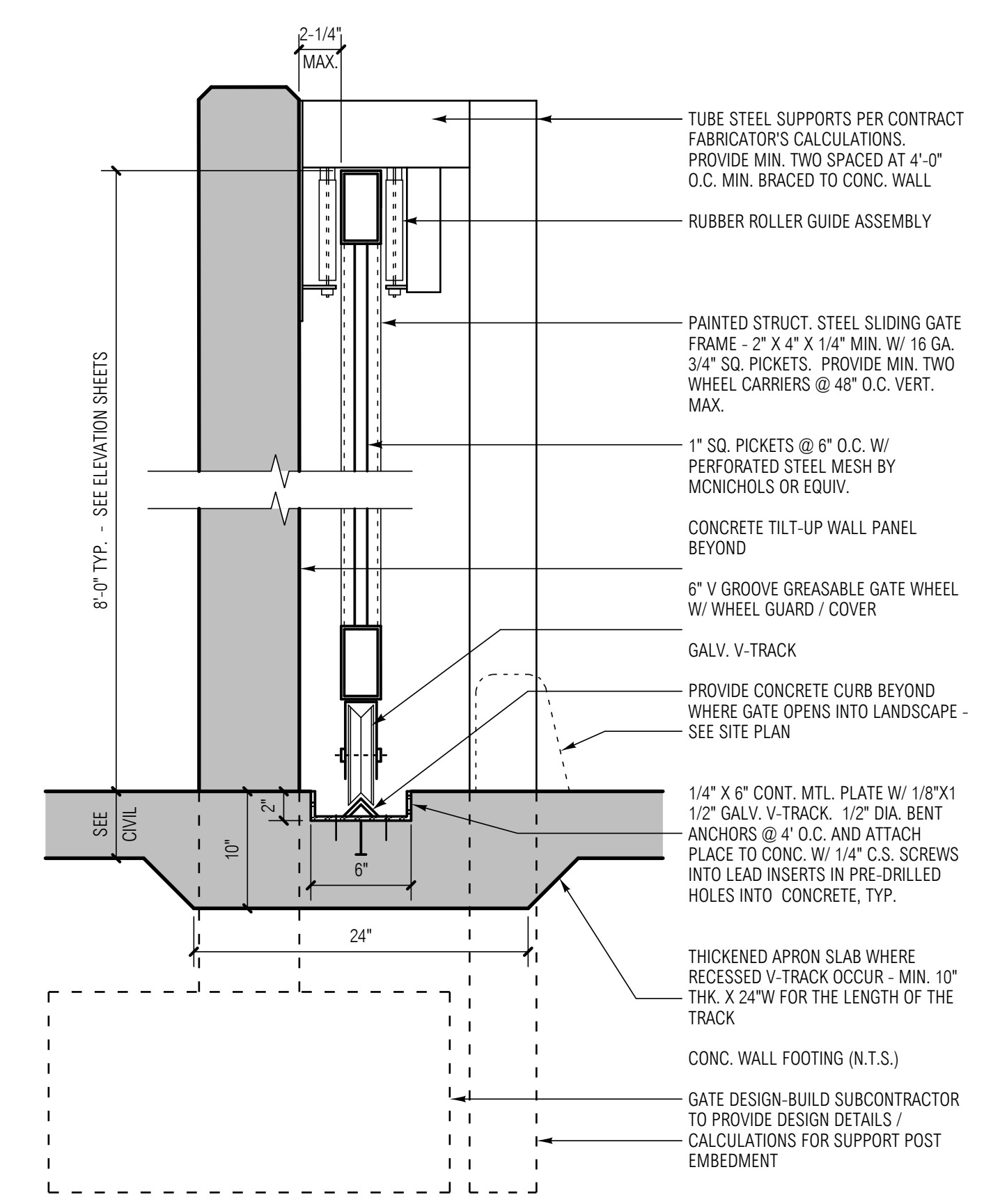
**TYPICAL TRASH ENCLOSURE SECTION**  
 SCALE: 1/4" = 1'-0"



**TYPICAL SCREEN ELEVATION AND GATE (BUILDING 2)**  
 SCALE: 1/16" = 1'-0"

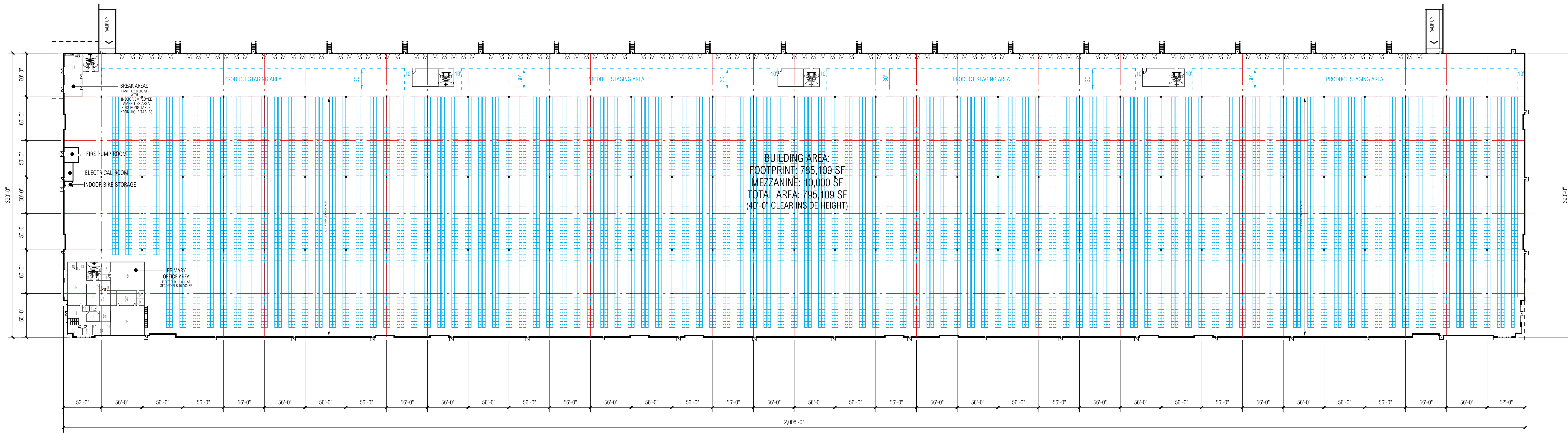


**TYPICAL TUBE STEEL FENCE ELEVATION**  
 SCALE: 1/4" = 1'-0"



- NOTES:**
- PERFORATED MESH, WHERE PROVIDED, SHALL BE BY MONNICHOLS OR EQUIV. PAINTED BLACK TO MATCH THE GATE.
  - PROVIDE SHOP DRAWINGS & STRUCTURAL DETAILS & CALCULATIONS INCLUDING WIND-LOAD CRITERIA FOR ALL GATES PRIOR TO FABRICATION FOR REVIEW AND APPROVAL BY ARCHITECT.
  - COORDINATE GATE HEIGHTS WITH GRADE ELEVATIONS PER CIVIL DWGS.
  - SHOP FINISH W/ MINIMUM ONE COAT OF PRIMER AND ONE COAT BLACK SATIN ENAMEL U.N.O. PROVIDE ALTERNATE FOR POWDER COAT FINISH.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL GATE SUPPORTS AND SAFETY MECHANISMS.
  - BUILDING OWNER SHALL BE RESPONSIBLE FOR MAINTAINING GATE TRACK FREE FROM DEBRIS TO ALLOW FOR SAFE OPERATION OF GATE.
  - SLIDING VEHICLE GATES INTENDED FOR AUTOMATION SHALL COMPLY WITH CBC SECTION 3110.3 AND ASTM F2200, INCLUDING:
    - A. COVER GATE WHEELS W/ COVER GUARDS.
    - B. PROVIDE MESH OR PICKET SPACING WITH MAX. OPENINGS LESS THAN 2.25".
    - C. PROVIDE POSITIVE STOPS AT BOTH FULLY OPEN AND FULLY CLOSED POSITIONS.
    - D. GATE DOES NOT MOVE / SLIDE / FALL OVER ON ITS OWN IF DISCONNECTED FROM OPERATOR.
  - VEHICLE GATE OPERATORS, WHERE PROVIDED, SHALL BE LISTED IN ACCORDANCE WITH UL 325.
  - VEHICLE GATE OPERATORS, WHERE PROVIDED, SHALL BE PROVIDED WITH KNOX KEY SWITCH ACCESS FOR EMERGENCY VEHICLE ACCESS.

**SINGLE ROLLING GATE**  
 SCALE: 1-1/2" = 1'-0"



**FLOOR PLAN**  
 SCALE: 1" = 60'-0"

CONSULTANT

PROFESSIONAL SEALS

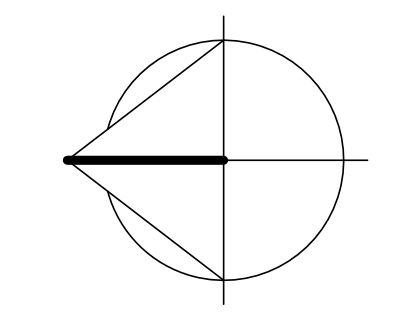
**PERRIS AIRPORT LOGISTICS CENTER**  
 00000 GOETZ ROAD  
 CITY OF PERRIS, CA

**CH REALTY PARTNERS LLC**  
 REAL ESTATE GROUP  
 CH REALTY IX-MC I RIVERSIDE  
 PERRIS AIRPORT CENTER, L.P.  
 3819 MAPLE AVENUE  
 DALLAS, TX 75219  
 PHILIP CYBURT

MARK	DATE	DESCRIPTION
CD		
BID		
FC		
DD		
SD	11/18/2022	SCHEMATIC DESIGN
MARK		

RGD PROJECT NO:	22138.00
OWNER PROJECT NO:	00000.00
CAD FILE NAME:	22138-00-1-A2-1P
DRAWN BY:	MG
CHK'D BY:	DR
COPYRIGHT:	RGD, OFFICE OF ARCHITECTURAL DESIGN

SHEET TITLE  
**FLOOR PLAN BUILDING 1**

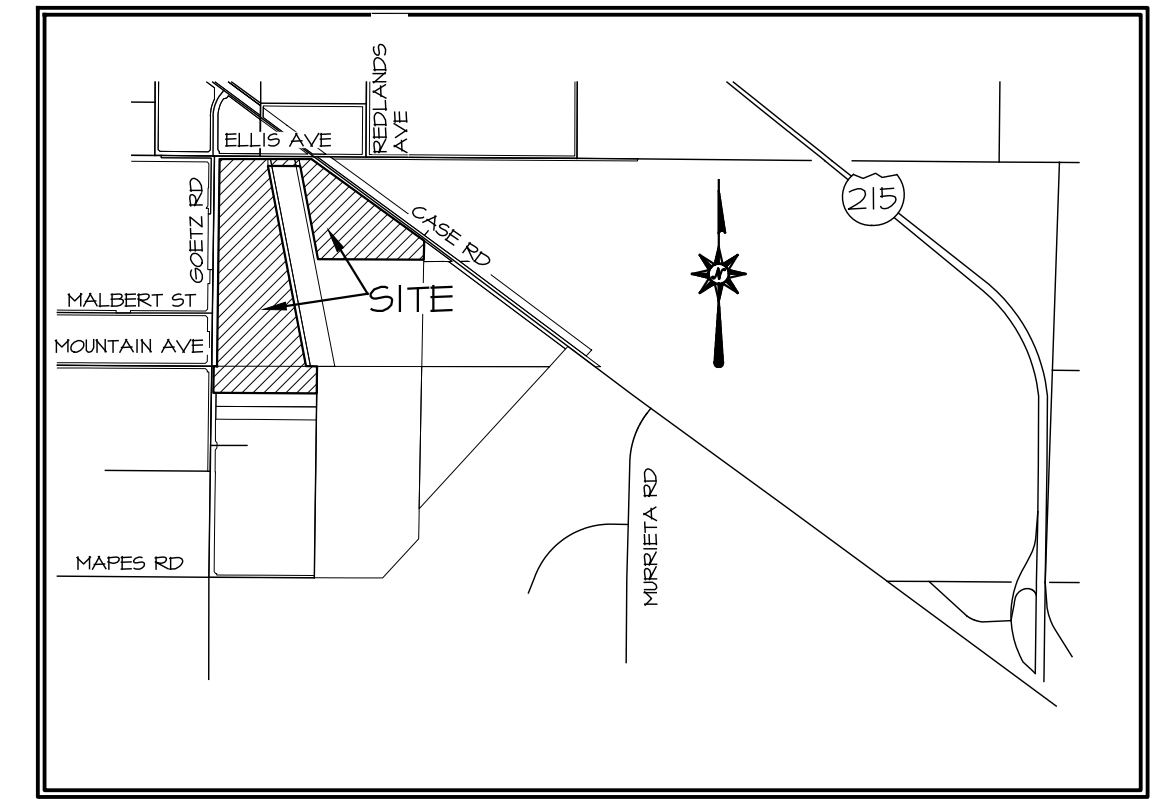






# IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA DEVELOPMENT PLAN DPR 22-00005

LOCATED IN SECTION 5, T. 5 S., R. 3 W., S.B.M.



VICINITY MAP  
NTS

**OWNER/APPLICANT**  
CH REALTY IX-MC | RIVERSIDE  
PERRIS AIRPORT CENTER, L.P.  
18032 LEMON DRIVE, SUITE 367  
TORBA LINDA, CA 92886  
CONTACT: MICHAEL MASTERSON  
PHONE: (714) 249-8544

**ENGINEER**  
ALBERT A. WEBB ASSOCIATES  
3788 MCGRAY STREET  
RIVERSIDE, CA 92506  
CONTACT: SARAH KOWALSKI  
PHONE: (951) 686-1070

**ARCHITECT**  
R&A  
15231 ALTON PARKWAY, SUITE 100  
IRVINE, CA 92618  
CONTACT: MIKE GILL  
PHONE: (949) 341-0420  
FAX: (949) 341-0422

**SOILS ENGINEER**  
SOCAL GEOTECHNICAL  
22885 SAVI RANCH PARKWAY #E  
YORBA LINDA, CA 92887  
CONTACT: JOSEPH LOZANO LEON  
PHONE: (714) 685-1115  
FAX: (714) 685-1118

**ARCHITECT FILE RECEIVED**  
ARCHITECT SITE PLAN PROVIDED BY  
R&A ON 11/06/2022

**UTILITY PROVIDERS**

WATER	EASTERN MUNICIPAL WATER DISTRICT
SEWER	EASTERN MUNICIPAL WATER DISTRICT
ELECTRICAL	SOUTHERN CALIFORNIA EDISON
GAS	SOUTHERN CALIFORNIA GAS COMPANY
TELEPHONE	FRONTIER COMMUNICATIONS
CABLE T.V.	CHARTER COMMUNICATIONS

**LAND USE**  
EXISTING/PROPOSED GENERAL PLAN LAND USE: LIGHT INDUSTRIAL (LI)  
EXISTING/PROPOSED ZONING: LIGHT INDUSTRIAL (LI)

**SCHOOL DISTRICT**  
PERRIS ELEMENTARY AND PERRIS UNION HIGH SCHOOL DISTRICTS

**TOPOGRAPHY SOURCE**  
TOPOGRAPHY FLOWN BY INLAND AERIAL SURVEYS, INC. ON 05/18/2021

**ACREAGE**

LOT A: 0.06 AC R/W DEDICATION, GOETZ ROAD  
LOT B: 2.00 AC R/W DEDICATION, ELLIS AVENUE  
LOT C: 2.31 AC R/W DEDICATION, CASE ROAD  
LOT D: 0.49 AC R/W DEDICATION, GOETZ ROAD  
NET AREA (WEST): 54.95 AC (A.P.N. 330-040-031, -033, -036, -038, -040, AND 330-100-031)  
NET AREA (EAST): 22.88 AC (A.P.N. 330-040-034)  
GROSS SITE AREA: 87.64 AC

**A.P.N.**

330-040-031, -033, -034, 036, -038, -040, AND 330-100-031

**EASEMENT NOTES**

- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS AND INCIDENTAL PURPOSES, RECORDED MAY 27, 1913 IN BOOK 377 OF DEEDS, PAGE 18, IN FAVOR OF SOUTHERN SIERRA POWER COMPANY.
- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 04, 1937 AS BOOK 313, PAGE 66 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA TELEPHONE COMPANY
- AN OFFER OF DEDICATION FOR PUBLIC STREET AND HIGHWAY AND INCIDENTAL PURPOSES, RECORDED JUNE 25, 2020 AS INSTRUMENT NO. 2020-0274541 OF OFFICIAL RECORDS, TO CITY OF PERRIS, A MUNICIPAL CORPORATION A DOCUMENT ENTITLED "CERTIFICATE OF ACCEPTANCE-MIRA MESA PERRIS AIRPORT, LLC-RESOLUTION NUMBER 5106" RECORDED JANUARY 28, 2021 AS INSTRUMENT NO. 2021-0056454 OF OFFICIAL RECORDS.
- THE TERMS, PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" RECORDED APRIL 10, 2017 AS INSTRUMENT NO. 2017-0141746 OF OFFICIAL RECORDS.
- EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY  
PURPOSE: POLE LINES AND INCIDENTAL PURPOSES  
RECORDING DATE: MARCH 04, 1947  
RECORDING NO: BOOK 823 PAGE 116 OF OFFICIAL RECORDS
- AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR PURPOSE(S): PUBLIC STREET AND HIGHWAY PURPOSES, TOGETHER WITH ALL RIGHT TO CONSTRUCT AND MAINTAIN UTILITIES, SEWERS, DRAINS AND OTHER IMPROVEMENTS CONSISTENT WITH THE USE AS A PUBLIC STREET AND HIGHWAY  
RECORDING DATE: APRIL 07, 2016  
RECORDING NO: 2016-0137621 OF OFFICIAL RECORDS

SAID OFFER WAS ACCEPTED BY RESOLUTION, A CERTIFIED COPY OF WHICH WAS RECORDED JANUARY 28, 2021, RECORDING NO. 2021-0056453 OF OFFICIAL RECORDS.

**LEGAL DESCRIPTION**

REAL PROPERTY IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

APN: 330-040-031, -033, -034, 036, -038, AND 040

**PARCEL 1:**  
PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF PERRIS AS DESCRIBED IN A GRANT DEED RECORDED MAY 14, 2019 AS INSTRUMENT NO. 2019-0167315 OF OFFICIAL RECORDS.

**PARCEL 2:**  
PARCEL 3 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS.

**PARCEL 3:**  
AN EASEMENT AND RIGHT OF WAY TO CONSTRUCT, USE, MAINTAIN, OPERATE, ALTER, ADD TO, REPAIR, REPLACE, RECONSTRUCT, ENLARGE, IMPROVE, INSPECT, AND REMOVE, AND RELOCATE UNDERGROUND PIPELINES AND MAINS FOR UTILITIES, WATER, SEWER, GAS AND STORM SYSTEMS, AS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT BETWEEN PATRICK M. CONATSER, TRUSTEE OF THE PATRICK M. CONATSER IRREVOCABLE TRUST, DATED DECEMBER 28, 2021, AND MELANIE D. CONATSER, TRUSTEE OF THE MELANIE D. CONATSER IRREVOCABLE TRUST DATED DECEMBER 28, 2021 TO MIRA MESA PERRIS AIRPORT, LLC, DATED DECEMBER 28, 2021 AND RECORDED APRIL 10, 2017 AS INSTRUMENT NO. 2017-0141746 OF OFFICIAL RECORDS.

APN: 330-100-031

LOT 1 OF EHRMAN'S SUBDIVISION, CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN MAP BOOK 11 PAGE 544 RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.

**EARTHWORK ESTIMATE**

CUT: 144,300 CY  
FILL: 356,500 CY  
SHRINKAGE: 13,000 CY  
NET: 194,200 CY (FILL)

**SHEET INDEX**

SHEET 1 INDEX MAP  
SHEET 2 NOTES AND SECTIONS  
SHEET 3-7 CONCEPTUAL GRADING  
SHEET 8-9 CONCEPTUAL UTILITY

**LEGEND**

—	PROPERTY LINE	D/W	DRIVEWAY
— EX W —	EX WATER LINE	FF	FINISHED FLOOR
— EX SS —	EX SEWER LINE	R/W	RIGHT-OF-WAY
— W —	PROP WATER LINE	PROP	PROPOSED
— SS —	PROP SEWER LINE	EX	EXISTING
— x — x —	PROP 6' FENCE	EP	EDGE OF PAVEMENT
---	PROP GRADE BREAK	SD	STORM DRAIN
---	EDGE OF PAVEMENT	FH	FIRE HYDRANT
		S/W	SIDEWALK
		ESMT	EASEMENT
		CL	CENTERLINE

**PROJECT DESCRIPTION**

DEVELOPMENT PLAN REVIEW FOR A DISTRIBUTION WAREHOUSE COMPLEX CONSISTING OF TWO (2) BUILDINGS TOTALING 221,951 SQUARE FEET ON 82.81 NET ACRES.

**GENERAL INFORMATION**

- THOMAS BROS. MAP BOOK PAGE 807 GRID, H4, H5 & J5.
- THIS MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDER.
- PROJECT IS NOT WITHIN A SPECIFIC PLAN.
- EASEMENTS OF RECORD ARE PLOTTED HEREIN.
- PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT.
- PROJECT IS WITHIN MEAD VALLEY AREA PLAN (RCIP).
- THERE ARE NO EXISTING WELLS ON THE PROPERTY.
- TOPOGRAPHY FLOWN BY INLAND AERIAL SURVEYS, INC.
- SETBACKS OF SLOPES TO PROPERTY LINES SHALL CONFORM TO COUNTY OF RIVERSIDE ORDINANCE 457 REQUIREMENTS.
- ALL SLOPES ARE 2:1 RATIO, UNLESS OTHERWISE NOTED.
- LAND IS NOT WITHIN A SPECIAL STUDIES ZONE.
- LAND IS SUBJECT TO LON LIQUEFACTION.
- NO SUBSURFACE SEPTIC SEWAGE DISPOSAL IS INTENDED.
- EXISTING STRUCTURES ON APN 330-100-001 ARE TO BE REMOVED.
- THE PROJECT WILL COMPLY WITH NPDES REQUIREMENTS AS REQUIRED BY NPDES SUPPLEMENT "A".
- FLOOD ZONE AE, AREA OF SPECIAL FLOOD HAZARD PER FEMA PANEL 06065C1440H.
- PROJECT IS WITHIN AIRPORT COMPATIBILITY ZONE E (MARCH AIR FORCE BASE).

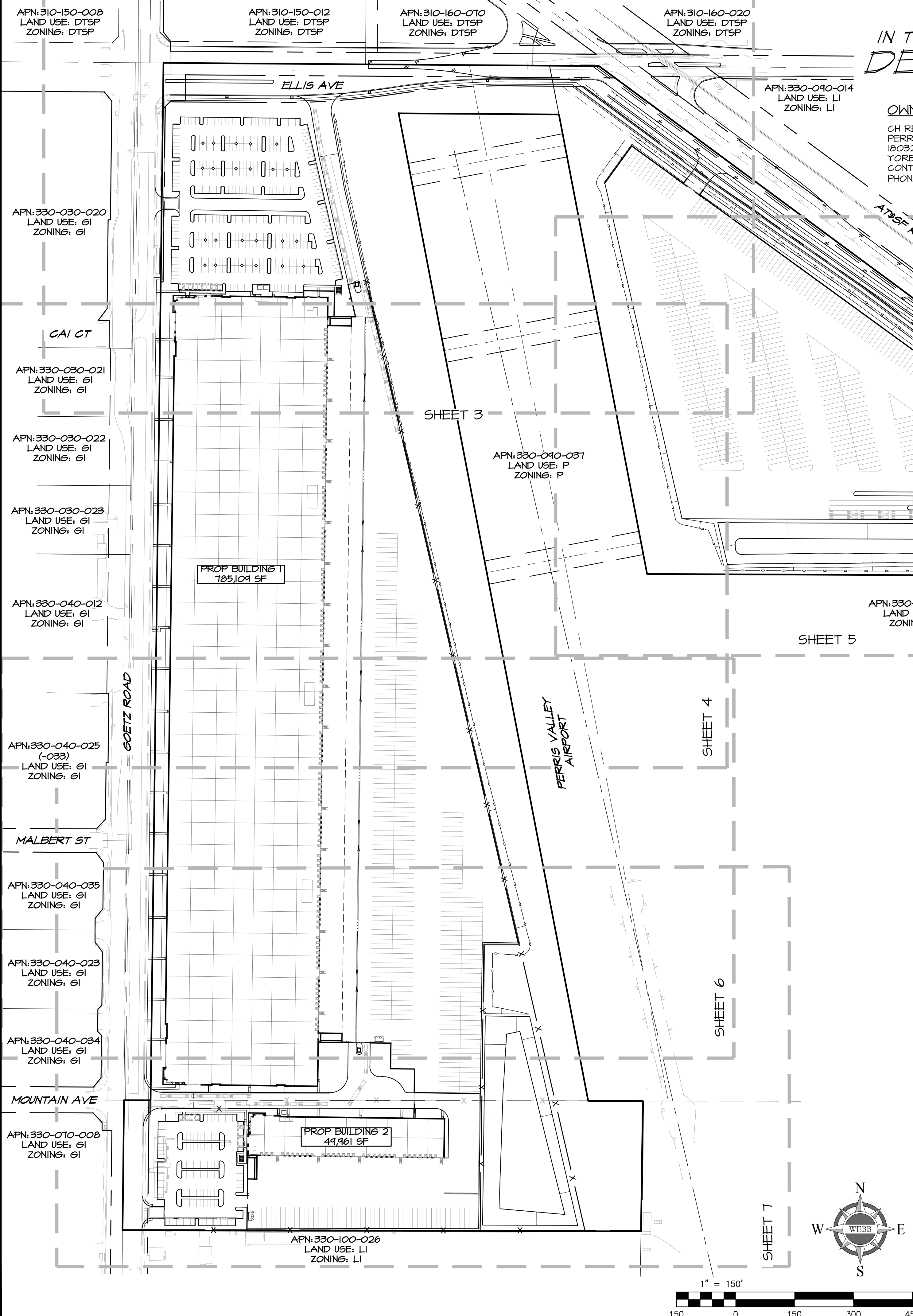
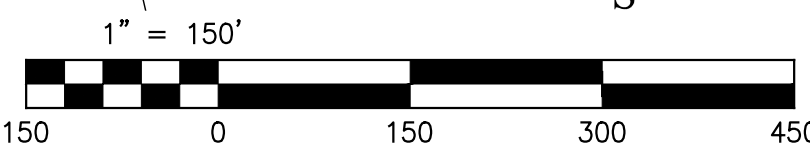
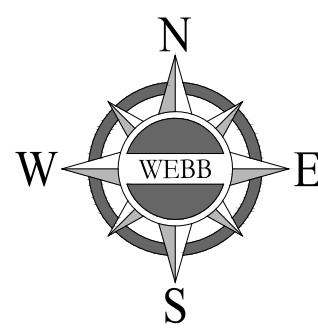
**PROJECT DATA**

<b>BUILDING USE</b>		
BUILDING 1 FOOTPRINT (WAREHOUSE)	785,104 SF	
BUILDING 2 FOOTPRINT (WAREHOUSE)	44,961 SF	
BUILDING 1 OFFICE (MEZZANINE)	10,000 SF	
GUARD HOUSE	200 SF	
TOTAL FLOOR SPACE	845,210 SF	

<b>AUTO PARKING REQ'D</b>		
1ST 20K SF	@1/1,000 SF	20 STALLS
20K - 40K SF	@1/2,000 SF	10 STALLS
ABOVE 40K	@1/5,000 SF	161 STALLS
TOTAL AUTO PARKING REQUIRED		191 STALLS

<b>AUTO PARKING PROVIDED</b>		
ACCESSIBLE STALLS	13 STALLS	
STANDARD STALLS	464 STALLS	
EV STALLS (CHARGING)	6 STALLS	
EV STALLS (INFRASTRUCTURE)	47 STALLS	
TOTAL AUTO PARKING PROVIDED	530 STALLS	

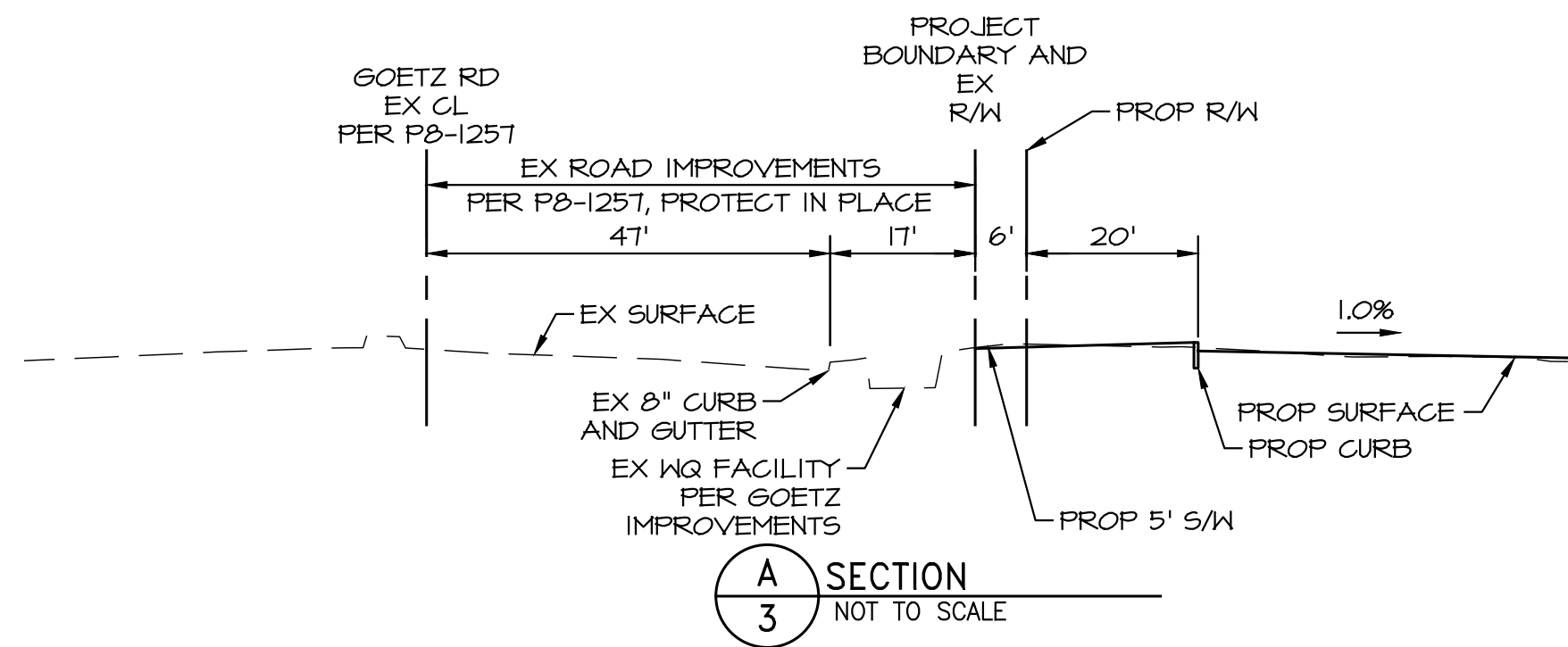
<b>OTHER FACILITIES PROVIDED</b>		
TRAILER PARKING @1/3,000 SF (164 REQ'D)	343 PROVIDED	
DOCK DOORS	152 PROVIDED	
BIKE LOCATIONS @5% OF REQ'D AUTO	10 PROVIDED	



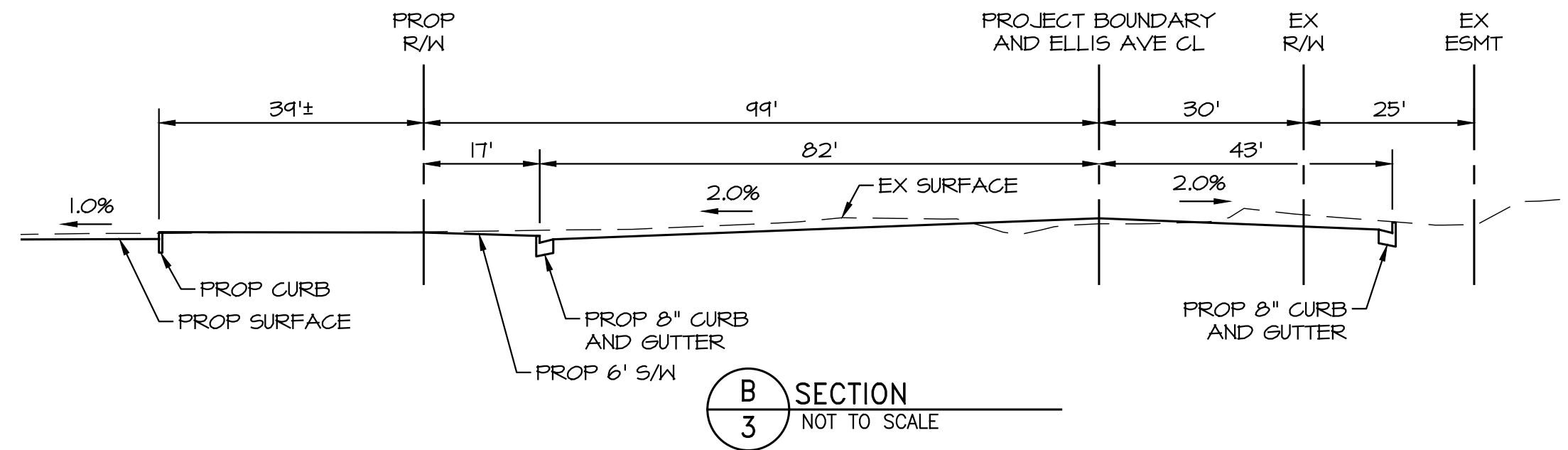
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<p><b>ALBERT A. WEBB ASSOCIATES</b> ENGINEERING CONSULTANTS 3788 MCGRAY STREET RIVERSIDE CA, 92506 PH. (951) 686-1070 FAX (951) 788-1256</p>					<p><b>DEVELOPMENT PLAN DPR 22-00005</b> CITY OF PERRIS</p>				
<p>W.O. 21-0235 SHEET 1 OF 9 SHEETS DWG. NO.</p>					<p>CH REALTY IX-MC   RIVERSIDE PERRIS AIRPORT CENTER, L.P.</p>				

PRELIMINARY

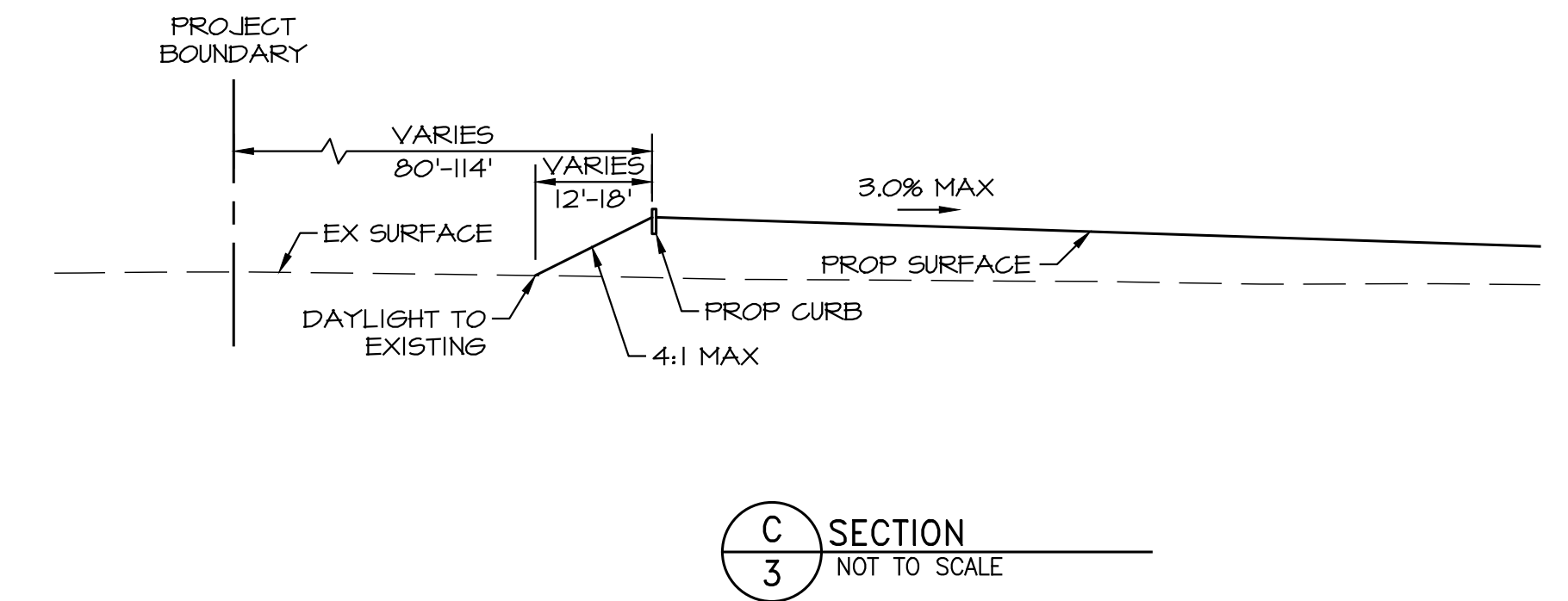




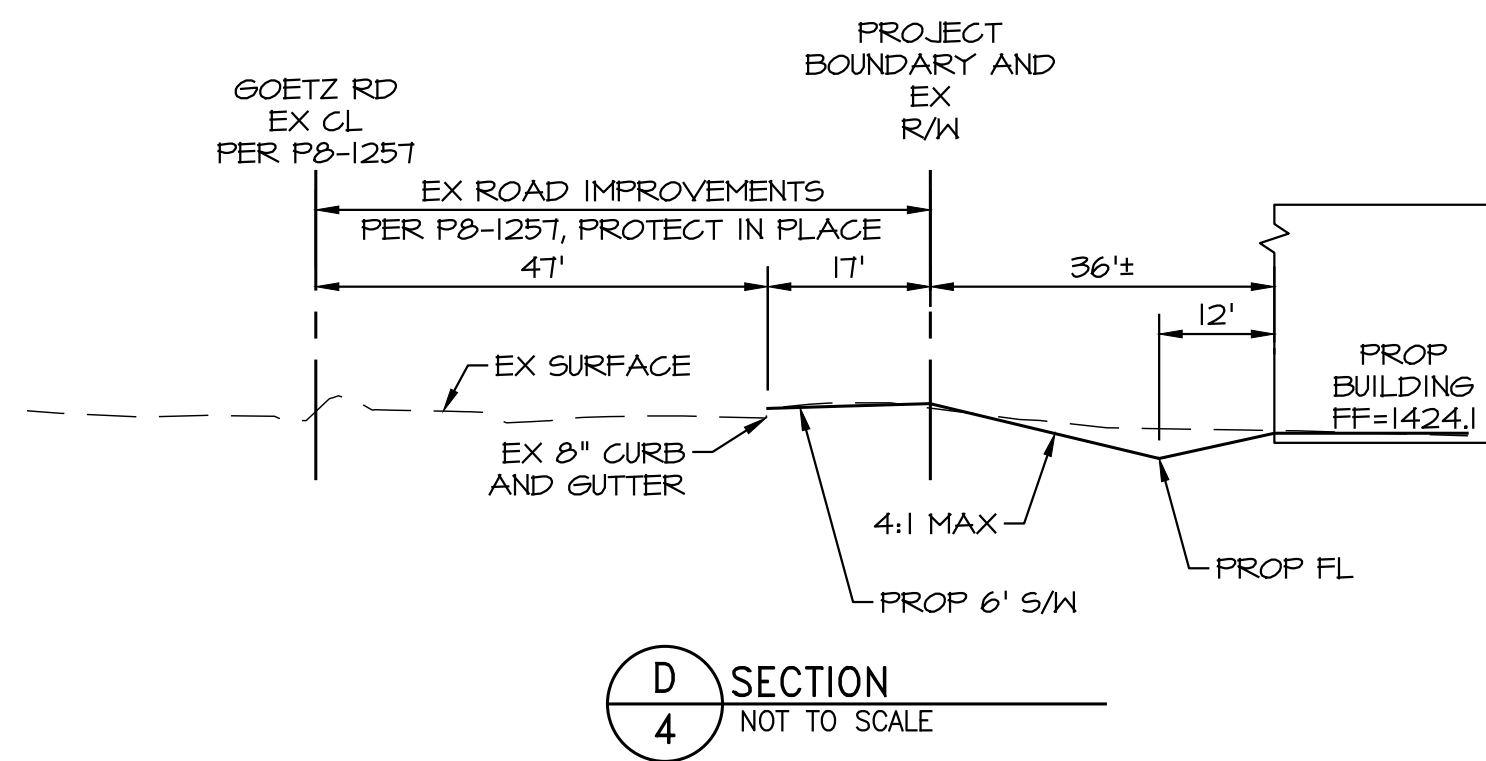
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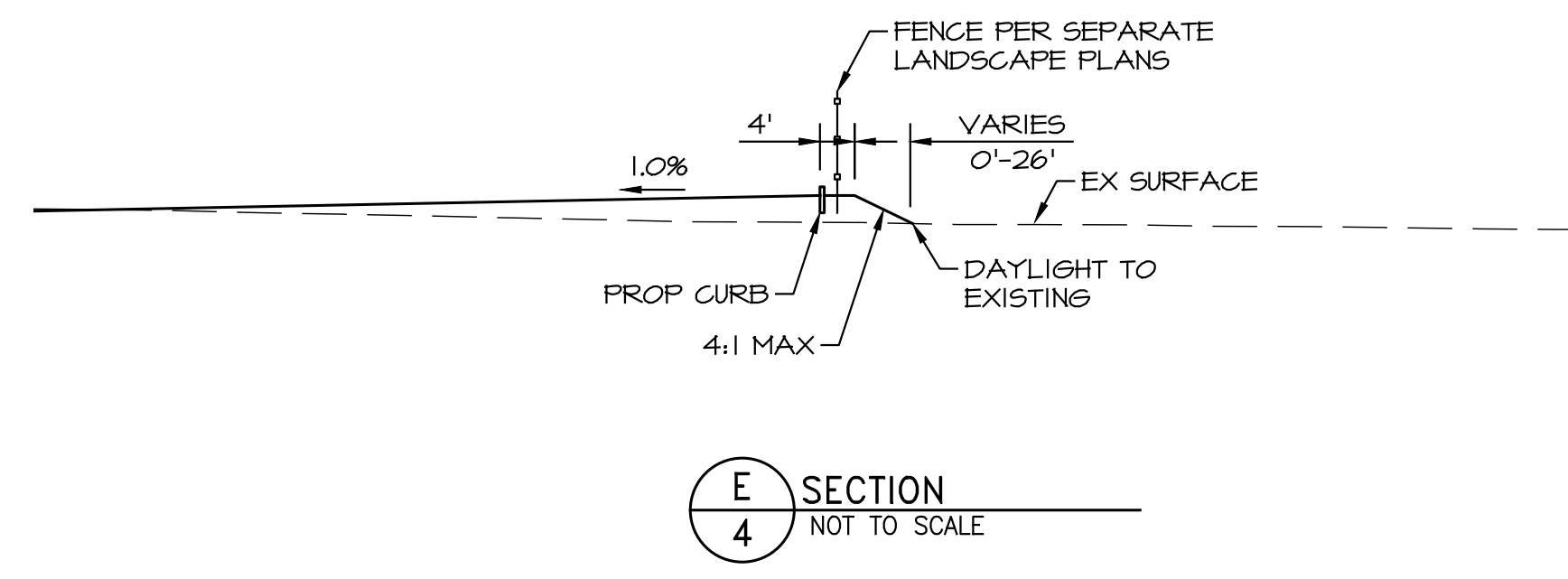
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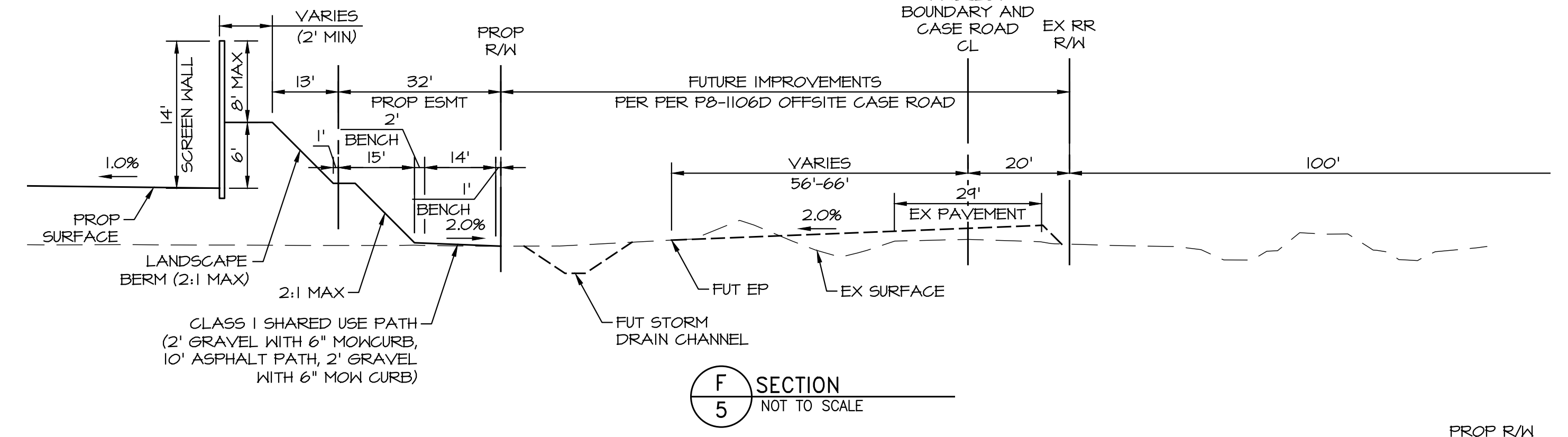
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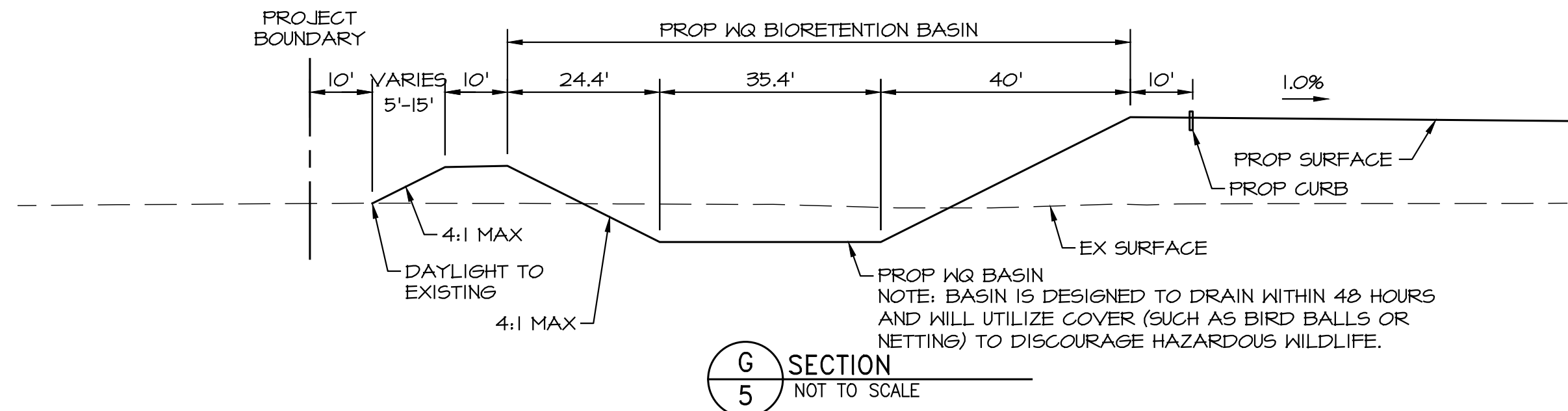
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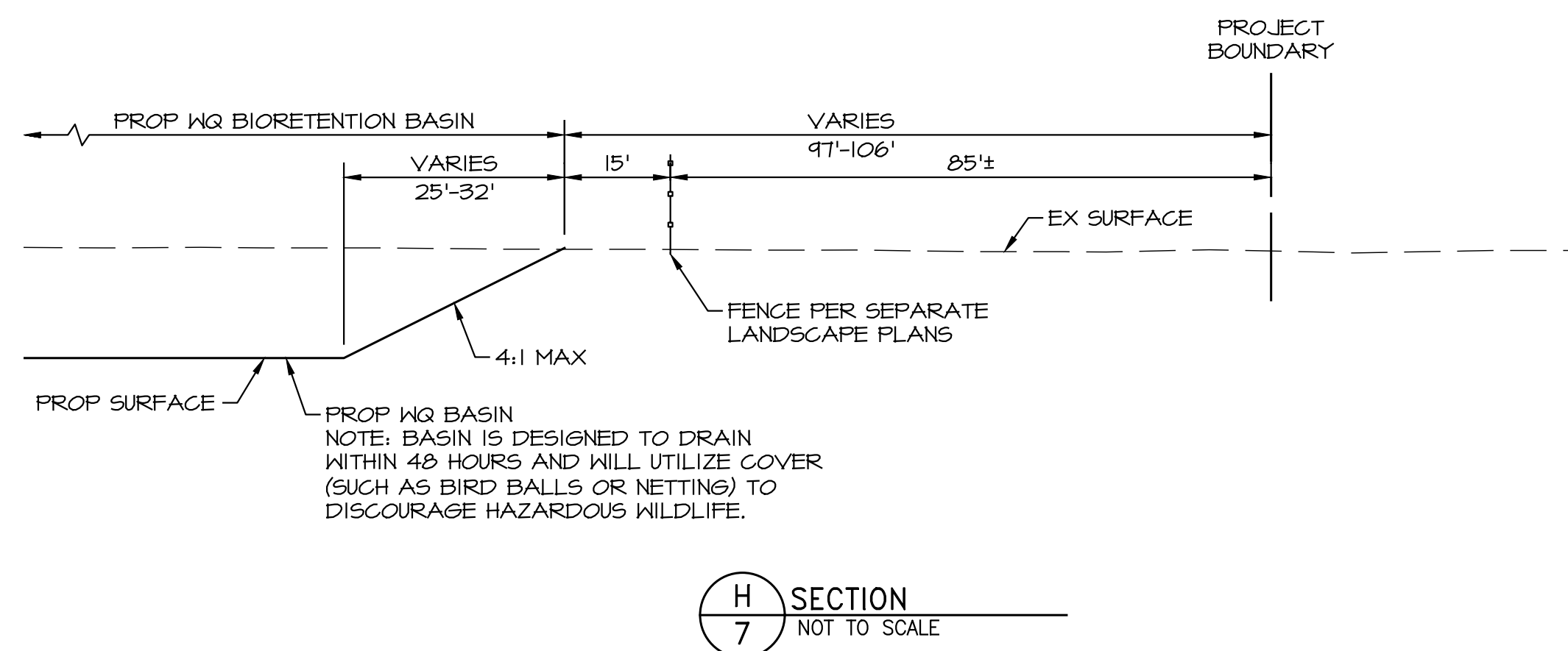
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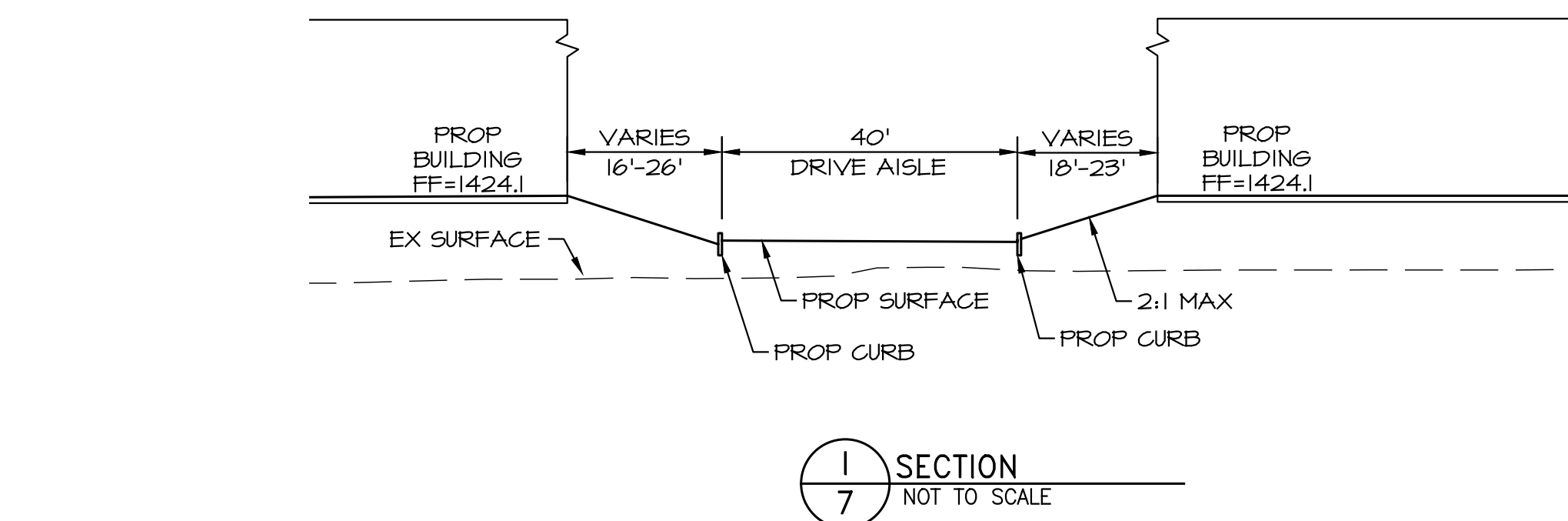
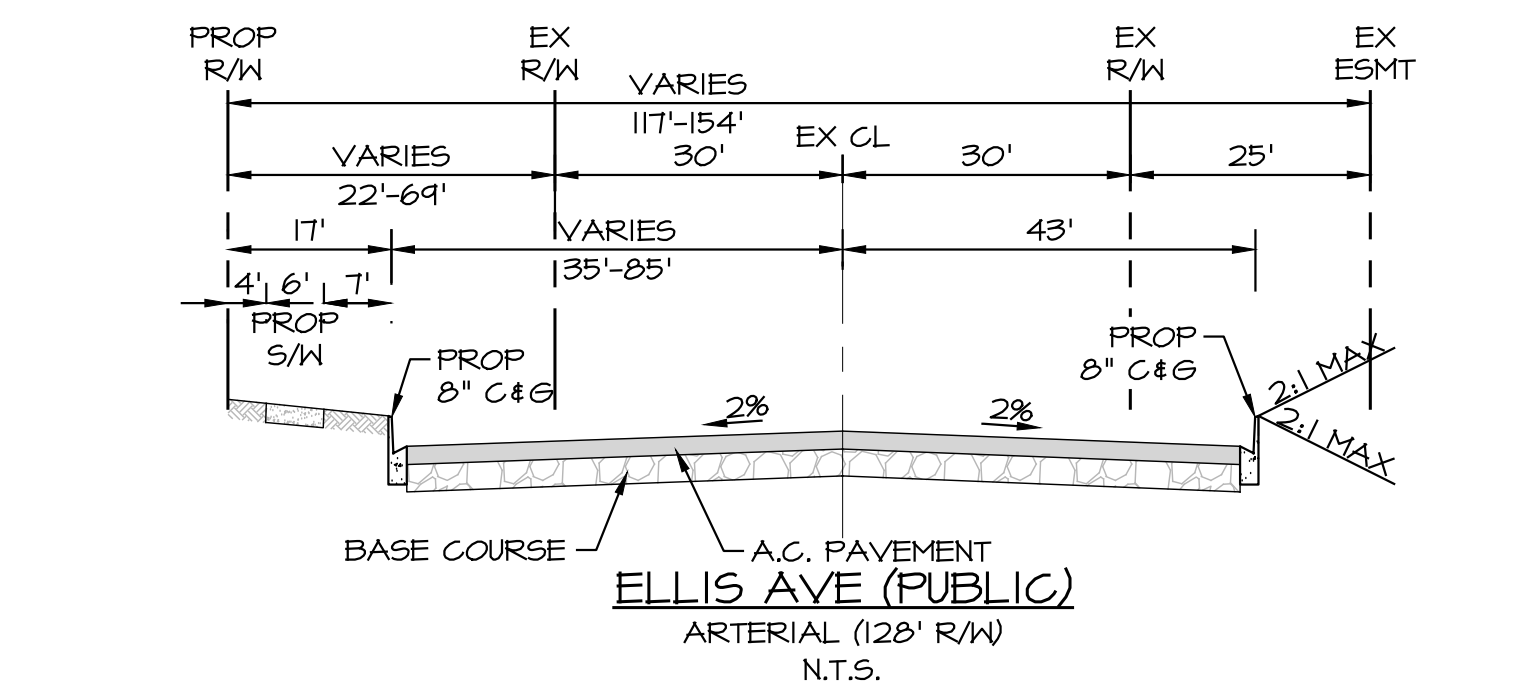
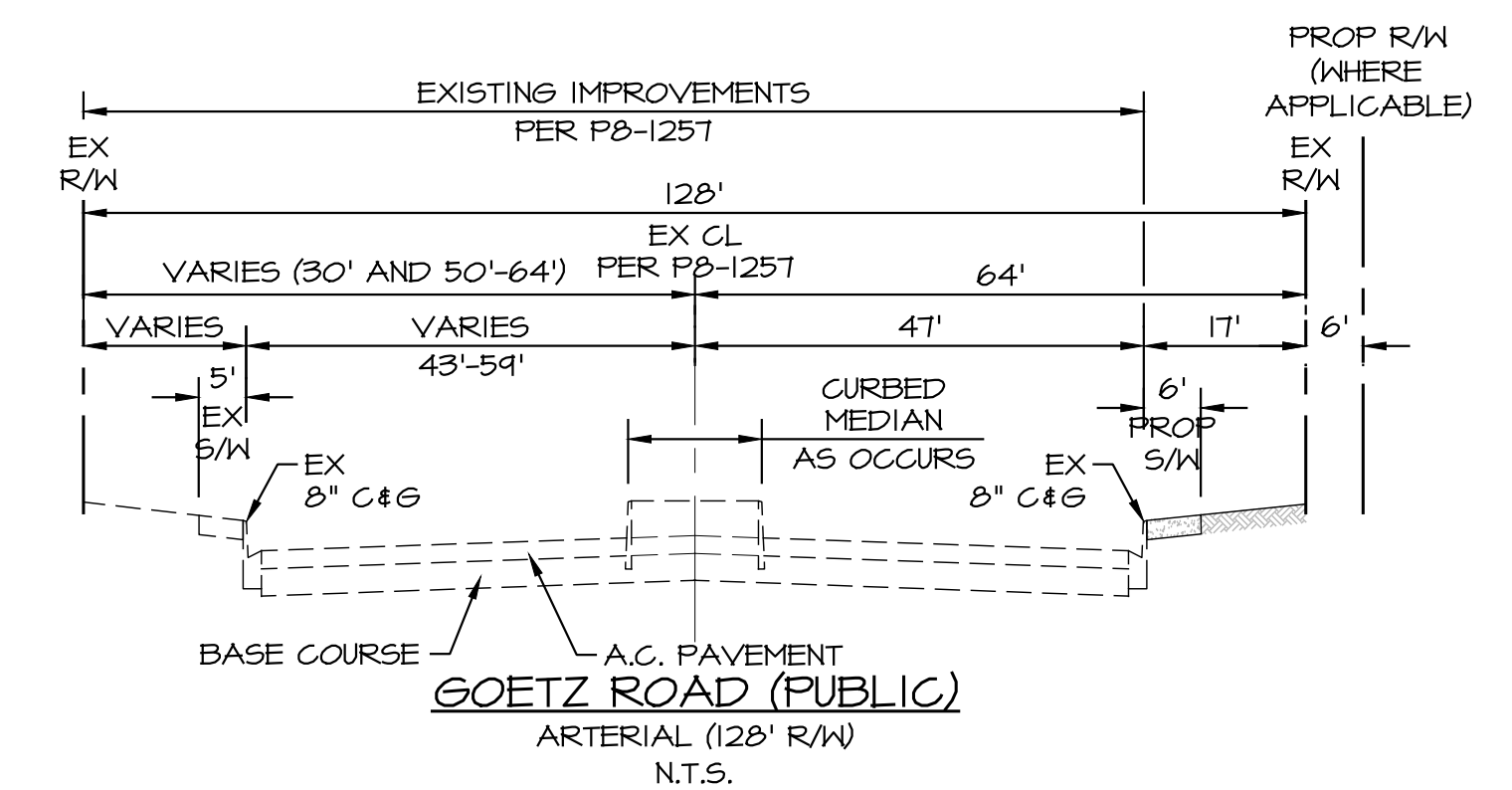
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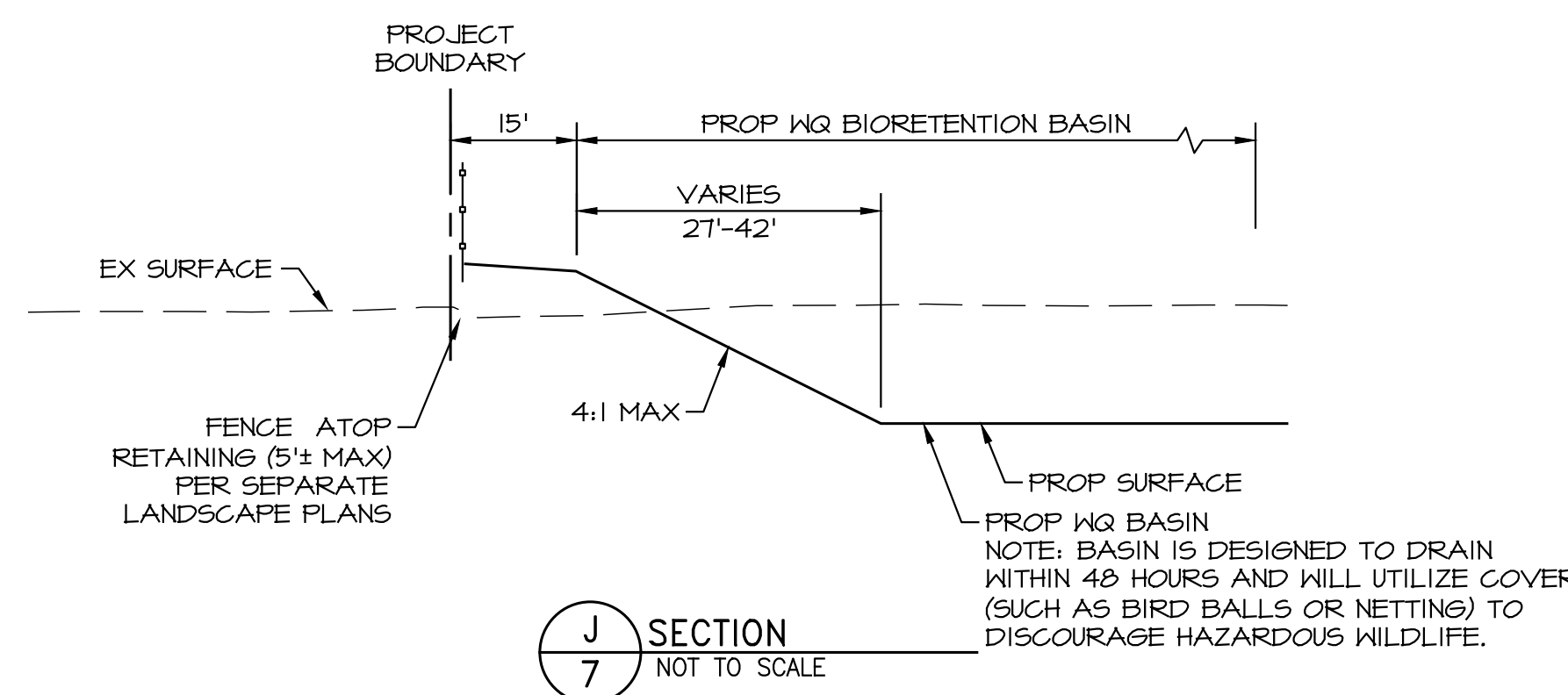
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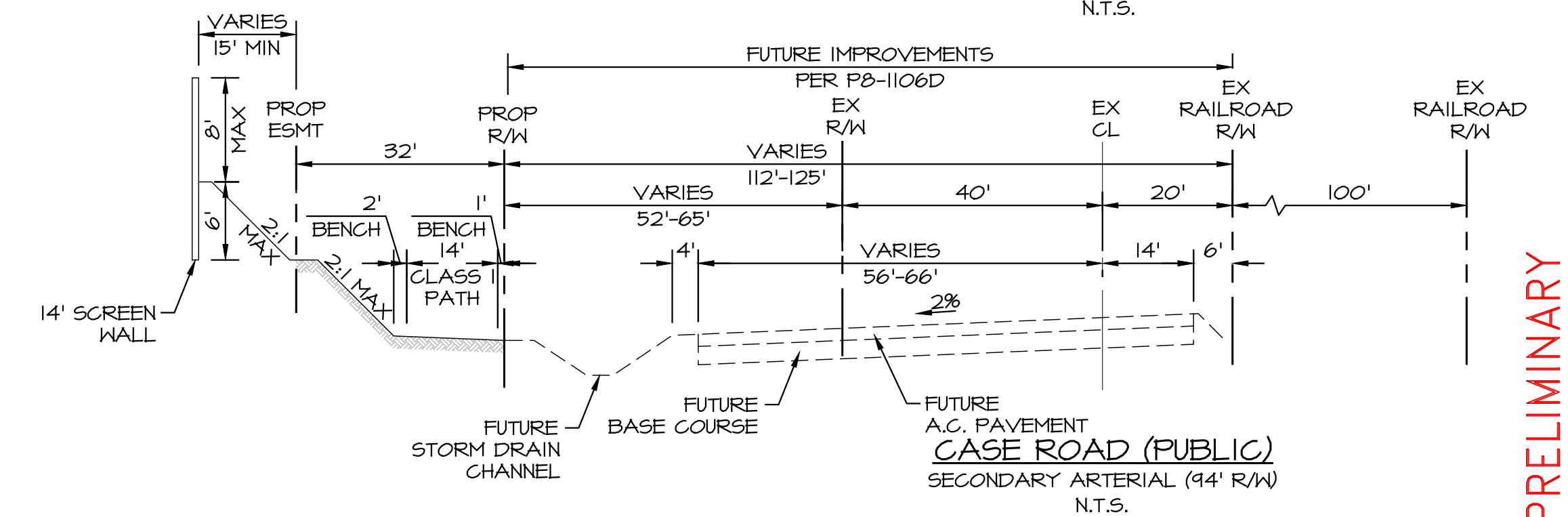
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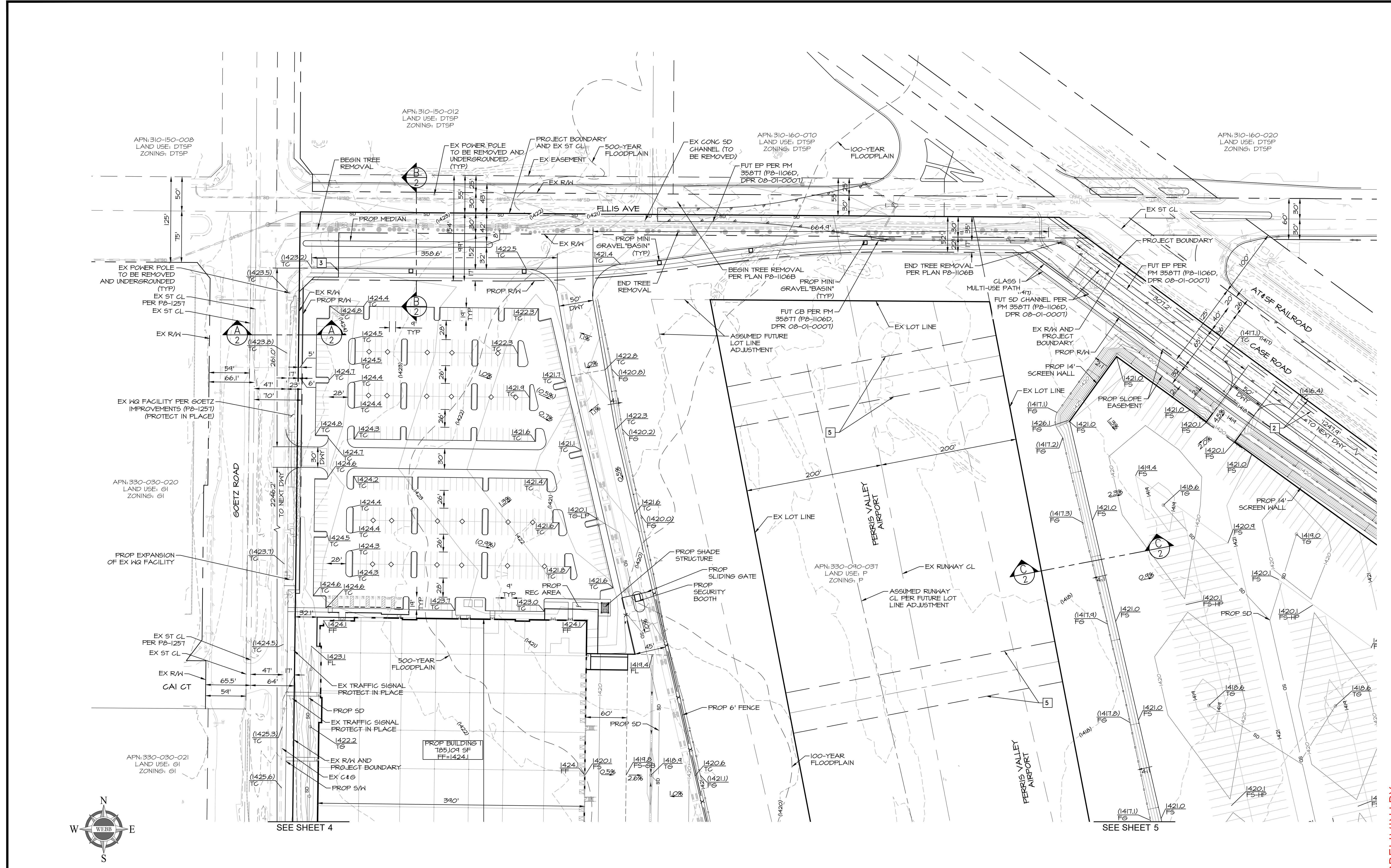


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<p>REVISIONS</p>		<p>PLOT DATE: 21-Nov-22</p>	<p>CH REALTY IX-MC   RIVERSIDE PERRIS AIRPORT CENTER, L.P.</p>	<p>PRELIMINARY</p>





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ZONING: DTSP

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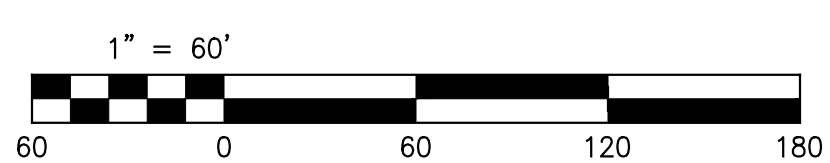
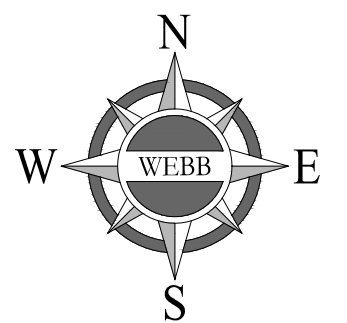
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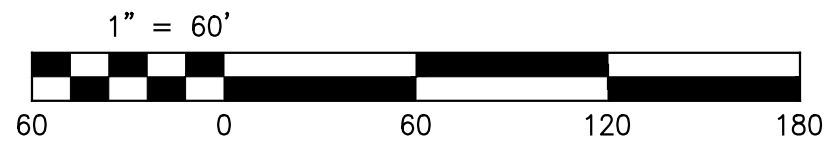
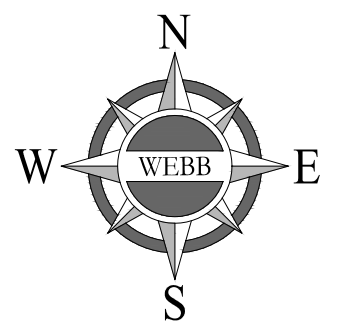
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REVISIONS DATE BY		PLOT DATE: 21-Nov-22		DEVELOPMENT PLAN DPR 22-00005 CITY OF PERRIS CH REALTY IX-MC   RIVERSIDE PERRIS AIRPORT CENTER, L.P.	

PRELIMINARY

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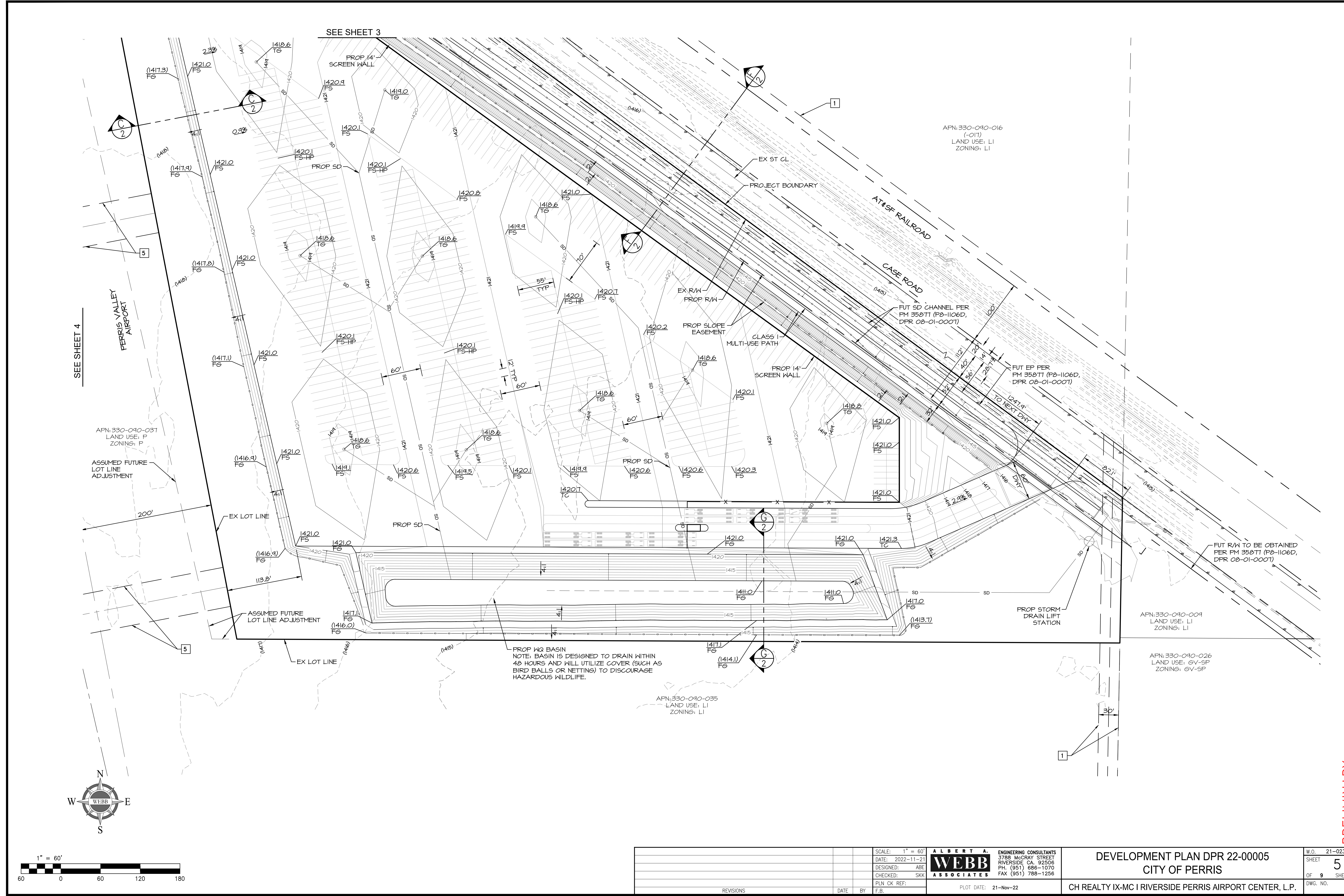


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PRELIMINARY

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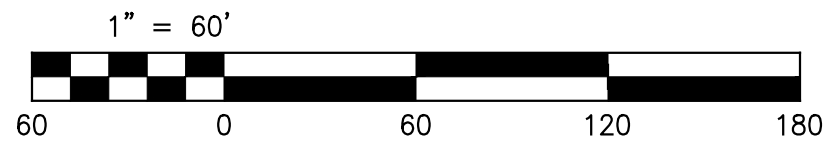
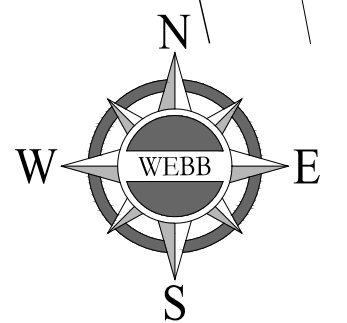
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 LAND USE: LI  
 ZONING: LI

PROP WQ BASIN  
 NOTE: BASIN IS DESIGNED TO DRAIN WITHIN  
 48 HOURS AND WILL UTILIZE COVER (SUCH AS  
 BIRD BALLS OR NETTING) TO DISCOURAGE  
 HAZARDOUS WILDLIFE.



SCALE: 1" = 60' DATE: 2022-11-21 DESIGNED: ABE CHECKED: SKK PLN CK REF: F.B.		<b>ALBERT A. WEBB ASSOCIATES</b> ENGINEERING CONSULTANTS 3788 MCCRAY STREET RIVERSIDE CA, 92506 PH. (951) 686-1070 FAX (951) 788-1256		DEVELOPMENT PLAN DPR 22-00005 CITY OF PERRIS		W.O. 21-0235 SHEET 5 OF 9 SHEETS DWG. NO.
REVISIONS DATE BY		PLOT DATE: 21-Nov-22		CH REALTY IX-MC I RIVERSIDE PERRIS AIRPORT CENTER, L.P.		

PRELIMINARY

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APN: 330-040-012  
LAND USE: G1  
ZONING: G1

APN: 330-040-025  
(-033)  
LAND USE: G1  
ZONING: G1

APN: 330-040-025  
(-033)  
LAND USE: G1  
ZONING: G1

APN: 330-040-035  
LAND USE: G1  
ZONING: G1

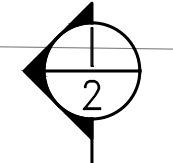
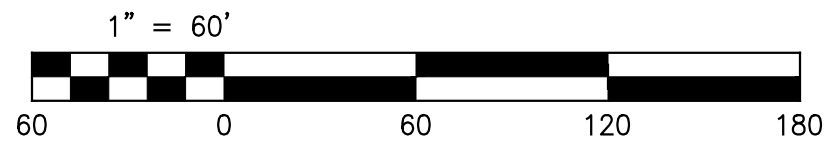
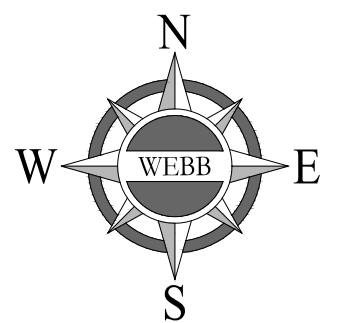
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LAND USE: G1  
ZONING: G1

APN: 330-040-034  
LAND USE: G1  
ZONING: G1

APN: 330-040-037  
LAND USE: P  
ZONING: P

SEE SHEET 4

SEE SHEET 7



SCALE: 1" = 60'	DATE: 2022-11-21	DESIGNED: ABE	CHECKED: SKK	PLN CK REF: F.B.
DATE: 2022-11-21	DATE: 2022-11-21	DATE: 2022-11-21	DATE: 2022-11-21	DATE: 2022-11-21
DATE: 2022-11-21	DATE: 2022-11-21	DATE: 2022-11-21	DATE: 2022-11-21	DATE: 2022-11-21

**ALBERT A. WEBB ASSOCIATES**  
ENGINEERING CONSULTANTS  
3788 MCGRAY STREET  
RIVERSIDE CA, 92506  
PH. (951) 686-1070  
FAX (951) 788-1256

DEVELOPMENT PLAN DPR 22-00005  
CITY OF PERRIS  
CH REALTY IX-MC | RIVERSIDE PERRIS AIRPORT CENTER, L.P.

W.O. 21-0235  
SHEET 6  
OF 9 SHEETS  
DWG. NO.

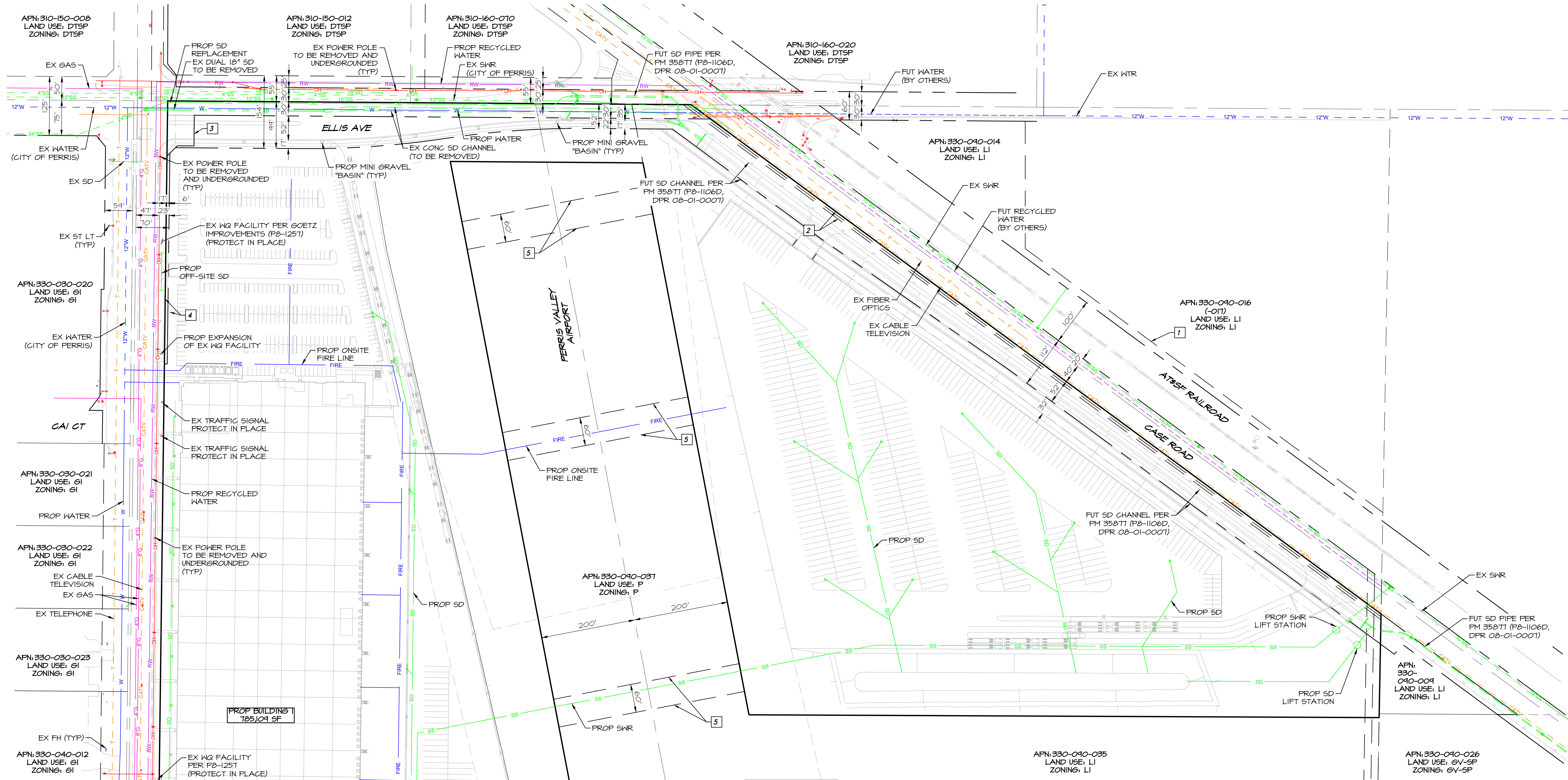
PRELIMINARY

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SEE SHEET 9

**LEGEND**

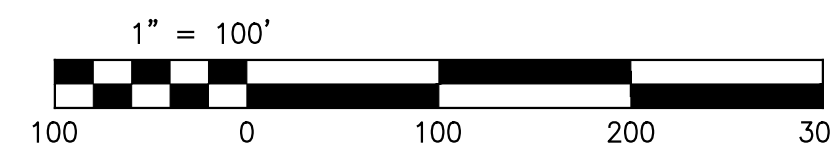
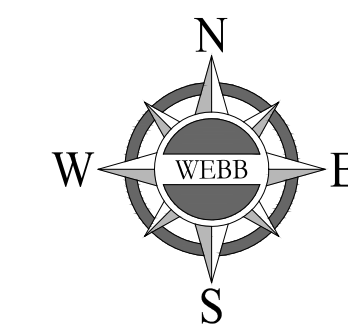
- R/W
- EX ROAD CL
- EX ESMT LINE
- SD
- 18" SD
- EX SD
- 4" G
- EX GAS
- W
- PROP WATER
- EX WATER
- 12" W
- FUT WATER (BY OTHERS)
- PROP SEWER
- EX SEWER
- 12" SS
- RW
- PROP RECYCLED WATER
- FUT RECYCLED WATER (BY OTHERS)
- PROP ONSITE FIRE LINE
- F
- EX F.O.
- CATV
- EX CABLE TELEVISION
- EX TELEPHONE CABLE
- T
- EX FH (TYP)
- EX POWER POLE

**ABBREVIATIONS**

- CL CENTER LINE
- CONC CONCRETE
- EX EXISTING
- ESMT EASEMENT
- F.O. FIBER OPTICS
- FH FIRE HYDRANT
- FUT FUTURE
- LT LIGHT
- PROP PROPOSED
- R/W RIGHT OF WAY
- SD STORM DRAIN
- ST LT STREET LIGHT
- SWR SEWER
- TYP TYPICAL
- WATR WATER
- WQ WATER QUALITY

**UTILITY PROVIDERS**

- WATER EASTERN MUNICIPAL WATER DISTRICT
- SEWER EASTERN MUNICIPAL WATER DISTRICT
- ELECTRICAL SOUTHERN CALIFORNIA EDISON
- GAS SOUTHERN CALIFORNIA GAS COMPANY
- TELEPHONE FRONTIER COMMUNICATIONS
- CABLE T.V. CHARTER COMMUNICATIONS



NO.	REVISIONS	DATE	BY

SCALE: 1" = 100'	DATE: 2022-11-21
DESIGNED: SKK	CHECKED: ABE
PLN CK REF:	F.B.

**ALBERT A. WEBB ASSOCIATES**  
 ENGINEERING CONSULTANTS  
 3788 MCCRAY STREET  
 RIVERSIDE CA, 92506  
 PH. (951) 686-1070  
 FAX (951) 788-1256

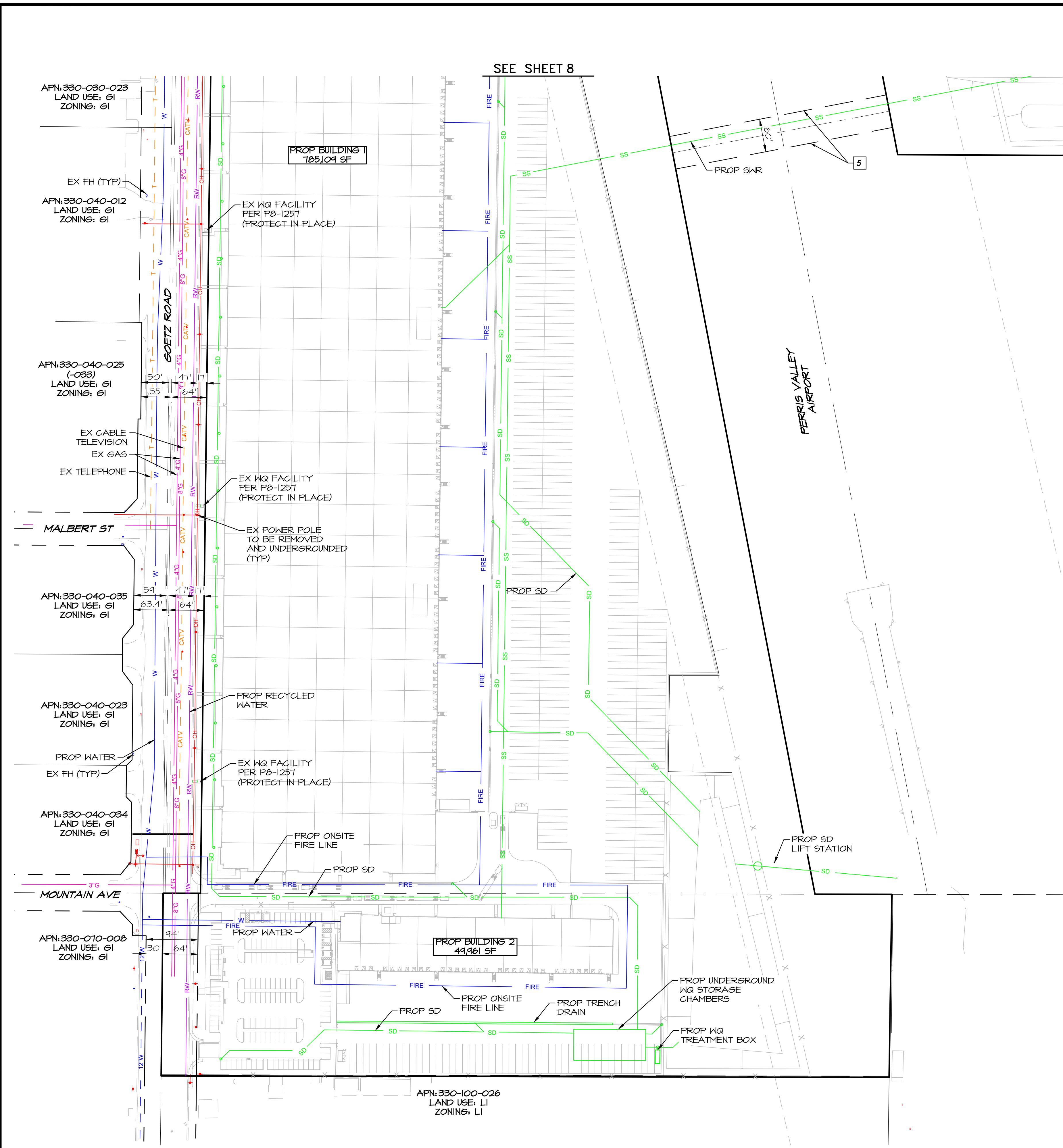
PLOT DATE: 21/11/2022

DEVELOPMENT PLAN DPR 22-00005  
 CITY OF PERRIS  
 CH REALTY IX-MC | RIVERSIDE PERRIS AIRPORT CENTER, L.P.

W.O. 21-0235  
 SHEET 8  
 OF 9 SHEETS  
 DWG. NO.

PRELIMINARY  
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**LEGEND**

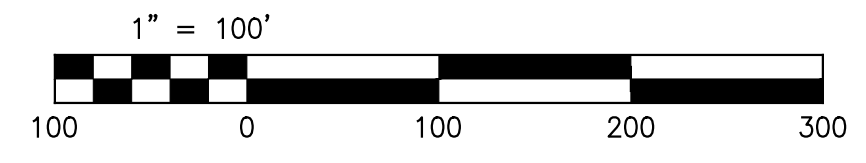
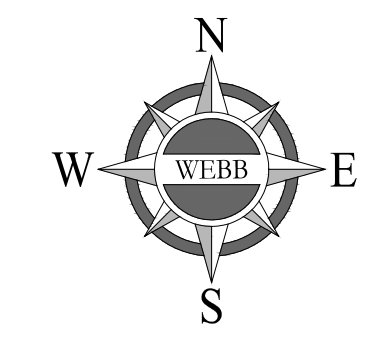
- R/W
- EX ROAD CL
- EX ESMT LINE
- PROP SD
- 18" SD
- 4" G
- W
- 12" W
- SS
- 12" SS
- RW
- EX F.O.
- F
- CATV
- T
- EX FH
- EX POWER POLE

**ABBREVIATIONS**

- CL CENTER LINE
- CONC CONCRETE
- EX EXISTING
- ESMT EASEMENT
- F.O. FIBER OPTICS
- FH FIRE HYDRANT
- FUT FUTURE
- LT LIGHT
- PROP PROPOSED
- R/W RIGHT OF WAY
- SD STORM DRAIN
- ST LT STREET LIGHT
- SWR SEWER
- TYP TYPICAL
- WATR WATER
- WQ WATER QUALITY

**UTILITY PROVIDERS**

- WATER: EASTERN MUNICIPAL WATER DISTRICT
- SEWER: EASTERN MUNICIPAL WATER DISTRICT
- ELECTRICAL: SOUTHERN CALIFORNIA EDISON
- GAS: SOUTHERN CALIFORNIA GAS COMPANY
- TELEPHONE: FRONTIER COMMUNICATIONS
- CABLE T.V.: CHARTER COMMUNICATIONS



SEE SHEET 8

FERRIS VALLEY AIRPORT

PRELIMINARY

<p>REVISIONS</p>	<p>DATE</p>	<p>BY</p>	<p>SCALE: 1" = 100'</p> <p>DATE: 2022-11-21</p> <p>DESIGNED: SKK</p> <p>CHECKED: ABE</p> <p>PLN CK REF:</p> <p>F.B.</p>	<p><b>ALBERT A. WEBB ASSOCIATES</b></p> <p>ENGINEERING CONSULTANTS 3788 MCCRAY STREET RIVERSIDE CA, 92506 PH. (951) 686-1070 FAX (951) 788-1256</p> <p>PLOT DATE: 21/11/2022</p>	<p>DEVELOPMENT PLAN DPR 22-00005</p> <p>CITY OF PERRIS</p> <p>CH REALTY IX-MC   RIVERSIDE PERRIS AIRPORT CENTER, L.P.</p>	<p>W.O. 21-0235</p> <p>SHEET 9</p> <p>OF 9 SHEETS</p> <p>DWG. NO.</p>
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# IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA TENTATIVE PARCEL MAP NO. 38412

LOCATED IN SECTION 5, T. 5 S., R. 3 W., S.B.M.

**OWNER/APPLICANT**  
CH REALTY IX-MC | RIVERSIDE  
PERRIS AIRPORT CENTER, L.P.  
18032 LEMON DRIVE, SUITE 361  
YORBA LINDA, CA 92886  
CONTACT: MICHAEL MASTERSON  
PHONE: (714) 299-8549

**ENGINEER**  
ALBERT A. WEBB ASSOCIATES  
3788 MCCRAY STREET  
RIVERSIDE, CA 92506  
CONTACT: SARAH KOWALSKI  
PHONE: (951) 686-1070

**ARCHITECT**  
R&A  
1523 ALTON PARKWAY, SUITE 100  
IRVINE, CA 92618  
CONTACT: MIKE GILL  
PHONE: (949) 341-0420  
FAX: (949) 341-0422

**SOILS ENGINEER**  
SOCAL GEOTECHNICAL  
22285 SAVI RANCH PARKWAY #E  
YORBA LINDA, CA 92887  
CONTACT: JOSEPH LOZANO LEON  
PHONE: (714) 685-1115  
FAX: (714) 685-1118

**UTILITY PROVIDERS**

WATER	EASTERN MUNICIPAL WATER DISTRICT
SEWER	EASTERN MUNICIPAL WATER DISTRICT
ELECTRICAL	SOUTHERN CALIFORNIA EDISON
GAS	SOUTHERN CALIFORNIA GAS COMPANY
TELEPHONE	FRONTIER COMMUNICATIONS
CABLE T.V.	CHARTER COMMUNICATIONS

**LAND USE**

EXISTING/PROPOSED GENERAL PLAN LAND USE: LIGHT INDUSTRIAL (LI)  
EXISTING/PROPOSED ZONING: LIGHT INDUSTRIAL (LI)

**A.P.N.**

330-040-031, -033, -034, 036, -038, -040, AND 330-100-031

**TOPOGRAPHY SOURCE**

TOPOGRAPHY FLOWN BY INLAND AERIAL SURVEYS, INC. ON 05/18/2021

**SCHOOL DISTRICT**

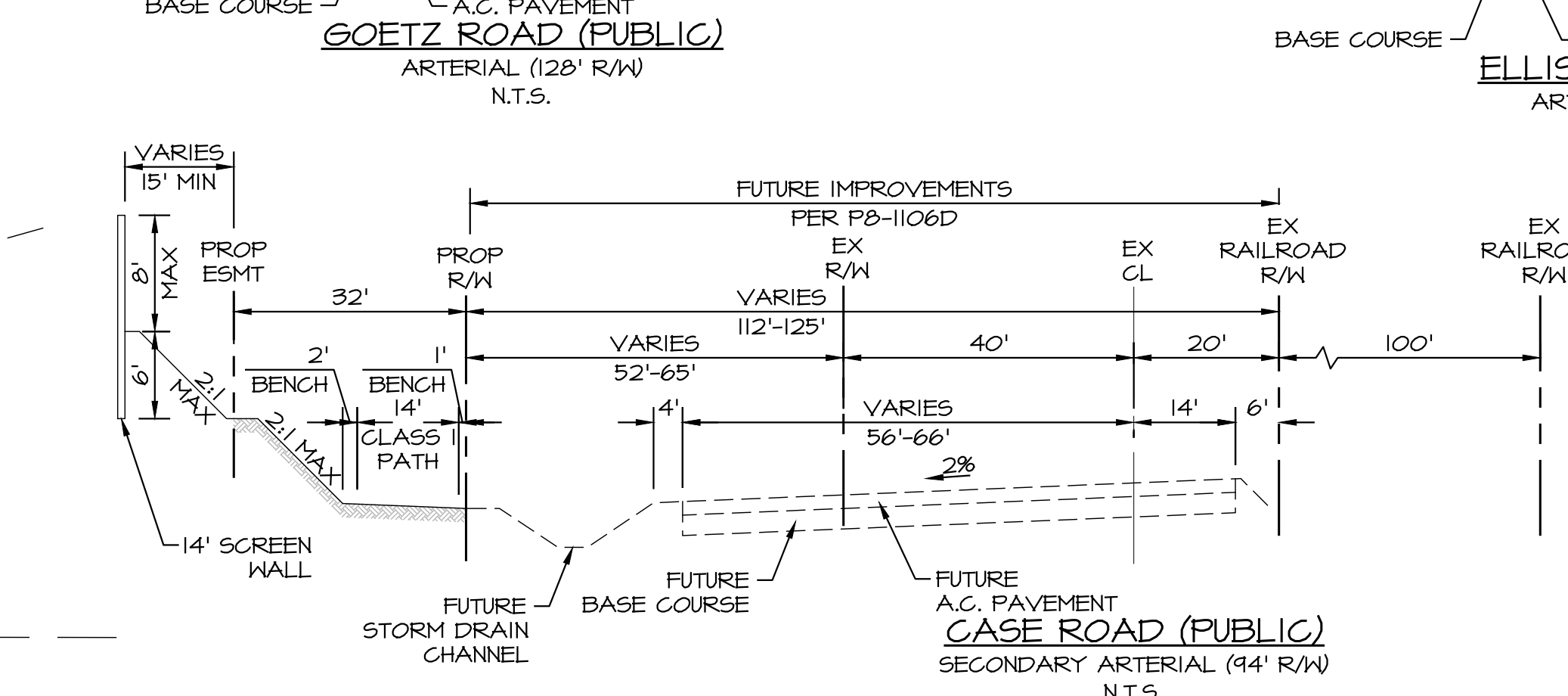
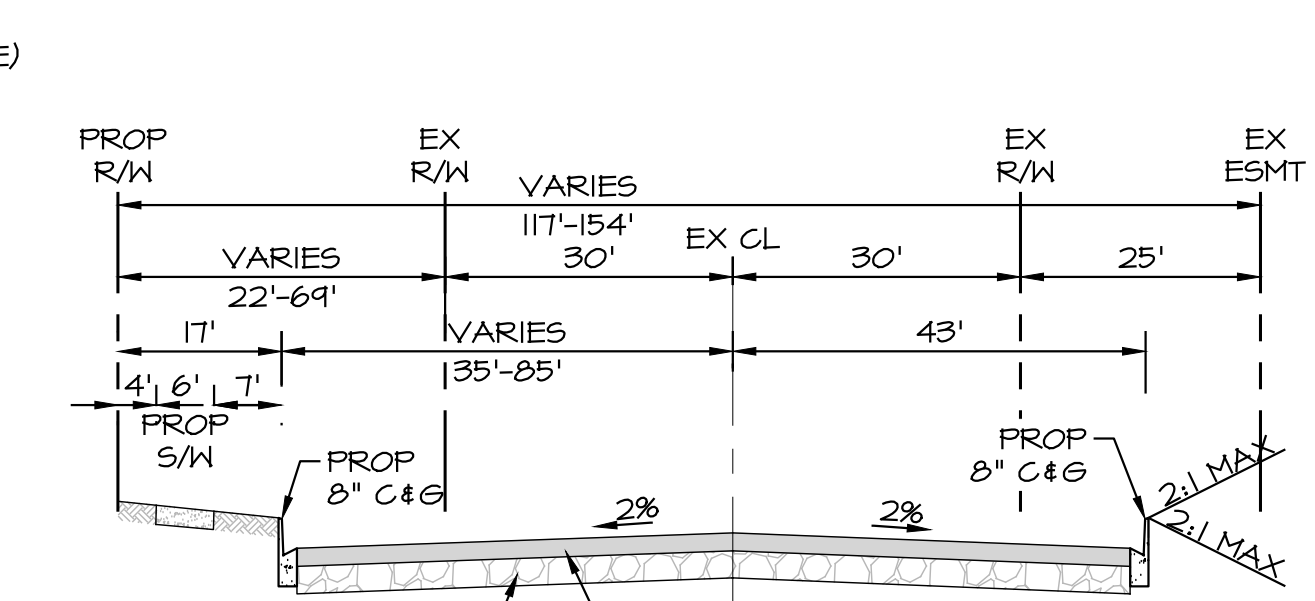
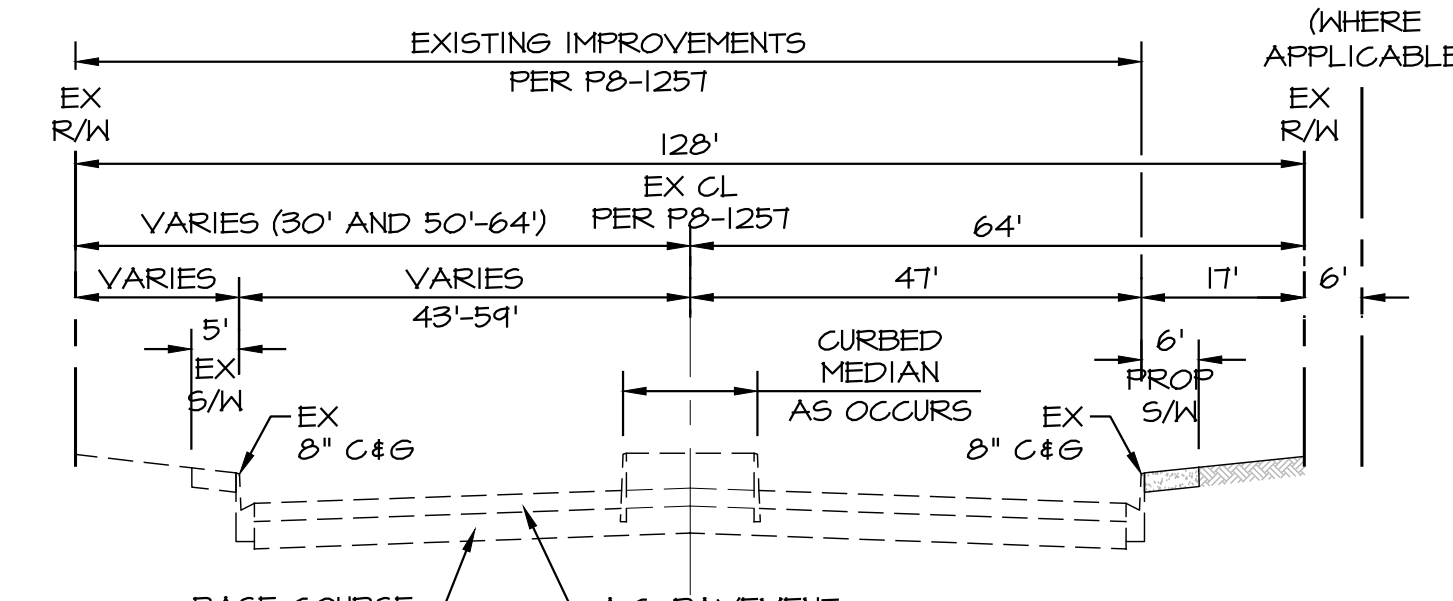
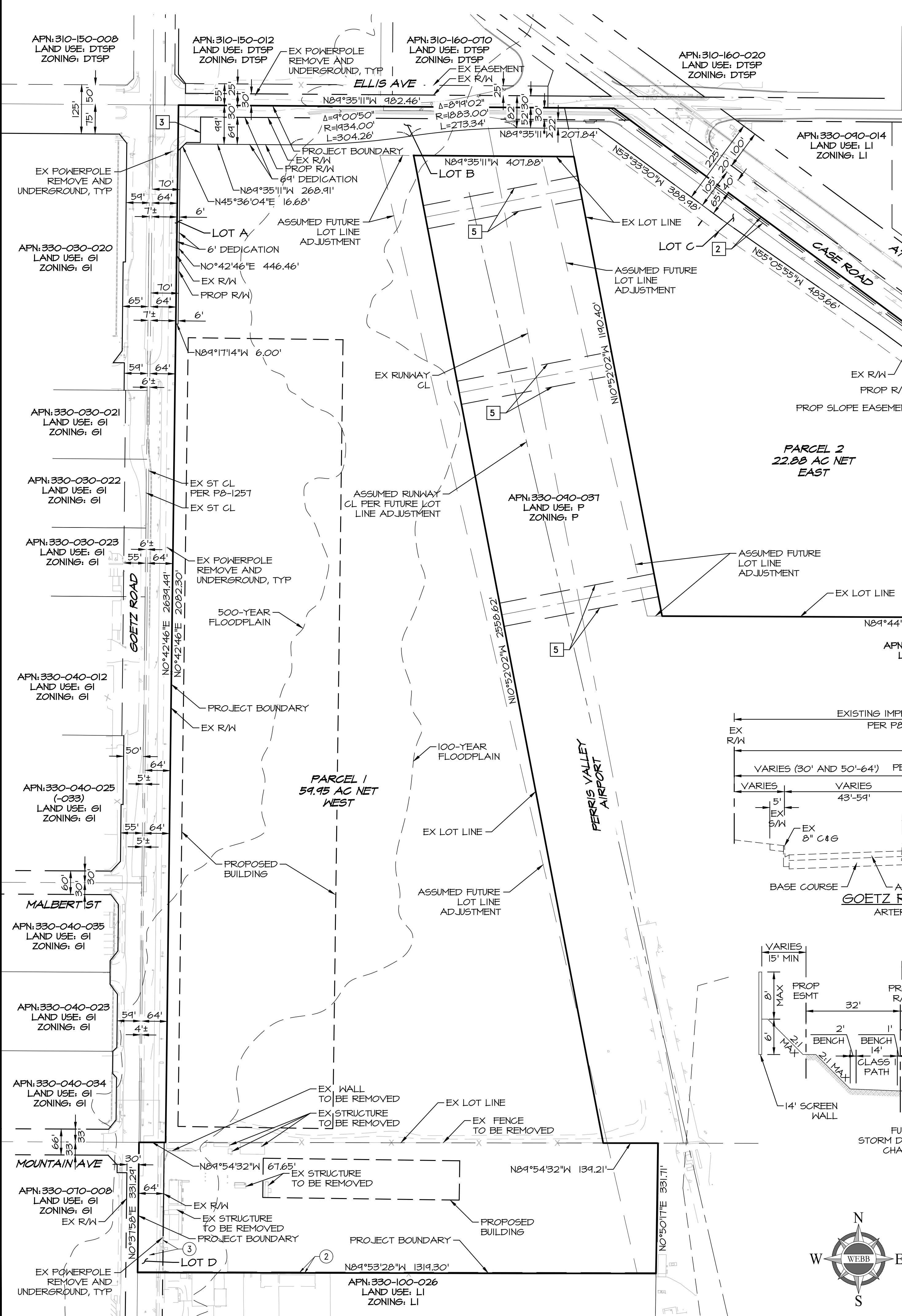
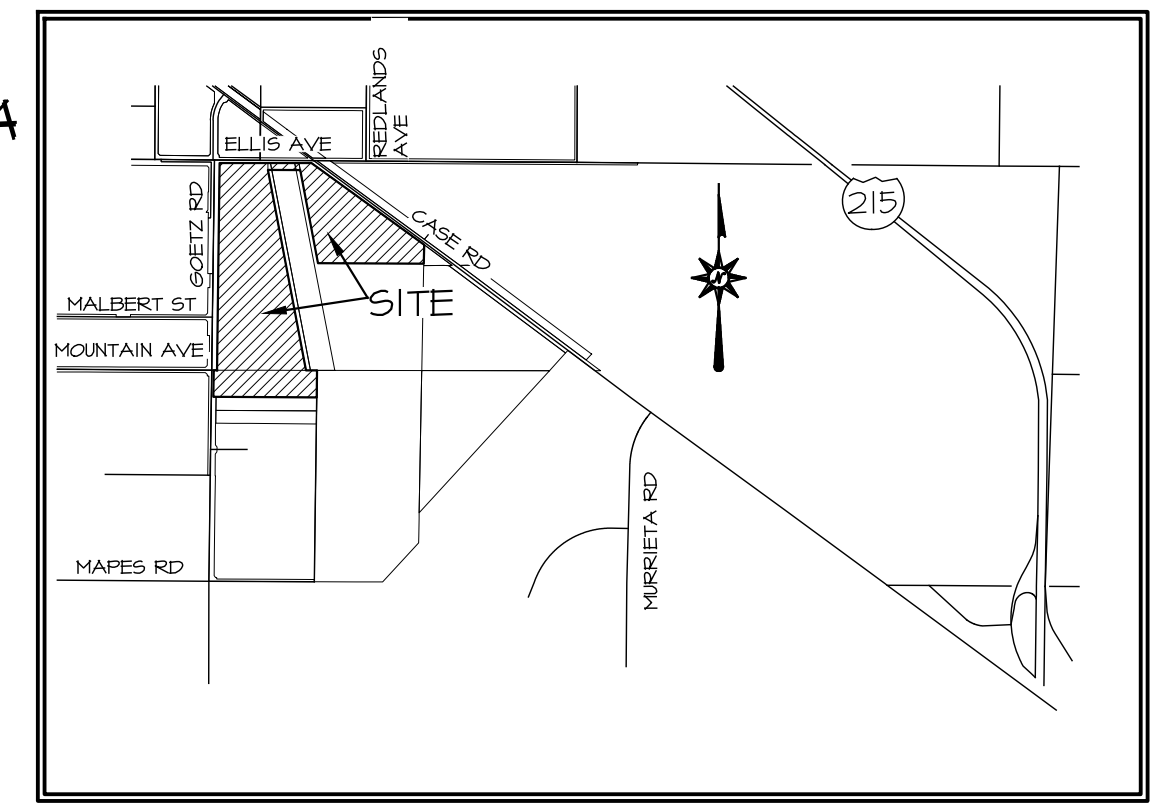
PERRIS ELEMENTARY AND PERRIS UNION HIGH SCHOOL DISTRICTS

**EASEMENT NOTES**

- AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS AND INCIDENTAL PURPOSES, RECORDED MAY 27, 1913 IN BOOK 377 OF DEEDS, PAGE 18, IN FAVOR OF SOUTHERN SIERRA POWER COMPANY.
  - AN EASEMENT FOR EITHER OR BOTH POLE LINES, CONDUITS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 04, 1937 AS BOOK 313, PAGE 66 OF OFFICIAL RECORDS, IN FAVOR OF SOUTHERN CALIFORNIA TELEPHONE COMPANY
  - AN OFFER OF DEDICATION FOR PUBLIC STREET AND HIGHWAY AND INCIDENTAL PURPOSES, RECORDED JUNE 25, 2020 AS INSTRUMENT NO. 2020-0274541 OF OFFICIAL RECORDS, TO CITY OF PERRIS, A MUNICIPAL CORPORATION A DOCUMENT ENTITLED "CERTIFICATE OF ACCEPTANCE-MIRA MESA PERRIS AIRPORT, LLC-RESOLUTION NUMBER 5706" RECORDED JANUARY 28, 2021 AS INSTRUMENT NO. 2021-0056454 OF OFFICIAL RECORDS.
  - THE TERMS, PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "EASEMENT AGREEMENT" RECORDED APRIL 10, 2017 AS INSTRUMENT NO. 2017-0141746 OF OFFICIAL RECORDS.
  - EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT:  
GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY  
PURPOSE: POLE LINES AND INCIDENTAL PURPOSES  
RECORDING DATE: MARCH 04, 1947  
RECORDING NO: BOOK 823 PAGE 116 OF OFFICIAL RECORDS
  - AN IRREVOCABLE OFFER TO DEDICATE AN EASEMENT OVER A PORTION OF SAID LAND FOR PURPOSE(S): PUBLIC STREET AND HIGHWAY PURPOSES, TOGETHER WITH ALL RIGHT TO CONSTRUCT AND MAINTAIN UTILITIES, SEWERS, DRAINS AND OTHER IMPROVEMENTS CONSISTENT WITH THE USE AS A PUBLIC STREET AND HIGHWAY  
RECORDING DATE: APRIL 07, 2016  
RECORDING NO: 2016-0137621 OF OFFICIAL RECORDS
- SAID OFFER WAS ACCEPTED BY RESOLUTION, A CERTIFIED COPY OF WHICH WAS RECORDED JANUARY 28, 2021, RECORDING NO. 2021-0056453 OF OFFICIAL RECORDS.

**ACREAGE**

LOT A: 0.06 AC R/W DEDICATION, GOETZ ROAD  
LOT B: 2.00 AC R/W DEDICATION, ELLIS AVENUE  
LOT C: 2.31 AC R/W DEDICATION, CASE ROAD  
LOT D: 0.49 AC R/W DEDICATION, GOETZ ROAD  
NET AREA (WEST): 54.95 AC (A.P.N. 330-040-031, -033, -036, -038, -040, AND 330-100-031)  
NET AREA (EAST): 22.88 AC (A.P.N. 330-040-034)  
GROSS SITE AREA: 87.64 AC

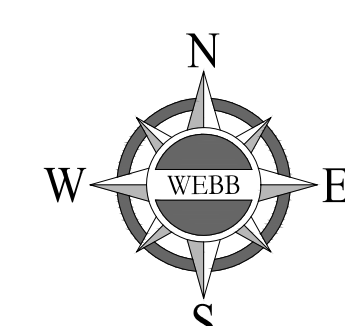


**GENERAL INFORMATION**

- THOMAS BROS. MAP BOOK PAGE 807 GRID: H4, H5 & J5.
- THIS MAP INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND DIVIDER.
- PROJECT IS NOT WITHIN A SPECIFIC PLAN.
- EASEMENTS OF RECORD ARE PLOTTED HEREIN.
- PROJECT IS NOT WITHIN A COMMUNITY SERVICES DISTRICT.
- PROJECT IS WITHIN MEAD VALLEY AREA PLAN (RCIP).
- THERE ARE NO EXISTING WELLS ON THE PROPERTY.
- TOPOGRAPHY FLOWN BY INLAND AERIAL SURVEYS, INC.
- SETBACKS OF SLOPES TO PROPERTY LINES SHALL CONFORM TO COUNTY OF RIVERSIDE ORDINANCE 457 REQUIREMENTS.
- ALL SLOPES ARE 2:1 RATIO, UNLESS OTHERWISE NOTED.
- LAND IS NOT WITHIN A SPECIAL STUDIES ZONE.
- LAND IS SUBJECT TO LOW LIQUEFACTION.
- NO SUBSURFACE SEPTIC SEWAGE DISPOSAL IS INTENDED.
- EXISTING STRUCTURES ON APN 330-100-001 ARE TO BE REMOVED.
- THE PROJECT WILL COMPLY WITH NPDES REQUIREMENTS AS REQUIRED BY NPDES SUPPLEMENT "A".
- FLOOD ZONE AE, AREA OF SPECIAL FLOOD HAZARD PER FEMA PANEL 06065(144)H.
- PROJECT IS WITHIN AIRPORT COMPATABILITY ZONE E (MARCH AIR FORCE BASE).

**LEGAL DESCRIPTION**

REAL PROPERTY IN THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:  
APN: 330-040-031, -033, -034, 036, -038, AND 040  
**PARCEL 1:** PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS.  
EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF PERRIS AS DESCRIBED IN A GRANT DEED RECORDED MAY 14, 2019 AS INSTRUMENT NO. 2019-0167315 OF OFFICIAL RECORDS.  
**PARCEL 2:** PARCEL 2 AS SHOWN ON CERTIFICATE OF COMPLIANCE - LOT LINE ADJUSTMENT NO. 16-05251, AS EVIDENCED BY DOCUMENT RECORDED APRIL 07, 2017 AS INSTRUMENT NO. 2017-0140879 OF OFFICIAL RECORDS.  
**PARCEL 3:** AN EASEMENT AND RIGHT OF WAY TO CONSTRUCT, USE, MAINTAIN, OPERATE, ALTER, ADD TO, REPAIR, REPLACE, RECONSTRUCT, ENLARGE, IMPROVE, INSPECT, AND REMOVE, AND RELOCATE UNDERGROUND PIPELINES AND MAINS FOR UTILITIES, WATER, SEWER, GAS AND STORM SYSTEMS, AS SET FORTH IN THAT CERTAIN EASEMENT AGREEMENT BETWEEN PATRICK M. CONATSER, TRUSTEE OF THE PATRICK M. CONATSER IRREVOCABLE TRUST, DATED DECEMBER 28, 2021, AND MELANIE D. CONATSER, TRUSTEE OF THE MELANIE D. CONATSER IRREVOCABLE TRUST DATED DECEMBER 28, 2021 TO MIRA MESA PERRIS AIRPORT, LLC, DATED DECEMBER 28, 2021 AND RECORDED APRIL 10, 2017 AS INSTRUMENT NO. 2017-0141746 OF OFFICIAL RECORDS.  
APN: 330-100-031  
LOT 1 OF EHRMAN'S SUBDIVISION, CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN MAP BOOK II PAGE 544 RECORDS OF SAN DIEGO COUNTY, CALIFORNIA.



SCALE: 1" = 150'	DATE: 2022-11-21
DESIGNED: ABE	CHECKED: SKK
PLN CK REF:	F.B.
DATE:	BY:

**ALBERT A. WEBB ASSOCIATES**  
ENGINEERING CONSULTANTS  
3788 MCCRAY STREET  
RIVERSIDE, CA 92506  
PH. (951) 686-1070  
FAX (951) 788-1256

**TENTATIVE PARCEL MAP NO. 38412**  
**CITY OF PERRIS**  
CH REALTY IX-MC | RIVERSIDE PERRIS AIRPORT CENTER, L.P.

W.O. 2021-0235  
SHEET 1  
OF 1 SHEETS  
DWG. NO.

PRELIMINARY



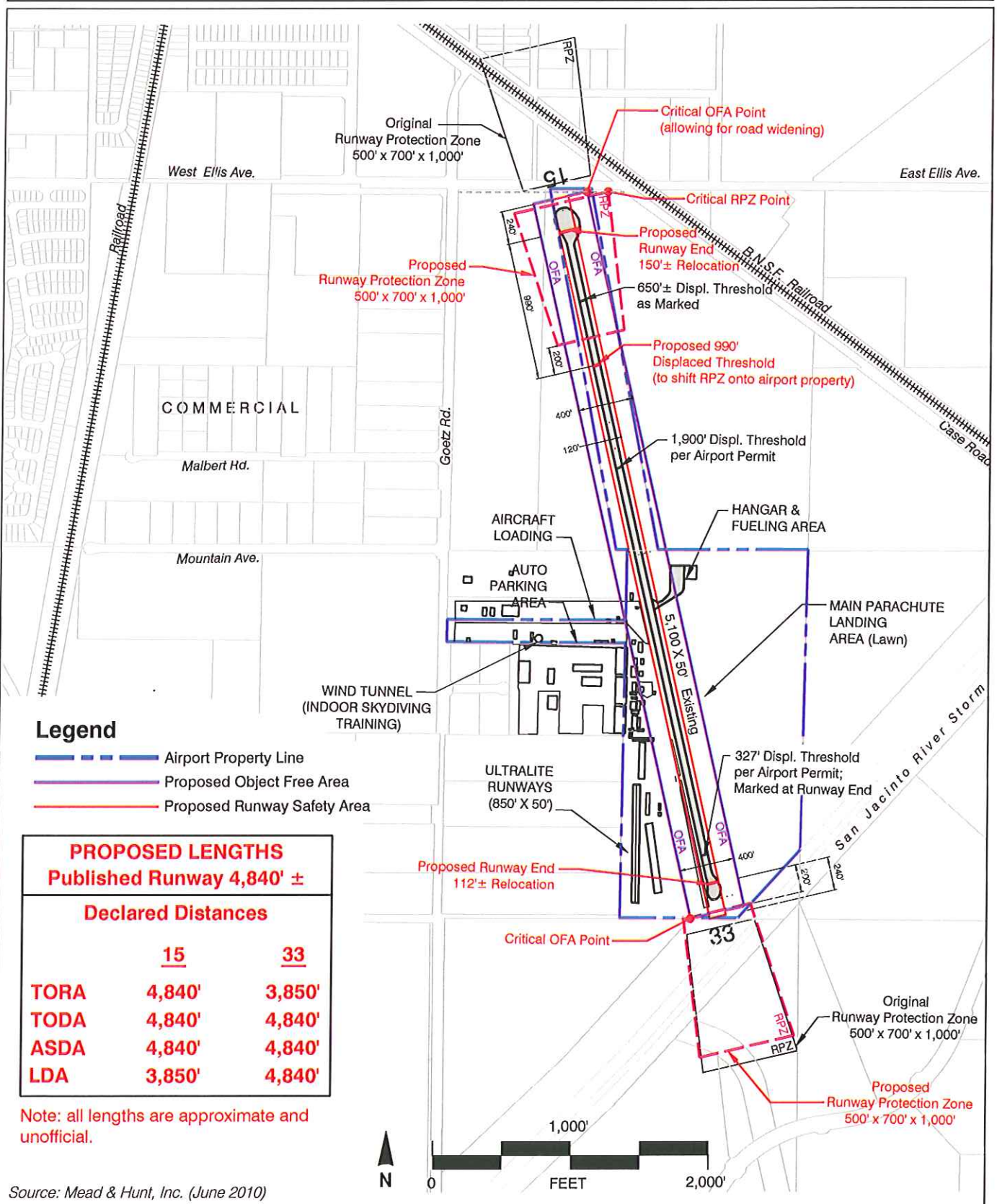


Exhibit PV-2

# Airport Diagram

## Perris Valley Airport

W8-4

**NOTICE OF PUBLIC HEARING**  
**RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**  
[www.rcaluc.org](http://www.rcaluc.org)

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the applications described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. **Information on how to participate in the hearing will be available on the ALUC website at [www.rcaluc.org](http://www.rcaluc.org).** The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan. For more information please contact **ALUC Planner Paul Rull at (951) 955-6893.**

The City of Perris Planning Department should be contacted on non-ALUC issues. For more information please contact City of Perris Planner Kenneth Phung at (951) 943-5003.

The proposed project application may be viewed by a prescheduled appointment and on the ALUC website [www.rcaluc.org](http://www.rcaluc.org). Written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14th Floor, Riverside, California 92501, Monday through Friday from 8:00 a.m. to 3:30 p.m., or by e-mail to [prull@rivco.org](mailto:prull@rivco.org). Individuals with disabilities requiring reasonable modifications or accommodations, please contact Barbara Santos at (951) 955-5132.

**PLACE OF HEARING:** Riverside County Administration Center  
4080 Lemon Street, 1<sup>st</sup> Floor Board Chambers  
Riverside California

**DATE OF HEARING:** July 13, 2023

**TIME OF HEARING:** 9:30 A.M.

**CASE DESCRIPTION:**

ZAP1028PV23 – Landstar Companies (Representative: Johnson Aviation) – City of Perris Case Nos. PLN22-05046 (DPR22-00005 [Development Plan Review], TPM38412 [Tentative Parcel Map]). A proposal to construct two industrial warehouse buildings with mezzanines totaling 867,070 square feet and a 343 tractor-trailer truck yard (on a separate 22.88 acre parcel) on a total 82.83 acres, located southerly of Ellis Avenue, westerly of Case Road, easterly of Goetz Road. The applicant also proposes a tentative parcel map merging the site into two parcels (Airport Compatibility Zones A, B1, B2, C, and D of the Perris Valley Airport Influence Area, and Zone E of March Air Reserve Base/Inland Port Airport Influence Area).





# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## APPLICATION FOR MAJOR LAND USE ACTION REVIEW

### ALUC STAFF ONLY

ALUC Case Number: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

AIA: \_\_\_\_\_

Zone: \_\_\_\_\_

Public Hearing \_\_\_\_\_

Staff Review \_\_\_\_\_

### Applicant

Applicant

Full Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Representative/ Property Owner Contact Information

Representative: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

### Local Jurisdiction Agency

Agency Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ : \_\_\_\_\_ :

Local Agency Case No.: \_\_\_\_\_

### Project Location

Street Address: \_\_\_\_\_ Gross Parcel Size.: \_\_\_\_\_

Assessor's Parcel No.: \_\_\_\_\_

### Solar

Is the project proposing solar Panels? Yes

No

If yes, please provide solar glare study.  
(only if in Zone C or higher)

## Data

Site Elevation:(above  
mean sea level) \_\_\_\_\_

Height of Building or  
structures: \_\_\_\_\_

What type of drainage basins are  
being proposed and the square  
footage: \_\_\_\_\_

## Notice

**A. NOTICE:** Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.

**B. REVIEW TIME:** Estimated time for “staff level review” is approximately 30 days from date of submittal. Estimated time for “commission level review” is approximately 45 days from date of a complete application submittal to the next available commission hearing meeting.

### **C. SUBMISSION PACKAGE:**

**Please submit all application items DIGITALLY via USB or CD:**

- Completed ALUC Application Form
- Plans Package: site plans, floor plans, building elevations, grading plans, subdivision maps
- Exhibits of change of zone, general plan amendment, specific plan amendment
- Project description of existing and proposed use

**Additionally, please provide:**

- ALUC fee payment (Checks made out to Riverside County ALUC)
- Gummed address labels of all surrounding property owners within a 300-foot radius of project site. (Only required if the project is scheduled for a public hearing).

# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## STAFF REPORT

### ADMINISTRATIVE ITEMS

#### 5.1 Director's Approvals

- A. During the period of October 16, 2023, through November 15, 2023, ALUC Director Paul Rull reviewed three local jurisdiction non-impact legislative cases pursuant to ALUC Resolution No. 2011-02, and issued determinations of consistencies.

ZAP1588MA23 (Citywide) pertains to MJPA Case GP23-02 (General Plan Environmental Justice Element), a proposal to adopt an Environmental Justice Element to the MJPA's General Plan, which includes policies that will reduce unique compounded health risks in disadvantage communities, promote civic engagement in public decision-making process, and prioritize improvements and programs that address the needs of disadvantaged communities. The proposed amendments do not involve changes in development standards or allowable land uses that would increase residential density or non-residential intensity. Therefore, this amendment have no possibility of having an impact on the safety of air navigation within the March Air Reserve Base/Inland Port Airport Influence Area.

ALUC Director Paul Rull issued a determination of consistency for this project on October 26, 2023.

\*\*\*\*\*

ZAP1075RG23 (Citywide) pertains to City of Riverside Zoning Ordinance Amendment (PR2023-001525), a proposal amending Title 19 of the Riverside Municipal Code related to Articles V (Base Zones and Related Use and Development Provisions), VII (Specific Land Use Provisions), VIII (Site Planning and General Development Provisions), and X (Definitions). The proposed amendments are intended to: 1. Align the RMC with California Law specifically Assembly Bills 2097 and 2244, and The California Employee Housing Act; 2. Clarify ambiguous, conflicting, and/or outdated language in the RMC as it pertains to Mixed-Use Zones, tattoo parlors, truck terminals, private fueling stations, projections into required yards, accessory structures, recreational vehicle parking, wall heights, and wall materials; 3. Rezone 0.24 acres of City-owned property at the southwest corner of Arlington and Indiana Avenues from R-1-7000 – Single-Family Residential to CR- Commercial Retail to conform with the General Plan Land Use Designation of C – Commercial; and 4. Other minor, non-substantive changes and technical corrections as required to provide clarity, correct errors, or remove redundancies.

ALUC Director Paul Rull issued a determination of consistency for this project on October 16, 2023.

\*\*\*\*\*

ZAP1077RG23 (Citywide) pertains to City of Menifee Development Code Amendment (LR23-0012), a proposal amending the City's Development Code to comply with the latest State housing laws and to implement several program actions of the City's Housing Element. The amendments are necessary to comply with AB2221 and SB897 related to accessory dwelling units and junior accessory dwelling units, SB2, AB2162, AB139, and AB2339 related to emergency shelters, supportive housing, and transitional housing, AB101 related to low barrier navigation centers, AB2011 and SB6 related to multifamily housing development in commercial zones, AB2334, AB1551 and AB682 related to density bonus provisions. The proposed residential code amendments do not involve any changes in zoning.



ALUC Director Paul Rull issued a determination of consistency for this project on November 1, 2023.

**5.2** Update March Air Reserve Base Compatibility Use Study (CUS)  
Presentation by Project Director Simon Housman or his designee.

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# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



October 26, 2023

Dan Fairbanks, Project Planner  
March Joint Powers Authority  
14205 Meridian Parkway, Suite 140  
Riverside CA 92518

**CHAIR**

Steve Manos  
Lake Elsinore

**VICE CHAIR**

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Paul Rull

Simon Housman  
Jackie Vega  
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County Administrative Center  
4080 Lemon St., 14<sup>th</sup> Floor.  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW –  
DIRECTOR’S DETERMINATION**

File No.: ZAP1588MA23  
Related File No.: GP23-02 (General Plan Environmental Justice Element)  
APN: Citywide

Dear Mr. Fairbank,

As authorized by the Riverside County Airport Land Use Commission (ALUC) pursuant to its Resolution No. 2011-02, as ALUC Director, I have reviewed MJPA Case GP23-02 (General Plan Environmental Justice Element), a proposal to adopt an Environmental Justice Element to the MJPA’s General Plan, which includes policies that will reduce unique compounded health risks in disadvantage communities, promote civic engagement in public decision-making process, and prioritize improvements and programs that address the needs of disadvantaged communities.

The proposed amendments do not involve changes in development standards or allowable land uses that would increase residential density or non-residential intensity. Therefore, this amendment have no possibility of having an impact on the safety of air navigation within the March Air Reserve Base/Inland Port Airport Influence Area.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan.

This determination of consistency relates to airport compatibility issues and does not necessarily constitute an endorsement of the proposed amendment.

If you have any questions, please contact me at (951) 955-6893.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Paul Rull, ALUC Director

cc: ALUC Case File

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**GENERAL PLAN**  
*of the*  
**MARCH JOINT POWERS AUTHORITY**  
**Environmental Justice Element**



# SECTION 7: ENVIRONMENTAL JUSTICE ELEMENT

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## SUMMARY

Under Government Code Section 65302(h), if a jurisdiction includes a disadvantaged community, an environmental justice element is a required element of that jurisdiction's general plan. The March JPA planning area is within a disadvantaged community (Census Tract 6065046700) as identified by CalEnviroScreen 4.0.

This Environmental Justice Element incorporates the environmental justice policies of the County of Riverside Healthy Communities Element pursuant to Government Code Section 65301(a). The County environmental justice policies apply to the unincorporated territory within the County of Riverside. When March JPA's land use authority reverts back to the County on July 1, 2025, in accordance with 14<sup>th</sup> amendment to the March Joint Powers Agreement, the March JPA planning area will be recognized as unincorporated territory within the County of Riverside and subject to the County environmental justice policies. The County environmental justice element is sufficiently detailed, and its policies are appropriate to apply to the March JPA planning area in compliance with Government Code Sections 65301(a) and 65302(h).

The County Board of Supervisors adopted the environmental justice policies by Resolution 2021-182 on September 21, 2021.

## Background

The March JPA planning area is an approximate 4,500-acre area formerly part of March Air Force Base. This area was declared surplus as part of the 1996 Base Realignment and Closure Commission (BRAC) process and transferred to March JPA for reuse, redevelopment and/or joint use with the United States Air Force Reserve. The March JPA planning area includes two residential communities: (1) Green Acres, a 111-unit historic housing area originally part of the base and excessed to March JPA as part of the 1996 BRAC process; and (2) Westmont Village, an approximate 550-unit retirement community, originally developed as a continuum of care facility for retired military officers, and subsequently purchased and modified to a market rate housing development with a majority of senior citizens.

## Environmental Justice

Environmental justice is "the fair treatment of people of all races, cultures, and incomes with respect to development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (Gov. Code, § 65040.12). To this end, the state legislature approved Senate Bill (SB) 1000 in 2016 that requires local general plans to address environmental justice and include related policy, if a "disadvantaged community" is identified within the area covered by the general plan. In order to fully address environmental justice, the general plans must include new or existing policies intended to: (1) reduce unique or compounded health risks in disadvantaged communities; (2) promote civic engagement in public decision-making process; and (3) prioritize improvements and programs that address the needs of disadvantaged communities. (Gov. Code, § 65302(h)).

A disadvantaged community or environmental justice community (“EJ Community”) is defined as a “low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation” or a geographic area that is identified by the California Environmental Protection Agency (“CalEPA”) based on the area’s socioeconomic, public health, and environmental hazard criteria (Gov. Code, § 65302). Using an environmental health screening tool, CalEnviroScreen 4.0, CalEPA has identified and designated EJ Communities throughout the state that are burdened by multiple sources of pollution. The March JPA Planning Area is within a disadvantaged community (Census Tract 6065046700) as identified by CalEnviroScreen 4.0.

The goal of the Environmental Justice Element is to ensure the consideration of environmental justice policies, in order to improve public health and the environment within the March JPA Planning Area. Policies and new land use development proposed within the March JPA Planning Area will be evaluated for promoting all environmental justice policies. The land use entitlement process provides a key opportunity to address environmental justice policies through the creation of safe, healthy, and environmentally sustainable communities.

### **Application of Environmental Justice Policies**

The General Plan represents the build-out vision of March JPA. It not only addresses what March JPA envisions to be achieved from new development, it also provides a framework for the collective living and working environment of its residents. Policies applicable to new development will be implemented by March JPA. Other policies to be implemented require cooperation with non-profits, community-based organizations, foundations, other government agencies, as feasible.

To be clear, the General Plan is a document consisting of goals and policies. Such goals and policies are evaluated as a continuum of direction within broad interpretation parameters. They are not regulations in the manner that a zoning code consists of regulations with which compliance must be achieved. Goals and policies are interpreted and if the direction set by the goal or policy is met, a level of compliance is achieved such that the direction set by the goal or policy is met within a continuum framework. EJ Policies are evaluated in the same manner as all other General Plan goals and policies - subject to interpretation with appropriate determinations of compliance.

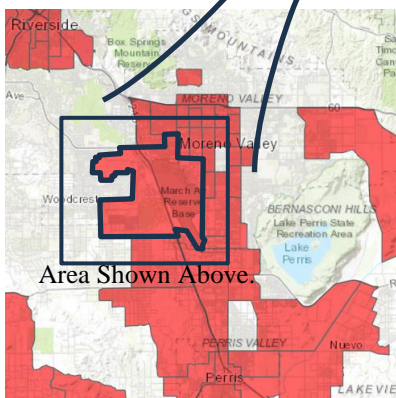
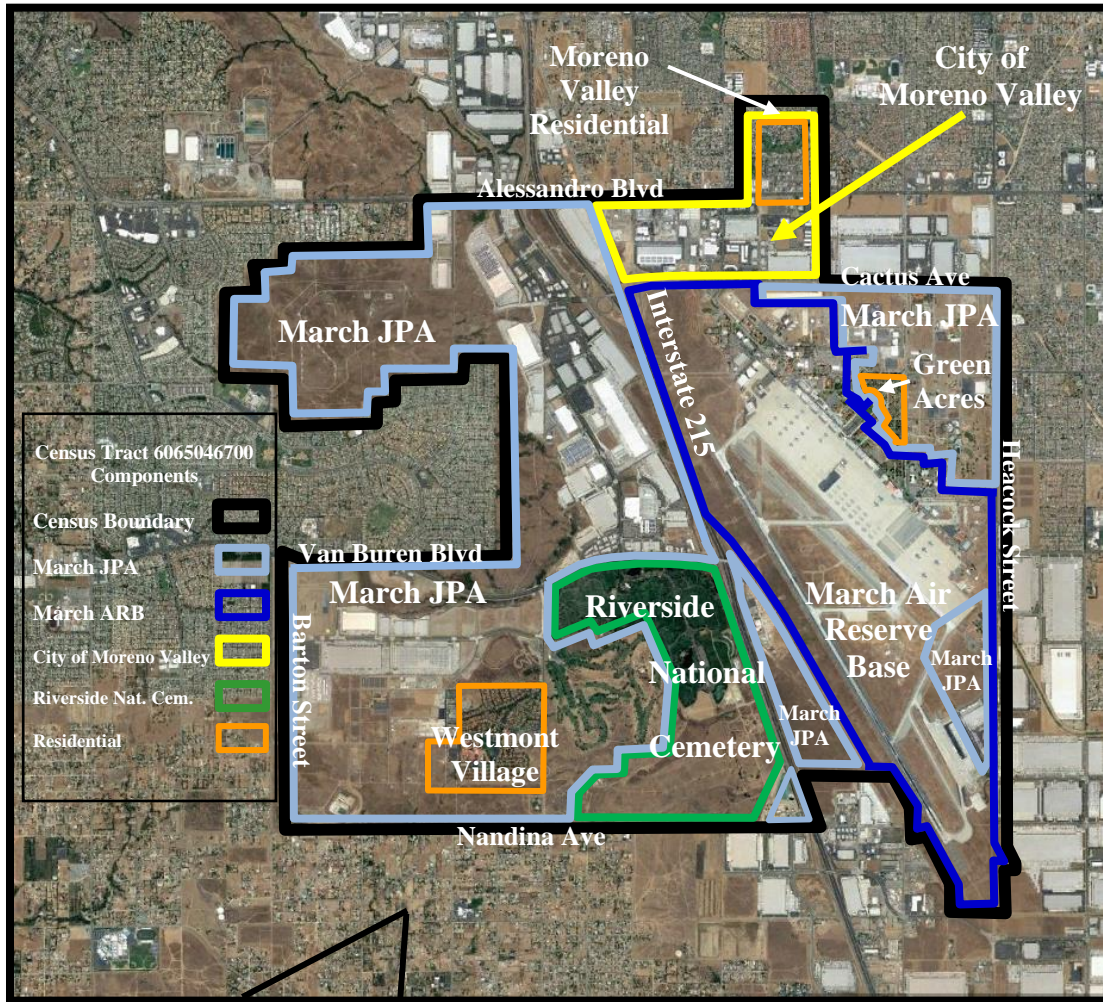
In addition to the General Plan Amendment noticing requirements, future amendments to the Environmental Justice Element will be reviewed for comment and input with the residents of the March JPA Planning Area. Environmental justice policies address topics under the following categories:

**Civic Engagement:** this category includes policies that promote civic engagement in the decision-making process.

**Health Risk Reduction:** this category addresses pollution prevention in the day to day living environment that are grouped under the following headings:

- Pollution Exposure
- Food Access
- Safe and Sanitary Homes
- Physical Activity

**Exhibit 7-1  
March JPA Planning Area Boundaries Within Census Tract 6065046700**



SB535 Disadvantaged Communities shown in red.  
See enlargement of Census Tract 6065046700.



**Public Facilities:** this category includes policies that prioritize improvements and programs for public facilities.

- Health Care Facilities

**Other:** this category includes policies that do not fall under one of the above sections.

The objectives of these environmental justice policies are to increase civic engagement, reduce unique and compounded health risks, and prioritize improvements and programs for public facilities within EJ Communities. Meeting these objectives involves collaboration and coordination with the unincorporated communities and constituents, stakeholder groups, other government agencies, service districts, and the development community.

The environmental justice policies are provided below grouped under the headings discussed above.

### *Civic Engagement*

This category includes policies that promote civic engagement in the decision-making process.

#### **Policies:**

- HC 15.1 In coordination with community-based organizations and community members, develop an outreach and engagement plan using multiple means for increasing public awareness and participation in the local planning process in furtherance of environmental justice planning.
- HC 15.2 Encourage collaboration among the March JPA, county, community, and community-based organizations, as well as local stakeholders, and environmental justice focus groups in promoting environmental justice.
- HC 15.3 Work with local community-based organizations and environmental justice focus groups to promote civic engagement activities in furtherance of environmental justice as set forth in the General Plan and related programs established within environmental justice communities.
- HC 15.4 Coordinate with environmental groups, Native American tribal groups, the business community, special interests, county and non-county agencies and the general public in the development of programs that effectively reduce greenhouse gas emissions and air pollution, and as applicable pursuant to the Community Air Protection Program (AB617).
- HC 15.5 Develop a sustainability plan for siting hazardous waste and hazardous materials facilities, including solid waste and recycling facilities, through the local planning processes utilizing public outreach and engagement pursuant to policies HC 15.1, HC 15.2 and HC 15.3. The plan shall increase waste reduction measures, address illegal dumping, and increase access and affordability to composting and recycling facilities.
- HC 15.6 Utilize multilingual staff personnel to assist in evacuation and short-term recovery activities and meeting general community needs.

HC 15.7 Establish a far-ranging, creative, forward-thinking public education and community-oriented outreach campaign, to inform the environmental justice communities about the following in conjunction with implementation of policy HC15.1:

- a. Potential hazards.
- b. The costs of not mitigating hazards and the health and environmental implications associated therewith
- c. Facts about each hazard.
- d. Methods to ameliorate health and environmental constraints.
- e. Opportunities and constraints the March JPA has to address regarding environmental justice criteria.

### *Health Risk Reduction*

This category includes policies that work towards reducing unique and compounded health risks. The following policies address pollution exposure and access to food and encourage safe and sanitary homes and an environment conducive to engaging in physical activity.

#### **Pollution Exposure Policies:**

HC 16.1 In cooperation with affected federal state, local agencies, county departments, and impacted community residents, monitor changes to the Salton Sea and other bodies of water that impact air quality and water quality and seek and pursue opportunities to address impacts to the maximum extent possible, and make public the data and other information related to the status of the effort.

HC 16.2 Pursue funding and other opportunities from state, federal, and local government and non-government sources and allocate March JPA general funds to improve public health and limit pollution exposure and promote efforts to ameliorate environmental justice constraints in environmental justice communities.

HC 16.3 Assist communities in seeking funding for community initiated clean air projects including the installation of on-site air monitoring equipment in areas of high exposure to air contaminants.

HC 16.4 Pursue funding to connect low-income residents and communities to municipal water and wastewater services. In the interim, seek financial assistance for septic system repair in order to limit groundwater contamination by poorly maintained septic systems or to provide for connections to wastewater systems as a viable alternative if such systems can be made readily available.

HC 16.5\* Evaluate the compatibility of unhealthy and polluting land uses being located near sensitive receptors including possible impacts on ingress, egress, and access routes. Similarly, encourage sensitive receptors, such as housing, schools, hospitals, clinics, and childcare facilities to be located away from uses that pose potential hazards to human health and safety.

- HC 16.6\* When developing and siting large scale logistics, warehouse and distribution projects, address the Good Neighbor Policy for Logistics and Warehouse/Distribution uses criteria adopted by the Board of Supervisors on November 19, 2019 and as may be subsequently amended.
- HC 16.7 Evaluate public and private facilities for health hazards or major sources of contamination and identify and implement alternatives for removal of contamination.
- HC 16.8 Evaluate creating a cap or threshold on the number of pollution sources within EJ communities and make recommendations thereon.
- HC 16.9 Explore the feasibility of creating a partnership with the South Coast Air Quality Management District (SCAQMD) to establish a mitigation program to reduce the impact of air pollution as well as assist with the implementation of air quality programs.
- HC 16.10\* Plan for compact development projects in appropriate locations, including in existing communities and the clustering of affordable and mixed income housing therein, that make the most efficient use of land and concentrate complementary uses in close proximity to transit or non-transit mobility options and advocate for expanded transit and non-transit mobility options to serve such areas.
- HC 16.11 Implement development of bicycle and pedestrian facilities to reduce dependency on fossil fuel-based transportation and pursue funding to implement mobility plans and projects.
- HC 16.12 Plan and implement complete streets which include sidewalks, greenbelts, and trails to facilitate use by pedestrians and bicyclists where such facilities are well separated from parallel or cross through traffic to ensure pedestrian and cyclist safety and rehabilitate/expand existing to achieve same or similar design features.
- HC 16.13 Provide buffer spaces and vegetative barriers between high-volume roadways/ transportation and train track corridors and sensitive land uses.
- HC 16.14\* Assure that sensitive receptors are separated and protected from polluting point sources, as feasible, including agricultural businesses that produce or use pesticides and chemical fertilizers.
- HC 16.15\* Assure that site plan design protects people and land, particularly sensitive land uses such as housing and schools, from air pollution and other externalities associated with industrial and warehouse development through the use of barriers, distance, or similar solutions or measures from emission sources when possible.
- HC 16.16\* Apply pollution control measures such as landscaping, vegetation, and green zones (in cooperation with the SCAQMD) and other materials, which trap particulate matter or control air pollution.
- HC 16.17 Landscape by planting of trees on a community basis that removes pollutants from the air, provides shade and decreases the negative impacts of extreme heat on the community.



- HC 16.18\* Promote new development that emphasizes job creation and reduction in vehicle miles traveled in job-poor areas and does not otherwise contribute to onsite emissions in order to improve air quality.
- HC 16.19 Promote reduction of vehicle miles traveled (VMT) by encouraging expanded multi-modal facilities, linkages between such facilities, and services that provide transportation alternatives, such as transit, bicycle and pedestrian modes.
- HC 16.20 Facilitate an increase in transit options. In particular, coordinate with adjacent municipalities, transit providers and regional transportation planning agencies in the development of mutual policies and funding mechanisms to increase the use of alternative transportation modes. All new development should contribute and invest in increasing access to public transit and multimodal active transportation infrastructure.
- HC 16.21 Require the creation of programs that increase carpooling and public transit use, decrease trips and commute times, and increase use of alternative-fuel vehicles and facilities supporting the use of such vehicles including charging stations.
- HC 16.22\* Discourage industrial uses which use large quantities of water in manufacturing or cooling processes that result in subsequent effluent discharges and encourage agricultural businesses to limit and reduce the production and use of pesticides and chemical fertilizers to the maximum extent possible thereby minimizing contaminated infiltration and runoff, including runoff to the Salton Sea and other standing bodies of water.
- HC 16.23\* Discourage industrial and agricultural uses which produce significant quantities of toxic emissions into the air, soil, and groundwater to prevent the contamination of these physical environments.
- HC 16.24\* Ensure compatibility between industrial development and agricultural uses and adjacent land uses. To achieve compatibility, industrial development and agricultural uses will be required to include criteria addressing noise, land, traffic and greenhouse gas emissions to avoid or minimize creating adverse conditions for adjacent communities.
- HC 16.25\* Require the conversion of mining operations into uses that are compatible with surrounding areas in accordance with the Surface Mining and Reclamation Act.
- HC 16.26 Enforce the land use policies and siting criteria related to hazardous materials and wastes through continued implementation of the programs identified in the County of Riverside Hazardous Waste Management Plan including the following:
- a. Ensure March JPA businesses comply with federal, state, and local laws pertaining to the management of hazardous wastes and materials including all Certified Unified Program Agency (CUPA) programs.
  - b. Require and promote the programs, practices, and recommendations contained in the Riverside County Hazardous Waste Management Plan, giving the highest waste management priority to the reduction of hazardous waste at its source.

### **Food Access Policies:**

- HC 17.1 Cooperate with transit providers in the review of transit routes to provide service to jobs, shopping, schools, libraries, parks, healthcare facilities, grocery stores, markets, food distribution centers, and healthy restaurants that provide whole grain, low fat, low salt and fresh and cooked vegetable options. This policy must also coordinate with transit policies to ensure stronger connectivity and accessibility for residents.
- HC 17.2\* Orient buildings closer to streets or provide landscaped promenades that connect buildings to bus stops with routes that provide access to shopping centers, grocery stores, and areas where farmers markets are held.
- HC 17.3\* Encourage site design for new development to accommodate interior spaces for recreational and other neighborhood uses, such as community gardens and farmer's markets in order to increase access to fresh and healthy foods; and to render such spaces convenient and available to neighboring streets, neighborhoods, and other nearby facilities to fill the void or lack of small grocery stores and increase access to fresh and healthy foods within EJ Communities.
- HC 17.4 Work with community organizations to develop a food recovery plan which minimizes wasting of edible food products prioritizing after school sites and other community centers as spaces to distribute recovered food.
- HC 17.5\* Encourage the development of diverse food establishments prioritizing mom and pop healthy food establishments and community kitchens for homemade foods to be sold in areas with a high concentration of fast-food establishments, convenience stores and liquor stores.
- HC 17.6\* Work with local farmers and growers to develop a program to provide affordable access to fruits and vegetables grown in the area to the EJ communities. Identify and establish the location of grocery stores, healthy corner stores, farmers markets all which carry a complement of healthy foods to be located in close proximity to transit nodes and other active transportation system links.
- HC 17.7\* Promote edible landscaping and community gardens for suitable public and private land as well as for residential and mixed-use projects.

### **Safe and Sanitary Home Policies:**

- HC 18.1 Promote code compliance inspections to also identify any observed pollution sources or safety hazards and establish rehabilitation and weatherization programs to assist various housing types.
- HC 18.2 Identify funding sources for an education program for housing related hazards, such as lead, asbestos, mold and pests with guidance on how to upgrade these safely, including available assistance programs.
- HC 18.3 Assist and provide support to service agencies in their application for state and federal funding to upgrade water infrastructure, including wastewater and electric infrastructure

giving priority to disadvantaged communities that have contaminated or vulnerable water sources.

- HC 18.4 In cooperation with service agencies, ensure that sources of potable water are protected from contamination. Codevelop plans for updating dated water infrastructure and have contingency plans for when contamination occurs under unforeseen circumstances. Develop and implement a water quality testing program applicable to small water systems and domestic wells.
- HC 18.5 In cooperation with service agencies, seek funding to develop the use of innovative potable water and wastewater systems in areas of diminished water quality.
- HC 18.6 In cooperation with service agencies, encourage the consolidation of public potable water systems or the extension of water service from existing systems, especially for communities that lack access to clean drinking water.
- HC 18.7\* Discourage industrial, agricultural and other land uses that may pollute and cause health conflicts with residential land uses either directly or indirectly. Ensure that community members are properly notified and involved in the decision-making process for new land use proposals.
- HC 18.8\* Work with the development community including small property and mobile home park owners so new residential development, particularly for low-income households, is designed to limit their exposure to high noise levels, pesticide and fertilizer exposure, dust pollution, and other potential impacts associated with adjacent industrial and agricultural uses.
- HC 18.9\* Encourage the location and design of new developments to visually enhance and not degrade the character of the surrounding area through consideration of the following concepts.
- a. Using design standards of the appropriate Specific Plan land use category.
  - b. Construction of structures in accordance with the requirements of March JPA's zoning, building, and other pertinent codes and regulations.
  - c. Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.
  - d. Use of drought tolerant landscaping that incorporates adequate drought-conscious irrigation systems.
  - e. Application of energy efficiency through street configuration, building orientation, and landscaping to capitalize on shading and facilitate solar energy.
  - f. Application of water conservation techniques, such as groundwater recharge basins, use of porous pavement, drought tolerant landscaping, and water recycling, as appropriate.
  - g. Encourage innovative and creative design concepts.
  - h. Encourage the provision of public art that enhances the community's identity, which may include elements of historical significance and creative use of children's art.
  - i. Include consistent and well-designed signage that is integrated with the building's architectural character.
  - j. Provide safe and convenient vehicular access and reciprocal access between adjacent commercial uses.



- k. Locate site entries and storage bays to minimize conflicts with adjacent residential neighborhoods.
- l. Mitigate noise, odor, lighting, pollution exposure and other impacts on surrounding properties.
- m. Provide and maintain landscaping in open spaces and parking lots.
- n. As feasible, maximize landscape coverage with emphasis on drought-tolerant landscaping.
- o. Preserve, as feasible, natural features, such as unique natural terrain, arroyos, canyons, and other drainage ways, and native vegetation, wherever possible, particularly where they provide continuity with more extensive regional systems.
- p. Require, as feasible, that new development be designed to provide adequate space for pedestrian connectivity and access, recreational trails, vehicular access and parking, supporting functions, open space, and other pertinent elements.
- q. Design parking lots and structures to be functionally and visually integrated and connected.
- r. As feasible, site building access points along sidewalks, pedestrian areas, and bicycle routes, and include amenities that encourage pedestrian activity where such pass-through areas include wayfinding signage, street trees, grade, and lateral separation from roads, all with consideration given to adequate safety lighting, and landscape screening.
- s. Encourage safe and frequent pedestrian crossings and ensure that sidewalks and other pedestrian walkways provide continuity between land uses essential to a functional lifestyle, and as needed such sidewalks and pedestrian walkways should provide sufficient lighting and signage to ensure public safety.
- t. Encourage creation of a human-scale ground floor environment that includes public open areas that separate pedestrian space from auto traffic or where mixed, it does so with special regard to pedestrian safety.
- u. Recognize open space, including hillsides, arroyos, riparian areas, and other natural features as amenities that add community identity, beauty, recreational opportunities, and monetary value to adjacent developed areas.
- v. Manage wild land fire hazards in the design of development proposals located adjacent to natural open space.

HC 18.10 Work with local service and utility providers to monitor and expand the capacities of infrastructure and services in coordination with outside agencies and jurisdictions to ensure that growth does not exceed acceptable levels of service and that such capacity analysis also addresses the infrastructure and service needs of existing disadvantaged communities. Develop contingency plans for growing areas that are near or exceeding the current infrastructure capacity.

HC 18.11 In coordination with service agencies, limit or prohibit new development or activities in areas lacking water and access roads in the absence of a plan to address such deficiencies to meet the needs of both new development and within existing disadvantaged communities. Work with community partners and service agencies to establish future plans to meet needs for potential community growth in areas lacking water and road infrastructure.

HC 18.12\* Prioritize the development of safe and affordable housing in EJ Communities while at the same time minimizing the displacement of existing residents consistent with the March JPA

Housing Element and the County Housing Element, Goal 2, Action 2.1h and as may be amended by the 6th Cycle Housing Element. Affordable housing projects should include various housing types that respond to community priorities and input.

- HC 18.13 Plan for the removal or remediation of hazardous material from older homes and mobile homes including but not limited to asbestos and lead containing material.

### **Physical Activity Policies:**

- HC 19.1 Collaborate with the relevant agencies to promote opportunities to provide recreational facilities for residents, including bodies of water, as applicable, that are accessible via public transit and active transportation, including pedestrian friendly local roads with sidewalks and bikeways. Other projects and amenities should be developed as identified by community members. HC 19.2\* Develop of high-quality parks, green space, hiking trails, recreational facilities and natural environments in areas where such facilities are lacking.
- HC 19.3 Promote pedestrian and bicycle access to parks and open space through infrastructure investments, education and improvements.
- HC 19.4 Promote the preparation of a pedestrian network plan that allows for safe travel between all areas and destinations of the community to include as feasible shade structures, street furniture, signage, and exercise areas such as par courses.
- HC 19.5 Paseos, pedestrian and bicycle paths should be provided between residential structures and nonresidential structures.
- HC 19.6\* Plan for a system of local trails that enhances recreational opportunities and connects with regional trails.
- HC 19.7\* Incorporate open space, community greenbelt separators, and recreational amenities into development areas in order to enhance recreational opportunities and community aesthetics to improve the quality of life.
- HC 19.8 Paseos and pedestrian/bicycle connections should be provided between the highest density residential uses and those nonresidential uses so that the local population can safely connect with ease. Alternative transportation mode connections should also be provided to the public facilities in the vicinity, including schools, libraries, and community facilities.
- HC 19-9 Pursue joint use agreements with school districts for park and recreational facility use, especially when access to comparable public facilities is not available.

### ***Public Facilities***

This category includes policies that prioritize improvements and programs for public facilities.

### **Policies:**

- HC 20.1\* New development should provide for public services including but not limited to solar street lighting, shading structures at bus stops, other supporting infrastructure, and extension of trash and recyclables pickup routes.
- HC 20.2\* New development should promote convenient internal pedestrian circulation among land uses (existing and proposed) within each neighborhood and connecting with existing adjacent developed areas, and as applicable consistent with the Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy, and amendments thereto.
- HC 20.3 Enhance the quality of existing residential neighborhoods by including adequate maintenance of public facilities in the March JPA's capital improvement program and requiring residents and landlords to maintain their properties in good condition and seek opportunities, particularly funding, to enhance quality of life conditions in existing mobile home parks particularly those which are affected by deteriorating infrastructure and hardscape.
- HC 20.4\* New development and conservation land uses should not infringe upon existing essential public facilities and public utility corridors, which include county regional landfills, fee owned rights-of-way and permanent easements, whose true land use is that of public facilities.
- HC 20.5 In working with transit service providers and developers of residential projects, promote better and safer connections between residential areas and services to include local and regional transportation hubs as well as ancillary components such as sidewalks and shade structures as being associated with these connections for better access to parks, schools, and employment areas.
- HC 20.6 With the availability of funding and pursuant to health and safety considerations, ensure that surface drainage is properly captured and disposed and does not mix or otherwise interface with septic systems.
- HC 20.7 Ensure that health and safety facilities such as fire stations and sheriff substations are adequately sited, improved and staffed to serve affected communities. Identify which communities need services to be built in close proximity to reduce the amount of time it takes to respond to an emergency.
- HC 20.8 Review the location and extent of community recreational facilities to ensure maximum use by children and adults and use that information to develop new recreational facilities and opportunities for the community, including indoor and outdoor facilities.
- HC 20.9 Ensure that safe and potable drinking and cooking water is available in the EJ communities.

### **Health Care Facilities Policies**

This category encompasses the need for facilities to maintain community health.



HC 21.1 Review and analyze the location of medical, dental and vision clinics and staffing to ensure that community health can be maintained for routine and complex health issues and ensure that facilities have cooperative agreements in place with similar facilities in the area. Locate interim facilities and mobile clinics until permanent facilities can be built.

### *Other EJ Related Policies*

This category includes policies not directly related to the SB1000 categories but will help improve the quality of life in EJ communities.

HC 22.1 Increase coordination and collaboration with the implementation of existing climate action plans such as the county's 2020 Climate Action Plan update, resilience action plans, mobility plans and AB 617 plans, as may be amended.

HC 22.2 Develop a stormwater capture system in areas that do not have the appropriate curb and gutter infrastructure.

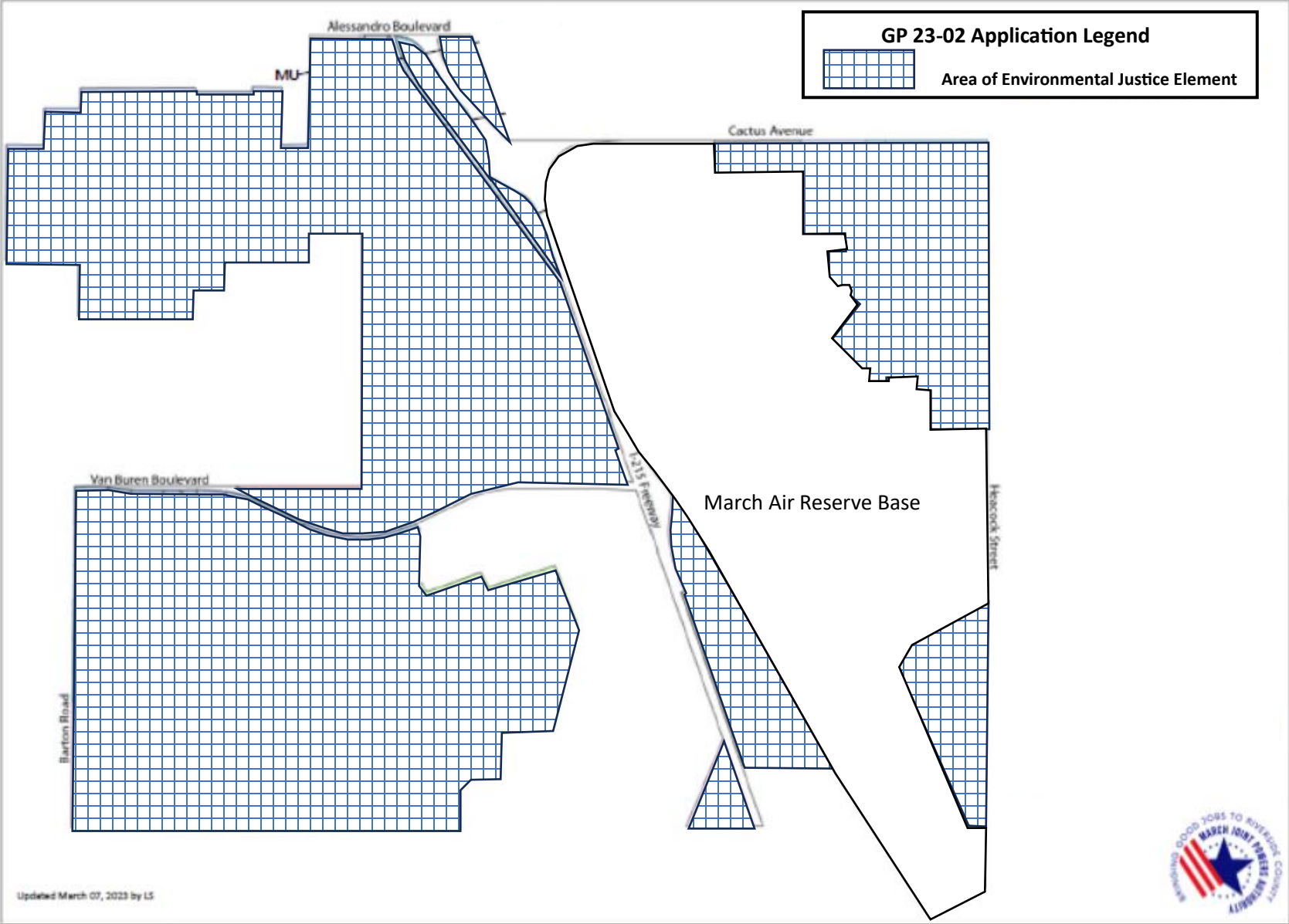
HC 22.3 Work with community residents to identify a pathway for community solar projects and other renewable energy projects that do not harm the natural habitat, resources, and environment of the community.

HC 22.4 Utilizing public outreach and engagement pursuant to policies HC 15.1, HC 15.2 and HC 15.3, update specific plans, and create new plans to be determined, located in the environmental justice communities adapting the polices contained herein to address local needs including in conjunction with the County's development of an Unincorporated Communities Initiative.

HC 22.5 New specific plans or existing specific plans that includes a substantial revision that are within "disadvantaged communities," as identified by CalEPA should address Environmental Justice goals and include appropriate policies similarly to this section.

# General Plan Land Use Map

March Joint Powers Authority

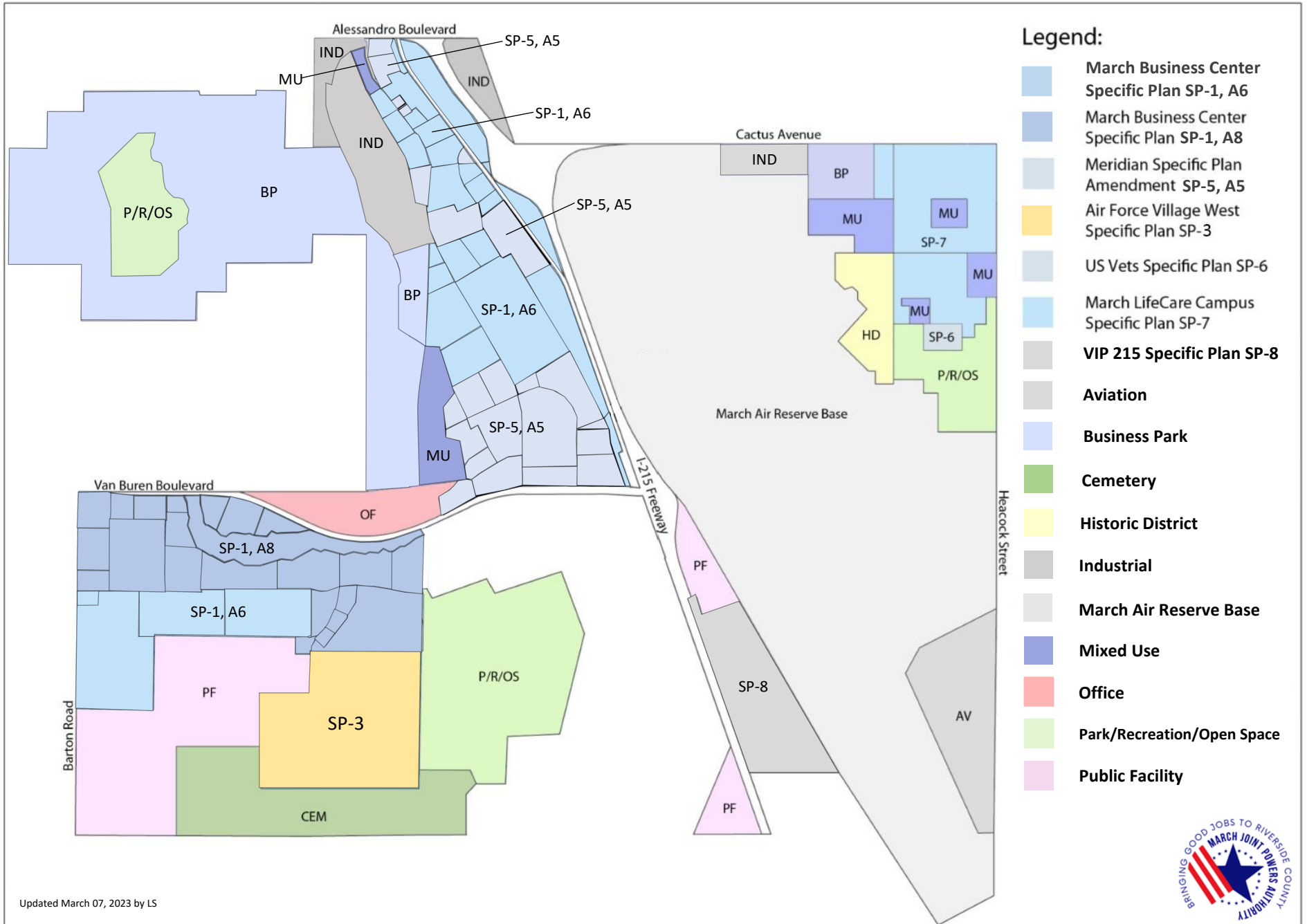


Updated March 07, 2023 by LS



# General Plan Land Use Map

## March Joint Powers Authority



### Legend:

- March Business Center Specific Plan SP-1, A6
- March Business Center Specific Plan SP-1, A8
- Meridian Specific Plan Amendment SP-5, A5
- Air Force Village West Specific Plan SP-3
- US Vets Specific Plan SP-6
- March LifeCare Campus Specific Plan SP-7
- VIP 215 Specific Plan SP-8
- Aviation
- Business Park
- Cemetery
- Historic District
- Industrial
- March Air Reserve Base
- Mixed Use
- Office
- Park/Recreation/Open Space
- Public Facility







# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

October 16, 2023

Matthew Taylor, Principal Planner  
City of Riverside Community & Economic Development Department  
3900 Main Street, 3<sup>rd</sup> Floor  
Riverside CA 92522

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Desert Hot Springs

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County Administrative Center  
4080 Lemon St., 14<sup>th</sup> Floor.  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

## RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – DIRECTOR’S DETERMINATION

File No.: ZAP1075RG23 (superseding September 26, 2023 letter)  
Related File No.: PR2023-001525 (Zoning Ordinance Amendment)  
APN: Citywide

Dear Mr. Taylor,

As authorized by the Riverside County Airport Land Use Commission (ALUC) pursuant to its Resolution No. 2011-02, as ALUC Director, I have reviewed City of Riverside Zoning Ordinance Amendment (PR2023-001525), a proposal amending Title 19 of the Riverside Municipal Code related to Articles V (Base Zones and Related Use and Development Provisions), VII (Specific Land Use Provisions), VIII (Site Planning and General Development Provisions), and X (Definitions). The proposed amendments are intended to: 1. Align the RMC with California Law specifically Assembly Bills 2097 and 2244, and The California Employee Housing Act; 2. Clarify ambiguous, conflicting, and/or outdated language in the RMC as it pertains to Mixed-Use Zones, tattoo parlors, truck terminals, private fueling stations, projections into required yards, accessory structures, recreational vehicle parking, wall heights, and wall materials; 3. Rezone 0.24 acres of City-owned property at the southwest corner of Arlington and Indiana Avenues from R-1-7000 – Single-Family Residential to CR- Commercial Retail to conform with the General Plan Land Use Designation of C – Commercial; and 4. Other minor, non-substantive changes and technical corrections as required to provide clarity, correct errors, or remove redundancies.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2005 Riverside Municipal Airport Land Use Compatibility Plan, the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and the 2004 Flabob Airport Land Use Compatibility Plan.

This determination of consistency relates to airport compatibility issues and does not necessarily constitute an endorsement of the proposed amendment.

If you have any questions, please contact me at (951) 955-6893.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Paul Rull, ALUC Director

cc: ALUC Case File

Number	Item	Article	Code Section
1	Permitted projections into required yards	Article VIII	19.100.040 Residential Development Standards 19.630.040.D Permitted Projections into Required Yards
2	Drive Thru's in Mixed Use Zones	Article V	19.150.020.A Permitted uses table
3	Tattoo Parlors	Article V Article VII	19.150.020.A Permitted uses table, 19.405 Tattoo and Body Piercings
4	contractor storage yards and truck terminals	Article V Article X	19.150.020 Permitted Uses Table 19.910 Definitions
5	AB 2244	Article VII	19.255 Assemblies of People Non Entertainment
6	Above ground personal fuel station	Article VII	19.480.040 - Fueling Systems - Private (Above-Ground Tanks)
7	Accessory Structures in Residential Zones	Article VIII	Chapter 19.440.030 Site location, operation, and development standards
8	AB 2097	Article VIII	19.580 Parking Requirements
9	RV parking in residential zones	Article VIII	19.580.070 - Off-street parking location and type requirements
10	Wall height	Article VIII	19.550.030 - Height and Location Provisions
11	Electrified wire fences	Article VIII	19.550.020 - Fences, Walls and Landscape Materials, Prohibited Materials
12	Employee and Farmworker Housing	Article X	19.910 Definitions
13	Zoning Map Change - 229082008	N/A	N/A

PR-2023-001525 - 2023 Zoning Code Cleanup

DP - 2023-00903, Text Amendments

DP -2023-00904, Rezoning of Parcel 229082008

### Summary of Changes

Remove provisions for projections into required yards under 19.100.060 (redundant, covered by accessory structures chapter), consolidate with provisions under 19.630.040.

change drive thru from conditionally permitted to prohibited in Mixed Use Zones

Tattoos permitted by right in commercial/mixed use

Table 19.150.020.A Permitted Land Uses Table is amended to clarify that Truck and Trailer Storage – Primary Use is a prohibited use in all zones and remove references to the undefined “Truck Terminals”. Truck and trailer storage incidental to permitted industrial uses still permitted.

Include language in Assemblies of People (Non Entertainment) chapter citing the government code section 65913.6

update code language to "Minor conditional use permit" to match permitted uses table

remove size limits for accessory structures on lots greater than 1 acre in the RE, RR, and R-1 zones. Accessory structures on properties less than 1 acre in size remain subject to the 750 square foot size limit.

Include language in 19.580 citing the government code 65863.2

change to standards to allow all RVs to be parked in single family residential zones subject to traffic visibility requirements

clarification of the existing six-foot maximum height for walls outside of required setbacks; Sound walls permitted at height identified in acoustical analysis; and an eight-foot maximum height for walls adjacent to railroads, freeways, and flood control channels

removed "electrified wire" from prohibited materials

Update definition of *agricultural use* to include "employee housing as defined in health and safety code

change from r1 zoning to CG consistent with the GP Land Designation



**Redlines**

<a href="#">1.a Chapter 19.100.pdf</a>	<a href="#">1.b Chapter 19.630.040 Permitted Projections into Required Yards.pdf</a>
<a href="#">1.c Table 19.150.020.A Permitted Uses Table.pdf</a>	
<a href="#">1.c Table 19.150.020.A Permitted Uses Table.pdf</a>	<a href="#">1.d Chapter 19.405 Tattoo and Body Piercings.pdf</a>
<a href="#">1.c Table 19.150.020.A Permitted Uses Table.pdf</a>	<a href="#">1.j Chapter 19.910 Definitions.pdf</a>
<a href="#">1.e Chapter 19.255 Assemblies of People – Non-Entertainment.pdf</a>	
<a href="#">1.f Chapter 19.480 Fueling Systems – Above Ground (Private).pdf</a>	
<a href="#">1.g Accessory Structures Redlines.pdf</a>	
<a href="#">1.h Chapter 19.580 Parking Requirements.pdf</a>	
<a href="#">1.h Chapter 19.580 Parking Requirements.pdf</a>	
<a href="#">1.i 19.550 Fence, Wall, and Landscape Materials.pdf</a>	
<a href="#">1.i 19.550 Fence, Wall, and Landscape Materials.pdf</a>	
<a href="#">1.j Chapter 19.910 Definitions.pdf</a>	
<a href="#">1.j Chapter 19.910 Definitions.pdf</a>	

# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



November 1, 2023

Doug Darnell, Principal Planner  
City of Menifee Community Development Department  
29844 Haun Road  
Menifee CA 92586

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Riverside, CA 92501  
(951) 955-5132

**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW – DIRECTOR'S DETERMINATION**

File No.: ZAP1077RG23  
Related File No.: LR23-0012 (Development Code Amendment)  
APN: Citywide

Dear Mr. Darnell,

As authorized by the Riverside County Airport Land Use Commission (ALUC) pursuant to its Resolution No. 2011-02, as ALUC Director, I have reviewed City of Menifee Development Code Amendment (LR23-0012), a proposal amending the City's Development Code to comply with the latest State housing laws and to implement several program actions of the City's Housing Element. The amendments are necessary to comply with AB2221 and SB897 related to accessory dwelling units and junior accessory dwelling units, SB2, AB2162, AB139, and AB2339 related to emergency shelters, supportive housing, and transitional housing, AB101 related to low barrier navigation centers, AB2011 and SB6 related to multifamily housing development in commercial zones, AB2334, AB1551 and AB682 related to density bonus provisions. The proposed residential code amendments do not involve any changes in zoning.

As ALUC Director, I hereby find the above-referenced project **CONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and the 2010/2011 Perris Valley Airport Land Use Compatibility Plan.

This determination of consistency relates to airport compatibility issues and does not necessarily constitute an endorsement of the proposed amendment.

If you have any questions, please contact me at (951) 955-6893.

[www.rcaluc.org](http://www.rcaluc.org)

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Paul Rull, ALUC Director

cc: ALUC Case File

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**9.30.090 Approving Authority**

- A. **Recommending Authority.** The recommending authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall hear and make recommendations on the proposed land use or development permit or approval in accordance with the requirements of this Title.
- B. **Approving Authority.** The approving authority as designated in Table 9.30.090-1 (Designated Authority for Permits and Approvals) shall approve, conditionally approve or deny the proposed land use or development permit or approval in accordance with the requirements of this Title. Generally, the Director and his/her designee will make non-discretionary and discretionary decisions at the administrative level, the Planning Commission will make discretionary decisions, and the City Council will make the legislative decisions. In acting on a permit, the approving authority decision may be appealed pursuant to procedures set forth in Section 9.30.100 (Appeals).

Table 9.30.090-1: Designated Authority for Permits and Approvals				
Permit or Approval Type (Chapter)	Type of Action	Designated Authority <sup>1</sup>		
		Community Development Director	Planning Commission	City Council
<u>Accessory Dwelling Unit Permit (9.35)</u>	<u>Ministerial</u>	A		
<u>AB 2011 Multi-Family Ministerial Application</u>	<u>Ministerial</u>	A		
Conditional Use Permit, Minor (9.40)	Discretionary	A		
Conditional Use Permit, Major (9.40)	Discretionary	R	A	
Development Agreement (9.45)	Legislative	R	R	A
Finding of Public Convenience and Necessity (9.250)	Discretionary	R	A	
General Plan Amendment (9.50)	Legislative	R	R	A
Home Occupation Permit (9.55)	Ministerial	A		
Home-Based Business (9.55)	Discretionary	A		
Large Family Daycare Permit (9.60)	Ministerial	A		
Master Sign Program, Minor (9.65)	Ministerial	A		
Master Sign Program, Major (9.65)	Discretionary	R	A	
Minor Exception (9.70)	Discretionary	A		
Official Code Interpretation (9.10)	Discretionary	A		
Planned Development Overlay (9.105)	Legislative	R	R	A
Planned Development (9.75)	Discretionary	R	A	
Plot Plan, Minor (9.80)	Ministerial	A		
Plot Plan, Major (9.80)	Discretionary	R	A	
Reasonable Accommodation (9.85)	Discretionary	A		
SB35 Multi-Family Ministerial Review Permit	Ministerial	A		
Sign Permit (9.90)	Ministerial	A		
Similar Use Determination (9.95)	Discretionary	A		
Specific Plan (9.100)	Legislative	R	R	A
Substantial Conformance Determination (9.25)	Discretionary	A		
Temporary Use Permit, Minor (9.105)	Discretionary	A		
Temporary Use Permit, Major (9.105)	Discretionary	A		
<u>Two-Unit Development (9.296)</u>	<u>Ministerial</u>	<u>A</u>		



Table 9.30.090-1: Designated Authority for Permits and Approvals				
Permit or Approval Type (Chapter)	Type of Action	Designated Authority <sup>1</sup>		
		Community Development Director	Planning Commission	City Council
<a href="#">Urban Lot Split (9.296)</a>	<a href="#">Ministerial</a>	A		
<a href="#">Variance (9.110)</a>	Discretionary	R	A	
<a href="#">Zone Change/Zoning Code Amendment (9.105)</a>	Legislative	R	R	A

<sup>1</sup> A = Approving Authority; R = Recommending Authority

- C. **Multiple Entitlements.** When a proposed project requires more than one permit or approval with more than one approving authority all project permits and approvals shall be processed concurrently and final action shall be taken by the highest-level designated authority for all such requested permits and approvals.
- D. **Referral to the Planning Commission.** At any point in the review process, the Director may transfer approving authority to the Planning Commission at his/her discretion because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the Planning Commission shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice). A referral to the Planning Commission is not an appeal and requires no appeal application or fee.
- E. **Referral to the City Council.** At any point during the Planning Commission hearing, the Planning Commission may, by simple majority, transfer approving authority to the City Council because of policy implications, unique or unusual circumstances, or the magnitude of the project. Decisions referred to the City Council shall be considered at a noticed public hearing. Public notice shall be provided and a public hearing conducted pursuant to Section 9.30.080 (Public Hearing and Public Notice). A referral to the City Council is not an appeal and requires no appeal application or fee.
- F. **City Council Referral back to Planning Commission.** The City Council may refer any matter (including, but not limited to, those appealed to it) back to the Planning Commission in accordance with the provisions of Section 2.20.160 (City Council Referral Back to Planning Commission).

## TITLE 9: PLANNING AND ZONING

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### ARTICLE 2: ADMINISTRATION, PERMITS, AND PROCEDURES

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#### ~~Chapter 9.35 Accessory Dwelling Unit Permit~~

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##### Contents:

- ~~• 9.35.010 Purpose~~
- ~~• 9.35.020 Applicability~~
- ~~• 9.35.030 Application and Required Fees~~
- ~~• 9.35.040 Approving Authority~~
- ~~• 9.35.050 Public Hearing and Notice~~
- ~~• 9.35.060 Standards of Approval~~
- ~~• 9.35.070 Findings for Approval~~
- ~~• 9.35.080 Notice of Decision~~
- ~~• 9.35.090 Effective Date~~
- ~~• 9.35.100 Appeals~~
- ~~• 9.35.110 Expiration~~
- ~~• 9.35.120 Extension of Time~~
- ~~• 9.35.130 Modifications~~

##### ~~9.35.010 Purpose~~

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~~This chapter establishes procedures for the review and approval of accessory dwelling units to protect and preserve existing neighborhoods while providing options to meet the various housing needs of the community in compliance with Government Code Section 65852.2.~~

##### ~~9.35.020 Applicability~~

---

~~An Accessory Dwelling Unit Permit is required prior to establishment, construction, or modification of an accessory dwelling unit.~~

##### ~~9.35.030 Application and Required Fees~~

---

- ~~A. **Application Filing and Processing.** Applications for an Accessory Dwelling Unit Permit shall be filed and processed in accordance with Chapter 9.30 (Common Application Processing Procedures).~~
- ~~B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).~~

##### ~~9.35.040 Approving Authority~~

---

~~Applications for an Accessory Dwelling Unit Permit shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for an Accessory Dwelling Unit Permit.~~

### **9.35.050 Public Hearing and Notice**

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~~No public hearing is required prior to action on an application for an Accessory Dwelling Unit Permit.~~

### **9.35.060 Standards of Approval**

---

~~An application for an Accessory Dwelling Unit shall be considered and approved ministerially, without discretionary review or a hearing. The approving authority shall act on the application to create an accessory dwelling unit within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the approving authority may delay acting on the permit application for the accessory dwelling unit until the applicable approving authority acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.~~

### **9.35.070 Findings for Approval**

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~~Prior to approving an application for an Accessory Dwelling Unit Permit, the approving authority shall make all the following findings:~~

- ~~A. The Accessory Dwelling Unit is consistent with the adopted General Plan and any applicable specific plan.~~
- ~~B. The Accessory Dwelling Unit meets all applicable standards for development of Chapter 9.295 Special Housing Types.~~

### **9.35.080 Notice of Decision**

---

~~Written notice of decision shall be provided within three business days of the date of decision to the applicant and interested parties having requested such notices in writing. The Notice of Decision shall include:~~

- ~~A. The application request as acted upon by the Director.~~
- ~~B. The action taken by the Director.~~
- ~~C. Findings as listed for the permit.~~

### **9.35.090 Effective Date**

---

~~Accessory Dwelling Unit Permits shall become effective on the date an approval is issued by the approving authority.~~

### **9.35.100 Appeals**

---

~~Accessory Dwelling Unit Permits are ministerial and are not subject to appeal.~~



### **~~9.35.110 Expiration~~**

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~~An approved Accessory Dwelling Unit Permit shall expire three years from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).~~

### **~~9.35.120 Extension of Time~~**

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~~Accessory Dwelling Unit Permits may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).~~

### **~~9.35.130 Modifications~~**

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~~Modifications to an approved Accessory Dwelling Unit Permit shall be processed as a new application.~~

## Chapter 9.85 Reasonable Accommodation

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### Contents:

- 9.85.010 Purpose
- 9.85.020 Applicability
- 9.85.030 Application and Required Fees
- 9.85.040 Approving Authority
- 9.85.050 Public Hearing and Notice
- 9.85.060 Conditions of Approval
- 9.85.070 Findings for Approval
- 9.85.080 Notice of Decision
- 9.85.090 Effective Date
- 9.85.100 Appeals
- 9.85.110 Expiration
- 9.85.120 Extension of Time
- 9.85.130 Modifications
- 9.85.140 Consideration Factors

### 9.85.010 Purpose

---

It is the policy of the City, pursuant to the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This chapter establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, and policies, practices and procedures of the City to comply fully with the intent and purpose of fair housing laws.

### 9.85.020 Applicability

---

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing or commercial services to individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

### 9.85.030 Application and Required Fees

---

- A. **Application Filing and Processing.** Applications for a Reasonable Accommodation shall be filed and processed in accordance with the applicable procedures contained in [Chapter 9.30](#) (Common Application Processing Procedures).
- B. **Application Fees.** Application fees shall be collected in accordance with Section [9.30.020](#) (Applications and Fees).

### 9.85.040 Approving Authority

---

Applications for a Reasonable Accommodation shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, conditionally approve, alter, or deny applications for a Reasonable Accommodation. The designated authority shall make a determination on the application for Reasonable Accommodation within 30 days from receipt of the application. Should additional information, consistent with fair housing laws, be requested from the applicant, the 30-day time period for making a determination on the application shall be suspended until the additional information is provided. If the approving authority fails to make a determination within the effective 30 days, the application shall be deemed approved. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

### 9.85.050 Public Hearing and Notice

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No public hearing is required prior to taking action on an application for a Reasonable Accommodation.

### 9.85.060 Conditions of Approval

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In approving an application for a Reasonable Accommodation, the approving authority may impose reasonable and appropriate conditions in order to achieve the purposes of this Title, ensure consistency with the goals and policies of the adopted General Plan, and justify making the necessary findings. The approving authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant.

### 9.85.070 Findings for Approval

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Prior to approving an application for Reasonable Accommodation, the approving authority shall make all the following findings:

- A. The housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws.
- B. The requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws.
- C. The requested accommodation would not impose an undue financial or administrative burden on the City, as “undue financial or administrative burden” is defined in fair housing laws.
- D. The requested accommodation will not result in a fundamental alteration in the nature of the City’s zoning program, as “fundamental alteration” is defined in fair housing laws and interpretive case law.
- E. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of the public, including an “Attractive Nuisance,” “Fire Hazard,” or “Public Nuisance” as defined by Section 11.20.010 Definitions of the Menifee Municipal Code.~~other individuals or substantial physical damage to the property of others.~~

### 9.85.080 Notice of Decision

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Written notice of decision shall be provided within three business days of the date of decision to the applicant by certified mail and to interested parties who have requested notices in writing. The notice shall include:

- A. The application request as acted upon by the Director.
- B. The action taken by the Director.
- C. Findings as listed for the permit.
- D. The deadlines, criteria and fees for filing an appeal.

### **9.85.090 Effective Date**

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Reasonable Accommodations shall become effective on the date of approval unless a timely appeal has been filed. Upon filing of a timely appeal, the effective date shall be suspended until such time that final action is taken on the appeal.

### **9.85.100 Appeals**

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Actions taken on an application for a Reasonable Accommodation are subject to appeal. Appeals shall be processed in accordance with Section 9.30.100 (Appeals), except that the period for filing an appeal of an action taken on an application for a Reasonable Accommodation shall be 30 days from the date of decision.

### **9.85.110 Expiration**

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Reasonable Accommodations shall expire one year from the date the approval was granted, unless the permit has been exercised in accordance with Section 9.30.110 (Permit Time Limits, Expiration, and Extensions).

### **9.85.120 Extension of Time**

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The expiration date of a Reasonable Accommodation may be extended in accordance with Subsection 9.30.110.C (Permit Extensions).

### **9.85.130 Modifications**

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Modifications to an approved Reasonable Accommodation shall be processed as a new application.

### **9.85.140 Consideration Factors**

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- A. **Necessity of Accommodation.** The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:
  - 1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;
  - 2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;
  - 3. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants; and

4. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

**B. Fundamental Alteration to Zoning Program.** The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the City’s zoning program:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;
3. Whether the requested accommodation would substantially undermine any express purpose of either the city’s general plan or an applicable specific plan; and
4. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

## Chapter 9.125 Agricultural and Rural Residential Zones

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### Contents:

#### 9.125.010 Purpose

#### 9.125.020 Description and Intent of Zone

#### 9.125.030 Allowed Uses and Approval Requirements

#### 9.125.040 Development Standards

### 9.125.010 Purpose

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The purpose of this chapter is to establish agricultural and rural zones that provide appropriate locations for agricultural, rural mountainous, rural residential uses. These zones are consistent with and implement the adopted General Plan.

### 9.125.020 Description and Intent of Zone AG RM RR5 RR2 RR1 RR1/2

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The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Agricultural (AG).** Agricultural land including row crops, groves, nurseries, dairies, poultry farms, and other related uses. One single-family detached residence allowed per 10 acres except as otherwise specified by a policy or zoning.
- B. **Rural Mountainous (RM).** Single-family detached residences with a minimum lot size of 10 acres. Generally characterized as areas of at least 10 acres where there are extensive areas of steep slopes of 25% or greater. Allows limited animal keeping, agriculture, recreational uses, governmental uses.
- C. **Rural Residential, 5-acre minimum (RR5).** Single-family detached residences with a minimum lot size of 5 acres. Animal keeping, and agricultural uses are expected and encouraged; also allows recreational uses and governmental uses.
- D. **Rural Residential, 2-acre minimum (RR2).** Single-family detached residences on parcels of 2 to 5 acres. Limited agriculture and equestrian and animal keeping uses are expected and encouraged.
- E. **Rural Residential, 1-acre minimum (RR1).** Single-family detached residences on parcels of 1 to 2 acres. Limited agriculture, equestrian, and animal keeping uses are expected and encouraged.
- F. **Rural Residential, ½-acre minimum (RR1/2).** Single-family detached residences on parcels of ½ to 1 acre. Limited agriculture and animal keeping is permitted. Intensive animal keeping is discouraged.

### 9.125.030 Allowed Uses and Approval Requirements

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- A. **Allowed Use Table.** Table 9.125.030-1 identifies allowed uses and corresponding approval requirements for the agricultural and rural zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses on Table 9.125.030-1 shall be permitted in one or more of the agricultural or rural residential as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional



use permit. Where indicated with a "--," the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.125.030-1 authorize a use without satisfaction of such specified additional requirements.

- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements							
Allowed Use	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
<b>RESIDENTIAL USES</b>							
Accessory Dwelling Unit (ADU)	P	P	P	P	P	P	<a href="#">Chapter 9.35 (Accessory Dwelling Unit Permit)</a> and <a href="#">Chapter 9.25 (Special Housing Types)</a>
Bed & breakfast establishment	C	C	C	C	C	C	<a href="#">Chapter 9.245 (Bed &amp; Breakfast Uses)</a>
Congregate care facilities	--	--	--	--	C	C	<a href="#">Chapter 9.270 (Care Facilities)</a>
Duplex (two-family dwelling)	--	--	--	--	--	--	
Emergency shelters	--	--	--	--	--	--	
<a href="#">Employee Housing</a> <a href="#">6 or fewer residents</a> <a href="#">No more than 12 units or 36 beds</a>	<u>P</u> <u>P</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	
Family day care home, large	P	P	P	P	P	P	<a href="#">Chapter 9.60 (Large Family Day Care Permit)</a>
Family day care home, small	P	P	P	P	P	P	
<a href="#">Farmworker Housing</a> <a href="#">6 or fewer residents</a> <a href="#">No more than 12 units or 36 beds</a>	<u>P</u> <u>P</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	<u>P</u> <u>=</u>	
Group Residential Facility 6 or fewer residents 7 or more residents	P <del>C</del>	P <del>C</del>	P <del>C</del>	P <del>C</del>	P <del>C</del>	P C	<a href="#">9.270 (Community Care Facilities)</a>
Guest house	P	P	P	P	P	P	<a href="#">Chapter 9.295 (Special Housing Types)</a>
Home Occupation	P	P	P	P	P	P	<a href="#">Chapter 9.255 (Home Occupation and Home-Based Business)</a>
Home-Based Businesses	P	P	P	P	P	P	<a href="#">Chapter 9.255 (Home Occupation and Home-Based Business)</a>
<a href="#">Junior Accessory Dwelling Unit (JADU)</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<a href="#">Chapter 9.295 (Special Housing Types)</a>

**Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements**

Allowed Use	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
Manufactured Home	P	P	P	P	P	P	
Mobile home park	--	--	--	--	--	C	Chapter 9.295 (Special Housing Types)
Multiple family	--	--	--	--	--	--	
Residential Care Facility	--	--	--	--	C	C	9.270 (Community Care Facilities)
Short-term rentals (less than 30 days)	--	--	--	--	--	--	
Single- family detached	P	P	P	P	P	P	
Single-room occupancy units/Efficiency Units	--	--	--	--	--	--	Chapter 9.295 (Special Housing Types)
Supportive housing	EP	EP	EP	EP	EP	EP	
Transitional housing	EP	EP	EP	EP	EP	EP	
<b>NON-RESIDENTIAL USES</b>							
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals)	P C	P C	P C	P C	P C	P C	Chapter 9.235 (Animal Keeping)
Animals, Medium (e.g. sheep, goats, pigs, and similar sized animals)	P C	P C	P C	P C	P --	P --	Chapter 9.235 (Animal Keeping)
Animals, Large (e.g. cows, horses, camels, llamas, and other similar sized animals)	P C	P --	P C	P C	P --	P --	Chapter 9.235 (Animal Keeping)
Animal rescue	C	C	C	C	C	--	Chapter 9.235 (Animal Keeping)
Apiary (non-commercial)	P	P	P	P	P	P	Chapter 9.235 (Animal Keeping)
Aquaculture (commercial raising of fish, frogs, shellfish, algae, etc.)	C	C	C	--	--	--	Chapter 9.235 (Animal Keeping)
Aviary (non-commercial)	P C	P C	P C	P C	P C	P C	Chapter 9.235 (Animal Keeping)
Cemetery or Mausoleum	C	C	C	C	--	--	
Collection Containers	--	--	--	--	--	--	
Farms and agricultural operations	P C	C C	P C	P C	P C	C C	
Fowl, non-crowing (Non-commercial)	P	P	P	P	P	P	Chapter 9.235 (Animal Keeping)

Table 9.125.030-1 Agricultural and Rural Residential Zones - Allowed Uses and Approval Requirements							
Allowed Use	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
Fowl, crowing (non-commercial)	P	P	P	P	P	--	Chapter 9.235 (Animal Keeping)
Future Farmers of America and 4-H Educational Programs	P	P	P	P	P	P	Chapter 9.235 (Animal Keeping)
Educational Institution	C	C	C	C	C	C	
Event Facilities	--	--	C	C	--	--	
Golf Courses	C	C	C	C	C	C	
Governmental facilities	C	C	C	C	C	C	
Kennels and catteries	C	--	C	C	C	C	Chapter 9.235 (Animal Keeping)
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing	--	--	--	--	--	--	
Nurseries (wholesale and open to the public)	P	--	C	C	C	--	Does not include cultivation of marijuana/cannabis.
Parks and recreation areas	P	P	P	P	P	P	
Petting Zoo	P	C	C	C	C	C	Chapter 9.235 (Animal Keeping)
Public utility facilities	C	C	C	C	C	C	
Religious Facilities	C	C	C	C	C	C	
Shooting Ranges	--	--	--	--	--	--	
Stable, riding academy, large animal boarding	P	--	C	C	C	C	Chapter 9.235 (Animal Keeping)
Vineyards and wineries	C	C	C	C	C	C	
Wireless Communication Facilities	C	C	C	C	C	C	Chapter 9.290 (Wireless Communication Facilities)

**9.125.040 Development Standards**

The development standards listed below are the minimum standards for development within the respective zones.

Table 9.125.040-2 Agricultural and Rural Residential Zones - Development Standards							
Standard	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
<b>LOT DIMENSIONS (Minimum)</b>							
Gross Lot Area (Acres)	10	10	5	2	1	0.5	
Lot Width (Feet)	100	100	100	80	70	60	
Lot Depth (Feet)	150	150	120	100	100	90	
Frontage (Feet)	50	50	50	40	40	30	
Frontage for a flag lot (Feet)	40	40	30	30	30	25	



Table 9.125.040-2 Agricultural and Rural Residential Zones - Development Standards							
Standard	AG	RM	RR5	RR2	RR1	RR1/2	Additional Requirements
<b>SETBACKS (Minimum)<sup>1</sup></b>							
Front Yard (Feet)	40	40	40	25	25	20 <sup>2</sup>	
Corner Side Yard (Feet)	40	40	20	15	15	15	
Interior Side Yard (Feet)	25	25	15	15	10	10	
Rear Yard (Feet)	25	25	20	20	20	20	
<b>BUILDING HEIGHT (Maximum)</b>							
Building Height (Feet)	35	35	35	35	35	35	Chapter 9.160 (General Development Standards)
<b>BUILDING COVERAGE (Maximum)</b>							
Building Coverage (Percent)	10%	10%	15%	20%	25%	25%	
<b>OPEN SPACE COVERAGE (Minimum)</b>							
Open Space Required (Percent)	75%	75%	70%	60%	50%	40%	
Private Open Space/Unit (Sq. Ft)	N/A	N/A	N/A	N/A	N/A	N/A	
<ol style="list-style-type: none"> <li>Setback encroachment allowances for architectural features and accessory structures can be found in <a href="#">9.160.030</a></li> <li>Side-loaded garages may have a front yard setback of 15 feet.</li> </ol>							

## Chapter 9.135 Commercial and Industrial Zones

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#### 9.135.010 Purpose

#### 9.135.020 Description and Intent of Zone

#### 9.135.030 Allowed Uses and Approval Requirements

#### 9.135.040 Development Standards

### 9.135.010 Purpose

---

The purpose of this chapter is to establish business districts in the city that provide appropriate locations for commercial, office, and industrial uses. These districts are consistent with and implement the city's General Plan land use categories. These districts provide sufficient and appropriately located land for general commercial and industrial uses that minimize impacts on residential neighborhoods.

### 9.135.020 Description and Intent of Zone CR CO BP HI

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The following descriptions of each commercial and industrial zoning district identify the general characteristic uses, intensity of uses, and type of development intended for that district:

- A. **Commercial Retail (CR).** Allows neighborhood, local, and regional serving retail and service uses. Hotels are also permitted in this designation. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.20 – 0.35.
- B. **Commercial Office (CO).** Allows a variety of office-related uses, including financial, legal, insurance and other office services; corporate offices; supporting hotel and ancillary retail uses are also permitted. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.25 – 1.00.
- C. **Business Park (BP).** Allows industrial and related uses including assembly and light manufacturing, repair facilities, and business parks, including corporate offices. Employee-intensive uses, including research and development, technology centers, "clean" industry, and supporting hotel and ancillary retail uses are also permitted. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.25 – 0.60.
- D. **Heavy Industry (HI).** Allows more intense industrial activities, such as manufacturing uses, that can generate significant impacts such as excessive noise, dust, and other nuisances. The permissible development density is between the minimum and maximum floor area ratio (FAR) of 0.15 – 0.50.

(2023-365, 02/01/2023)

### 9.135.030 Allowed Uses and Approval Requirements CR CO BP HI

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- A. **Allowed Use Table.** Table 9.135.030-1 identifies allowed uses and corresponding approval requirements for the commercial and industrial zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses on Table 9.135.030 shall be permitted in one or more of commercial and industrial zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter "P" the use shall be a permitted use. A letter "C" indicates the use shall be conditionally permitted subject to the approval of a conditional

use permit. Where indicated with a "--," the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.135.030-1 authorize a use without satisfaction of such specified additional requirements.

- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

Allowed Use	CR	CO	BP	HI	Additional Requirements
Adult businesses	--	--	--	--	See Ordinance <b>XX</b>
Airport	--	--	--	C	
Ambulance services	C	C	P	P	
Amusement arcade	P	--	C	--	
Amusement park, (including multiple activities such as simulated flying, racing, mini-golf, etc.) Indoor Outdoor	P C	=	P C	=	
Animals, Small (e.g. hamsters, rabbits, chinchillas, and similar sized animals) Non-Commercial Commercial	P --	P --	P --	P --	<a href="#">Chapter 9.235</a> (Animal Keeping)
Animal hospitals and veterinary services (with outdoor facilities)	P C	--	P C	C --	
Animal Rescue	--	--	C	C	<a href="#">Chapter 9.235</a> (Animal Keeping)
Antique shops, pawn shops, thrift stores	P	--	C	--	Outside collection bins prohibited
Art gallery, library, reading room, museum.	P	P	--	--	
Art supply shops and studios.	P	P	P	--	
Auction Houses	P	--	P	--	
Auditoriums, event centers and assembly areas, including live entertainment: Indoor Outdoor	P C	C --	P C	-- --	
Bakery goods distributors.	P	--	P	P	
Bakery shops, Coffeehouse, Cybercafé, Delicatessens, Ice cream shops	P	P	P	--	
Banks and financial institutions.	P	P	P	--	
Banquet facilities.	C	--	C	--	



**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

Allowed Use	CR	CO	BP	HI	Additional Requirements
Batting cages – indoor Outdoor	P C	--	C C	--	
Billiard and pool halls, Bowling alleys	P	--	P	--	Chapter 9.250 (Alcohol Sales)
Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption	C	--	P	--	Chapter 9.250 (Alcohol Sales)
Business services	P	P	P	--	
Car washes	P	--	C		
Caretaker residence or on-site operator residence, only as accessory to primary use	C	C	C	C	
Catering services	P	--	P	--	
Cemeteries and mausoleums	--	--	C	C	
Clinics, including but not limited to medical and urgent care	C	C	C	--	
Collection Containers	--	--	--	--	
Commercial television and radio broadcast structures	--	--	--	P	
Concrete batch plants and asphalt plants	--	--	--	C	
Congregate care facility	--	C	C	--	Chapter 9.270 (Community Care Facilities)
Contractor, landscape and building materials storage yard	--	--	C	C	
Convenience stores, not including the sale of motor vehicle fuel	P	--	P	--	
Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use	C	--	C	--	Chapter 9.250 (Alcohol Sales)
Day Care Center	P	C	C	--	Chapter 9.270 (Community Care Facilities)
Department stores	P	--	P	--	
Drug Store	P	P	--	--	
Dry cleaning and laundromats (except uniform supply and industrial launderers);	P	C	C	--	
Educational Institution	C	C	C	C	
Emergency shelters	--	--	--	P	<u>As mandated by State law and City Housing Element. Chapter 9.295 (Special Housing Types) in locations specified in the Housing Element</u>

**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

Allowed Use	CR	CO	BP	HI	Additional Requirements
Battery Energy Storage Facility, Utility Scale	--	--	C	C	Chapter 9.297 (Energy Storage Facilities)
Equipment sales and rental, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and construction equipment)	--	--	--	C	
Equipment sales and rental, Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment)	P	--	C	C	
Fast food/quick service, with drive-through	C	C	C	--	
Fast food/quick service, without drive-through	P	P	P	--	
Feed and grain sales	C	--	--	P	
Fertilizer production and processing (organic or inorganic)	--	--	--	C	
Funeral parlor, mortuary with crematorium	--	C	C	--	
Funeral parlor, mortuary without crematorium	P	C	C	--	
Gas station with/without convenience store, with or without alcoholic beverage sales, and with or without car wash	C	--	C	C	
General retail	P	--	--	--	
General warehousing, distribution centers, and storage (except noxious, explosives, or dangerous materials)	--	--	--	P	
Golf Course	--	--	--	--	
Golf driving range (not in association with full scale course)	C	--	C	--	
Governmental facility	P	P	P	P	
Grocery Store	P	--	--	--	Chapter 9.250 (Alcohol Sales)
Hardware and Building Supplies without outdoor sales/storage	P	--	P	P	
with outdoor sales/storage	C	--	C	C	
Health, fitness, dance, martial arts studio <5,000 sq.ft. >5,000 sq.ft.	P C	C C	P C	--	
Heliports	--	--	C	C	
Hospital	C	C	--	--	

**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

Allowed Use	CR	CO	BP	HI	Additional Requirements
Hotels and resort hotels	P	C	C	--	
Kennel or cattery	--	--	C	C	Chapter 9.235 (Animal Keeping)
Laboratories, research and development	P	P	P	--	
Live/work units	C	C	C	--	
Lumber yard	--	--	--	C	
Manufacturing, Handcraft	P	P	P	P	
Manufacturing, Light-Intensity	--	C	P	P	
Manufacturing, Medium-Intensity	--	C	C	P	
Manufacturing, Heavy-Intensity	--	--	--	P	
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing	--	--	--	--	
Massage Establishment	C	C	--	--	
Material storage yard	--	--	C	P	
Membership clubs, organizations, and lounges	C	C	C	--	
Mobile home sales and storage, trailer sales and rental house trailers	C	--	C	C	
Motels	C	--	--	--	
Motocross Facilities, Bicycle (BMX) course	--	--	--	--	
Motor vehicle body, paint and upholstery shops	C	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle parts and supply stores	P	--	C	--	
Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical)	P	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repairs/services - major (e.g., engine and transmission repair/rebuild, etc.)	--	--	C	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle sales and rental (including outdoor display area and repairs associated with sales)	C	--	C	--	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle wholesale, with no outdoor display	P	P	P	P	
Motor vehicle impound, wrecking and junk yards	--	--	--	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle, trailer or boat storage	--	--	C (indoor only)	C	Chapter 9.240 (Motor Vehicle and Related Uses)



**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

Allowed Use	CR	CO	BP	HI	Additional Requirements
<u>Multi-family dwellings in commercial zones per AB 2011 &amp; SB 6</u>	P	P	--	--	<u>Chapter 9.295 (Special Housing Types) must meet affordable or mixed income criteria per AB 2011 or criteria per SB 6.</u>
Nurseries and garden supply, indoor and outdoor (retail sales only)	P	--	--	P	Does not include cultivation of marijuana/cannabis.
Offices, professional and medical	P	P	P	--	
Parking lots and parking structures	P	P	P	P	
Personal and Professional Services	P	--	P	--	
Public utility substations and storage buildings	--	--	--	P	
Radio and television broadcasting and recording studios	P	--	P	--	
Recreational vehicle, trailer and mobile home sales and rental.	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Recycling collection facilities	C	--	C	C	Chapter 9.280 (Recycling Facilities)
Recycling processing facilities	--	--	C	C	Chapter 9.280 (Recycling Facilities)
Religious institutions	P	P	P	P	
Restaurant	P	P	P	P	Chapter 9.250 (Alcohol sales)
Residential care facility	--	C	--	--	Chapter 9.270 (Community Care Facilities)
Restaurants with breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption	C	C	C	C	Chapter 9.250 (Alcohol sales)
Self-Storage, public storage facilities	C	--	C	P	
Shooting range; Indoor	--	--	C	--	
Shooting range; Outdoor	--	--	--	--	
Simulated shooting games, Indoor (laser tag, etc.)	C	--	C	--	
Simulated shooting games, Outdoor (paintball, etc.)	--	--	--	--	
Solid Waste Disposal	--	--	--	C	
Specialized Retail	P	--	P	--	

**Table 9.135.030-1 Commercial and Industrial Zones - Allowed Uses and Approval Requirements**

Allowed Use	CR	CO	BP	HI	Additional Requirements
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks stadiums, and commercial swimming pools) Indoor Outdoor	P C	-- --	C C	-- --	
Studios for professional work in or teaching of any form of fine arts	P	C	P	--	
Swap Meets (Indoor only)	C	--	--	C	All activities must be conducted indoors.
Tattoo Establishments	C	C	C	--	Chapter 9.265 (Tattoo Establishments)
Theater	C	--	C	--	
Tourist information centers	P	P	P	--	
Towing services (with tow truck parking - no auto storage)	--	--	P	P	
Towing services (with tow truck parking and auto storage)	--	--	--	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Transportation Stations (bus, railroad and taxi)	P	P	P	P	
Trucking and freighting operations	--	--	--	C	
Uniform supplier and industrial launderers	--	--	C	P	
Utility offices, uses, and structures	P	P	P	P	
Vehicle storage and impoundment within an enclosed building	--	--	P	P	
Vocational/trade school;	C	--	P	C	
Warehouse/club store, Standalone facility 50,000 sq. ft. or larger	C	--	C	--	
Wholesale businesses with samples on the premises but not including storage	P	--	P	--	
Wholesale stores and distributors	--	--	C	--	
Wireless Communication Facilities	C	C	C	C	Chapter 9.290 (Wireless Communications Facilities)

(2022-351, 09/21/2022;2022-356, 10/05/2022;2023-365, 02/01/2023;2023-369, 04/05/2023)

**9.135.040 Development Standards** CR CO BP HI

The development standards listed below are the minimum standards for development within the respective zones. Separate development standards have been established for developments on a single lot and for those commercial shopping centers or industrial planned developments which multiple structures on one or more lots.

Table 9.135.040-1 Commercial and Industrial Zones - Development Standards for Developments within Planned Shopping Centers or Industrial Parks					
Standard	CR	CO	BP	HI	Additional Requirements
<b>MINIMUM LOT DIMENSIONS</b>					
Net Lot Area (Acre)	5	5	10	10	
<b>FLOOR AREA RATIO</b>					
Minimum	0.20	0.25	0.25	0.15	
Maximum	0.35	1.0	0.60	0.50	
<b>YARDS/SETBACKS (Minimum)</b>					
Yard Adjacent to Street (Feet):					
Arterial/Major/Secondary/Expressways <sup>1</sup>	25	25	25	25	
Collector	20	20	20	20	
Local	15	15	15	15	
Yard Adjacent to Residential Zone (Feet)	25	25	50	50	
Interior Side Yard (Feet)	0	0	0	0	
Rear Yard (Feet)	15	10	10	25	
Minimum Building Separation (Feet):					
One story:	10	15	15	15	
Two stories:	15	20	20	20	
Three or more stories:	20	25	25	25	
<b>BUILDING HEIGHT (Maximum)</b>					
Principal Building (Feet)	50	50	50	50	
<b>BUILDING COVERAGE (Maximum)</b>					
Building Coverage (Percent)	30%	50%	40%	40%	
<b>OPEN SPACE COVERAGE (Minimum)</b>					
Landscaped Open Space Required (Percent)	20%	25%	25%	20%	
<b>FENCES, WALLS, HEDGES, SCREENING</b>					
Fence wall or hedge – maximum height (feet)	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (feet)	6/8	N/A	6/12	6/12	
Notes:					
1. Roadway classifications per the General Plan Circulation Element					

Table 9.135.040-2 Commercial and Industrial Zones - Development Standards for Development on Separate Lots					
Standard	CR	CO	BP	HI	Additional Requirements
<b>MINIMUM LOT DIMENSIONS</b>					
Net Lot Area (Square Feet) <sup>1</sup>	--	20,000	20,000	10,000	
Lot Width (Feet)	--	100	100	75	
Frontage (Feet)	30	60	80	80	
<b>FLOOR AREA RATIO<sup>2</sup></b>					



Minimum	0.20	0.25	0.25	0.15	
Maximum	0.35	1.0	0.60	0.50	
<b>YARDS/SETBACKS (Minimum)</b>					
Yard Adjacent to Street (Feet):					
Arterial	25	25	25	25	
Collector	20	20	20	20	
Local	15	15	15	15	
Yard Adjacent to Residential Zone (Feet)	25	25	50	50	
Interior Side Yard (Feet)	0	0	0	0	
Rear Yard (Feet)	15	10	10	25	
<b>BUILDING HEIGHT (Maximum)</b>					
Principal Building (Feet)	50	50	40	40	
<b>BUILDING COVERAGE</b>					
Maximum (Percent)	30%	50%	40%	40%	
<b>OPEN SPACE COVERAGE (Minimum Percent)</b>					
Landscaped Open Space Required (Percent)	20%	25%	25%	20%	
<b>FENCES, WALLS, HEDGES, SCREENING (Feet)</b>					
Fence wall or hedge – maximum height (Feet)	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (Feet)	6/8	N/A	6/12	6/12	
<p><u>1.</u> All legal commercial and industrial lots in existence prior to the adoption of this ordinance shall be treated as conforming lots with respect to lot sizes.</p> <p><del>4-2.</del> See Section 9.295.025 Multifamily Housing in Commercial Zones to determine density allowed in commercial zones subject to AB2011 and SB6.</p>					

(Ord. No. 2022-351, 09/21/2022)

## Chapter 9.140 Economic Development Corridor Zones

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9.140.050 Special Requirements for Mixed Uses and Residential Uses in Economic Development Corridor Zones

### 9.140.010 Purpose

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The purpose of this chapter is to establish business districts in the City that provide appropriate locations for commercial, office, industrial and economic development. These districts are consistent with and implement the City’s General Plan.

### 9.140.020 Description and Intent of Zone EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

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The following descriptions identify the characteristic uses, intensity of uses, and level of development intended for each zone:

- A. **Economic Development Corridor Northern Gateway (EDC-NG).** Envisioned as a business park area with more intensive industrial uses (less office) than envisioned for the Scott Road EDC area. Provides a buffer and transition between the commercial uses in Perris to the north and the residential uses in Menifee, south of McLaughlin Road.
- B. **Economic Development Corridor McCall Boulevard (EDC-MB).** Envisioned as a mix of office, medical, and residential uses (assisted living, senior apartments, townhomes, etc.) that would be compatible with the Regional Medical Center and would provide health-related services in close proximity to Sun City residents.
- C. **Economic Development Corridor Community Core (EDC-CC).** The Community Core is envisioned as the City’s primary activity center and gathering place. Civic and entertainment uses are envisioned here that are complemented with commercial retail uses and higher density housing options that encourage walkability and reduce the use of the automobile. This area is intended to function as the ceremonial “heart” or downtown of the City of Menifee and will serve as a transition from existing rural lots to more concentrated retail and office development moving east toward I-215.
- D. **Economic Development Corridor Newport Road (EDC-NR).** The Newport Road Corridor is intended to provide neighborhood-oriented commercial uses that support the adjacent residential development to the north and south. Business park, office, or residential uses are envisioned along Bradley Road, to provide a buffer the commercial corridor and a logical transition to the adjacent single-family residential neighborhoods to the north.
- E. **Economic Development Corridor Southern Gateway (EDC-SG).** Southern Gateway will feature a business park style of development consisting of light industrial and office uses, with commercial use opportunities. The objective is to allow development while preserving the rural character of the Southern Gateway area.

**9.140.030 Allowed Uses and Approval Requirements** EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

- A. **Allowed Use Table.** Table 9.140.030-1 identifies allowed uses and corresponding approval requirements for the EDC zones subject to compliance with all other provisions of this Title. Descriptions/definitions of many of the land uses can be found in [Article 6](#) of this title (Definitions). The list of land uses, with the exception of prohibited uses, on Table 9.140.030-1 shall be permitted in one or more of the EDC zones as indicated in the columns corresponding to each zone.
- B. **Approval Requirements.** Where indicated with a letter “P” the use shall be a permitted use. A letter “C” indicates the use shall be conditionally permitted subject to the approval of a conditional use permit. Where indicated with a “--,” the use is prohibited within the zone. The Additional Requirements column in the table identifies additional use regulations for specific uses and/or the specific chapter or section where additional regulations for that use type are located within this title, where applicable. Uses for which additional requirements are listed shall be allowed only upon satisfaction of the specified additional requirements. Under no circumstances shall Table 9.140.030-1 authorize a use without satisfaction of such specified additional requirements
- C. **Unlisted Uses.** Uses not specifically listed in this table shall be considered not permitted in all of the listed zones. The Community Development Director may make a determination pursuant to [Chapter 9.95](#) (Similar Use Determination) that new uses not listed here that have substantially similar characteristics to specific listed permitted uses may be considered permitted as the similar use by right, or conditionally as appropriate.

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Accessory dwelling units	P	P	P	P	P	As allowed by State law
Adult businesses	--	--	--	--	--	See XX (Adult Use Ordinance)
Airport	C	--	--	--	--	
Ambulance services	P	C	C	C	P	
Amusement and game arcade	--	--	P	C	P	
Amusement park(including multiple activities such as simulated flying, racing, mini-golf, etc.)	P	C	C	C	P	
Indoor	--	--	C	C	--	
Outdoor						
Art gallery, art studio, library, reading room, museum	P	P	P	P	P	
Auction Houses:	P	P	P	P	P	
Indoor	C	--	--	--	--	
Outdoor						
Auditoriums, event centers and assembly areas, including live entertainment:	C	C	P	C	P	Chapter 9.250 (Alcohol Sales)
Indoor	--	C	C	--	--	
Outdoor						
Banks and financial institutions	P	P	P	P	P	
Batting cages – indoor	P	P	P	P	P	
Outdoor	C	C	C	C	C	



**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Billiard and pool halls, Bowling alleys	P	C	P	C	P	Chapter 9.250 (Alcohol Sales)
Breweries, distilleries, and wine making facilities with on-site tasting room and sales for off-site consumption	P	P	P	P	P	Chapter 9.250 (Alcohol Sales)
Business Services	P	P	P	P	P	
Car washes	P	C	C	P	--	
Caretaker residence or on-site operator residence, only as accessory to primary use	P	--	--	--	P	
Catering services	P	C	C	C	P	Includes truck parking
Cemeteries, crematories and mausoleums	C	C	--	C	C	
Clinics, including but not limited to medical and urgent care.	P	P	P	P	P	
Collection Containers	--	--	--	--	--	
Commercial radio and television broadcasting	C	C	C	C	C	
Community center	P	P	P	P	P	
Concrete batch plants and asphalt plants	--	--	--	--	--	
Congregate care facility	--	C	C	C	--	Chapter 9.270 (Community Care Facilities)
Contractor, landscape and building materials storage yards (new)	--	--	--	--	--	
Contractor, landscape and building materials storage yards (legally existing as of the effective date of this ordinance)	C	--	--	--	C	
Convalescent hospital/care facility	--	P	C	C	C	
Dance Halls, night clubs, discos, cabarets, cocktail lounges, lodges and incidental dancing areas, and similar facilities where dancing is the principal use	C	C	C	C	C	Chapter 9.250 (Alcohol Sales)
Day Care Center	C	C	C	C	C	Chapter 9.270 (Community Care Facilities)
Dry cleaning and laundromat (except uniform supply and industrial launderers);	--	C	P	P	C	
Educational Institution	C	C	C	C	C	
Emergency shelters <sup>±</sup>	P	P	P	P	P	As mandated by State law and City Housing Element. <u>See footnote<sup>±</sup> below-Chapter 9.295 (Special Housing Types)</u>

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Equipment (new) sales, Large (including large vehicles, trucks with beds over 18 feet in length, eighteen plus (18+) wheelers, and construction equipment)	P	--	--	--	C	May not be located within 1,000 feet of the freeway right-of-way.
Equipment (new) sales Small (including rototillers, power mowers, sanders, power saws, cement and plaster mixers not exceeding 20 cubic feet in capacity and other similar equipment)	P	C	C	C	C	May not be located within 1,000 feet of the freeway right-of-way.
Fast food/quick service, with drive-through;	C	C	C	C	C	
Fast food/quick service, without drive-through	P	P	P	P	P	
Feed and grain sales	C	--	--	P	C	
Fertilizer production and processing organic or inorganic	--	--	--	--	--	
Gas station with or without a convenience store, with or without alcoholic beverage sales, and with or without car wash	C	C	C	C	C	<a href="#">Chapter 9.250</a> (Alcohol Sales). In SG-May not be located south of Scott Road.
General Retail	P	P	P	P	P	
Golf Course	--	C	C	C	--	
Golf driving range (not in association with full scale course)	C	C	C	C	C	
Governmental facility	P	P	P	P	P	
Grocery Store, Drug Store	P	P	P	P	P	<a href="#">Chapter 9.250</a> (Alcohol Sales)
Guns and ammunition store	C	--	C	C	C	
Hardware or Building Supplies Sales without outdoor sales/storage	P	P	P	P	P	
Hardware or Building Supplies Sales with outdoor sales/storage	C	C	C	C	C	
Health, fitness, dance, martial arts studio	P	P	P	P	P	
<5,000 sq.ft.	C	C	C	C	C	
>5,000 sq.ft.						
Heliports	C	C	C	C	C	
Hospital	C	C	C	C	C	
Hotels and resort hotels	P	P	P	P	P	
Kennel or cattery	C	C	C	C	C	<a href="#">Chapter 9.235</a> (Animal Keeping)
Live/work units <sup>(2)</sup>	C	C	C	C	C	
<a href="#">Low Barrier Navigation Center</a>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<a href="#">Chapter 9.295</a> (Special Housing Types)
Manufacturing, Handcraft	P	C	P	C	P	
Manufacturing, Light-Intensity	P	C	P	C	P	
Manufacturing, Medium-Intensity	P	--	--	--	P	

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Manufacturing, Heavy-Intensity	C	--	--	--	--	
Marijuana dispensaries, mobile marijuana dispensaries, marijuana cultivation, and marijuana processing	--	--	--	--	--	
Massage Establishment	P	C	C	C	C	
Meat packaging plants, poultry and egg processing, processing and rendering of fats and oils	--	--	--	--	--	
Membership clubs, organizations, and lounges	C	C	C	C	C	
Mobile home sales and storage, trailer sales and rental house trailers	C	--	--	--	--	
Motocross Facilities, Bicycle (BMX) course	C	--	--	--	--	
Motor vehicle body, paint and upholstery shops	P	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repair/services (e.g. tune-ups, emission tests, brakes, tires, batteries, electrical)	P	P	C	P	P	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle repairs - major (e.g., engine and transmission repair/rebuild, etc.)	C	C	--	C	C	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle sales and rental (including outdoor display area and repairs associated with sales): Automobiles Sales Automobile Rental Boats and RVs Sales and Rental	C C C	C C C	C* C C	C C C	C C C	Chapter 9.240 (Motor Vehicle and Related Uses). *P - Permitted in the EDC-CC Auto Overlay
Motor vehicle wholesale, with no outdoor display	C	--	--	--	--	
Motor vehicle wrecking and junk yards	--	--	--	--	--	Chapter 9.240 (Motor Vehicle and Related Uses)
Motor vehicle, trailer or boat storage – Indoor Outdoor	-- --	-- --	-- --	-- --	-- --	
Motorcycle sales/service	C	P	C	P	P	
Multi-family dwellings	C	C	C	C	C	Subject to Section 9.140.050 (Special Requirements for Mixed Uses and Residential Uses in EDC Zones). May not be located within 1,000 feet of the I-215 right-of-way.



**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
<u>Multi-family dwellings in commercial zones per AB 2011 &amp; SB 6.</u>	=	P	P	P	=	<u>Chapter 9.295 (Special Housing Types) must meet affordable or mixed income criteria per AB 2011 or criteria per SB6.</u>
Natural gas, above ground storage	C	--	--	--	C	
Nurseries and garden supply, indoor and outdoor (retail sales only)	C	C	C	C	C	Does not include cultivation of marijuana/cannabis. No outdoor bulk materials.
Offices (professional and medical)	P	P	P	P	P	
Outdoor dining	P	P	P	P	P	Chapter 9.260 (Outdoor Sales, Display, and Dining)
Parking lots and parking structures.	P	C	C	P	P	
Personal Services	C	P	P	P	C	
Pet shops, pet supply, and pet care and grooming	P	P	P	P	P	
Public utility substations, offices and storage buildings	P	P	P	P	P	
Recording studios	P	P	P	P	P	
Recycling collection facilities	C	C	--	C	C	Chapter 9.280 (Recycling Facilities); May not be located within 1,000 feet of the freeway right-of-way.
Recycling processing facilities	C	--	--	--	--	Chapter 9.280 (Recycling Facilities); May not be located within 1,000 feet of the freeway right-of-way.
Religious Institutions	C	C	C	C	C	
Research and development (except noxious, explosives, or dangerous materials)	P	--	P	--	P	
Residential care facility	C	C	C	C	C	May not be located within 1,000 feet of the I-215 right-of-way.
Restaurants	P	P	P	P	P	Chapter 9.250 (Alcohol sales)
Restaurants with ancillary breweries, distilleries and/or wine making facilities with sales for on-site and off-site consumption	P	P	P	P	P	Chapter 9.250 (Alcohol sales)
Self-Storage, public storage facilities (new)	--	--	--	--	--	

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Self-Storage, public storage facilities with or without manager's residence onsite (existing as of the effective date of this ordinance)	C	C	C	C	C	May expand only within the footprint of the existing development/property.
Shooting range; Indoor	P	C	C	C	C	
Shooting range; Outdoor	--	--	--	--	--	
Single-family residences	C	C	C	C	C	Requires tentative tract map approval. May not be located within 1,000 feet of the I-215 right-of-way.
Smoking Lounge	C	C	C	C	C	
Solid Waste Disposal	--	--	--	--	--	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, skate parks, stadiums, and commercial swimming pools)	C	C	C	--	C	
<u>Supportive Housing</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Swap Meets (Indoor only)	--	--	--	--	--	
Tattoo Establishments	C	C	C	--	--	Chapter 9.265 (Tattoo Establishments)
Theaters	C	C	P	C	P	
<u>Transitional Housing</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Towing services (with tow truck parking, no auto storage)	p	C	--	--	C	
Truck stops	--	--	--	--	--	
Trucking and freighting operations	C	C	--	--	C	
Vocational/trade school;	P	C	C	C	P	
Warehouse (except noxious, explosives, or dangerous materials)	P	--	--	--	--	
Fulfillment Center	P	--	--	--	--	
Warehousing, logistics and distribution facility						
Warehouse/club store, Standalone facility 50,000 sq. ft. or larger	C	C	C	C	C	
Warehouse/club store, Standalone facility under 50,000 sq. ft.	P	P	P	P	P	
Wedding chapels	C	C	C	C	C	
Wholesale businesses with samples on the premises but not including storage.	P	P	P	P	P	
Wholesale stores and distributors	C	C	C	C	C	
Wireless Communication Facilities	C	C	C	C	C	Chapter 9.290 (Wireless Communication Facilities)

**Table 9.140.030-1 Economic Development Corridors Zones Allowed Uses and Approval Requirements**

Allowed Use	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
<b>FOOTNOTES:</b> 1. Emergency Shelters shall: A. Provide on-site facilities management personnel during all hours that the emergency shelter is in operation. B. Be located no less than 300 feet from another emergency shelter. C. Provide adequate lighting to illuminate the entire outdoor and parking areas of the property. D. Provide security during all hours that the emergency shelter is in operation.						

(2022-337, 03/16/2022;2022-351, 09/21/2022;2023-365, 02/01/2023)

**9.140.040 Development Standards** EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

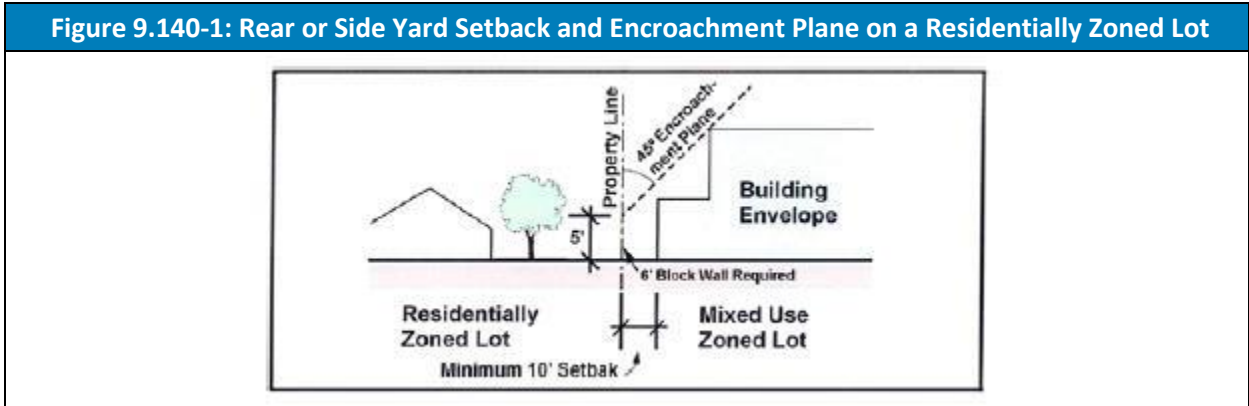
The development standards listed below are the minimum standards for development within the respective zones.

**Table 9.140.040-2 Economic Development Corridors Zones - Development Standards**

Standard	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
<b>LOT DIMENSIONS (Minimum)</b>						
Net Lot Area (Sq. Ft.)	15,000	15,000	15,000	10,000	20,000	
<b>FLOOR AREA RATIO</b>						
Maximum	1.0	1.0	1.0	1.0	1.0	
<b>YARDS/SETBACKS (Minimum)</b>						
Front Yard	25	25	25	25	25	Mixed Use Setback Requirements: 9.40.080.B
Yard Adjacent to Residential Zone (Feet)	25	25	25	25	25	No buildings or structures shall be located within an encroachment plane sloping upward and inward to the site at a 45-degree angle, commencing 15 feet above the existing grade at the property line (see Figure 9.140-1: Rear or Side Yard Setback and Encroachment Plane on a Residentially Zoned Lot).
Interior Side Yard (Feet)	--	--	--	--	--	
Street Side Yard Setback	15	15	15	15	25	
Rear Yard (Feet)	10	15	15	15	10	
<b>BUILDING HEIGHT (Maximum)</b>						
Building Height (Feet)	100	45	75	45	75	
<b>BUILDING COVERAGE (Maximum)</b>						
Building Coverage (Percent)	--	--	--	--	--	
<b>OPEN SPACE COVERAGE (Minimum)</b>						



Table 9.140.040-2 Economic Development Corridors Zones - Development Standards						
Standard	EDC-NG	EDC-MB	EDC-CC	EDC-NR	EDC-SG	Additional Requirements
Landscaped Open Space Required (Percent):	10%	10%	10%	10%	10%	Percent of the total lot area excluding that portion of the lot contained within the required front setback area.
<b>FENCES, WALLS, HEDGES, SCREENING (Feet)</b>						
Fence wall or hedge – maximum height (Feet)	6	6	6	6	6	
Fence wall or hedge screening outdoor storage –minimum/max height (Feet)	6/12	6/8	6/8	6/8	6/12	



**9.140.050 Special Requirements for Mixed Uses and Residential Uses in Economic Development Corridor Zones** EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG

- A. **Intent of Mixed Uses.** The mixed-use allowances within the Economic Development Corridor (EDC) Zones are intended to enhance, revitalize, and provide opportunities for new development in designated areas of the community. This allows for retail and service commercial businesses (local and regional) and moderate- to high-density residential uses to be integrated vertically ~~or horizontally for the benefit of the community~~ consistent with the General Plan.
- B. **Mixed Use Setback Requirements.** Within the required front setback area, paved walkways for pedestrian use shall be augmented with landscaping such as planters and trees. Elements enhancing the pedestrian experience shall be incorporated into the design of the front setback, including but not limited to, benches, lighting schemes, and decorative paving.
  1. Mixed-use developments where the front lot line abuts a major traffic corridor must have a minimum front yard setback of 40 feet.
  2. Mixed-use developments where the front lot line does not abut a major traffic corridor must have a minimum front yard setback of 25 feet.

- C. **Mixed Use Notification Requirements.** The following notification requirements for mixed use developments in a designated EDC district apply:
1. Residents (owners and tenants) of new residential and mixed-use development projects in an Economic Development Corridor Zone where residential uses are allowed shall be notified in writing before taking up residence that they will be living in an urban-type environment and that noise levels may be higher than a strictly residential area.
  2. The conditions of approval of a residential or mixed-use project within an Economic Development Corridor Zone will require prospective residents to acknowledge the receipt of the written noise notification. Signatures shall confirm receipt and understanding of this information.
- D. **Restrictions on Land Uses and Activities in a Vertically Integrated Mixed-Use Development.** Economic Development Corridor Zones featuring vertically integrated mixed-use developments shall be subject to the following use limitations:
1. Commercial, office or institutional development component shall comprise a minimum of 0.3 FAR of the overall development.
    - a. A project consisting entirely of deed-restricted affordable housing will not be required to have a commercial feature component but shall be limited to the EDC districts' residential percentage limit of the City's General Plan.
    - b. Commercial storefronts in the Community Core and Southern Gateway Zones are required along street frontages. Residential development(s) are not allowed street frontage in these EDC Zones.
    - c. Live-work units are allowed as part of a mixed-use development. Dwelling areas in multi-family residential units are not allowed to be devoted solely to a commercial, office, or production activity.
  2. *Prohibited Land Uses and Activities in a vertically integrated mixed-use development.* The following activities are prohibited within vertically integrated mixed-use developments:
    - a. General auto repair including paint or body work, auto maintenance or similar use.
    - b. Manufacturing or industrial activities, including, but not limited to, welding, machining or open flame work, except those necessary as part of an art or jewelry producing activity.
    - c. Any other activity, as determined by the Community Development Director to be incompatible with residential activities and/or to have the possibility of adversely impacting the health or safety of residents due to the potential for the use to create late-night activity, dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous because of materials, processes, products or wastes, within individuals units or to adjoining/surrounding units.
  3. *Loading and unloading activities.* Conditions of approval for a mixed-use development shall indicate the times when the loading and unloading of goods, products, supplies or similar items will occur. Loading or unloading activities are prohibited between 10:00 p.m. and 7:00 a.m. the following morning on any day of the week.
  4. *Conversion to Residential.* A mixed-use building shall not be converted to entirely residential use unless the development is consistent with all of the standards of this chapter, including 9.140.050.D.1.b and 9.140.050.E.2 regarding street frontage and freeway adjacency. The

conversion project proposal must first be reviewed and approved by the Planning Commission. A certificate of occupancy for the conversion is required.

- E. **Special Requirements for Residential Uses in EDC Zones.** All residential uses in EDC zones shall be subject to the following provisions:

- ~~1. Residential uses shall not exceed 15% of the total Economic Development Corridor acreage.~~
- ~~2.1. Residential developments shall be integrated vertically with non-residential uses and shall not be are-allowed as "stand alone" projects or but not allowed on EDC parcels directly adjacent to a freeway (residential developments may not be located within 1,000 feet of the I-215 right-of-way per table above and General Plan).~~
- ~~3.2. New residential developments in the Economic Development Corridor Zones are required to include a commercial, office or institutional component and/or enter into an agreement with the City for the development of a commercial, office or institutional facility on another property within the same Economic Development Corridor Zone and within a specified time period.~~
- ~~4.3. Residential density limitations are established within the General Plan and are in addition to other applicable requirements of this chapter.~~

- F. **Single Family Residential Developments in EDC Zones.** Single Family residential uses in EDC zones shall be subject to the following requirements:

1. Single-family dwellings existing as of the effective date of the Ord. 2015-180, passed 11-18-2015 in an Economic Development Corridor Zone shall be considered as permitted uses and shall be subject to development standards for LDR-2 zone, as set forth in [Chapter 9.130](#) of this Title or other zone as determined by the Community Development Director.
2. Tract maps approved prior to the effective date of this chapter located within any Economic Development Corridor Zone shall be considered a permitted residential use and shall be subject to the appropriate Residential Zone development standards of [Chapter 9.130](#) of this Title, as determined by the Community Development Director.
- ~~3. Single family residential portions of mixed use developments shall be subject to the development standards of the appropriate residential zone in Chapter 9.130, as determined by the Community Development Director.~~

- G. **Multi-Family Residential Developments in EDC Zones.** Multi-family residential uses shall be subject to the development standards of the appropriate zone in [Chapter 9.130](#), as determined by the Community Development Director.

- H. **Mixed-Use Multi-Family Developments in EDC Zones.** The provisions of this section shall apply to multi-family residential portions of mixed-use developments in addition to other applicable requirements of this chapter.

1. *Maximum Number of Bedrooms per Unit.* No single dwelling unit shall have more than 4 bedrooms, unless otherwise approved by the Planning Commission.
2. *Residential Building Separation.* Residential developments and residential portions of mixed-use developments shall meet the minimum building separation requirements as established below:



Minimum Building Separation (Same Recorded Lot)	
From 1 story to 1 story building	15 ft.
From 1 story to 2 story building	20 ft.
From 2 story to 2 story building	20 ft.
Additional story either building	20 ft. plus 5 ft. per additional story above 2 for either building

3. *Elevation of First Floor.* The first habitable floor of a residential-only building shall be located not more than 4 feet above and not more than one foot below the elevation of the adjacent sidewalk or the finished grade 8 feet from of the foundation.
4. *Open space, recreation and leisure area requirements for residential components of integrated mixed-use developments.* Residential components of mixed-use developments shall provide open space, recreation, and leisure areas at a minimum of 300 square feet per dwelling unit. The following spaces shall contribute to the open space, recreation area, and leisure area requirement:
  - a. *Private Open Space.* Private open space shall be provided at each unit. Private open space may be provided in the form of a patio, yard, balcony or combination thereof and shall be directly adjacent to and accessible from each unit. Private open space shall have a minimum area of 90 square feet, with a minimum depth dimension of 6 feet and a minimum width dimension of 10 feet.
  - b. *Active Recreation Areas.*
    - i. Active recreation areas shall include one or more of the following: spa, pool, indoor equipped work-out room(s), tennis, volleyball, racquetball courts, basketball half court, or other similar usable recreational activities as determined acceptable by the Planning Commission during a discretionary review. Active recreation areas shall be open to and accessible to all residents of the mixed-use complex. The required active recreational amenities shall be based on a needs assessment evaluation of the proposed project. The evaluation shall take into consideration the following criteria:
      - a. Size and shape of active recreation area;
      - b. Location and placement of buildings;
      - c. Diversity of recreational amenities needed based upon anticipated resident mix;
      - d. Number of units, size mixture of units, and lot size.
    - ii. Active recreation areas shall not be less than 20 feet in width or depth. Increased dimensions may be required through the discretionary review process based upon specific project circumstances and the intended use of that active recreation area.
    - iii. Active recreation areas may be located indoors, in outdoor portions of habitable levels, or on roof decks. Active recreational areas located in this manner shall not contribute more than 50% of the required open space, recreation, and leisure areas, unless otherwise approved by the Planning Commission.
    - iv. Active recreation areas shall be buffered from adjacent residentially zoned lots. Active recreation areas that feature such activities as pools, spas, court activities

shall be placed and operated so as not to infringe upon the peacefulness of nearby residential units or adjoining residential properties.

- c. *Passive Recreation Areas.* Passive recreation areas shall incorporate pathways, waterscape, hardscape (i.e., large rocks or boulders, benches, gazebos, raised planters constructed on site of bricks, concrete or rocks, or other materials) and unique features that enhance the appearance, desirability and usability of the area. The intent is to provide landscaped areas that can be utilized for walking, sitting, viewing plants and vegetation, reading, and similar types of passive activities. Passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. These areas shall not contribute more than 50% of the required open space, recreation and leisure areas. An area designated as a "Community Garden" may contribute up to 25% of the required open space, recreation and leisure area(s) of a residential development.
  - d. *Mixed Use Shared Passive Recreation Areas.* Passive recreation areas and joint use patios and plazas may contribute to the requirement for open space, recreation and leisure areas. Passive areas are generally shared with commercial, office or institutional components in a mixed-use development. Passive recreation areas do not include areas used for outdoor dining, fenced or otherwise restricted for use by a single business or tenant. Shared passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. Such areas shall not contribute to more than 25% of the required open space, recreation and leisure areas.
5. *Additional multi-family residential unit requirements.* Each residential unit in a multi-family component of a mixed-use development shall comply with the following requirements:
- a. *Laundry Facilities.* Each unit shall be provided with washer and dryer hookups and laundry space within the unit. For apartment units, common laundry facilities may be provided.
  - b. *Storage Facilities.* Each unit shall be provided with a separate storage area having a minimum of 300 cubic feet of private and secure storage space. This storage space may be located within the parking garage provided it does not interfere with garage use for automobile parking. Closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.

## Chapter 9.180 Density Bonuses, Incentives, and Concessions

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### 9.180.010 Purpose

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This chapter implements the statutory requirements set forth in Government Code Sections 65915–65918 (known as state density bonus law). To the extent practicable, the citation to the governing statutory provision is included next to the implementing ordinance section. If any provision of this chapter conflicts with state law, the latter shall control. Applicable statutes should be consulted for amendments prior to applying the ordinance provision.

### 9.180.020 Applicability

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The density bonuses, incentives and concessions contained in this chapter shall apply to housing developments eligible for a density bonus under state density bonus law. When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the City’s jurisdiction that meets the requirements set out in California Government Code Section 65915, the actions and procedures set out in this chapter shall apply. The burden is on the applicant to show that the housing development meets such requirements. The density bonus provisions of California Government Code Section 65915 et seq., as may be amended from time to time, are incorporated by reference into this chapter. The City reserves the right to review applications for a density bonus in accordance with state density bonus law. Please refer to the Chapter 9.305 (Special Standard and Use Definitions) of this Development Code for definitions applicable to the density bonus provisions of this Chapter.

### 9.180.030 Eligibility for Density Bonus and Incentives

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- A. Density bonuses are available to affordable housing developers in accordance with this chapter for the following:
1. Housing developments, including a shared housing building development, for rental or sale to lower income households, which include a minimum affordable housing component (Section 9.180.060 and Section 9.180.070-A115).
  2. Housing developments which include a minimum affordable housing component and a childcare facility (Section 9.115180.070).
  3. Senior citizen housing developments, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code. A senior housing development may also include a shared housing building development. (Section 9.180.080).
  4. Housing development which includes a minimum affordable housing component for transitional foster youth, disabled veterans, or homeless persons (Section 9.180.090).
  5. Student housing developments which include a minimum affordable housing component (Section 9.180.100).
  6. Land donations for very low-income housing (Section 9.180.110115.090).
  - 6-7. Commercial development partnering with an affordable housing developer which includes a minimum affordable housing component (Section 9.180.117).
- B. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels (Government Code Section 65915(i)).

### 9.180.040 Application and Required Fees

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- A. **Application Filing and Processing.** When an applicant seeks a density bonus for a housing development that meets the criteria in Section 9.180.060, the affordable housing developer shall comply with all the following requirements:
  - 1. File an application for a density bonus in accordance with this section that includes a minimum affordable housing component, whether or not the project also requires or has been granted a conditional use permit or other permits or approvals (Government Code Section 65915(d)(1)).
  - 2. State in the application the specific minimum affordable housing component proposed for the housing development (Government Code Section 65915(b)(2)).
  - 3. Enter into an agreement with the City or its designee pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement) to maintain and enforce the affordable housing component of the housing development (Government Code Section 65915(c)).
  
- B. **Application Fees.** Application fees shall be collected in accordance with Section 9.30.020 (Applications and Fees).
  - 1. If an application for a density bonus requires an unusual amount or specialized type of study or evaluation by City staff, consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant, and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

**9.180.050 Effect of Proposal for Waiver or Reduction of Development Standards**

A proposal for the waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Government Code Section 65915(d).

**9.180.060 Density Bonus Allowance for Housing Development with Affordable Housing Component**

- A. If the requirements of Section 9.280.030 (Eligibility for Density Bonus and Incentives) are met, the affordable housing developer is entitled to a density bonus pursuant to Government Code Section 65915(f) as shown in Table 9.180.060-1, Density Bonus Allowance for Housing Development Projects with Affordable Housing Component.

Table 9.180.060-1 Density Bonus Allowance for Housing Development Projects with Affordable Housing Component*					
Household Income Category	Minimum Percentage of Affordable Units**	Minimum Density Bonus	Additional Density Bonus for Each 1% Increase in Affordable Units	Maximum Percentage of Affordable Units	Maximum Possible Density Bonus
<b>Affordable Housing Development</b>					
Very Low Income	5%	20%	2.50% <u>up to 11% affordable units</u>	11%	35%

Table 9.180.060-1 Density Bonus Allowance for Housing Development Projects with Affordable Housing Component*					
Household Income Category	Minimum Percentage of Affordable Units**	Minimum Density Bonus	Additional Density Bonus for Each 1% Increase in Affordable Units	Maximum Percentage of Affordable Units	Maximum Possible Density Bonus
	12%	38.75%	3.75% up to 15% affordable units	15%****	50%
	100%*****	80%	-	100%	80%
Low Income	10%	20%	1.50% up to 20% affordable units	20%	35%
	21%	38.75%	3.75% up to 24% affordable units	24%****	50%
	100%*****	80%	-	100%	80%
Moderate Income (Common Interest Developments)***	10%	5%	1% up to 40% affordable units	40%	35%
	41%	38.75%	3.75% up to 44% affordable units	44%****	50%
	100%*****	80%	-	100%	80%

\*All density bonus calculations resulting in fractions are rounded up to the next whole number (Government Code Section 65915(f)(5)).

\*\*Affordable unit percentage is calculated excluding units added by a density bonus.

\*\*\*Moderate income density bonus applies to for sale units, not rental units.

\*\*\*\*No additional density bonus provided for increase in percentage of affordable units above percentage shown, unless 100% affordable units.

\*\*\*\*\*Applies when 100% of the total units (other than manager's unit) are restricted to very low, lower, and moderate income (maximum 20% moderate).

B. As demonstrated in Table 9.180.060-1, the amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable units offered by the applicant exceeds the percentage of the minimum affordable housing component; the applicant may also elect to accept a lesser percentage of density bonus (Government Code Section 65915(f)).

C. Bonus units are not subject to affordability restrictions in addition to the number of affordable units required to qualify for the density bonus.

C. ~~All density calculations resulting in fractional units shall be rounded up to the next whole number (Government Code Section 65915(f)(5)).~~

### 9.180.070 Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility

A. **Criteria.** For a density bonus to be granted pursuant to Subsection 9.180.070.B relative to a minimum affordable housing component with a childcare facility in a housing development, all of the following shall be satisfied:

1. The development complies with Section 9.2180.030 (Government Code Section 65915(h)(1)).
2. The housing development includes a childcare facility that will be located on the premises of, as part of, or adjacent to the housing development (Government Code Section 65915(h)(1)).



3. Approval of the housing development is conditioned to ensure that both of the following occur:
  - a. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to Section 9.180.190 (Government Code Section 65915(h)(2)(A)).
  - b. Of the children who attend the childcare facility, the children of very low-income households, low-income households, or moderate-income households shall constitute a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective minimum affordable housing component income category for which the density bonus is sought (Government Code Section 65915(h)(2)(B)).
- B. The City is authorized to not provide a density bonus as provided in this section upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).
- C. Density Bonus Allowance. If the requirements of Subsection 9.180.070.A are met, an applicant for a housing development with an affordable housing component and childcare facility is entitled to:
  1. A density bonus pursuant to Section 9.180.060 (Density Bonus Allowance for Housing Development with Affordable Housing Component); and
  2. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility (Government Code Section 65915(h)(1)(A)).

### **9.180.080 Density Bonus for Senior Citizen Housing Development**

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An applicant for a senior citizen housing development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5 is entitled to a density bonus of 20% of the number of senior citizen housing development units, ~~up to a maximum of 50%~~ (Government Code Section 65915(b)(1)(C)&(f)(3)(A)). ~~No affordable units are required for senior units.~~

### **9.180.090 Density Bonus for Housing Development with Affordable Housing Component for Transitional Foster Youth, Disabled Veterans, or Homeless Persons**

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An applicant for a housing development which includes a minimum ~~affordable of ten percent of the total units of a housing development component provided at the same affordability level as very low income units and limits residency for that component to individuals qualifying as for~~ transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.) ~~and having the same affordability level as very-low income units,~~ is entitled to a density bonus of 20% of the number of units set aside for transitional foster youth, disabled veterans, and homeless persons (Government Code Section 65915(b)(1)(E)&(f)(3)(B)). ~~The units shall be subject to a recorded affordability restriction of 55 years.~~

### **9.180.100 Density Bonus for Student Housing Development with Affordable Housing Component**

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- A. **Criteria.** For a density bonus to be granted pursuant to Subsection 9.180.100.C relative to a student housing development with minimum affordable housing component, all of the following shall be satisfied.
1. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of approval, provide evidence to the City prior to building permit issuance, that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development (Government Code section 65915(b)(1)(F)(I)).
  2. The applicable 20-percent units will be used for lower income students (Government Code section 65915(b)(1)(F)(II)).
  - ~~1-3.~~ The rent provided in the applicable units of the development for lower income students is calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type (Government Code section 65915(b)(1)(F)(III)).
  - ~~2-4.~~ The housing development gives priority to lower income students experiencing homelessness (Government Code section 65915(b)(1)(F)(IV)).
  - ~~3.~~ The housing development includes a minimum affordable housing component for lower income students as defined by Government Code section 65915(b)(1)(F)(II).
  - ~~4.~~ The development complies with Section 9.280.030 (Government Code Section 65915(b)(1)(F)(I)).
- B. **Unit.** For purposes of calculating a density bonus pursuant to this section, the term “unit” as used in this section means one rental bed and its pro rata share of associated common area facilities.
- C. **Density Bonus Allowance.** If the requirements of Subsection 9.180.100.A are met, an applicant for a student housing development with an affordable housing component is entitled to a density bonus of 35% of the number of student housing units. (Government Code section 65915(F)(3)).

### 9.180.110 Density Bonus for Land Donations

- A. **Criteria.** For a density bonus for a qualified land donation to be granted pursuant to Section 9.180.110.B, all the requirements of this section shall be met.
1. The applicant is applying for a tentative subdivision map, parcel map or other residential development approval (Government Code Section 65915(g)(1)).
  2. The application includes at least a 10% minimum affordable housing component for very low-income households (Government Code Section 65915(g)(1)).
  3. ~~The applicant agrees to donate and transfer qualified land, which is land that meets both the~~An applicant shall be eligible for an increased density bonus described in this section if all of the following criteria and conditions are met:
    - a. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of units affordable to very low-income households in an

amount ~~equal to~~ not less than 10% of the number of residential units of the proposed development pursuant to ~~Section 8116-2.5.1(a)~~ (Government Code Section 65915(g)(2)(B)).

b. The transferred land shall be at least 1 acre in size or of sufficient size to permit development of at least 40 units, have the appropriate General Plan land use designation, be appropriately zoned with appropriate development standards for development at the density described in Government Code Section 65583.2(c)(3), and ~~be is~~ or will be served by adequate public facilities and infrastructure (Government Code Section 65915(g)(2)(C)).

b.c. The qualified land shall be transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to an approved housing developer (Government Code Section 65915(g)(2)(F)).

e.d. The qualified land has all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing affordable units on the qualified land, not later than the date of approval of the final subdivision map, parcel map or residential development application filed. However, the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City prior to the time of transfer (Government Code Section 65915(g)(2)(D)).

d.e. The qualified land shall be donated and transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application (Government Code Section 65915(g)(2)(A)).

e.f. The qualified land and the affordable units are subject to a deed restriction ensuring continued affordability of the units consistent with Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement)~~070 (Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility)~~, which must shall be recorded against the qualified land at the time of the transfer (Government Code Section 65915(g)(2)(E)).

f.g. The qualified land is within the boundary of the proposed development or, if the City agrees, within 0.25 mile of the boundary of the proposed development (Government Code Section 65915(g)(2)(G)).

g.h. A proposed source of funding for the very low-income household units shall be identified no later than the date of approval of the final subdivision map, parcel map or residential development application (Government Code Section 65915(g)(2)(H)).

**B. Density Bonus Allowance for Qualified Land Donation for Very Low-Income Housing.** If the requirements of Section 9.180.110.A are satisfied, the applicant shall be entitled to at least a 15% increase above the otherwise maximum allowable residential density for the entire development, as shown in Table 9.180.110-1, Density Bonus Allowances for Qualified Land Donation Projects (Government Code Section 65915(g)(1)). This increase shall be in addition to any increase in density allowed under this Chapter, as mandated by Government Code Section 65915(b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this Section and Government Code Section 65915(b). All density calculations resulting in fractional units shall be rounded up to the next whole number.



Table 9.180.110-1 Density Bonus Allowances for Qualified Land Donation Projects				
Household Income Category	Minimum Percentage of Very Low-Income Units	Density Bonus	Additional Density Bonus for Each 1% Increase in Very Low-Income Units	Maximum Possible Density Bonus
Very Low Income	10% of entire development	15%	1%	<del>50%</del> 35% (max. combined)

- C. All density calculations resulting in fractional units shall be rounded up to the next whole number (Government Code Section 65915(g)(2)).

**9.180.115 Density Bonus for Shared Housing Building**

- A. **Criteria.** In order for a density bonus to be granted for a shared housing building under subsection 9.180.030.A.1, of this chapter, the shared housing development must meet the following criteria:
1. The shared housing building is a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants.
  2. The kitchens and dining areas within the shared building shall be able to adequately accommodate all residents.
  3. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building.
  4. A shared housing building may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor level of the shared housing building closest to the street or sidewalk of the shared housing building.
  5. A shared housing unit means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.

**9.180.117 Density Bonus for Commercial Development Partnering with an Affordable Housing Developer**

- A. When an application for approval of a commercial development has entered into an agreement for partnered housing described in Section 9.180.117.C, to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the City shall grant to the commercial developer a development bonus as prescribed in Section 9.180.117.C. Housing shall be constructed on the site of the commercial development or on a site that is all of the following:
1. Within the boundaries of the City.
  2. In close proximity to public amenities including schools and employment centers.
  3. Located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

- B. The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the City, that may include, but are not limited to, any of the following:

  - 1. Up to a 20 percent increase in maximum allowable intensity in the General Plan.
  - 2. Up to a 20 percent increase in maximum allowable floor area ratio.
  - 3. Up to a 20 percent increase in maximum height requirement.
  - 4. Up to a 20 percent reduction in minimum parking requirements.
  - 5. Use of a limited-use/limited-application elevator for upper floor accessibility.
  - 6. An exception to a zoning ordinance or other land use regulation.
- C. For purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the City.
- D. For purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:

  - 1. The commercial developer may directly build the units.
  - 2. The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.
  - 3. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.
- E. For purposes of this section, Government Code Section 65915(c)(3)(A) shall apply.
- F. Nothing in this section shall preclude additional allowances or incentives offered to developers by the City pursuant to law or regulation.
- G. If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in Section 9.180.117.C, the City may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.
- H. In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.
- I. Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards or parking ratios under this Chapter.
- J. A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.
- K. For purposes of this section, “partner” means formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.
- L. This section shall remain in effect until January 1, 2028 and as of that date are repealed.

### **9.180.120 Affordable Housing Incentives**

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Government Code Subsections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives.

A. **Qualifications for Incentives.** Subject to Section 9.180.140 (Criteria for Denial of Application for Incentives), all of the following applicable requirements must be satisfied in order for an applicant to be granted an incentive(s) pursuant to this subsection and Section 9.180.130 (Number of Incentives Granted):

1. The applicant for an incentive is also an applicant for a density bonus and qualifies for a density bonus pursuant to Section 9.2180.030 (Government Code Section 65915(d)(1)).
2. A specific written proposal for an incentive(s) has or will be submitted with the application for density bonus (Government Code Section 65915(b)(1) and (d)(1)).
3. If an incentive(s) pursuant to Sections 9.2180.030 and 9.180.120 is sought, the applicant shall establish that each requested incentive would result in identifiable, financially sufficient and actual cost reductions for the qualified housing development (Government Code Section 65915(k)(1) and (3)).
4. If an incentive(s) pursuant to Subsection 9.180.120.A(2) is sought, the applicant shall establish that the requirements of that section are met (Government Code Section 65915(k)(2)).
5. If an additional incentive for a childcare facility is sought pursuant to Subsection 9.180.070.B, the applicant shall establish that the requirements of that section are met (Government Code Section 65915(h)(1)(B)).
6. The granting of an incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval (Government Code Section 65915(j)). An incentive is applicable only to the project for which it is granted. An applicant for an incentive may request a meeting with the Community Development Director and, if requested, the Community Development Director will meet with the applicant to discuss the proposal (Government Code Section 65915(d)(1)).

B. **Types of Incentives.** For the purposes of this chapter, incentive means any of the following:

1. A reduction in site development standards or a modification of development code requirements or design guidelines that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, ~~financially sufficient and~~ actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 9.180.190.B (Government Code Section 65915(k)(1)).
2. Approval of mixed-use zoning in conjunction with the qualified housing development if commercial, office, industrial or other land uses will reduce the cost of the qualified housing development and if the commercial, office, industrial or other land uses are compatible with the qualified housing development and the existing or planned development in the area where the proposed qualified housing development will be located (Government Code Section 65915(k)(2)).
3. Other regulatory incentives proposed by the affordable housing developer or the City that result in identifiable, ~~financially sufficient and~~ actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the



targeted units to be set as specified in Section 9.180.190.B (Government Code Section 65915(k)(3)).

- C. **Direct Incentives Allowed.** Nothing in this section limits or requires the provision of direct financial incentives by the City for the qualified housing development, including the provision of publicly owned land, or the waiver of fees or dedication requirements (Government Code Section 65915(l)).

### 9.180.130 Number of Incentives Granted

- A. Subject to Section 9.180.140 (Criteria for Denial of Application for Incentives), an applicant meeting the requirements of Subsection 9.180.120 shall receive the following number of incentives described below and as shown in Table 9.180.130-1, Incentive Allowances for Qualified Housing Developments.
1. One incentive for qualified housing development projects, including shared housing building developments, that include at least 5% of the total units for very low-income households, at least 10% for low-income households, or at least 10% for persons and families of moderate-income households in which the units are for sale in a common interest development (Government Code Section 65915(d)(2)(A)).
  2. Two incentives for qualified housing development projects, including shared housing building developments, that include at least 10% of the total units for very low-income households, at least ~~20~~17% for low-income households, or at least 20% for persons and families of moderate-income households in which the units are for sale in a common interest development (Government Code Section 65915(d)(2)(B)).
  3. Three incentives for qualified housing development projects, including shared housing building developments, that include at least 15% of the total units for very low-income households, at least ~~30~~24% for low-income households, or at least 30% for persons and families of moderate-income households in which the units are for sale in a common interest development (Government Code Section 65915(d)(2)(C)).
  - ~~3-4.~~ Four incentives for qualified housing developments, including shared housing building developments, that include at least 16% of the total units for very low-income households or 45% moderate income units in which the units are for sale (Government Code Section 65915(d)(2)(F)).
  5. ~~Four~~Five incentives for qualified housing developments, including shared housing building developments, that include 100% of total units, exclusive of a manager's unit or units, for lower income households, except that up to 20% of the total units in the development may be for moderate-income households. If the project is within 1/2 mile of a major transit stop, the project shall also receive a height increase of up to three additional stories, or 33 feet (Government Code 65915(d)(2)(D)).
  - ~~4-6.~~ One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development (Government Code Section 65915(d)(2)(E)).
- B. A qualified housing development proposal that includes a childcare facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the childcare facility (Government Code Section 65915(h)(1)(B)).

Table 9.180.130-1 Incentive Allowances for Qualified Housing Developments				
Income Category	Minimum Percentage of Affordable Units			
Incentives Allowed	1	2	3	4
Very Low Income	5%	10%*	15%	<del>100%</del> Low/Very Low/Mod (20% Moderate allowed)
Low Income	10%	<del>20%</del> 17%	<del>30%</del> 24%	100% Low/Very Low/Mod (20% Moderate allowed) <del>100%</del> or <del>80%</del>
Common Interest Development (Moderate Income)	10%	20%	30%	100% Low/Very Low/Mod (20% Moderate allowed) <del>20%</del>

\*One incentive or concession is also required for projects that include at least 20 percent of the total units for lower income students in a student housing development.

### 9.180.140 Criteria for Denial of Application for Incentives

Except as otherwise provided in this chapter or by state law, if the requirements of Subsection 9.180.120.A (Affordable Housing Incentives) are met, the City shall grant the incentive(s) that are authorized by Subsection 9.180.120.B and Section 9.115.110 (Density Bonus for Land Donations) unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the City may refuse to grant the incentive(s):

- A. The incentive is not required in order to provide affordable housing costs or affordable rents for the affordable units subject to the qualified housing development application (Government Code Section 65915(d)(1)(A)).
- B. The incentive would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households (Government Code Section 65915(d)(1)(B); Government Code Section 65915 (d)(3)).
- C. The incentive would be contrary to state or federal law (Government Code Section 65915(d)(1)(C)).
- D. The City is authorized not to provide a density bonus as provided in this section upon substantial evidence that the community has adequate childcare facilities (Government Code Section 65915(h)(3)).

### 9.180.150 Waiver or Modification of Development Standards

- A. **Requirements for Waiver or Modification of Development Standards.**
  - 1. Application. To qualify for a waiver or reduction of one or more development standards, the applicant shall submit a written application (together with an application for a qualified housing development) that states the specific development standard(s) sought to be modified or waived and the basis of the request (Government Code Section 65915(e)(1)). An applicant

- for a waiver or modification of development standard(s) pursuant to this Section may request a meeting with the Community Development Director to review the proposal. If requested, the Community Development Director shall meet with the applicant (Government Code Section 65915(e)(1)). An application for the waiver or reduction of development standard(s) pursuant to this Section shall neither reduce nor increase the number of incentives to which the applicant is entitled pursuant to Section 9.180.120 (Affordable Housing Incentives) (Government Code Section 65915(e)(2)).
2. A housing development that receives a waiver from any maximum controls on density based on location relative to a major transit stop pursuant to Government Code Section 65915(f)(3)(D)(ii) shall not be eligible for, and shall not receive, a waiver or reduction of development standards, other than as expressly provided in Government Code Sections 65915(d)(2)(D) and (f)(3)(D)(ii).
  3. Findings. All of the following findings must be made for each waiver or reduction requested:
    - a. The development standard for which a waiver or reduction is requested will have the effect of physically precluding the construction of the proposed qualified housing development at the densities or with the incentives permitted under this chapter (Government Code Section 65915(e)(1)).
    - b. The requested waiver or reduction of a development standard will not have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the health, safety and/or physical environment or, if such a specific, adverse impact exists, there is a feasible method to satisfactorily mitigate or avoid the specific, adverse impact (Government Code Section 65915(e)(1)).
    - c. The requested waiver or reduction of a development standard will not have an adverse impact on any real property that is listed in the California Register of Historical Resources (Government Code Section 65915(e)(1)).
    - d. The requested waiver or reduction of a development standard is not contrary to state or federal law (Government Code Section 65915(e)(1)).
  4. Granting Application for Waiver or Modification of Development Standards. If the requirements of Subsection 9.180.150.A are satisfied, the application for waiver or modification of development standard(s) shall be granted, and the City shall not apply a development standard that will have the effect of physically precluding the construction of a qualified housing development at the densities or with the incentives permitted by this chapter (Government Code Section 65915(e)(1)).

### **9.180.160 Parking Standard Modifications for Qualified Housing Developments**

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- A. **Requirements for Parking Standard Modifications.** Parking standard modifications pursuant to Subsection 9.180.160.B are available only for qualified housing developments. An application for parking standard modifications stating the specific modification requested pursuant to Subsection 9.180.160.B shall be submitted with the qualified housing development application (Government Code Section 65915(p)(3)).
- B. **Parking Standard Modifications.** If the requirements of Subsection 9.180.160.A are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following per unit ratios (Government Code Section 65915(p)(1)), except where noted under Subsection 9.180.160.C (Exceptions):



1. Zero to one bedroom: 1 on-site parking space
2. Two to three bedrooms: ~~2-1.5~~ on-site parking spaces
3. Four and more bedrooms: 2.5 on-site parking spaces

C. **Exceptions.** Upon the applicant’s request, the following maximum parking standards shall apply, inclusive of handicap and guest parking, to the entire housing development subject to this chapter, as required by Government Code Section 65915(p)(2):

<b>Table 9.180.160-1 Special Parking Requirements</b>	
<b>Type of Project/Affordability</b>	<b>Parking Ratio</b>
<u>Rental/for sale projects with at least 11% very low income or 20% lower income units, within ½ mile of accessible major transit stop. Unobstructed access must be provided to the major transit stop from the development.*</u>	<u>0.5 spaces per unit</u>
<u>Rental projects 100% affordable to lower income units, within ½ mile of accessible major transit stop. Unobstructed access must be provided to the major transit stop from the development.*</u>	<u>0 spaces per unit</u>
<u>Rental senior projects 100% affordable to lower income units, either with paratransit service or within ½ mile of accessible bus route (operating at least eight times a day)</u>	<u>0 spaces per unit</u>
<u>Rental special needs projects as defined in Section 51312 of the Health and Safety Code and 100% affordable to lower income units, either with paratransit service or within ½ mile of accessible bus route (operating at least eight times a day)</u>	<u>0 spaces per unit</u>
<u>Rental supportive housing developments as defined in Section 50675.14 of the Health and Safety Code and 100% affordable to lower income households.</u>	<u>0 spaces per unit</u>
<u>For sale projects with at least 40% moderate income units, within ½ mile of accessible major transit stop.</u>	<u>0.5 spaces per unit</u>

\*Unobstructed access to a major transit stop means a resident is able to access the major transit stop without encountering natural or constructed impediments.

- ~~1. A maximum of 0.5 parking spaces per bedroom, when all the following conditions apply:
 
  - ~~a. The development includes the maximum percentage of low or very low income units as established in Section 9.180.060 (Density Bonus Allowance for Housing Development with Affordable Housing Component).~~
  - ~~b. The development is located within 0.5 miles of a major transit stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code.~~
  - ~~c. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~~~
- ~~2. A maximum of 0.5 parking spaces per unit, when all the following conditions apply:
 
  - ~~a. The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code.~~
  - ~~b. The development is located within 0.5 miles of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.~~~~

- ~~c.— There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.~~
- ~~3.— A maximum of 0.5 parking spaces per unit, when all the following conditions apply:
  - ~~a.— The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code.~~
  - ~~b.— The development is for individuals who are 62 years of age or older and complies with Sections 51.2 and 51.3 of the Civil Code.~~
  - ~~c.— The development has either paratransit service or unobstructed access, within 0.5 miles, to fixed bus route service that operates at least eight times per day.~~~~
- ~~4.— No vehicular parking requirement, when all the following conditions apply:
  - ~~a.— The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code.~~
  - ~~b.— The development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code.~~
  - ~~c.— A special needs housing development has either paratransit service or unobstructed access, within 0.5 miles, to fixed bus route service that operates at least eight times per day.~~~~
- D. If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, “on-site parking” may be provided through tandem parking or uncovered parking, but not through on-street parking (Government Code Section 65915(p)(5)).
- E. Except as otherwise provided in this section, all other provisions of [Chapter 9.215](#) (Off-Street Parking and Loading) applicable to residential development apply.
- F. An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to [Section 9.180.120](#) (Government Code Section 65915(p)(3)).
- G. Notwithstanding allowances in Subsection 9.180.160.C, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last 7 years, the City may impose a higher vehicular parking ratio not to exceed the ratio described in Subsection 9.180.160.B, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio (California Government Code Section 65915(p)(7)).

### **9.180.170 Density Bonus and Affordable Housing Incentive Program**

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- A. **Project Design and Phasing.** Projects seeking an affordable housing benefit pursuant to this chapter shall comply with the following requirements, unless otherwise specified in writing by the Community Development Director:
1. Location/Dispersal of Units. Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the market-rate units.
  2. Phasing. If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of affordable units and market-rate units.
  3. Exterior Appearance. The exterior appearance and quality of the affordable units must be similar to the market-rate units. The exterior materials and improvements of the affordable units must be similar to, and architecturally compatible with, the market-rate units.
- B. **Application Requirements.** An application for one or more affordable housing benefits shall be submitted as follows:
1. Each affordable housing benefit requested shall be specifically stated in writing on the application form provided by the City.
  2. The application shall include the information and documents necessary to establish that the requirements of this chapter are satisfied for each affordable housing benefit requested, including:
    - a. For density bonus requests, that the requirements of Section 9.2180.030 (Eligibility for Density Bonus and Incentives) are met;
    - b. For incentive requests, that the requirements of Section 9.180.120 (Affordable Housing Incentives) are met;
    - c. For development standard waiver or modification requests, that the requirements of Section 9.180.150 (Waiver or Modification of Development Standards) are met; and/or
    - d. For parking standard modification requests, that the requirements of Section 9.180.160 (Parking Standard Modifications for Qualified Housing Developments) are met.
  3. The application shall be submitted concurrently with a complete application for a qualified housing development.
  4. The application shall include a site plan that complies with and includes the following:
    - a. For senior citizen housing development projects, the number and location of proposed total units and density bonus units.
    - b. For all qualified housing development projects other than senior citizen housing development projects, the number and location of proposed total units, affordable units and density bonus units. The density bonus units shall be permitted in geographic areas of the qualified housing development other than the areas where the affordable units are located (Government Code Section 65915(i)).
    - c. The location, design and phasing criteria required by Subsection 9.180.170.A, including any proposed development standard(s) modifications or waivers pursuant to Section 9.180.150 (Waiver or Modification of Development Standards).
  5. The application for a qualified housing development shall state the level of affordability of the affordable units and include a proposal for compliance with Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement) for ensuring affordability.



6. If a density bonus is requested for a qualified land donation pursuant to Section 9.180.110 (Density Bonus for Land Donations), the application shall show the location of the qualified land in addition to including sufficient information to establish that each requirement in Section 9.180.110 has been met.
  7. If an additional density bonus or incentive is requested for a childcare facility pursuant to Section 9.180.070 (Density Bonus for Housing Development with Affordable Housing Component and Childcare Facility) and/or Subsection 9.180.130.B (Number of Incentives Granted), the application shall show the location and square footage of the childcare facility in addition to including sufficient information to establish that each requirement in Section 9.180.070 and/or Subsection 9.180.130.B has been met.
- C. An application for an affordable housing benefit under this chapter shall not be processed until all of the provisions of this section are complied with as determined by the Community Development Director and shall be processed concurrently with the application for the qualified housing development project for which the affordable housing benefit is sought. Prior to the submittal of an application for a qualified housing development, an applicant may submit to the Community Development Director a preliminary proposal for affordable housing benefits. The Community Development Director shall, within 90 days of receipt of a written proposal, notify the applicant of the Community Development Director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Community Development Director's preliminary response.
- D. The Community Development Director shall provide the applicant with written notice as to whether the application is deemed complete in accordance with Section 9.30.060 (Determination of Completeness). If the application is deemed complete, the Community Development Director shall provide the applicant with a determination on the following:
1. The amount of density bonus for which the applicant is eligible.
  2. If the applicant requests a parking ratio pursuant to Section 9.180.120, the parking ratio for which the applicant is eligible.
  3. If the applicant requests incentives or concessions pursuant to Section 9.180.120, or waivers or reductions of development standards pursuant to Section 9.180.150, whether the applicant has provided sufficient information for the City to make a determination as to those incentives, concessions, or waivers or reductions of development standards.
  4. Any determination shall be based on the development project at the time the application is deemed complete. The City will adjust the amount of density bonus and parking ratios allowed based on any changes to the project during the course of development.

### 9.180.180 Determination on Density Bonus and Affordable Housing Incentive Program Requirements

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The decision-making body for the underlying qualified housing development application is authorized to approve or deny an application for an affordable housing benefit in accordance with this chapter.

- A. **Affordable Housing Benefit Determinations.** An application for an affordable housing benefit shall be granted if the requirements of this chapter are satisfied unless:
1. The application is for an incentive for which a finding is made in accordance with Section 9.180.140 (Criteria for Denial of Application for Incentives); or

2. The underlying application for the qualified housing development is not approved independent of and without consideration of the application for the affordable housing benefit.
- B. **Affordable Housing Benefit Compliance Provisions.** To ensure compliance with this chapter and state law, approval of an application for an affordable housing benefit may be subject to, without limitation:
1. The imposition of conditions of approval to the qualified housing development, including imposition of fees necessary to monitor and enforce the provisions of this chapter;
  2. An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to Section 9.180.190 (Affordable Housing Agreement and Equity Sharing Agreement); and
  3. A recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.
- C. A decision regarding an affordable housing benefit application is subject to the appeal provisions of Section 9.30.100 (Appeals).

### **9.180.190 Affordable Housing Agreement and Equity Sharing Agreement**

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- A. **General Requirements.** No density bonus pursuant to Section 9.180.030 (Eligibility for Density Bonuses and Incentives) shall be granted unless and until the affordable housing developer, or its designee approved in writing by the Community Development Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to and in compliance with this section (Government Code Section 65915(c)). The agreements shall be in the form provided by the City, which shall contain terms and conditions mandated by, or necessary to implement, state law and this chapter. The Community Development Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the City. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a building permit for any structure on the site. The Community Development Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by the City Attorney for legal form and sufficiency.
- B. **Low- or Very Low-Income Minimum Affordable Housing Component or Senior Citizen Housing Development.**
1. The affordable housing developer of a qualified housing development based upon the inclusion of low-income and/or very low-income affordable units shall enter into an agreement with the City to maintain the continued affordability of the affordable units for 55 years (for rental units) or 30 years (for for-sale units), or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program or rental subsidy program, as follows (Government Code Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the City if such compliance standards are not met. The agreement shall, among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria, such as age; standards for maximum rents or sales prices; the person responsible for certifying tenant or owner incomes; procedures by which vacancies will be filled and units sold; required annual report and monitoring fees;

- restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.
2. Rental Units. Rents for the low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.180.030 shall be set and maintained at an affordable rent (Government Code Section 65915(c)(1)). The agreement shall set rents for the lower-income density bonus units at an affordable rent as defined in California Health and Safety Code Section 50053, except for developments meeting the criteria of Government Code Section 65915(b)(1)(G), for which rents for all units in the development, including both base density and density bonus units, shall be as follows:
    - a. The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.
    - b. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.
  3. The agreement shall require that owner-occupied units be made available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
  4. For-Sale Units. Owner-occupied low-income and very low-income affordable units that qualified the housing development for the density bonus pursuant to Section 9.180.030 shall be available at an affordable housing cost (Government Code Section 65915(c)(2)). The affordable housing developer of a qualified housing development based upon a very low- or low-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer. The agreement shall be between the City and the buyer or between developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
    - a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote homeownership.
    - b. For purposes of this section, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the very low-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value.
    - c. For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.
  5. Senior Units. At least 35 senior citizen housing development units shall be maintained and available for rent or sale to senior citizens as defined in Civil Code Section 51.3.



**C. Moderate Income Minimum Affordable Housing Component.**

1. The affordable housing developer of a qualified housing development based upon the inclusion of moderate-income affordable units in a common interest development shall enter into an agreement with the City ensuring that:
  - a. The initial occupants of the moderate-income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate-income household.
  - b. The units are offered at an affordable housing cost (Government Code Section 65915(c)(2)).
  - c. The affordable housing developer of a qualified housing development based upon a moderate-income minimum affordable component shall enter into an equity sharing agreement with the City or the master or non-affordable housing developer (Government Code Section 65915(c)(2)). The agreement shall be between the City and the buyer or between the developer and the buyer if the developer is the seller of the unit. The City shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law (Government Code Section 65915(c)(2)). The equity sharing agreement shall include at a minimum the following provisions:
    - d. Upon resale, the seller of the unit shall retain the value of improvements, the down payment and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, as defined in subparagraph (b), and its proportionate share of appreciation, as defined in subparagraph (c), which amount shall be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership (Government Code Section 65915(c)(2)(A)).
    - e. The City's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, the value at the time of the resale shall be used as the initial market value (Government Code Section 65915(c)(2)(B)).
    - f. The City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale (Government Code Section 65915(c)(2)(C)).

- D. Minimum Affordable Housing Component and Childcare Facility.** If an additional density bonus or incentive is granted because a childcare facility is included in the qualified housing development, the affordable housing agreement shall also include the affordable housing developer's obligations pursuant to Subsection 9.180.070.A(3) for maintaining a childcare facility, if not otherwise addressed through conditions of approval.

**9.180.200 Density Bonus or Incentives for Condominium Conversion Projects**

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**A. Requirements for Density Bonus or Incentive for Condominium Conversion Projects.**

1. An applicant requesting the conversion of Apartments to a condominium project agrees to provide at least:
  - a. 33% of the total units of the proposed condominium project to persons and families of moderate-income households; or



- b. Reasonable conditions may be placed on the granting of a density bonus or other incentives of equivalent financial value that are found appropriate, including but not limited to entering into an affordable housing agreement pursuant to Section [9.180.190](#) (Affordable Housing Agreement and Equity Sharing Agreement), which ensures continued affordability of units to subsequent purchasers who are persons and families of moderate-income households or low-income households (Government Code Section 65915.5(a)).
2. Ineligibility. An applicant shall be ineligible for a density bonus or other incentives of equivalent financial value if the Apartments proposed for conversion constitute a qualified housing development for which a density bonus as defined in Section [9.180.030](#) (Eligibility for Density Bonuses and Incentives) or other incentives were provided (Government Code Section 65915.5(f)).
3. Decision on Condominium Conversion Project. Nothing in this section shall be construed to require the City to approve a proposal to convert Apartments to condominiums (Government Code Section 65915.5(e)).

### **9.180.210 Enforcement Provisions**

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- A. **Occupancy.** Prior to occupancy of an affordable unit, the household's eligibility for occupancy of the affordable unit shall be demonstrated to the City. This provision applies throughout the restricted time periods pursuant to Section [9.180.190](#) (Affordable Housing Agreement and Equity Sharing Agreement) and applies to any change in ownership or tenancy, including subletting, of the affordable unit.
- B. **Ongoing Compliance.** Upon request, the affordable housing developer shall show that the affordable units are continually in compliance with this chapter and the terms of the affordable housing agreement. Upon 30-day notice, the City may perform an audit to determine compliance with this chapter and the terms of any agreement or restriction.
- C. **Enforcement.** The City shall have the authority to enforce the provisions of this chapter, the terms of affordable housing agreements and equity sharing agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions and any other requirements placed on the affordable units or the approval of the qualified housing development. In addition to the enforcement powers granted in this chapter, the City may, at its discretion, take any other enforcement action permitted by law, including those authorized by City ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.



**9.215.040 Development Standards** AG RM RR5 RR2 RR1 RR1/2 LDR-1 LDR-2 LMDR MDR MHDR  
 HDR CR CO BP HI EDC-NG EDC-MB EDC-CC EDC-NR EDC-SG OS-C OS-R OS-W PD-1 PD-2 PD-3  
 PD-4 PD-5 PD-6 PD-7

In the case of mixed land uses, the total number of parking spaces shall be the sum of the requirements for the various uses computed separately unless shared parking is approved.

The following Table 9.215.040-1, Parking Requirements, is designed to allow calculation of parking spaces required for the uses shown.

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
<b>General Commercial/Retail Uses</b>				
Automobile repair and service shops/stations	1 space per 150 sq. ft. gross floor area (not including building for service bays)		4 spaces per service bay	
Banks and financial institutions	1 space per 250 sq. ft. gross floor area			Stacking for 6 vehicles prior to the drive-up window
Furniture and home furnishing stores	1 space per 750 sq. ft. of sale or display area			
Clubs, discos, ballrooms, cabarets, cocktail lounges, dance halls, lodges & incidental dancing areas, and similar facilities where dancing is the principal use	1 space per 30 sq. ft. of dance floor area			
General retail	3 spaces per 1,000 sq. ft. of gross floor area		See 9.215.040.A.1 below	
Personal Services (barber, beauty, nails, etc.)	1 space per 150 sq. ft. gross floor area			
Professional business offices	3 spaces per 1,000 sq. ft. of floor area			
Restaurants or similar use, including drive-through	8 spaces per 1,000 sq. ft. of gross floor area	1 space per 2 employees		Stacking for 6 vehicles prior to the menu board, or as required by a traffic impact assessment
Self-Storage, public storage facilities		2 spaces per 3 employees		
<b>Recreational Uses</b>				
Amusement parks including multiple activities (such as simulated flying, racing, and mini gold etc.), and arcades	1 space per 250 sq. ft. of gross floor area			

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Auditoriums, event centers, bingo operations, and assembly areas, including live entertainment	1 space per 30 sq. ft. of net assembly area		1 space per 3 seats	
Billiard and pool rooms, bowling alleys	1 space per 250 sq. ft. of gross floor area			
Game courts, badminton, tennis, racquetball			1 space per court	
Golf Course			4 spaces per hole	
Golf driving ranges (not in association with full-scale course)			1 space per tee	
Health and Fitness clubs/gymnasiums, indoor	1 space per 200 sq. ft. of gross floor area			
Parks and recreational areas, private	1 space per 8,000 sq. ft. of active recreational area within a park or playground		1 space per acre of passive recreational area within a park or playground	
Sports and recreational facilities (not including motor driven vehicles and riding academies, but including archery ranges, athletic playgrounds, athletic fields, sports arenas, skating rinks, stadiums, and commercial swimming pools)	1 space per 30 sq. ft. of net assembly area			
Theaters	1 space per 250 sq. ft. of gross floor area		1 space per 3 seats	
Industrial Uses				
Industrial uses	1 space per 250 sq. ft. of office area, PLUS 1 space per 500 sq. ft. of fabrication area, PLUS 1 space per 1,000 sq. ft. of storage area, AND 1 space per 500 sq. ft. of floor plan which is uncommitted to any type of use			
Research and Development	1 space per 300 sq. ft. of gross floor area			

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Warehouse, Logistics and Distribution Facility	1 space per 1,000 sq. ft. of gross floor area for the first 100,000 sq. ft.; 1 space per 1,500 sq. ft. for any additional gross floor area between 100,000 to 500,000 sq. ft.; 1 space per 2,000 sq. ft. of additional gross floor area over 500,000 sq. ft.; plus 1 space per 300 sq. ft. of office use		Fulfillment Center subject to parking study	
<b>Residential Uses</b>				
Single-family	2 spaces per dwelling unit		<a href="#">Enclosed within a two-car garage, 20' x 20' min.</a>	
Duplex (two-family dwelling)	2 spaces per dwelling unit		<a href="#">Enclosed within a two-car garage, 20' x 20' min.</a>	
Multiple-family: single bedroom or studio	1.00 spaces per unit		<a href="#">See 9.215.040.A.8 below</a>	
Multiple-family: two bedrooms	1.50 spaces per unit		<a href="#">See 9.215.040.A.8 below</a>	
Multiple-family: three or more bedrooms	2.50 spaces per unit	1 space per employee	<a href="#">See 9.215.040.A.8 below</a>	
Planned residential development: single-bedroom or studio	1.25 spaces per unit		<a href="#">See 9.215.040.A.8 below</a>	
Planned residential development: two or more bedrooms	2.5 spaces per unit		<a href="#">See 9.215.040.A.8 below</a>	
Senior citizen development	1.25 per unit		<a href="#">See 9.215.040.A.8 below</a>	
Mobile home park	2 spaces per travel trailer or mobile home space; spaces may be tandem		1 guest space per 8 mobile home spaces	
Accessory dwelling unit (ADU)	See <a href="#">9.295.020</a>		See 9.215.040.A.4 below	See <a href="#">9.295.020</a>
<b>Multi-family and Mixed Use</b>				
Residential guest	1 space per each 10 dwelling units			
<b>Lodging Uses</b>				
Boarding houses, lodging or rooming houses, dormitories, fraternity and sorority houses			1 space per guest room	



Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Hotels and motels			1 space per guest room PLUS 1 space per 300 sq. ft. of meeting/conference or ballrooms	
Recreational vehicle	1 space per recreational vehicle site		1 visitor space per 5 recreational vehicle sites	
<b>Medical Uses</b>				
Assisted living and community care facilities		1 space per 3 employees	1 space per 3 beds, PLUS 1 space per vehicle owned and operated by the institution	
Hospitals		1 space per staff member of largest shift	1 space per 2 patient beds, PLUS 1 space per vehicle owned and operated by hospital or clinic	
Offices, clinics, including but not limited to medical, urgent care, eye care, dental and chiropractic	1 space per 200 sq. ft. of net leasable floor area			
Small animal hospitals and veterinary services (no outdoor facilities)	1 space per 300 sq. ft. of gross floor area			
<b>Civic/Religious Institutions</b>				
Art gallery, library, reading room, museum	1 space per 400 sq. ft. of gross floor area	1 space per 2 employees		
Cemeteries	1 space per 50 sq. ft. of net assembly room area	1 space per employee	1 space per vehicle operated on the grounds by the proprietary institution	
Funeral parlor, mortuary with crematorium	1 space per 50 sq. ft. of net assembly area	1 space per employee		
Religious institutions	1 space per 50 sq. ft. of net assembly area used simultaneously for assembly purposes			
<b>Public Utilities</b>				
Public utility substations and storage buildings		1 space per 2 employees	1 space per vehicle kept in connection with the use	
<b>Educational Institutions</b>				

Table 9.215.040-1 Parking Requirements				
Use	Per Square Foot or Unit	Per Employee or Student	Other Criteria	For Vehicle Stacking
Day care centers, including nurseries and preschools		1 space per 2 employees PLUS 1 space per 5 children based on facility capacity		
Elementary and junior high schools	1.5 spaces per classroom PLUS 1 space per 5 fixed seats in auditorium, gymnasium, or similar public assembly facility			Loading/unloading space for at least 2 school buses, or as required by a traffic impact assessment
High schools	8 spaces per classroom			Loading/unloading space for at least 2 school buses
Colleges, universities, business colleges, commercial schools		1 space per employee PLUS 4 spaces per 10 students based on maximum classroom capacity		
Trade and vocational schools	1 space per 35 SF or instruction gross floor area OR	2 spaces per 3 people based on maximum number of students and staff		

A. **Conditions and Exceptions.** The following are conditions and exceptions to the requirements of Table 9.215.040-1, Parking Requirements.

1. Existing, permitted, non-residential uses on lots less than 6,500 square feet are exempt from the parking requirements.
2. Up to 2,500 square feet of floor area of non-residential uses in existing vertical mixed-use buildings are exempt from the parking requirements.
3. No minimum requirement for residential or mixed-use reuse of listed historic structures.
4. Multi-family and mixed-use guest parking. Guest parking spaces shall be distributed throughout multi-family development sites and the residential portion of the mixed-use development in a manner that allows an ease of use between the guest space and the location of the residential units. Guest spaces shall be marked as such and shall remain available for visitors to the property. In mixed use projects, these spaces are not to be used as additional

- parking for permanent residents or count towards required commercial parking within a mixed commercial/residential development.
5. Unless otherwise specified, all parking must be within 600 feet of the use served, on the same parcel as the use or on an adjoining appropriately zoned parcel.
  6. All vehicle storage (stacking) spaces shall be located off-street. A driveway for stacking leading to a drive-up window shall be designed so as not to interfere with the free or orderly circulation of the parking area. See Section 9.240.090 Drive-Through and Drive-In Facilities for stacking space dimensions.
  7. Commercial parking stalls shall be within a building or screened with a combination of walls and landscaping. An alternative screening structure/device may be approved by the approval authority.
  8. Residential parking requirements set forth in this Chapter shall be provided within a parking structure or enclosed one- and two-car garages, except that for multiple family residences, condominiums, planned residential developments and senior citizen planned residential developments, at least one of the required parking spaces per unit shall be located in a garage or carport. Parking spaces shall be assigned to each individual unit. Individual one- and two-car garages shall maintain a minimum clear parking area of not less than 10 feet by 20 feet for a one-car garage and not less than 20 feet by 20 feet for a two-car garage. No storage cabinets, areas designated for trash cans or recyclable containers, or mechanical equipment, including but not limited to, water heaters, utility sinks or washers and dryers, shall encroach into the required parking area.
  9. The total number of required parking spaces may be reduced by the amount necessary to accommodate electric vehicle charging stations (EVCS), if the EVCS and associated equipment interferes with, reduces, eliminates, or in any way impacts the required parking spaces for existing uses (for additional EVCS provisions, see Section 9.215.100 Electric/Alternative Fuel Vehicle Parking).

**B. Layout Design Standards.**

1. Location of Parking Areas
  - a. No parking space shall be located within 3 feet of any property line.
  - b. No parking space on a driveway providing direct access to a street shall be located closer than 30 feet from the property line at the right-of-way.

**C. Parking Space Specifications.**

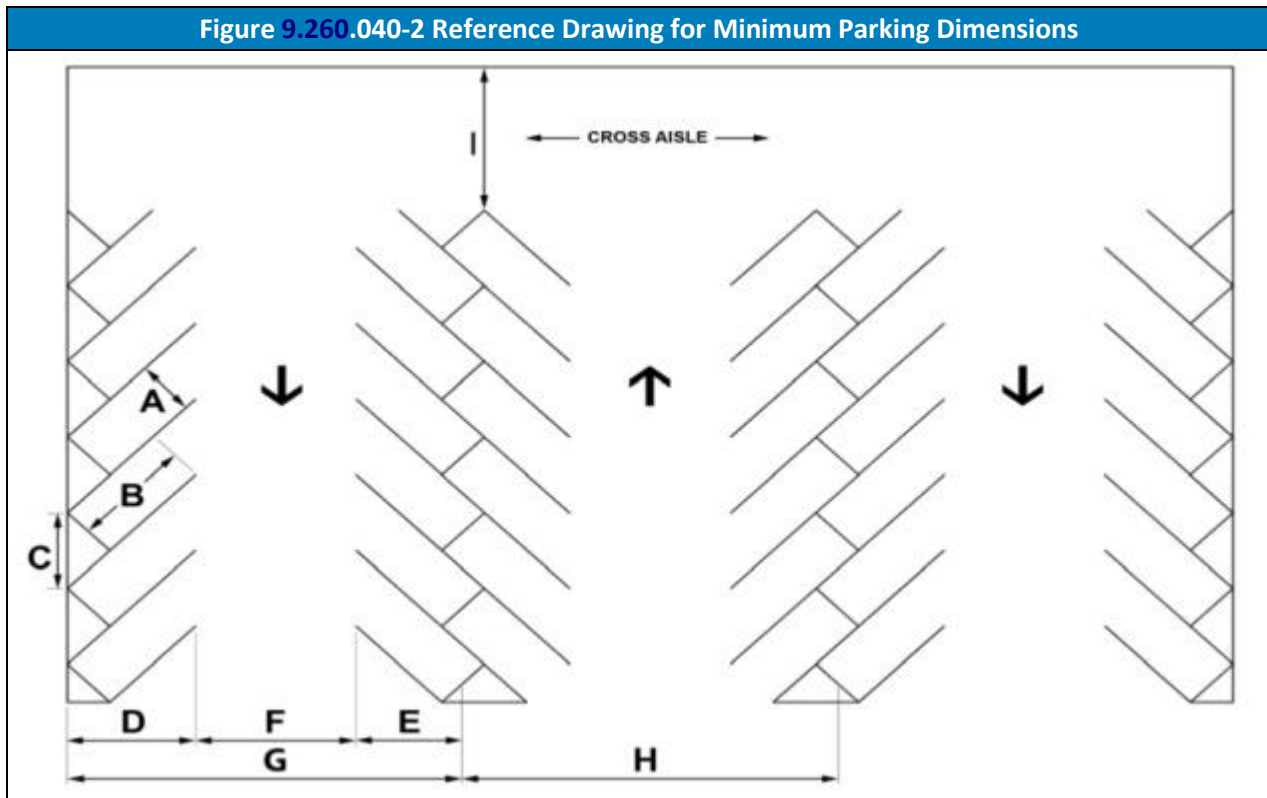
1. The location and dimensions of parking spaces and aisles adjacent to parking spaces shall be provided in accordance with Table 9.215.040-2, Dimensions of Parking Spaces and Aisles.



**Table 9.215.040-2 Dimensions of Parking Spaces and Aisles**

Parking Angle	Stall Width (feet)	Stall Length (feet)	Stall Width Parallel to Curb or Wall (feet)	Parking Space Depth to Wall or Curb (feet)	Parking Space Depth to Interlock (feet)	Maneuvering Aisle Width (feet) <sup>(1)</sup>	Wall/Curb to Interlock Double Bay (feet)	Wall to Wall Double Parking Bay (feet)	Interlock to Interlock Double Bay (feet)
Figure Label	A	B	C	D	E	F	G	Not Shown	H
90°	9.0	18.0	9.0	18.0	18.0	24.0	60.0	60.0	60.0
75°	9.0	18.0	9.5	19.5	18.5	21.0	59.0	60.0	58.0
60°	9.0	18.0	10.5	20.0	17.75	17.5	55.25	57.5	53.0
45°	9.0	18.0	13.0	19.0	15.75	15.0	49.75	53.0	46.5
0°	9.0	22.0	NA	9.0	22.0	12.0	43.0	33.0	NA

(1) Aisles used for fire access shall not be less than 24 feet in width. Aisle widths below 24 feet can only be used for one-way traffic.



2. The width of driveways for one-family and two-family dwellings shall be 12 feet, and 24 feet for all other multifamily and non-residential uses, except as otherwise modified by the approval authority. All driveways located within a road right-of-way shall be approved by the City Engineer. Where parallel parking is allowed, the minimum width shall be increased by 8 feet for parking on one side and by 16 feet for parking on both sides.
3. Stub streets in excess of 150 feet shall have a minimum 45-foot radius turnaround at the end, or as otherwise approved by the Riverside County Fire Department/Cal Fire.

**D. Off-Street Parking Area Striping**

1. If five or more parking spaces are provided, each space shall be clearly marked with white paint or other easily distinguishable material.
2. If ten or more parking spaces are provided and one-way aisles are used, directional signs or arrows painted on the surface shall be used to properly direct traffic.

**E. Drainage**

1. All parking areas, including driveways, shall be graded to prevent ponding and to minimize drainage runoff from entering adjoining properties.

**F. Curbs, Bumpers, Wheel Stops or Similar Devices**

1. Public parking areas shall be equipped with permanent curbs, bumpers, wheel stops or similar devices so that parked vehicles do not overhang required walkways, planters or landscaped areas.
  - a. If the method used is designed to stop the wheel rather than the bumper of the vehicle, the stopping edge shall be placed no closer than 2 feet from the edge of any required walkway, planter or landscaped area, or from any building.
  - b. The innermost 2 feet of each parking space, between the wheel stop or other barrier, and any required planter or walkway, may either be paved or be planted with low ground cover.
2. This additional planting area is considered part of the parking space and may not be counted toward satisfying any landscaping requirement(s).

**G. Lighting**

1. Parking area lighting is not required. However, if parking areas are lighted, such lighting facilities shall be located to prevent lights from shining directly onto adjoining properties or streets.
2. Parking area lighting shall be of an energy-efficient type. Parking area lighting shall be consistent with [Chapter 9.205](#), Lighting Standards and Chapter 6.01, Dark Sky Lighting Requirements of the Menifee Municipal Code.

**H. Walls**

1. All paved parking areas, other than those required for single-family residential uses, which adjoin property zoned residentially, shall have a 6-foot-high solid masonry wall with an anti-graffiti coating installed to preclude a view of the parking area from such adjoining property. However, any walls within 10 feet of any street or alley shall be 30 inches high.

**I. Loading Space Requirements**

1. On each lot used for manufacturing, storage, warehousing, goods display, a department store, a wholesale store, a market, a hotel, a hospital, a laundry, dry cleaning or other uses which involve the receipt or distribution by vehicles of materials or merchandise, adequate loading space for delivery vehicle stacking and for loading activities shall be provided and maintained. The loading space and delivery vehicle stacking area shall be located and designed so as to avoid undue interference with parking, or the public use of streets and alleys.
2. Each required loading space shall be ten feet wide, twenty-five feet long, and fourteen feet of unobstructed vertical height.

3. Turning Radius. All loading areas shall be provided with an adequate turning radius. An adequate turning radius means one which will enable a vehicle to maneuver into and out of the loading area without backing onto a street or highway.
4. Screening shall be provided consistent with [Chapter 9.185](#), Fences, walls and screening.

<b>MINIMUM NUMBER OF LOADING SPACES</b>	
<b>Gross Floor Area (square feet)</b>	<b>Number of Loading Spaces</b>
7,499 or less	0
7,500 to 14,999	1
15,000 to 24,999	2
25,000 to 39,999	3
40,000 to 59,999	4
60,000 to 79,999	5
80,000 to 100,000	6
For each additional 100,000	6 plus 1

**J. Parking for Persons with Disabilities**

Parking spaces shall be provided for access by persons with disabilities in accordance with California Code of Regulations, Title 24.

**K. Bicycle Parking Facilities**

1. Bicycle Parking Facility Classifications. Bicycle parking facilities shall be classified as follows:
  - a. Class I. Covered, lockable enclosures with permanently anchored racks for bicycles.
  - b. Class II. Lockable bicycle rooms with permanently anchored racks, where the bicyclist supplies only a padlock.
  - c. Class III. Lockable, permanently anchored bicycle racks, where the bicyclist supplies a padlock and chain or cable to secure the bicycle to the stationary object, typically a cement slab or vertical metal bar.
2. Bicycle Parking Requirements.
  - a. Minimum Bicycle Parking Facilities. The minimum bicycle parking shall be provided per Table 9.215.040-5, Bicycle Spaces for Bicycle Parking Facility Class.



Table 9.215.040-5 Bicycle Spaces for Bicycle Parking Facility Class				
Bicycle Spaces for Bicycle Parking Facility Class				
Facility Class	INDUSTRIAL	RESTAURANTS AND COCKTAIL LOUNGES	COMMERCIAL, OFFICE AND SERVICE USES NOT OTHERWISE LISTED	Multi-Family
Employees	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I or Class II	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I or Class II	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I or Class II	A minimum of 2 bicycle spaces required.  Type: Class I, II, or III
Patrons or visitors	Type: N/A	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I, II or III	1 bicycle space for every 25 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I, II, or III	N/A
Tenants	N/A	N/A	N/A	1 bicycle space for every 20 parking spaces required. A minimum of 2 bicycle spaces required.  Type: Class I, II, or III

**NOTES:**

- Where the application of the provisions in the above table results in the requirement for a fraction of a bicycle parking space, such a space need not be provided unless the fraction exceeds 50 percent.
- Where the application of the provisions in the above table results in the requirement of fewer than six employee spaces, Class II racks need not be placed within an enclosed lockable area.

- b. Design Standards. Bicycle parking facilities shall be installed in a manner which allows adequate spacing for access to the bicycle and the locking device when the facilities are occupied. General space allowances shall include a 2-foot width and a 6-foot length per bicycle and a 5-foot-wide maneuvering space behind the bicycle. The facilities shall be located on a hard, dust-free surface, preferably asphalt or concrete.
- c. Exemptions. Requests for exemptions from bicycle parking requirements shall be made in writing to the approval authority.
  - i. Exemptions from bicycle parking requirements shall be submitted and processed concurrently with the project application.
  - ii. Exemptions may be granted depending upon the location of the site with respect to an urbanized area, the nature and hours of operation of the proposed use, and the accessibility of the site by bicycle at present and in the future.

(Ord. No. 2022-351, 09/21/2022)

Note: Only sections amended or added are included for this Chapter

## Chapter 9.295 Special Housing Types

### Contents:

#### 9.295.010 Purpose

#### 9.295.020 Accessory Dwelling Units and Junior Accessory Dwelling Units

#### 9.295.025 Emergency Shelter

#### 9.295.030 Guest Living Quarters

#### 9.295.035 Low Barrier Navigation Center

#### 9.295.037 Multifamily Housing in Commercial Zones – AB 2011 & SB 6

#### 9.295.040 Single-Room Occupancy Units

### 9.295.020 Accessory Dwelling Units and Junior Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to establish development standards for accessory dwelling units and to ensure the accessory dwelling unit is constructed and operated in a manner that is consistent with the requirements and allowances of state law, specifically Government Code Section 65852.2.
- B. **Applicability.** The standards contained in this section shall apply to all accessory dwelling units and junior accessory dwelling units.
- C. **No Planning Permit Required** ~~Permit Requirements~~.
- ~~1. **No Planning Permit Required.** No planning application is required prior to the establishment of~~
    - ~~a. an accessory dwelling unit when proposed within an existing permitted structure, including within the primary dwelling unit, an attached or detached garage, or other accessory structure. The accessory dwelling unit shall meet all standards of Subsection 9.295.020.E.1 to be verified through the building permit process.~~
  - 1. Planning Building Permit Required.** A planning permit is required prior to the establishment of an accessory dwelling unit when not proposed entirely within an existing permitted structure in accordance with the permit procedures in Article 2, Chapter 9.35 (Administration, Permits, and Procedures) and use tables in Article 3 (Zones). Accessory dwelling units and junior accessory dwelling units shall be approved ministerially through building plan check review and the issuance of a building permit and any other non-discretionary permit (e.g., grading permit) that may be required as applicable. Building plan check is not required for use of "City approved Permit Ready Accessory Dwelling Unit Plans"; however, preparation and submission of a site plan for review is required to determine compliance with Planning, Building, Engineering and Fire Code requirements as applicable to the property in which the accessory dwelling unit is proposed. If applicable, a grading plan may also be required as determined by the Public Works Director.
  - 2. An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 of the Government Code or City code requirements for the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The City shall either approve or deny the application to create or serve an accessory dwelling unit or junior accessory dwelling unit within 60 days from the date of receiving a completed**

application if there is an existing single-family dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the City may delay approving or denying the permit application for the accessory dwelling unit or junior accessory dwelling unit until the City approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

3. If the City denies an application for an accessory dwelling unit or junior accessory dwelling unit within 60 days of the date of receiving a completed application, the City shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
4. An application for a permit to create an accessory dwelling unit or junior accessory dwelling unit shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the accessory dwelling unit or junior accessory dwelling unit.
5. **Demolition Permit.** The review and issuance of a demolition permit for a detached garage that is replaced by an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.
6. **Development Impact Fees.** Development impact fees shall not be required for an accessory dwelling unit less than 750 square feet in size. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionally in relation to the square footage of the primary dwelling unit.

**D. Density and Consistency.**

1. Accessory dwelling units are not considered for the purposes of evaluating the density requirements established in the General Plan.
2. Accessory dwelling units are a residential use that is consistent with the existing General Plan designation and zoning for the lot.
3. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

**E. Development and Operational Standards.**

1. **Accessory Dwelling Units within an Existing Permitted Structure.** Accessory dwelling units located within an existing permitted structure shall comply with all the following standards:
  - a. The lot is zoned ~~for to allow single-family or multifamily dwelling~~ residential use and contains no more than one existing or proposed ~~single family~~ dwelling.
  - b. No other accessory dwelling unit exists or is proposed on the same parcel, except a junior accessory dwelling unit.
  - c. The accessory dwelling unit ~~shall not be sold or otherwise conveyed separate from the primary dwelling on site.~~ may be rented. An accessory dwelling unit may also be sold or



conveyed separately from the primary residence to a qualified buyer if all of the following apply:

- i. The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation.
- ii. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- iii. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
  1. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.
  2. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.
  3. A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.
  4. Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
  5. If the tenancy in common agreement is recorded after December 31, 2021, it shall also include all of the following:
    - i. Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.
    - ii. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

iii. (Procedures for dispute resolution among the parties before resorting to legal action.

6. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

7. Notwithstanding Government Code Section 65852.2(f)(2)(A), if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

8. Nothing in these provisions limits the ability of an accessory dwelling unit to be sold or otherwise conveyed separate from the primary residence as a condominium pursuant to an ordinance adopted under Government Code Section 65852.2.

iv. For purposes of this section, the following definitions apply:

1. "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

2. "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

- d. The accessory dwelling unit shall not be rented for less than a 30-day period.
- e. The accessory dwelling unit complies with all Building and Safety Code requirements.
- f. The side and rear yard setbacks are sufficient for meeting fire safety requirements.
- g. Exterior access to the accessory dwelling unit, independent from the primary dwelling unit, is provided.
- h. If a garage, carport or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces for the primary dwelling shall not be required.
- i. The accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary dwelling. Installation of fire sprinklers in the primary dwelling shall not be required due to the construction of an accessory dwelling unit.
- j. If a private sewage disposal system is used, the applicant has obtained approval from all appropriate agencies.
- k. Installation of a new or separate utility connection or the collection of a related connection fee or capacity charge is not required.

- ~~1. If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.~~
2. **Accessory Dwelling Units (Attached and Detached).** Accessory dwelling units not located within an existing permitted structure (i.e., new attached and detached structures) shall comply with all the following standards:
- a. The lot is zoned ~~for~~ to allow single-family or multifamily dwelling residential use and contains no more than one existing or proposed ~~single-family~~ dwelling.
  - b. No other accessory dwelling unit exists or is proposed on the same parcel, except a junior accessory dwelling unit.
  - c. The accessory dwelling unit may be rented. An accessory dwelling unit may also be sold or conveyed separately from the primary residence to a qualified buyer if it meets all of the provisions of Section 9.295.020.E.1.c. ~~shall not be sold or otherwise conveyed separate from the primary dwelling on site.~~
  - d. Either the primary dwelling or the accessory dwelling unit shall be occupied by the owner of the property. The accessory dwelling unit shall not be rented for less than a 30-day period.
  - ~~e. The accessory dwelling unit complies with all Building and Safety Code requirements.~~
  - e.f. The maximum total floor area for an attached or detached accessory dwelling unit is 1,200,1,500 square feet.
  - f.g. Accessory dwelling units shall comply with the development standards of the zone in which the property is located, except:
    - i. **Setbacks.** ~~no setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit; and, a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit (that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure). Notwithstanding the above setback requirements, a guest living quarter located in or on a permitted existing detached accessory structure (such as a garage) may be allowed with reduced interior side and rear yard setbacks if the setbacks are found to be sufficient for meeting fire safety requirements.~~
      - 1. **Front Setback.** The front setback shall be the same as the underlying zoning of the property in which the accessory dwelling unit is proposed, except that application of the front yard setback standard shall not preclude the construction of an accessory dwelling unit, of at least 800 square feet in size with four-foot side and rear yards. The front setback standard may be reduced to the extent necessary to accommodate the accessory dwelling unit.
      - 2. **Side and Rear Setback.** A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

The above setback requirements shall not apply where an existing permitted accessory structure or structure is converted to an accessory dwelling unit or where



the accessory dwelling unit replaces an existing structure provided that the accessory dwelling unit is constructed in the same location and to the same dimensions as the existing structure and that the structure meets fire safety requirements.

ii. **Height.**

1. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

2. A maximum height of 20 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 211155 of the Public Resources Code.

1.—A maximum height of 25 feet or the height limitation of the zone applicable to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to the primary dwelling.

~~g-h.~~ Accessory dwelling units shall be located to the rear or side of the primary dwelling, but shall not preclude the construction of an accessory dwelling unit, of at least 800 square feet in size with four-foot side and rear yards. ~~unless a minor exception is granted pursuant to the procedures of Chapter 9.70 (Minor Exception).~~

~~h-i.~~ Parking shall be provided as follows:

i. One off-street parking space shall be required for the accessory dwelling unit. The space may be uncovered and shall be permitted in setback areas or as tandem parking, unless the location is not feasible based upon specific site or regional topographical or fire and life safety conditions.

ii. Parking for the accessory dwelling unit shall not be required if any of the following conditions are met:

1. The accessory dwelling unit is located within one-half mile walking distance of public transit.

2. The accessory dwelling unit is located within an architecturally and historically significant historic district.

3. The accessory dwelling unit is ~~located within an part of the proposed or existing permitted primary residence or an accessory existing permitted~~ structure.

4. When on-street parking permits are required but not offered to the occupant(s) of the accessory dwelling unit.

5. When there is a car-share vehicle located within one block of the accessory dwelling unit.

5-6. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit satisfies all other criteria required in this chapter.

iii. If a garage, carport, or covered parking structure providing required parking for the primary dwelling is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement spaces are not required.

- ~~i.j.~~ ~~—~~ Accessory dwelling units shall be compatible with the architectural style of the primary dwelling. No bare metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, the accessory dwelling unit structure must possess at least three of the following traits in common with the primary dwelling on-site:

  - i. Wall covering materials.
  - ii. Roofing material.
  - iii. Roofing pitch.
  - iv. Structural eaves.
  - v. Mass and scale of structure relative to structural height.
  - vi. Window characteristics.
  - vii. Decorative treatments.
- ~~j.k.~~ Outside stairways serving an accessory dwelling unit located on a second story shall not be constructed on any building elevation facing a public street, not including alleys.
- ~~k.l.~~ Any accessory dwelling unit located more than 150 feet from a public right-of-way shall provide ~~all-weather~~ access for emergency vehicles as required by the Fire Marshal.
- ~~l.m.~~ Prior to issuance of a building permit, the applicant shall grant to the City an irrevocable offer of dedication for any additional right-of-way required to be consistent with the General Plan Circulation Element, or provide for access to the project site, or ensure that previous dedications were properly provided with underlying subdivisions and lot splits (prior to Subdivision Map Act requirements).
- ~~m.n.~~ Prior to issuance of a building permit, public improvements may be required where public health, safety or welfare conditions warrant additional improvements.
- ~~n.o.~~ Prior to issuance of a building permit, the applicant shall submit to the City Building and Safety Department written certification from the affected water and sewer district(s) that adequate water and sewer facilities are or will be available to serve the proposed accessory dwelling unit. For accessory dwelling units using onsite septic facilities, the City requires a percolation test completed within the last five years, or if the percolation test has been recertified, in the last 10 years. ~~W~~ritten certification of acceptability, including all supportive information, shall be submitted to the City Building and Safety Department with any application for a building permit for an accessory dwelling unit.
- ~~o.~~ ~~Based upon geographic constraints, review shall be required from the following agencies, departments, divisions and districts:~~

  - ~~i.~~ ~~Fire Department.~~
  - ~~ii.~~ ~~Riverside County Flood Control and Water Conservation District.~~
  - ~~iii.~~ ~~Any other entities deemed necessary as determined by the Community Development Director.~~
- p. Accessory dwelling units shall not be permitted in those areas of the city which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the City or another public agency with the authority to impose such a development moratorium.

- g. A new or separate utility connection directly between the accessory dwelling unit and the utility may be required, unless exempt pursuant to Government Code section 65852.2(f)(4). The connection may be subject to a connection fee or a capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit upon the water or sewer system, based upon either the size of the accessory dwelling unit or the number of its plumbing fixtures.
- r. The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing single-family or multifamily dwelling.
- 3. Multifamily Accessory Dwelling Units and Accessory Dwelling Units combined with a Junior Accessory Dwelling Unit.** Notwithstanding the above, any of the following within a residential or mixed-use zone is allowed subject to ministerial approval of building permit:

  - a. One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

    - i. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
    - ii. The space has exterior access from the proposed or existing single-family dwelling.
    - iii. The side and rear setbacks are sufficient for fire and safety.
    - iv. The junior accessory dwelling unit complies with the requirements of Section 9.295.020.E.4.
  - b. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described above, subject to the following conditions on the accessory dwelling unit:

    - i. A total floor area limitation of not more than 800 square feet.
    - ii. A height limitation as provided in clause (i), (ii), or (iii) as applicable, of subparagraph (D) of paragraph (2) of subdivision (c).
  - c. **Multiple Accessory Dwelling units within portions of existing multifamily structures.**

    - i. Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
    - ii. At least one accessory dwelling unit within an existing multifamily dwelling up to a maximum of 25 percent of the existing multifamily dwelling units.
  - d. **Multifamily with detached accessory dwelling units.**

    - i. Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to the applicable height limitation of this chapter as applicable, and rear yard and side setbacks of no more than four feet.



ii. If the existing multifamily dwelling has a rear or side setback of less than four feet, no modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this chapter.

**4. Development and Operational Standards for Junior Accessory Dwelling Units (JADU).**

- a. No more than one JADU is permitted per residential lot zoned for single-family residences, with a single-family residence built, or proposed to be built on the lot.
- b. JADUs must be constructed entirely within the walled interior area of an existing or proposed primary dwelling. Enclosed uses within the residence, such as an attached garage, are considered part of the proposed or existing single-family residence.
- c. The JADU shall not be rented for less than a 30-day period.
- d. The JADU complies with all Building and Safety Code requirements.
- e. The JADU shall have its own separate entrance from the main entrance of the proposed or existing single-family residence.
- f. The JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- g. The JADU shall not exceed 500 square feet.
- h. The JADU must include an efficiency kitchen, which shall include the following:
  - i. A cooking facility with appliances; and
  - ii. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- i. No additional parking shall be required for a JADU.
- j. The owner of single-family property on which the JADU is proposed, must execute a covenant and agreement in a form acceptable to the City, stating that either the remaining portion of the primary dwelling or the newly created JADU will be occupied by the property owner. Owner occupancy is not required if the owner is another governmental agency, land trust, or housing organization.
- k. The owner must record a deed restriction, which shall run with the land, which shall include the following:
  - i. A prohibition on the sale of the JADU separately from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
  - ii. A restriction on the size and attributes of the JADU as outlined in these provisions.
- l. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
- m. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

**Certificate of Occupancy.** No certificate of occupancy for an accessory dwelling unit shall be issued before the issuance of a certificate of occupancy for the primary dwelling.

### **9.295.025 Emergency Shelter**

- A. Purpose and Intent.** The purpose of this section is to permit Emergency Shelters and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods consistent with the goals, objectives, and policies of the General plan.
- B. Applicability.** Emergency shelters shall be permitted in the HI and HDR zones without a conditional use permit or other discretionary action. For the purposes of this Section, “Emergency Shelter” shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.
- C. Development Standards.** Emergency Shelters shall comply with the standards of the underlying zoning of the property in which the Emergency Shelter is proposed, the City’s Multifamily Objective Design Standards as applicable, and all local, state, and federal requirements. In addition, Emergency Shelters shall comply with the following:
1. The maximum number of clients permitted to be served (eating, showering, and/or sleeping) nightly shall not exceed one per one hundred twenty-five (125) square feet of floor area;
  2. Sufficient parking shall be provided to accommodate all staff working in the emergency shelter, provided that the required parking for the emergency shelter is no more than other residential or commercial uses within the same zone.
  3. The interior onsite waiting and client intake area for a facility shall include a minimum of ten (10) square feet per bed;
  4. An exterior onsite waiting and client intake area shall be located a minimum of 50 feet from any public right-of-way, and a minimum of 50 feet from an adjacent property, and shall be screened from public view by a minimum 6-foot-high screen wall and landscaping;
  5. No portion of any Emergency Shelter shall be located within three hundred (300) feet of another Emergency Shelter;
  6. Lighting shall be provided in all parking, exterior (outside) intake and/or waiting areas, outside common areas and along the periphery of the building and facility. Such lighting shall be in conformance with Chapter 9.205 Lighting Standards of this Code.
  7. Provide on-site facilities management personnel during all hours that the emergency shelter is in operation.
  8. Provide security during all hours that the emergency shelter is in operation.

### **9.295.035 Low Barrier Navigation Center**

- A. Purpose.** The purpose of this section is to establish requirements for review of low barrier navigation centers in compliance with California Government Code Sections 65660 through 65668. The California Legislature finds and declares that Low Barrier Navigation Center developments are essential tools for alleviating the homelessness crisis in this state and are a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Article 12 – Low Barrier Navigation Centers of the California Government Code shall apply to all cities, including charter cities.
- B. Applicability.** The provisions contained in this section shall apply to all low barrier navigation centers. A Low Barrier Navigation Center development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses, provided that it meets the following requirements:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
  2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing.
  3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
  4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
  5. Low Barrier Navigation Centers shall also comply with the standards established for Emergency Shelters in Section 9.295.027 of this Code.
- C. Requirements for By Right Review.** Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the City will notify a developer whether the developer’s application is complete. If the application is determined to be incomplete, the City will provide the applicant with an exhaustive list of items that were not complete (Government Code Section 65943).
- D. Definitions.** For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning, or otherwise defined in Government Code Sections 65660 et seq.
1. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to the applicable provisions of the Code of Federal Regulations as specified in Government Code Section 65662, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
  2. “Low barrier” see definition of “Supportive Housing – Low Barrier Navigation Center” in Chapter 9.300 Universal Definitions.
  3. “Low barrier navigation center” see definition of “Supportive Housing – Low Barrier Navigation Center” in Chapter 9.300 Universal Definitions.
- E. Repeal.** This section shall remain in effect until January 1, 2027, and as of that date is repealed unless extended under state law.

### **9.295.037 Multifamily Housing in Commercial Zones – AB 2011 & SB 6**

- A. Purpose.** This section is adopted pursuant to the provisions of Assembly Bill 2011, known as the “Affordable Housing and High Road Jobs Act of 2022,” and Senate Bill 6, known as the Middle Class Housing Act of 2022.” This legislation is intended to provide greater opportunity for housing and address the State’s continuing housing crisis.
- B. Applicability.** This section establishes clear eligibility criteria for the use of commercial-zoned properties for multiple-family developments.
1. AB 2011 Mixed-Income Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use;
    - and
  2. AB 2011 100% Affordable Housing Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.
  3. SB 6 Projects are permitted in:
    - a. Zoning districts where office, retail, or parking are a principally permitted use.



**C. Application and Processing.**

1. AB 2011 Mixed-Income Housing Projects and AB 2011 100% Affordable Housing Projects that meet all the requirements of this section shall be by right and require submittal of an AB 2011 Multi-Family Ministerial Review application processed in accordance with the following procedures:

  - a. **Application Review Shot-Clock and Written Comments.** If the City determines that the proposed development is in conflict with any objective development standards, the City will provide the applicant with written documentation of the standards the development conflicts with, as well as an explanation for the reason(s) the development conflicts with the standards within:

    - i. 60 days of submittal for developments of 150 or fewer housing units
    - ii. 90 days of submittal for developments larger than 150 units.
  - b. **Reasonable Person Standard for Determination of whether Objective Planning Standards are met.** A development is consistent with objective planning standards if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.
  - c. **Design Review Shot-Clock.** Design review shall be broadly applicable and to developments within the City and shall not inhibit or preclude the ministerial approval provided by the review process. The review must be completed within:

    - i. 90 days of submittal for developments of 150 or fewer housing units.
    - ii. 180 days of submittal for developments larger than 150 units.
    - iii. The design review shot-clock runs concurrently with
  - d. Applications for an AB 2011 Multi-Family Ministerial Review shall be reviewed and approved by the designated approving authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for an AB 2011 Multi-Family Ministerial Review Permit.
2. Certain projects processed under AB 2011 are exempt from California Environmental Quality Act (CEQA), as set forth in AB 2011.
3. SB 6 projects are processed as a Major Plot Plan application subject to review procedures of Chapter 9.80 Plot Plan.
4. If the proposed project meets all SB 6 requirements (except non-compliance with zoning prohibiting residential use), then it may invoke SB 35 and the Housing Accountability Act. Chapter 9.87 of this Code outlines the approval process for SB 35 Multifamily Ministerial Review projects.

**D. Site and Project Criteria for AB 2011.** All projects must be multiple-family housing developments located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:

1. 100% affordable housing projects must:

- a. Be on a parcel in an urban area, surrounded by urban uses, and not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use (Government Code Section 65912.111(b)-(d)). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
- b. The site satisfies the requirements of Government Code Section 65913.4(a)(6)(B)-(K). (Government Code Section 65912.111(e)).
- c. The units are subject to a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units.
- d. Meet hazardous condition criteria as determined in a Phase I environmental site assessment (ESA) (Government Code Section 65912.111(c)).
- e. Be located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas. (Government Code Section 65912.111(d)-(e)).
- f. Meet objective zoning standards, specifically the City's Multifamily Objective Design Standards (Government Code Section 65912.111(f)).

2. Mixed-income eligible projects must:

- a. Be on a parcel in an urban area, surrounded by urban uses, abuts a commercial corridor with a frontage along the corridor of at least 50 feet, is on a site of 20 acres or less, and is not on a site or adjoined to a site where more than 1/3 of the square footage is dedicated to industrial uses. (Government Code Sections 65912.121(b)-(f)). Under AB 2011, parcels separated only by a street or highway are considered adjoined.
- b. Be on a site that satisfies the requirements of Government Code Section 65913.4(a)(6)(B)-(K). (Government Code Section 65912.121(g)).
- c. The development would not require the demolition of:
  - i. Housing subject to recorded covenant, ordinance or law that restricts rents to levels affordable to moderate, low, or very low-income households.
  - ii. Housing subject to rent price control.
  - iii. Housing occupied by tenants in the last 10 years, excluding manager's units.
  - iv. Any historic structure on a national, state, or local historic register.
- d. Not be on a site that was previously used for permanent housing that was occupied by tenants, excluding any manager's unit, that was demolished within 10 years before development proponents submits an application.
- e. Vacant sites cannot contain tribal cultural resources or be located in a very high fire hazard severity zone (Government Code Section 65912.121(j)).
- f. Meet the following affordability criteria by providing:
  - i. For rental projects, 8% very low-income and 5% extremely low-income affordable units; or
  - ii. 15% affordable for lower income households (Government Code Section 65912.122(a)).
  - iii. All affordable units must have a recorded deed restriction for 55 years.

- g. For owner-occupied housing:
  - i. 30% of units offered as affordable to moderate income households; or
  - ii. 15% units offered as affordable to lower income households (Government Code Section 65912.122(b)).
  - iii. All affordable units must have a recorded deed restriction for 45 years.
- h. Meet objective development standards (Government Code Section 65912.123).
- i. For sites more than one acre in size and with more than 100 feet in width, provide a density of at least 60 units/acre (Government Code Section 65912.123)
- j. Located more than 500 feet from a freeway and more than 3,200 feet from a facility that extracts or refines oil or natural gas (Government Code Sections 65912.123(g)-(h)).
- k. Provide notice and specified protections to existing commercial tenants located on the site (Government Code Section 65912.123(i)).
- 4. Affordable units in the project must have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.
- 5. Eligible projects must meet specified labor standard criteria, including payment of a prevailing wage, and, for larger projects (over fifty (50) units), hire contractors that participate in apprenticeship programs (Government Code Sections 65912.130,-.131).
- 6. Projects may be eligible for a density bonus, incentives or concessions, waivers, or parking ratios pursuant to Section 9.03.050 (Residential Districts).
- E. Site and Project Criteria for SB 6 Projects.** All projects must be multiple-family housing developments or mixed-use with at least 50 percent of the square footage dedicated to residential use located within an urbanized area or urban cluster (designated by US Census Bureau) and in zoning districts where office, retail, or parking are principally permitted uses. Additional criteria required as follows:
  - 1. The project must meet specified density requirements—at least 30 units/acre for the parcel (Government Code Sections 65852.24(b)(1), and 65583.2(c)(3)(B)).
  - 2. The project site is 20 acres in size or less (Government Code Section 65852.24(b)(4)).
  - 3. The project meets specified objective development standards, specifically applicable standards of the Development Code, Subdivision Code, and Multifamily Objective Design Standards (Government Code Section 65852.24(b)(5)).
  - 4. The project is not on a site or adjoined to any site where more than 1/3 of the square footage is dedicated to an industrial use (Government Code Section 65852.24(b)(6)(B)(i)).
  - 5. The project is consistent with any applicable and approved sustainable community strategy or alternative plan (Government Code Section 65852.24(b)(7)).
  - 6. The project is either: (i) a public work (as defined in Government Code Section 65852.24.(b)(8)(A)(i) for prevailing wage purposes, or (ii) all construction labor will be paid a prevailing wage (along with other labor requirements) (Government Code Section 65852.24(b)(8)(A)).



7. The developer must provide written notice to any exiting commercial tenants (Government Code Section 65852.24(c)(1)).
8. Mixed-use developments consisting of residential and nonresidential retail commercial or office uses are required to have at least 50 percent of the square footage of the new construction associated with the project designated for residential use. None of the square footage of any such development shall be designated for a hotel, motel, bed, and breakfast inn, or other transient lodging use, except for a residential hotel.
9. The housing development shall comply with any public notice, comment, hearing, or other procedures imposed by the City on a housing development in the applicable zoning designation.

**F. Development standards for AB 2011 projects.**

1. 100% affordable housing projects must meet the following standards:
  - a. Project density meets or exceeds applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law.
  - b. Development must meet objective zoning, subdivision, and design review standards for the zone that allows greater residential density between the following:
    - i. Existing zoning designation for the parcel if it allows multifamily residential use; or
    - ii. Zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower income households pursuant to housing element law.
  - c. Development shall be deemed consistent with objective zoning standards related to housing density if compliant with maximum density allowed within the land use designation and regardless of any specified maximum unit allocation that may result in fewer units of housing being permitted.
2. Mixed-income housing projects must meet the following standards:
  - a. In metropolitan jurisdictions, the residential density shall meet or exceed the greater of the following:
    - i. The existing residential density permitted;
    - ii. For sites of less than one acre, 30 units/acre;
    - iii. For sites of one acre or greater located on a commercial corridor of less than 100 feet in width, 40 units/acre;
    - iv. For sites of one acre or greater located on a commercial corridor of 100 feet or greater width, 60 units/acre;
    - v. For sites within one-half mile of a major transit stop, 80 units/acre.
  - b. Height limit applicable shall be the greater of the following: Height currently permitted on the parcel;
    - i. For sites on a commercial corridor of less than 100 feet in width, 35 feet;
    - ii. For sites on a commercial corridor of 100 feet or more, 45 feet;

- iii. For sites within one-half mile of a major transit stop in a city with a population of greater than 100,000, 65 feet.
- c. No parking is required except for requirements related to bicycle parking, electric vehicle parking spaces or parking spaces accessible to persons with disabilities.
- d. Projects are required to meet the following setback standards:
  - i. For the portion of a property that fronts a commercial corridor, no setbacks may be required except that all parking must be set back at least 25 feet and the ground floor of a building must abut within 10 feet of the property line for at least 80% of the frontage.
  - ii. For portions of the property that front a side street, the building must abut within 10 feet of the property line for at least 60% of the frontage. For portions of the property that abuts an adjoining property that also abuts the same commercial corridor, no setbacks may be required unless the adjoining property contains any residential use that was constructed prior to the enactment of AB 2011.
  - iii. Along property lines that abut a residential use, the ground floor shall be set back 10 feet. Starting with the second floor, each floor shall be stepped back in an amount equal to 7 feet multiplied by the floor number.
  - iv. Along property lines that abut non-residential use, the development shall be set back 15 feet.
- e. One-half of the ground floor area of the housing development shall be dedicated to retail use.

**G. Development standards for SB 6 projects.**

- 1. Must comply with local zoning, parking, design, and other ordinances, local code requirements, and procedures applicable to the processing and permitting of a housing development in the zone that allows for housing with the requested density.
  - a. If more than one zoning designation allows for requested density, the applicable zoning standards shall be those for the zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate lower-income households pursuant to housing element law.
  - b. If the existing zoning designation for the parcel allows residential density that exceeds housing element law density, the existing zoning designation applies.
- 2. The project must comply with all other objective local requirements for a parcel (except those that prohibit residential use or allow residential use only at a lower density), including impact fee requirements.

**H. Density Bonuses.**

A housing development proposed pursuant to the act shall be eligible for a density bonus, incentives or concessions, waivers, or reductions of development standards, and parking ratios pursuant to section 65915. (§ 65912.114, subd. (f).) A development proposal for consideration as mixed-income housing has the same eligibility but cannot use a concession to reduce the City requirement for the provision of up to one-half of the ground floor dedicated to retail.

**I. Protection of Residential Units.**

The development shall not demolish more residential units than it will develop or result in the demolition of occupied or vacant protected units without meeting certain criteria outlined in the Act regardless of whether the development is or not typically affected by section 66300. (§§ 65912.114, subd. (g), 65912.124, subd. (g), 66300, subd. (d).)

**J. Subdivision Applications May be Exempt from CEQA Review.**

If the development is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act shall be exempt from CEQA requirements. (§§ 65912.114, subd. (h), 65912.124, subd. (h).)

**K. Some Parcels May be Exempted from the Ministerial Review Shot-Clock.**

The City may exempt parcels from the shot-clocks mandated in sections 65912.114 and 65912.124, but the parcels will still be subject to the expiration timeframes in section 65913.4, subdivision (f) relating to non-expiration of approvals for developments that include public investment in housing affordability that contain at least 50% of units affordable to households at or below 80% of the area median income (“AMI”). (§§ 65912.114, subd. (j), 65912.124, subd. (j).)

**L. City May Override Ministerial Review Process with Certain Written Findings**

The City may exempt a parcel from the Act’s ministerial review process if *before* a development proponent submits an application, the City makes *written findings establishing all* of the following:

1. Identified Parcels: The City identified parcels (“Identified Parcels”) that meet the requirements of section 65912.111, subdivisions (b) through (f) or section 65912.121, subdivisions (b) and (e)-(h). (§§ 65912.114, subd. (i)(1), 65912.124, subd. (i)(1).)
2. Allowing Residential Use or Higher Residential Density: If Identified Parcels would not otherwise be eligible for development pursuant to the Act, the City permitted the parcels to be developed pursuant to the Act. (§§ 65912.114, subd. (i)(2)(A), 65912.124, subd. (i)(2)(A).) If Identified Parcels would otherwise be eligible for development pursuant to the Act, the City permitted residential densities above the residential density required in subdivision (b) of sections 65912.113 and 65912.123 and heights required in section 65912.123, subdivision (c). (§§ 65912.114, subd. (i)(2)(B), 65912.124, subd. (i)(2)(B).)
3. Protecting Residential Uses: The development of the parcels will result in all of the following:
  - a. No net loss of the total potential residential density in the jurisdiction. (§§ 65912.114, subd. (i)(3)(A), 65912.124, subd. (i)(3)(A).)
  - b. No net loss of the potential residential density of housing affordable to lower income households in the jurisdiction. (§§ 65912.114, subd. (i)(3)(B), 65912.124, subd. (i)(2)(B).)
  - c. Affirmative furthering of fair housing. (§§ 65912.114, subd. (i)(3)(C), 65912.124, subd. (i)(3)(C).)

**M. Modifications and Subsequent Permits Shall Not Be Unreasonably Delayed**

Proposed modifications to a development approved pursuant to the Act shall be undertaken pursuant to section 65913.4, subdivision (g). (§§ 65912.114, subd. (k), 65912.124, subd. (k).) Further, the City shall not adopt or impose any requirement that applies to a development solely or partially on the basis that the development is eligible to receive ministerial review. (§§ 65912.114 (l), 65912.124, subd. (l)).



For development developments approved pursuant to the Act's review process, the City shall issue subsequent permits without unreasonable delay and shall not impose any procedure or requirement that is not imposed on developments that are not approved pursuant to this section. (§§ 65912.114, subd. (m), 65912.124, subd. (m), 65913.4, subd. (h)(2).) Additionally, public improvements necessary to implement the approved development shall not be reviewed in a manner that would inhibit, chill, or preclude the development. (§§ 65912.114, subd. (n), 65912.124, subd. (n), 65913.4, subd. (h)(3).)

**N. Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "AB 2011 Mixed-Income Housing Projects" shall refer to housing development project as set forth in AB 2011, Article 2 (Affordable Housing Developments in Commercial Zones), and is intended to refer to such projects which are subject to a streamlined, ministerial review, pursuant to Government Code Section 65912.114, subject to satisfying all requisite requirements, as set forth therein.
2. "AB 2011 100% Affordable Housing Project" shall refer to housing development project(s) as set forth in AB 2011, Article 3 (Mixed-Income Housing Developments Along Commercial Corridors), and is intended to refer to such projects which are subject to a streamlined, ministerial review pursuant to Government Code Section 65912.124, subject to satisfying all requisite requirements, as set forth therein.
3. "SB 6 Projects" shall refer to housing development project as set forth in SB 6, as codified in Government Code Section 65852.24, subject to the streamlined, ministerial approval process, satisfying all requisite requirements therein.
4. "Commercial corridor" means a highway, as defined in Vehicle Code Section 360, that is not a freeway, as defined in Vehicle Code Section 332, and that has a right-of-way, as defined in Vehicle Code Section 525, of at least 70 feet but not greater than 150 feet.
5. "Dedicated to industrial use" means any of the following: (1) square footage is currently being used as industrial use; (2) more recently permitted use of the square footage is an industrial use; or (3) site was designated for industrial use in local government's latest general plan adopted before January 1, 2022.
6. "Multiple-family" as applicable to Section 9.04.050 of this Code, means a property with five or more housing units for sale or for rent. There is no requirement that the housing units be attached.
7. "Prevailing wage" means at least the general prevailing rate or per diem wages for the type of work and the geographic area as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9, except apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. The same definition is used in both AB 2011 and SB 6.
8. "Principally permitted use" means a use that may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit.
9. "Residential hotel" has the same meaning as defined in Government Code Section 50519 of the Health and Safety Code.

O. **Interpretation.** If any portion of this section conflicts with AB 2011, SB 6, or other applicable state law, state law shall supersede this section. Any ambiguities in this section shall be interpreted to be consistent with AB 2011 and SB 6.

## Chapter 9.296 SB 9 Urban Lot Split & Two-Unit Development

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### 9.296.010 Purpose

The purpose of this section is to appropriately regulate urban lot splits and two-unit developments in accordance with Government Code Section 66411.7 and 65852.21.

### 9.296.020 Applicability

Only individual property owners may apply for an urban lot split and a two-unit development. "Individual property owner" means a person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C Corp, S Corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code § 214.15).

### 9.296.030 Approving Authority

An application for housing development with two units on a single lot within a single-family residential zone shall be considered and approved ministerially, without discretionary review or a hearing. Applications for Senate Bill 9 (SB 9) urban lot splits and two-unit developments shall be reviewed and approved by the designated authority as specified in Table 9.30.090-1 (Designated Authority for Permits and Approvals). The designated approving authority is authorized to approve, alter, or deny an application for SB 9 urban lot splits and two-unit developments.

### 9.296.040 Requirements

The standards set forth below shall apply to all urban lot splits and two-unit developments. For any development standard not explicitly identified below, the requirements of the underlying zone shall apply, unless superseded by State Law.

- A. **Map Act Compliance.** The lot must conform to all applicable objective requirements of the Subdivision Map Act (Government Code § 66410 et seq., "SMA"), including implementing requirements in this Code, except as otherwise expressly provided in this section.
- B. **Location and Zoning.** An urban lot split or two-unit development project shall only be allowed in a single-family residential zone. For the purposes of this section, a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential



dwelling on a lot, subject to the exceptions set forth below and in Government Code § 65913.4(a)(6)(B)—(K). (See Government Code § 66411.7(a)(3)(C).) Not on properties that are:

1. Prime farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
  2. A wetland.
  3. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by applicable building code standards.
  4. A hazardous waste site that has not been cleared for residential use.
  5. Within a delineated earthquake fault zone, unless the development complies with applicable seismic protection building code standards.
  6. Within a 100-year flood hazard area, unless the site has either:
    - a. Been subject to a letter of map revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
    - b. Meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
  7. Within a regulatory floodway unless all development on the site has received no-rise certification.
  8. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan. Properties within the Hillside Overlay are subject to Hillside Development Standards pursuant to Chapter 9.195.
  9. Habitat for protected species.
  10. Land under conservation easement.
  11. Must not be a historic property or within an historic district that is included in the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
- C. Restrictions Related to Existing Affordable Housing and Rentals.** A parcel is not eligible to do an urban lot split or a two-unit development if the project would require demolition or alteration of:
1. More than 25 percent of the exterior walls of a unit that is occupied by a tenant or has been occupied by a tenant at any time in the previous three years;
  2. Housing that is income-restricted for households of moderate, low, or very low income;
  3. Housing that is subject to any form of rent or price control; and
  4. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code §§ 7060—7060.7) at any time in the 15 years prior to submission of the urban lot split application.
- D. Regulation of Uses.**
1. **Nonresidential Uses.** Except for permitted home occupations pursuant to Chapter 9.255, non-residential uses shall be prohibited.
  2. **Short Term Rentals Prohibited.** Units created pursuant to this Chapter shall be rented or leased for a term equal to or longer than 30 days.

**3. Owner Occupancy.**

- a. Urban Lot Split – the applicant/property owner for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.
- b. Two-Unit Development – Unless the lot on which a two-unit development is constructed was established through an urban lot split, the property owner of the property shall reside in one of the units as their principal residence.

**E. Deed Restriction.** The owner must record a deed restriction, acceptable to the City, that does each of the following:

1. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
2. Expressly prohibits any non-residential use of the lots created by the urban lot split.
3. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
4. States that the property is formed by an urban lot split and therefore subject to the city’s urban lot split regulations, including all applicable limits on dwelling size and development.
5. States that the deed restriction runs with the land and each provision therein may be enforced against future owners of the property.

**9.296.050 Urban Lot Split Standards**

The following development standards shall apply to urban lot splits.

**A. Parcel Size.**

1. Each resulting lot shall be of approximately equal size. In no instance shall a parcel be smaller than 40 percent of the lot area of the original parcel proposed for subdivision, or smaller than 1,200 square feet, whichever is greater.
2. Lots created from an SB 9 urban lot split may not be further subdivided.

**B. Lot Lines.** Lot lines shall be depicted on the parcel map submitted as part of urban lot split application and prepared by a registered civil engineer or licensed land surveyor in accordance with Government Code Section 66444-66450. Lot lines shall include a reference basis, distance, measurement, and bearings.

**C. Access.**

1. Each resulting parcel shall provide at least a 24-foot lot frontage along a public or private street.
2. Additional access requirements, including but not limited to a wider access corridor or easement, may be required where necessary to provide adequate access for fire safety equipment as determined by the Fire Marshal.

**D. Setbacks.** The proposed property line dividing an existing lot into two lots with a proposed urban lot split shall be setback a minimum of 5 feet from an existing primary dwelling or any existing accessory structure located on the lot intended to be subdivided.

- E. **Dedications and Easements.** Easements may be required to convey public utilities, access, and other services. Right-of-way dedication and offsite improvements shall not be required through an urban lot split.
- F. **No Prior Lot Split.** A lot shall not be eligible for an urban lot split if it was previously established through a parcel map for an urban lot split.
- G. **Adjacent Parcels.** A lot shall not be eligible for an urban lot split if the owner of the lot being subdivided, or any person acting in concert with the owner, has previously subdivided an adjacent lot via an urban lot split.
- H. **Legal Nonconforming Conditions.** An urban lot split may be approved without requiring a legal nonconforming zoning condition to be corrected.
- I. **Utilities.** Parcels created through an urban lot split shall have separate sewer, water, gas, and electrical utility services and have the ability to connect prior to approval of the urban lot split.
- J. **Unit Quantity.** No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For the purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, Accessory Dwelling Units (ADUs), or Junior Accessory Dwelling Units (JADUs).
- K. **Two-Units.** Parcels created through an urban lot split shall be subject to Section 9.296.060 Two-Unit Development Standards.

### 9.296.060 Two-Unit Development Standards

The following development standards shall apply to two-unit developments.

- A. **Legal Lot.** The proposed development must be located on a legally created lot or a proposed urban lot split.
- B. **Unit Quantity.** A lot that is not created by an urban lot split may have a two-unit project under this section. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary unit, a unit created under this section of the code, an Accessory Dwelling Unit (ADU), or a Junior Accessory Dwelling Unit (JADU).
- C. **Unit Size.**
  - 1. The total floor area of each primary dwelling unit that is developed as a two-unit project must be between 500 to 800 square feet.
  - 2. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.
  - 3. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.
- D. **Lot Coverage.** The lot coverage standard per the existing zone will only be enforced to the extent that it does not prevent two primary dwelling units on the lot of 800 square feet each.
- E. **Open Space.** The open space standard per the existing zone will only be enforced to the extent that it does not prevent two primary dwelling units on the lot of 800 square feet each.
- F. **Setbacks.**



1. **Generally.** All setbacks must conform to those objective setbacks that are imposed by the underlying zoning.
2. **Separation.** Each unit shall be located 10 feet from each other and at least 5 feet from an accessory structure, patio cover, or carport.
3. **Exceptions.**
  - a. **Existing Structures.** No setback is required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
  - b. **800 Square Foot Dwelling.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

**G. Parking Spaces Required.**

1. Each primary dwelling unit must have at least one off-street parking space.
2. Required parking for each dwelling unit may be exempt if one of the following applies:
  - a. The lot is located within one-half mile walking distance of either of the following:
    - i. A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.
    - ii. A site that contains an existing rail or bus rapid transit station, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
  - b. The site is located within one block of a car-share vehicle location.

**H. Architecture. Two-unit developments shall be compatible with the architectural style of the primary dwelling. No bare metal, unpainted or unfinished structures are allowed. To determine architectural compatibility, two-unit developments must possess at least three of the following traits in common with the primary dwelling on-site:**

1. Wall covering materials.
2. Roofing material.
3. Roofing pitch.
4. Structural eaves.
5. Mass and scale of structure relative to structural height.
6. Window characteristics.
7. Decorative treatments.

**I. Utilities.**

1. Each existing and newly constructed unit shall maintain separate and independent public services and utilities, including separate utility connections and meters. All electric utility connections shall be underground.
2. Two-unit developments shall be required to connect to sewer and shall not be permitted where sewer is not available.

**J. Fire-Hazard Mitigation Measures. A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:**

1. Emergency access and water supply requirements shall comply with the California Code of Regulations, Title 14 and Title 24, Part 9.
2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

**K. Separate Conveyance.**

1. Dwelling units on the lot may not be owned or conveyed separately from each other.
2. Condominium airspace divisions and common interest developments are not permitted within the lot.
3. All fee interest in a lot must be held equally and undivided by all individual property owners.

**L. Certificate of Occupancy.** No certificate of occupancy for a two-unit development shall be issued before the issuance of certificate of occupancy for the first primary dwelling.

**M. Applicable Chapters.** Site requirements of the following Chapters, but not limited to, shall apply to two-unit developments:

1. Chapter 9.160 – General Development Standards
2. Chapter 9.165 – Accessory Structures
3. Chapter 9.185 – Fences, walls and screening
4. Chapter 9.190 – Hillside Development Standards
5. Chapter 9.195 – Landscaping Standards
6. Chapter 9.200 – Tree Preservation
7. Chapter 9.230 – Utilities

**9.296.070 Specific Adverse Impacts**

Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a “specific adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. The building official may consult with and be assisted by the Community Development Director and others as necessary in making a finding of specific adverse impact.

## Chapter 9.300 Universal Definitions

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- 9.300.010 Purpose
- 9.300.020 “A” Definitions
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- 9.300.240 “W” Definitions
- 9.300.250 “X” Definitions
- 9.300.260 “Y” Definitions
- 9.300.270 “Z” Definitions

(Ord. No. 2022-356, 10/05/2022)

### 9.300.010 Purpose

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This chapter provides definitions of terms and phrases used in this Development Code that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Municipal Code, these definitions shall control for the purposes of this Development Code. If a word is not defined in this chapter, or other provisions of the Municipal Code, the Community Development Director shall determine the most appropriate definition in compliance with [Chapter 9.10](#) (Rules of Interpretation). State law definitions, as they may be amended from time to time, control over the definitions in this section.

### 9.300.020 “A” Definitions

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**Abandonment.** A discontinuance of any use with intent to permanently discontinue such use.

**Abatement.** The method of reducing the degree and intensity of pollution, nuisances or violations.

**Abut.** To physically touch or border upon; to share a common property line.

**Access.** A way or means of physical entry to a property.

**Accessory Dwelling Unit.** An attached or a detached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the primary dwelling unit is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in California Health and Safety Code Section 18007.

**Accessory Use.** See *Use, Accessory*.

**Accessory Structure.** See *Structure, Accessory*.

**Acre.** A measure of land area containing 43,560 square feet.

**Acre, Gross.** The entire acreage of a site calculated to the centerline of bounding streets.

**Acre, Net.** The portion of a site not reserved for public use. The following are not included in the net acreage of a site: public or private road rights-of-way, common or public open space, and floodways.

**Action.** A decision on a permit application or other land use matter, made by the approval authority.

**Addition.** An extension or increase in floor area or height of an existing building or structure.

**Adverse Impact.** A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe, unsightly or unhealthy conditions.

**Agricultural Labor Housing.** Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories.

**Agricultural Operations, Commercial.** Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for the purpose of sale of goods and/or crops for profit. Agriculture uses include agricultural labor housing (see *Agricultural Labor Housing*).

**Agricultural Operations, Noncommercial.** Use of land for the propagation, care, maintenance, production of food and fiber, including the growing of crops and/or the grazing of animals on natural or improved pastureland for personal use. Agriculture uses include agricultural labor housing (see *Agricultural Labor Housing*).

**Aisle.** The traveled way by which cars enter and depart parking spaces.

**Alcoholic Beverage Sales.** An activity or business engaged primarily in the sale of alcoholic beverages for on-site or off-site consumption.

**Alley.** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Alteration.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders and all interior partitions; any change in doors, windows or means of ingress or egress; any enlargement or diminution of a building or structure, whether horizontally or vertically; or the moving of a building or structure from one location to another.

**Amenity.** Aesthetics or other characteristics of a development that increase its desirability to the community, such as swimming pools, tennis courts, security systems, views, landscaping or enhanced open space.

**Amusement Park.** Facilities or uses that provide participant recreation indoors or outdoors. Amusement parks may include a variety of recreational uses, including but not limited to go carts, amusement arcades, miniature golf courses, batting cages and other similar uses.

**Annexation.** The incorporation of a land area into an existing city or district resulting in a change in the boundaries of the city or district.

**Apartment.** A building, or group of buildings, in which all dwelling units in the building are owned by a single party and rented out to individual tenants.

**Appeal.** A request for a review of a decision or action taken on a proposed permit application or other land use matter by the approving authority.

**Appeal Authority.** The agency, board, group or legally designated individual empowered to review and deny, uphold, or refer back to the approval authority, an appeal of an action taken by an approval authority.

**Applicant.** The owner(s) or lessee(s) of property, or their authorized agent(s), or person(s) who have contracted to purchase property contingent upon their ability to obtain the required entitlements, and who requests in writing, on the appropriate forms, the approval of a permit, license, certificate or other entitlement from the City.

**Application, Accepted.** An application filed with and accepted for processing by the City in accordance with the requirements of this Title, containing all items required as stated on the applicable application form.

**Application, Complete.** An application that has been deemed complete in accordance with California Government Code Section 65943 (Permit Streamlining Act).

**Approval Authority.** The agency, board, group or other legally designated individual empowered to review and approve a proposed permit application or other land use matter.

**Approved Plan.** A final plan that has been approved by the appropriate authority.

**Assisted Living Facility.** See *Residential Care Facility*.

**Attached.** Any structure that has an interior wall or roof in common with another structure.

**Auction.** The sale of new and used merchandise offered to bidders by an auctioneer for money or other consideration.

**Awning.** A roof-like cover attached to and extending from the wall of a building to provide shielding of windows and/or entrances.

### 9.300.030 “B” Definitions

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**Balcony.** A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

**Bar.** Premises used primarily for the dispensing of alcoholic beverages by the drink for on-site consumption.

**Battery.** A single cell, stack, core building block, or a group of cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this chapter, batteries utilized in consumer products are excluded from these requirements.

(2023-369, 04/05/2023)

**Battery Management System.** An electronic system that prevents storage batteries from operating outside their safe operating parameters and disconnects electrical power to the energy storage system or places it in a safe condition if potentially hazardous temperatures or other conditions are detected. The system generates an alarm and trouble signal for abnormal conditions.

(2023-369, 04/05/2023)

**Battery Energy Storage Systems.** A system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

(2023-369, 04/05/2023)

**Battery Energy Storage Facility, ~~Utility Scale~~ Utility Scale.** Stationary batteries that are connected to distribution/transmission networks or power-generation assets. Utility scale may also be referred to as “front-of-the-meter”, large-scale or grid-scale battery storage. Utility Scale systems are intended primarily to interact with the electric grid and are not intended to serve a specific end user “behind-the-meter”. Utility-scale systems increase flexibility in power systems, provide grid reliability support and enable an optimal use of variable electricity sources like photovoltaic and wind.

(2023-369, 04/05/2023)

**Bed and Breakfast.** A business operated in an owner-occupied residence offering short-term rental of overnight accommodations, which provides on-site breakfast service.

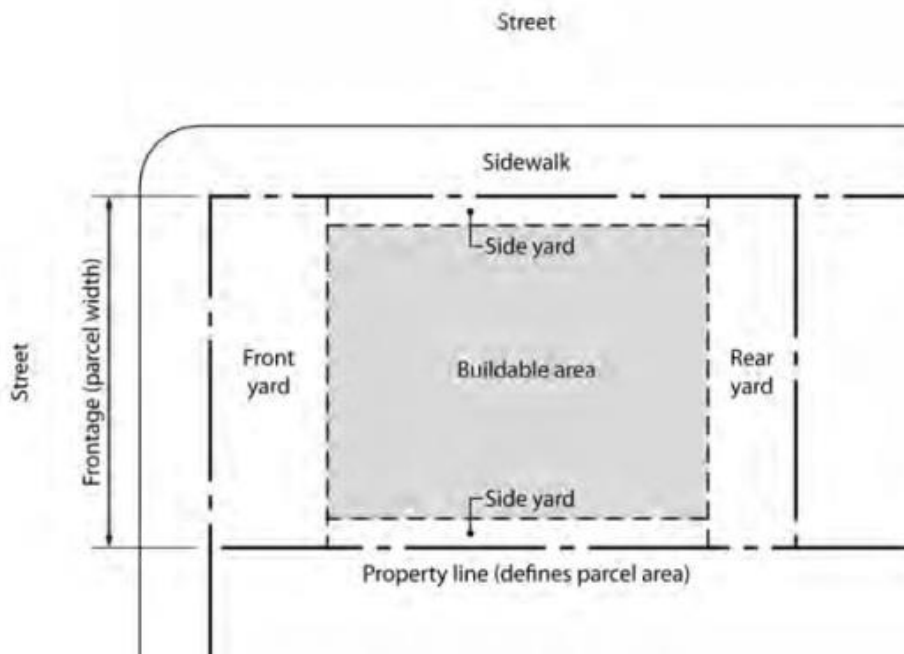


**Bedroom.** A private room for sleeping, separated from other rooms, and accessible to a bathroom without crossing another bedroom.

**Berm.** A mound of earth or the act of pushing earth into a mound.

**Buffer Area.** A strip of land established to protect one type of land use from another land use. A buffer may include a physical separation in the form of a specified distance, landscaping, berms or other screens which block vision, noise or other negative impacts.

**Buildable Area/Building Envelope.** The area of a lot remaining after the minimum setback and open space requirements have been met; the area within which primary and accessory structures may be located, unless an encroachment into the setback is otherwise permitted.



**Building.** Any structure having a roof, or fully enclosed by walls, and intended for the shelter, housing or enclosure of persons, animals or property.

**Building, Accessory.** See *Structure, Accessory*.

**Building Height.** Building height shall be measured in accordance with Section in 9.195.040.A (Height Measurement).

**Building Permit.** Written permission issued by the City for the construction, repair, alteration or addition to a structure or building.

**Building, Primary.** A building in which the principal use is conducted.

**Business Services.** Rendering services to business establishments on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, office-related equipment rental and leasing, commercial research, development and testing, photo finishing and model building.

### 9.300.040 "C" Definitions

**Can Sign.** A sign in which the sign copy is placed on a transparent face, which is attached to an enclosed box or can, usually made of metal, that has an internal light source.

(Ord. No. 2022-351, 09/21/2022)

**Canopy.** A fixed roofed structure of any material projecting from and connected to a building, column or post or supported by a frame extending from a building and/or post.

**Caretaker Residence.** Separate or attached living quarters, usually including kitchen facilities, for employees living on-site, and accessory to the primary use.

**Car-share Vehicle.** A motor vehicle that is operated as part of regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

**Carport.** A permanently roofed structure with not more than two enclosed sides, used or intended to be used for motor vehicle shelter and storage.

**Cemetery, Mausoleum, Crematory.** Property used for the preparation and/or interring of the dead.

**Certificate of Compliance.** A document issued by the City and recorded by the County Recorder certifying that a specified real property complies with the provisions of the Subdivision Map Act (Government Code Sections 66410 et seq.).

**Certificate of Use/Occupancy.** A document issued by a governmental authority allowing the occupancy or use of a building and certifying that the structure has been constructed in compliance with all the applicable municipal codes and ordinances.

**Change of Use.** A conversion of use that substantially differs from the previous use of a building or land.

**Charging Levels, Electric Vehicles.** The standardized voltage at which an electric vehicle battery is recharged.

**Level 1** Charging provides charging through a 120V AC plug and does not require the installation of additional charging equipment.

**Level 2** Charging provides charging through a 240V (residential) or 208V plug and requires the installation of additional charging equipment.

**Level 3** Charging provides fast charging through a 480V AC input and requires highly specialized, high-powered equipment as well as special equipment in the electric vehicle itself.

**Church.** See *Religious Facility*.

**City.** The City of Menifee, including land as may be annexed from time to time.

**Cluster Development.** Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

**Collection Container.** Any unattended drop-off box, container, receptacle, or similar facility that is operated by a person, organization for the primary purpose of receiving or storing collected items, including household goods, clothing, or other salvageable personal items. Collection Containers do not provide a cash refund for collected items and do not include reverse vending machines.

**College.** An educational institution authorized by the state, awarding associate or higher degrees.

**Commercial Use.** An activity involving the sale of goods or services for profit.

**Commission.** The Planning Commission of the City of Meniffee.

**Common Open Space.** Land within or serving as a part of a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the occupants of the development and may include such accessory structures and improvements as are necessary and appropriate.

**Community Care Facility.** A facility licensed to provide a living environment for unrelated residents who operate as the functional equivalent of a family, or in a group setting, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of aged persons, physically disabled or handicapped persons, developmentally disabled persons, nondangerous mentally ill persons, or children as defined in the appropriate statutes. Community care facilities include but are not limited to the following: day care center, group residential facility, congregate care facility, and residential care facility.

**Community Center.** A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency; a building or structure owned and operated by a governmental agency and used to provide a governmental service to the public.

**Community Development Department.** The Community Development Department of Meniffee, which is responsible for implementing the City's vision and goals for community development and land use as established in the General Plan and Development Code.

**Community Development Director.** The Community Development Director of the City of Meniffee or his/her designee. Also includes *Planning Director*.

**Community Garden.** The use of land for and limited to the cultivation and tillage of soil for the production, growing, and harvesting of any agricultural, floricultural, or horticultural commodity for public use and access.

**Conditional Use.** A use permitted in a particular zone district upon showing that such use will comply with all the conditions and standards as specified in the Development Code and authorized by the approval authority.

**Conditional Use Permit.** A permit for land use classifications with unusual site development features or operating characteristics requiring special consideration so that they may be designed, located and operated compatibly with uses on adjoining properties and the surrounding area.

**Condominium.** A building, or group of buildings, in which dwelling units, offices or floor area are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**Congregate Care Facilities.** Establishments that provide 24-hour medical, respite, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, infirmity or disability, are unable to care for themselves on an intermediate or long-term basis, and licensed by the State of California, including, but not limited to, rest homes and convalescent hospitals, but not residential care facilities, hospitals or clinics.

**Small.** A facility that houses six or fewer persons.

**Large.** A facility that houses seven or more persons.



**Contiguous Property.** Those properties which touch property lines of any parcel, including those properties which touch said property lines of a subject parcel when such lines are projected across public or private rights-of-way, easements, roads or streets, including property owned by a public agency in fee title.

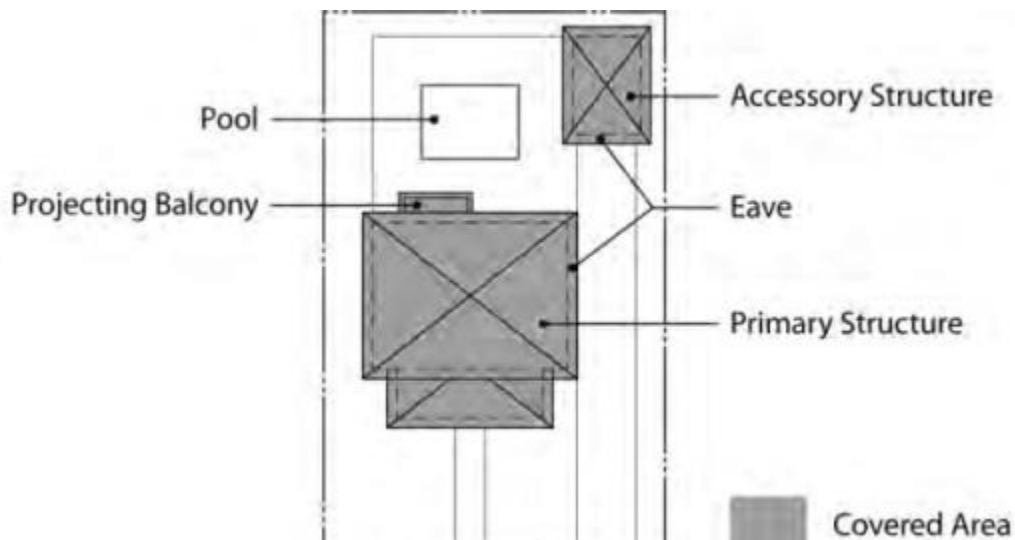
**Convenience Store.** Any small retail establishment offering for sale prepackaged food products, household items, newspapers, magazines, sandwiches and/or prepared foods for off-site consumption.

**County.** Unless otherwise specified, the County of Riverside, California.

**Covenants, Conditions, and Restrictions (CC&Rs).** A term used to describe restrictive limitations that may be placed on property and its use, and which usually are made a condition of holding title or lease.

**Coverage, Lot.** That portion of the lot that is covered by buildings, sidewalks, driveways or other impervious surface, expressed as a percentage of total lot area.

**Coverage, Building.** The area of a parcel covered by a structure or structures, expressed as a percentage of the total lot area.



### 9.300.050 "D" Definitions

**Day Care Centers.** Establishments providing nonmedical care for persons on a less than 24-hour basis other than in a family day care home (see *Family Day Care Home*). This classification includes nursery schools, preschools, and day-care facilities for children or adults, and any other day-care facility licensed by the State of California.

**Days.** Shall always be consecutive calendar days, unless otherwise stated.

**Decommissioning Plan.** A plan to retire the physical facilities of the Project, including decontamination, dismantlement, rehabilitation, landscaping and monitoring. The plan contains detailed information on the proposed decommissioning and covers the schedule, type and sequence of decommissioning activities; waste management, storage and disposal of the waste from decommissioning; the timeframe for decommissioning and site rehabilitation.

(2023-369, 04/05/2023)

**Dedication.** The transfer of property, such as streets and roads or other public usage, to a public agency or utility for specific purposes.

**Density.** The number of dwelling units, households or housing structures per unit of land. Consistent with the City of Menifee General Plan, areas where the lots are over half an acre, density is calculated by using gross acres; all other areas utilize adjusted gross (net) acres to determine the maximum number of units allowed in a given area.

**Density Transfer.** The transfer of all or part of the permitted density from one parcel to another parcel.

**Detached.** Any building or structure that does not have a wall or roof in common with any other building or structure.

**Developer.** The legal or beneficial owner or owners of property to be developed or being developed, including the holder of an option or contract to purchase or other person(s) having enforceable proprietary interests in such property.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**Development Agreement.** A contract between the City and a developer through which the developer receives vested rights to construct a project subject to specific requirements benefiting the community.

**Development Code.** A set of land use regulations, as contained in [Title 9](#) of the Menifee Municipal Code, adopted by the City which prescribes standards and regulations for land use and development.

**Development Rights.** The legally established right to develop land by a party.

**Director.** The Community Development Director of the City of Menifee or his/her designee.

**Discretionary Decision.** An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project.

**District.** A zone or geographic area in the municipality within which certain zoning or development regulations apply.

**Drainage.** Surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

**Drainage Area.** A geographical area, formed by topography, which collects and directs surface runoff from precipitation to natural or man-made channels.

**Drive-through.** Any portion of a building or development intended to allow service direct from the building through a window, kiosk or automated delivery system to vehicle occupants. Such facilities include but are not limited to food service windows, automatic teller machines or similar service systems.

**Driveway.** A roadway providing direct access for vehicles between a street or highway and an area containing parking spaces, loading, storage or refuse collection areas.

**Dwelling.** A structure or portion thereof which is used for human habitation, including provision for living, sleeping, eating, cooking and sanitation.

**Single Family, Attached.** A dwelling unit designed for occupancy by one household, located on a single lot and typically grouped together with similar units. They may be attached through vertical party wall(s) to one or more dwellings on abutting lots or may be joined by carports or garages.

**Single Family, Detached.** A dwelling unit designed for occupancy by one household and located on a separate lot from any other dwelling, except permitted accessory dwelling units. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code

**Duplex.** A single building on a lot that contains two dwelling units or two single-unit dwellings on the same lot. Duplex does not include a single family dwelling with an accessory dwelling unit on the same lot, which is an accessory residential unit as defined by State law and this Title (see *Accessory Dwelling Unit*).

**Multiple Family.** A single building on a lot that contains three or more dwelling units or three or more single-unit dwellings on the same lot, or any combination thereof.

### 9.300.060 “E” Definitions

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**Easement.** A right to cross or otherwise use land for a specified purpose.

**Eave.** The projecting lower edges of a roof overhanging the wall of a building.

**Educational Institution.** An institution conducting academic instruction at the preschool, elementary school, junior high school, high school or college level.

**Elevation.** A vertical distance above or below a fixed reference level; a dimensioned drawing of the front, rear or side of a building showing features such as windows, doors and relationship of grade to floor level.

**Emergency Shelter.** A temporary, short-term residence providing housing with minimal supportive services for families or individuals experiencing homelessness, where occupancy is limited to 180 days or less, as defined in California Health and Safety Code Section 50801. Medical assistance, counseling, and meals may be provided.

**Emission.** A discharge of pollutants into the air or water.

**Employee Housing.** Employee housing shall have the same meaning ascribed in Health and Safety Code Section 17008.

**Encroachment.** The placement or construction of a fence, building, structure or other improvement or use on another’s property or on a public right-of-way.

**Expansion.** The creation or use of additional land or floor area for a specific use or activity.

**Extension.** An increase in the amount of time that a permit or approval may be valid.

### 9.300.070 “F” Definitions

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**Façade.** The exterior walls of a building exposed to view.



**Family.** Family means any individual or group of individuals living together in a dwelling unit as a single housekeeping unit. Family does not include larger institutional group living situations, such as in a boarding house or hotel/motel/long-term stay.

**Family Day Care Home.** State-licensed facilities that provide nonmedical care and supervision of minor children for periods of less than 24 hours within a single-family dwelling.

**Small.** The occupant of the residence provides care and supervision for up to eight or fewer children, when specific conditions are met in accordance with California Health and Safety Code Section 1597.44.

**Large.** The occupant of the residence provides care and supervision for between nine and up to 14 children, when specific conditions are met in accordance with California Health and Safety Code Section 1597.465.

**Farm Operations, Commercial.** See *Agricultural Operations, Commercial*.

**Farm Operations, Noncommercial.** See *Agricultural Operations, Noncommercial*.

**Farmers' Market.** An outdoor market where farmers and other producers of agricultural and related foodstuffs and products (including, but not limited to, bread, cheese and hand-made crafts such as seasonal goods, ornaments, hand-dipped or rolled candles, hand-made soap) may bring the products for sale to the general public. Meat, poultry, fish and similar foods will be allowed only to the extent there is proper refrigeration.

**Farmworker.** A person whose primary income is earned through permanent or seasonal agricultural labor.

**Farmworker Housing.** Farmworker Housing has the same meaning as "Employee Housing" as set forth in this Code.

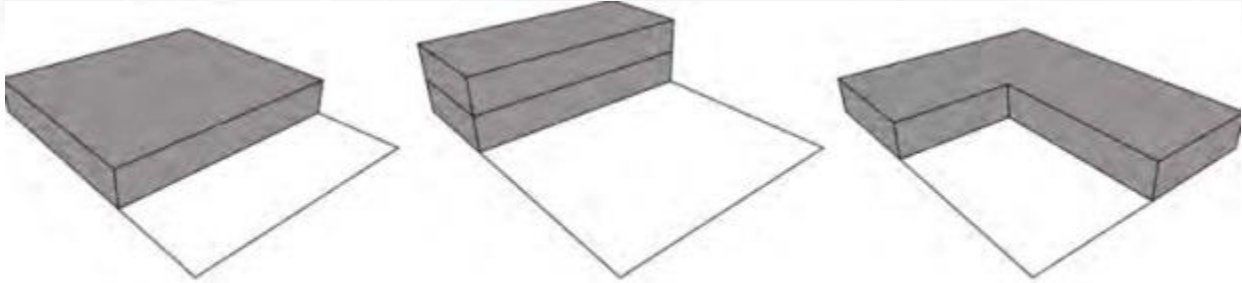
**Fence.** An exterior physical barrier erected to enclose, screen or separate areas.

**Flag.** The symbol, insignia or display of a governmental or nonprofit organization when not displayed in connection with a commercial promotion or used as an advertising mechanism. As used in commercial promotion or used as an advertising mechanism, see *Flag* in Section 9.305.050 (Signs and Related Terms Defined).

**Floor Area, Gross.** The sum of all areas of the floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings but excluding any space where the floor-to-ceiling height is less than 6 feet.

**Floor Area, Net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading, and all floors below the first or ground floor, except when used or intended to be used for human habitation.

**Floor Area Ratio.** The net floor area of all buildings on a parcel to the total adjusted lot square footage of that parcel. FAR calculations do not include floor areas for parking structures or outdoor open storage.



Shown: FAR of 0.07 for each configuration

**Footprint, Building.** The outline of a building at all of those points where it meets the ground.

**Frontage.** See *Lot Frontage* or *Yard, Front*. As used in signage calculation, see *Business Frontage* in Section 9.305.050 (Signs and Related Terms Defined).

**Funeral Home, Mortuary.** A building used for the preparation of the deceased for burial or cremation and the display of the deceased and ritual connected therewith before burial or cremation.

### 9.300.080 “G” Definitions

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**Garage.** A building or a parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

**Garage, Private.** A garage used exclusively for the parking and storage of vehicles owned by residents of nearby dwelling units and their guests, which is not operated as a commercial enterprise and is not available to the general public and which is owned, leased or cooperatively operated by such residents.

**General Plan.** The City of Meniffee General Plan as adopted by the City Council.

**Glare.** The effect produced by brightness sufficient to cause annoyance, discomfort or loss of visibility.

**Golf Driving Range.** A commercial recreational use, or accessory use to a golf course, where persons may practice long distance shots. Such facilities are generally outdoor uses.

**Governing Body.** The local governing unit empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Government(al) Agency.** Any department, commission, independent agency or instrumentality of the United States, or a state, county, incorporated local municipality, authority, district or any other agency so recognized as a governmental unit.

**Government Facility.** Offices and support facilities for any seat of any federal, state, county or City agency, or special district providing services to the general population.

**Greenhouse.** A building with roof and sides made largely of transparent or translucent material used for the cultivation of plants.

**Ground Floor.** The first floor of a building other than a cellar or basement.

**Group Residential Facilities.** Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Facilities are typically licensed by the State of California. This classification includes clean and sober living facilities, other types of organizational housing, private residential clubs and farmworker housing, but excludes bed and breakfasts, dormitories, fraternity and sorority houses, boarding homes, rest homes, hotels, motels and residential care facilities.

**Small.** A facility that houses six or fewer persons.

**Large.** A facility that houses seven or more persons.

**Guest Living Quarter.** A building, generally detached from a primary building, which contains no cooking facilities, and which is used principally for temporarily housing members of the single family household and their nonpaying guests. Guest living quarters also may be known as casitas. A guest living quarter is not an accessory dwelling unit.

### 9.300.090 “H” Definitions

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**Habitable Structure.** A structure which includes habitable space for living, sleeping, eating and cooking. Closets, halls, storage or utility space, and similar areas are not considered habitable space.

**Handicapped Person.** A person who may be classified as having a physical impairment that manifests itself in one or more of the following ways: non-ambulatory; semi-ambulatory; visually impaired, deaf or hard of hearing; having faulty coordination; and having reduced mobility, flexibility, coordination or perceptiveness due to age or physical or mental conditions.

**Health Studio.** An establishment that provides exercise facilities for use on-site.

**Home-Operated Business.** A commercial or service activity conducted at a dwelling, incidental and accessory to the residential use of the dwelling, which does not change the character of the dwelling or surrounding area by generating more traffic, noise, odor, or storage of material than would be normally associated with a residential zone.

**Home Occupation.** Related activities to the home-operated business that are conducted entirely within the residence.

**Home-Based Business.** Related activities to the home-operated business may be conducted outside or within a partially enclosed structure.

**Homeowners Association.** An association of owners in a condominium, planned unit development or residential subdivision established to provide management of property in which they own an undivided, common interest.

**Hospitals and Clinics.** State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes animal hospitals and veterinary clinics.

**Hospital.** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.



**Clinic.** A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities such as blood banks and plasma centers, and emergency medical services offered exclusively on an out-patient basis. This classification does not include private medical and dental offices that typically require appointments and are usually smaller scale. This classification includes substance abuse treatment and recovery programs which are not residential in nature and which exclusively administer counseling services.

**Substance Abuse Treatment Clinic.** A non-residential facility that administers medication, or supervises the self-administration of medication, for substance abuse treatment.

**Hotel.** A lodging facility offering transient accommodations to the general public, typically on a less than monthly basis, and which may provide additional services, such as restaurants, meeting rooms and recreational facilities.

**Household.** *See Single Housekeeping Unit.*

### 9.300.100 "I" Definitions

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**Impact.** The effect of any direct man-made actions or indirect repercussion of man-made actions on existing physical, social or economic conditions.

**Impervious Surface.** A surface through which water cannot penetrate, such as roof, road, sidewalk or paved parking lot.

**Individual Property Owner.** Means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp., S corp., etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1 (a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

**Individual with a Disability.** Someone who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having such impairment, or anyone with a record of such impairment.

**Industrial.** The manufacture, production, processing and/or storage of consumer goods. See also *Manufacturing.*

**Infrastructure.** Public facilities needed to sustain industry, residential, commercial and other land use activities.

**Intensification of Use.** A change to the existing use of a property which results in a change or increase in vehicular or pedestrian traffic or an increase in parking requirement, or induces additional environmental impacts, including but not limited to noise, light, glare, vibration, traffic, water quality, air quality or aesthetics.

**Intensity of Use.** The number of dwelling units per acre for residential development and floor area ratio (FAR) for residential or nonresidential development such as commercial, office and industrial development.

**Intersection.** The location where two or more roadways cross at the same grade.

### 9.300.110 “J” Definitions

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**Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled or disposed of.

**Junk Yard.** The use of any lot or parcel of land for outside storage, wrecking, dismantling or salvage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture.

**Junior Accessory Dwelling Unit.** A dwelling unit that is contained entirely within a single-family dwelling or attached garage and does not exceed five hundred square feet in size.

### 9.300.120 “K” Definitions

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**Kitchen.** Any room, all or part of which is designed and/or used for storage, refrigeration, cooking and the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

### 9.300.130 “L” Definitions

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**Landscape Plan.** A plan on which is shown: proposed landscape species (such as number, spacing, size at time of planting, and planting details), proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices, and any other information that can reasonably be required in order that an informed decision can be made by the approval authority.

**Land Use.** A description of how land is occupied or utilized.

**Land Use Permit.** A permit issued by the City pursuant to the Menifee Municipal Code allowing a specific activity to be conducted on an individual property.

**Legislative Act.** The means by which the legislative arm of government renders decisions, such as minute actions, resolutions and ordinances.

**Live Entertainment.** Entertainment provided by or one or more professionals and utilizing sound amplification equipment, but not including, a single vocalist or piano player with a microphone, karaoke or open-mike amateur type performances and not including adult uses.

**Living Area.** The area that is considered habitable living space. Does not include the garage, patios or screened enclosures.

**Loading Space.** An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

**Lot.** Any parcel of real property approved by a record of survey, plat, parcel map, subdivision map, or certificate of compliance, or any parcel legally created or established pursuant to the applicable zoning or subdivision regulations in effect prior to the effective date of application of this Code to such parcel.

**Corner.** A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

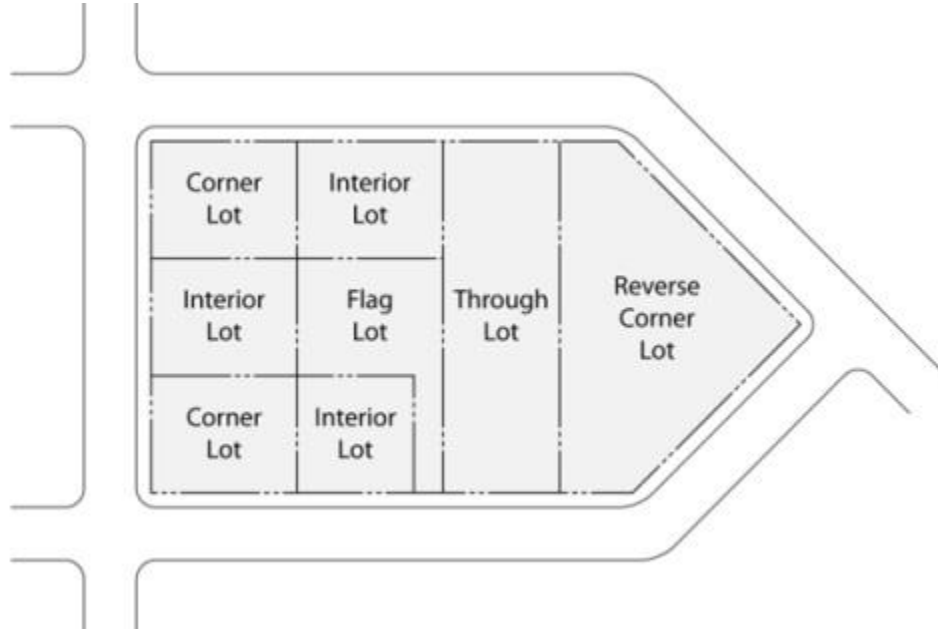
**Flag.** A lot which utilizes a narrow strip as its means of providing frontage on a street and/or providing access to the lot.

**Interior (Typical).** A lot other than a corner lot.

**Reverse Corner Lot.** A lot, the rear of which abuts the side of another lot.

**Substandard.** A parcel of land that has less than the required minimum area or dimensions.

**Through.** A lot that fronts upon two streets that do not intersect at the boundaries of the lot.



**Lot Area, Gross.** The total area within the lot lines of a lot, including any adjacent street rights-of-way.

**Lot Area, Net.** The total area within the lot lines of a lot, excluding any street rights-of-way.

**Lot Coverage.** See *Coverage, Lot*.

**Lot Depth.** The average distance measured from the front lot line to the rear lot line.

**Lot Frontage.** The length of the front lot line measured at the street right-of-way line. For flag lots, that portion of a lot, not including the pole portion, that is generally parallel to the access street.

**Lot Line.** A line of record bounding a lot that divides the lot from another lot or from a public or private street or any other public space.

**Front.** The lot line parallel to the street. On a corner lot, the shorter lot line abutting a street or the line designated as the front lot line by a subdivision or parcel map. On a flag lot, the interior lot line most parallel to the nearest street from which access is obtained.

**Interior.** A lot line which does not abut a street.

**Rear.** The lot line which intersects a side lot line and which is most distant from and most closely parallel to the front lot line.

**Side.** Any lot line other than a front or rear lot line.



**Lot Width.** The horizontal distance between the side lines, measured at the required front setback line.

**Lot of Record.** A lot that exists as shown or described on a recorded plat or deed in the records of the County Recorder.

**Low Barrier Navigation Center.** *See Supportive Housing – Lower Barrier Navigation Center.*

### 9.300.140 “M” Definitions

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**Manufactured Home.** A factory-built structure that is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, National Manufactured Housing Construction and Safety Standards Act of 1974, and/or California law and is to be used as a place for human habitation. The structure is manufactured either in whole or in substantial part at an off-site location, transported to the site, assembled on-site, and placed on a permanent foundation. For the purpose of this Development Code, a manufactured home shall be considered the same as any site-built, single-family detached dwelling. Manufactured home is not inclusive of a mobile home unless the mobile home has been converted to real property and is taxed as a site-built dwelling.

**Manufacturing.** Means a use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental processing of extracted or raw materials. They are characterized by having grade level bay doors with a ratio of approximately 1:15,000-20,000 square feet.

(Ord. No. 2022-337, 03/16/2022)

**Handcraft Manufacturing.** On-site production, within an enclosed structure, of goods by hand manufacturing that involves the use of hand-tools and small-scale, light mechanical equipment (e.g., drills and saws; hammers and chisels; paint brushes and sprayers; pottery wheels and kilns; sewing machines; spinning wheels; welding) and that has no negative external impacts on surrounding properties. Handcraft manufacturing also includes the incidental direct sale to consumers of those goods produced on-site. Handcraft manufacturing does not include specialized retail uses (see *Retail, Specialized*).

**Light-Intensity Manufacturing.** The manufacturing, assembling, processing, storage or packaging of products, including:

1. The manufacturing of electric and electronic circuits and instruments and devices, such as, but not limited to, radio and television, phonographic equipment, calculators, computers, semi-conductors and transistors, and similar uses.
2. The manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth plastic, paper, leather, and precious or semi-precious metals or stones.
3. The manufacturing of pharmaceutical products.

Light-intensity manufacturing does not include such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials and similar uses, uses involving the manufacturing, processing, storage or packaging of petroleum, and heavy agricultural products or other hazardous materials, or vehicle-dismantling yards, scrap and waste yards.

**Medium-Intensity Manufacturing.** Any manufacturing, storage, and distribution that does not include hazardous wastes or result in large truck usage/parking on the site.

**Heavy-Intensity Manufacturing.** The manufacturing, assembly, processing, storage, or packaging of products involving chemicals, petroleum, and heavy agricultural products or other hazardous materials.

**Membership Club.** A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and/or dues, regular meetings, and a constitution and bylaws.

**Membership Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Metal Shipping Container.** Any metal container designed, built as, or formerly used for transporting seagoing cargo not to exceed the maximum dimensions of ten by ten by 40 feet.

**Ministerial Decision.** An action taken by a governmental agency that calls for only objective determinations in deciding whether to approve and/or how to carry out a project.

**Mitigation.** Methods used to alleviate or lessen the impact of development.

**Mobile Food Truck.** Motorized vehicles that function as transportable retail food and beverage facilities. This use includes mobile food trucks that provide sales to the general public of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) for consumption on or off of the premises.

**Mobile Home.** A trailer that is transportable in one or more sections, was built before the enactment of 42 U.S.C. Sec. 5403, National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, is over eight feet in width and 40 feet in length, and is sited with or without a permanent foundation. Mobile home does not include recreational vehicle, commercial coach, or factory built housing.

**Mobile Home Park.** Any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium or other form of resident ownership, to accommodate mobile\_homes used for human habitation. The rental paid for a mobile\_home shall be deemed to include rental for the lot it occupies.

**Model Home Complex.** Residential units and a temporary sales office used to illustrate the design of the units to potential homebuyers.

**Modification.** A change or alteration to an approved permit or plan.

**Motel.** An establishment providing transient sleeping accommodations with most rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Motor Vehicle.** A vehicle that is self-propelled by a motor or engine.

**Multiple Family Dwelling.** See *Dwelling, Multiple Family*.

**Museum.** A building or room, or any grouping thereof, open to the public, used to exhibit works of art or displays of historic objects, scientific objects or memorabilia.

### 9.300.150 “N” Definitions

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**Nightclub.** An establishment dispensing liquor with or without meals and in which music, dancing or entertainment is featured.

**Noise Attenuation.** Reduction of noise level using a substance, material or surface, such as earth berms and/or solid concrete walls.

**Nonconforming Lot.** A lot, the area or dimensions of which was lawful and legally established prior to the adoption, revision or amendment of the Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nonconforming Structure or Building.** A structure or building, the size, dimension or location of which was lawful and legally established, prior to the adoption, revision or amendment of the Development Code but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nonconforming Use.** A use or activity that was lawful and legally established prior to the adoption, revision or amendment of the Development Code, but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the Code.

**Nuisance.** An interference with the enjoyment and legal use of property, including any act, condition or thing that is illegal and/or interferes with the rights of the public generally.

### 9.300.160 “O” Definitions

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**Occupancy or Occupied.** The residing of an individual(s) overnight in a dwelling unit or the storage or use of equipment, merchandise or machinery in any building.

**Occupancy Permit.** See *Certificate of Use/Occupancy*.

**Off-Site.** Located outside the lot lines of the lot in question.

**Off-Site Improvements.** Improvements required as a result of development and including but not limited to curb, gutter, sidewalk, road widening and upgrading, stormwater facilities and traffic improvements.

**Off-Site Parking.** Parking provided for a specific use but located on a site other than the one on which the specific use is located.

**Outdoor Sales.** The display and sale of products and services outside of a building or structure.

**Outdoor Storage.** The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

### 9.300.170 “P” Definitions

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**Parade.** A parade, demonstration, procession, march, review, ceremony, rally or exhibition which is conducted in, on, upon or along any portion of any public street, sidewalk or other public property owned or controlled by the city which would impede, obstruct, impair or interfere with the free use of the public street, sidewalk or other public property, often to support or oppose a specific issue.

**Parapet.** The extension of the main walls of a building above the roof level.



**Park.** A tract of land designated and used by the public for active and/or passive recreation.

**Park and Ride.** A system where participants drive to a central location to carpool or gain access to public transportation to another location.

**Parking Lot.** An off-street, ground-level open area, usually improved, for the temporary storage of motor vehicles.

**Parking, Shared.** Joint use of a parking area for more than one use.

**Parking Space.** A clearly defined location for the parking of a motor vehicle in a public or private parking area.

**Parking Space, Covered.** An accessible and usable covered space of not less than 10 by 20 feet for storage of automobiles. Such covered parking space to be so located on the lot as to meet the requirements of this Title for an accessory building or, if attached to the primary building, to be so located as to meet all the requirements of this Title for a primary building.

**Parkway.** The area of a public street between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is used for landscaping and/or passive recreational purposes.

**Party Wall.** A dividing partition between two adjoining buildings (or units) that is shared by the tenants of each residence or business.

**Passageway.** A pedestrian pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

**Permit.** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

**Permitted Use.** Any use allowed in a zone district and subject to the restrictions applicable to that zone district.

**Personal and Professional Services.** Establishments providing non-medical services to individuals as a primary use. May also include accessory retail sales of products related to the services provided.

**Physically Disabled.** A person who has a permanent loss of, or loss of use of, a part of the body, or permanent impairment of a body function, resulting in actual disability and a diminished ability to compete in an open market.

**Planning Department.** See *Community Development Department*.

**Planning Director.** See *Community Development Director*.

**Plat.** A map representing a tract of land showing the boundaries and location of individual properties and streets; a map of a subdivision or site plan.

**Plaza.** An open space which is improved and landscaped, usually surrounded by streets and/or buildings.

**Plot.** A single unit parcel of land; a parcel of land that can be identified and referenced to a recorded plat or map.

**Plot Plan, Minor.** The process established to provide for administrative review of projects that, because of their limited size and scope, have minor aesthetic, land use or traffic implications and do not create any significant impact on public utilities or services.

**Plot Plan, Major.** The process established to examine proposed development to ensure a high standard of quality for buildings, landscaping, parking and general site design. Such review enables the City to maintain stability in property values and prevent deterioration of property and aesthetics throughout the community.

**Porch.** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

**Prezoning.** The process or action by which cities are able to designate that portion of an unincorporated area for future annexation, with specific zoning districts which will apply upon annexation of the property to the City.

**Primary Building.** See *Building, Primary*.

**Primary Use.** See *Use, Primary*.

**Private Recreational Facilities.** Facilities including but not limited to country clubs, tennis and swim clubs, golf courses, racquetball and handball facilities, and commercial uses which are commonly associated and directly related to these uses.

**Processing.** A method that changes a material's nature, chemical composition, or physical qualities.

**Professional Office.** The office of a member of a recognized profession maintained for the conduct of that profession.

**Prohibited Use.** See *Use*.

**Project, Non-Subdivision.** The total development, not including subdivision of land, within the boundaries as defined on the plan for development.

**Project.** The total development, including subdivision of land, within the boundaries as defined on the plan for development.

**Projection.** That part of a building or structure which extends beyond the main wall of a building.

**Property.** A piece or parcel of land or real estate, including buildings and easements.

**Public Property.** Property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks and alleys.

**Public Areas.** Parks, playgrounds, trails, paths, recreation areas, open spaces, scenic and historic sites, schools and other buildings and structures for public use.

**Public Improvement.** Any improvement or facility, together with the right-of-way necessary to provide transportation, drainage, utilities or other facilities that are usually owned, operated and/or maintained by a government agency.

**Public Right-of-Way.** An area or strip of land, either public or private, on which an irrevocable right of passage has been recorded for the use of vehicles or pedestrians or both.

**Public Utility.** An agency that provides electricity, gas, communications, transportation, water, sewage collection or other similar service deemed necessary for the public health, safety and welfare. See also *Utility Service*.

### 9.300.180 “Q” Definitions

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### 9.300.190 “R” Definitions

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**Reasonable Accommodation.** In the land use and zoning context, reasonable accommodation means providing individuals with disabilities or developers of housing for people with disabilities with flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to provision of housing or service opportunities.

**Recreation, Active.** Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields.

**Recreation, Passive.** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and other table games.

**Recreational Vehicle.** A vehicle which is either:

1. A motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational, emergency or other occupancy, that meets all of the following criteria:
2. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
3. It contains 400 square feet or less of gross area measured at maximum horizontal projection.
4. It is built on a single chassis.
5. It is self-propelled, truck-mounted or permanently towable on the highways without a permit.
6. A park trailer, as defined in California Health and Safety Code Section 18009.3.

**Recommending Authority.** The person or body granted authority to review and make a recommendation for final action to the approving authority on a proposed permit or approval.

**Recyclable Material.** Reusable material, including but not limited to metals, glass, plastic, paper and wood, intended for reuse, remanufacture or reconstitution for the purpose of being used in an altered form. Recyclable material does not include hazardous or potentially hazardous material as may be defined by the County of San Bernardino Division of Environmental Health Services, California Department of Toxic Substances Control and/or U.S. Environmental Protection Agency. Recyclable materials may include used motor oil.

**Recycling Collection Facility.** An attended facility for the acceptance, by donation, redemption or purchase, of recyclable materials from the public.

**Recycling Processing Facility.** A facility for the collection and processing of recyclable material. Processing means the preparation of material for efficient shipment, or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.



**Religious Facility.** A building or structure, or groups of buildings or structures, that are primarily intended for conducting organized religious services and associated accessory uses. Church includes mosque, temple, synagogue, cathedral or similar religious institutions.

**Research and Development.** Facilities for scientific research, and design. Development and testing of computer software, and electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Also includes chemical and biotechnology research and development.

~~(Ord. No. 2022-337, 03/16/2022)~~

**Residential Care Facilities.** Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily nonmedical care and supervision for persons in need of personal services, supervision, protection or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, assisted living facilities, and group homes for minors, persons with disabilities and people in recovery from alcohol or drug addictions. This use classification excludes transitional housing and social service facilities.

**Small.** A facility providing care for six or fewer persons.

**Large.** A facility providing care for more than six persons.

**Elderly.** A housing arrangement chosen voluntarily by the resident or by the resident's guardian, conservator or other responsible person; where residents are 60 years of age or older; and where varying levels of care and supervision are provided as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. This classification includes continuing care retirement communities and life care communities licensed for residential care by the State of California.

**Resorts, Group Quarters, Group Camp.** Any facility, place or building for the purpose of recreational activities, which may include overnight accommodations or camp areas.

**Restaurant.** An establishment where food and drink are prepared and served.

**Retail Sales.** The selling of goods or merchandise not specifically listed under another land use, to the general public for personal or household consumption and rendering of services incidental to the sale of goods.

**General.** Retail establishments that sell goods or merchandise to the general public for profit. General retail stores may include specialized retail stores (see *Retail, Specialized*) but does not include adult businesses, medical marijuana dispensaries, or secondhand stores.

**Specialized.** Retail establishments that sell goods or merchandise to the general public for profit but that are focused exclusively on a limited line of related products. Examples include, but are not limited to, bicycle shops, flower shops, book stores, music stores, gift shops, etc.

**Reverse Vending Machine.** An automated mechanical device which accepts one or more types of empty beverage containers and issues a cash refund or other type of redemption bonus. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine.

**Rezoning.** An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, intensity or regulation of uses allowed on a designated parcel or land area; an amendment to procedures regarding implementation of zoning regulations.

**Ridgeline.** A relatively narrow elevation that is prominent because of the steep angle at which it rises; an elongated crest, or series of crests, with or without individual peaks, significantly higher than the adjoining ground.

**Right-of-Way.** See *Public Right-of-Way*.

### 9.300.200 “S” Definitions

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**School.** Any institution of learning for public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the California Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education.

**School, Commercial.** Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or art form for commercial purposes.

**School, Private.** Any building or group of buildings the use of which meets state requirements for elementary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency.

**School, Secondary.** Any school licensed by the state, authorized to award diplomas for secondary education.

**School District.** A district that serves as a unit for state financing and administration of elementary and secondary schools.

**Screening.** A method of visually shielding or obscuring a structure or use from another by fencing, walls, berms or densely planted vegetation.

**Secondhand Store.** Retail establishment that buys and sells used products, including books, clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments, firearms, or any similar secondhand articles or objects.

**Senior Center.** An assembly building intended to provide nonresidential services for senior citizens.

**Senior Citizen.** Any retired person over the age of 55 or any person over the age of 62 years.

**Setback, Building.** The required distance between the building and any lot line. See Figure 9.195.030-1 (Setback Designations).

**Front.** The required distance between the building and the front lot line.

**Rear.** The required distance between the building and the rear lot line.

**Side.** The required distance between the building and the interior side lot line.

**Street Side.** The required distance between the building and the side lot line adjacent to a public right-of-way.

**Setback Line.** The line that establishes the area of the property within which structures or other designated uses may be erected or placed.

**Self-Storage.** A storage facility in which individual units are rented to the public. The term includes mini-storage and mini-warehouse.

**Shooting Range.** An area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, or any similar firearm for the purpose of sport shooting or military/law enforcement training.

**Short-Term Rentals.** A transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than 30 days.

**Sidewalk.** A paved, surfaced or leveled area paralleling and usually separated from the street, used as a pedestrian walkway.

**Sight Visibility Area.** The area established in accordance with the Public Works Department Standard 81 "Intersection Sight Distance."

**Similar Use.** A use that has the same characteristics as the specifically cited uses in terms of the following: trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs and clientele.

**Single Family Dwelling.** See *Dwelling, Single Family*.

**Single Housekeeping Unit.** One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses, and maintenance of the premises are shared or carried out according to a household plan or other customary method. If all or part of the dwelling unit is rented, the lessees must jointly occupy the unit under a single rental agreement or lease, either written or verbal.

**Single Room Occupancy (SRO).** A residential facility containing housing units that may have individual or shared kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the California Health and Safety Code. Each housing unit is offered on a monthly rental basis or longer.

**Site.** A parcel of land or contiguous parcels where land alterations or activities, including grading, clearing or construction, are performed or proposed.

**Slope.** The land gradient described as the vertical rise divided by the horizontal run and expressed in terms of percentage.

$$\text{Slope percentage} = \frac{\text{Rise}}{\text{Run}} \times 100 = \% \text{ Run}$$

$$\text{Slope Ratio} = \frac{\text{Run}}{\text{Rise}} = (x) \text{ ft run to } 1 \text{ ft rise} = x: 1 \text{ Rise}$$

**Steep Slope.** Land with a natural gradient of at least 25 percent (25 feet of vertical distance for every 100 feet of horizontal distance) and a vertical elevation of at least 50 feet.

**Solar Farm.** A solar facility which is developed for purposes of generating solar power for purchase or sale, regardless of size or scale. Power generated from such fields is supplied to an electric distribution system for use by a utility service or energy provider with electric energy for wholesale or retail sale or use. A commercial solar field can be one of several solar technologies including but not limited to concentrating solar power (CSP), photovoltaics (PV) or concentrating photovoltaics (CPV). A solar farm does not include small-scale solar systems designed to provide electricity directly to a user on the same site, where the system is designed only to service the peak energy demand of the on-site user.



**Specific Adverse Impact.** Has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions, as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214 (g).

**Specific Plan.** A plan for the long-range development of properties, consistent with the local general plan, regulating such things as uses permitted, density allowances, and distribution of uses and services, and including a program for the implementation of the plan.

**Stable, Horse.** Riding academy, or any place where horses are rented or held for rent to the public, or where such horses are stabled, kept, or maintained for a fee, or where horses are boarded or cared for by a person or persons other than their owner.

**Staff.** The staff of the various departments or divisions of the City of Meniffee.

**Standard.** A rule or measure establishing a level of quality or quantity that must be complied with or satisfied; requirements of this Code regarding building and development specifications such as minimum lot area, height limit, frontage, landscaping and floor area ratio.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused under-floor space shall be considered a story.

**Story, First.** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than 4 feet below grade for more than 50 percent of the total perimeter, or not more than 8 feet below grade at any point.

**Street Improvements.** Any or all concrete curbs, gutters, sidewalks, driveway approaches and drainage structures; asphalt curbs; asphalt paving; connecting pavement; and related improvements such as back-filling and preparation of the road surface to rough grade, and the placement of paving.

**Street, Private.** A street that has not been accepted by the City or other governmental entity.

**Structure.** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences 6 feet or less in height. All buildings are structures.

**Structure, Accessory.** A structure which is detached from the main building on a parcel or lot, the use of which is incidental to that of the primary building. An accessory structure includes but is not limited to a detached garage, gazebo, greenhouse, storage shed, studio, pool house, cabana, barn, pole barn, stable or workshop.

**Structure, temporary.** A structure without a foundation which is capable of being moved.

**Subdivision.** The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as defined in Section 66424 of the Subdivision Map Act.

**Supportive Housing.** Dwelling units with no limit on the length of stay, that are occupied by the target population as defined in California Health and Safety Code Section 50675.14, and that are linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community.

**Supportive Housing – Lower Barrier Navigation Center.** Per Government Code §Section 65660-(a), a “Low Barrier Navigation Center” is a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

- (1) The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
- (2) Pets.
- (3) The storage of possessions.
- (4) Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

**Supportive Services.** “Supportive Services” include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

**Swap Meet.** Any indoor or outdoor place, location, or activity where new or used goods are offered for sale or exchange to the general public by a multitude of vendors, usually in compartmentalized spaces. The term swap meet is interchangeable with and applicable to flea markets, auctions, open air markets or other similar activities, but the term does not include a supermarket, department store or typical retail operations.

### **9.300.210 “T” Definitions**

**Target Population.** Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

**Temporary Use.** Special events which, by their nature, are non-recurring and which continue for a limited period of time. Temporary uses may occur indoors or outdoors, on improved or unimproved property and should be consistent with the zone for that property and its uses.

**Terrace.** A level, landscaped and/or surfaced area, also referred to as a patio, directly adjacent to a primary building at or within 3 feet of finished grade and not covered by a permanent roof.

**Tot Lot.** An improved and equipped play area for small children usually up to elementary school age.

**Toxic Substances.** Any combination of contaminants, including disease-carrying agents, that, after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, can cause death or disease, mutations, deformities or malfunctions in such organisms, or their offspring, and that adversely affect the environment.

**Tract Map.** A map showing a subdivision of five or more parcels for which a tentative and final map are required by the Subdivision Map Act, prepared in accordance with the provisions of the Subdivision Map Act, and designed to be filed for recordation in the Office of the County Recorder.

**Transit.** The conveyance of persons or goods from one place to another by means of a public transportation system.

**Transitional Housing.** Dwelling units configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance.

**Transportation Station.** A place where transfer between modes of transportation takes place; a terminating point where goods are transferred from a truck to a storage area or to another form of transportation.

**Two Unit Development.** The development of two primary units or, there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot.

### 9.300.220 “U” Definitions

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**Underground Facility.** Any facility or structure built completely below grade to be used for storing personal property of the property owner such as a root cellar or a wine cellar or serving as a shelter or bunker for safety purposes in the event of a disaster, either natural or man-made. No underground facility may be rented for any purpose.

**Urban Lot Split.** The subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 pursuant to a ministerial approval process.

**Use.** The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

**Use, Accessory.** A use incidental to and customarily associated with a specific primary use, located on the same lot or parcel.

**Use, Primary.** The principal or predominant use of any lot or parcel.

**Utility.** See *Public Utility*.

**Utility Services.** The generation, transmission and/or distribution of electricity, gas, communications and water; the collection and treatment of sewage and solid waste; and the provision of mass transportation.

### 9.300.230 “V” Definitions

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**Variance.** A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

**Vehicle Body Repair, Paint or Restoration.** A commercial use often referred to as a body and fender shop through which damaged or wrecked vehicles are repaired or restored.

**Vehicle Dismantling.** See *Vehicle Wrecking*.



**Vehicle Leasing and Rental.** A business whose primary purpose is to provide vehicles to serve customer transportation needs. Such vehicles may include automobiles, trucks, bicycles, motorcycles, trailers and/or recreational vehicles.

**Vehicle Repair, Major.** A facility which provides heavy repair of vehicles and/or trucks including but not limited to body and fender repair, automotive painting, transmission and/or engine rebuilding, or other repair services which include the removal of major automotive mechanical components of a vehicle.

**Vehicle Repair, Minor.** A facility which provides light repair of vehicles and/or light trucks, including but not limited to engine tune-up, oil change, brake repair and replacement, muffler replacement, and the sale and/or installation of tires, batteries and accessories.

**Vehicle Sales.** A facility for the display and sale of new or used automobiles, light trucks, vans, trailers or recreation vehicles and including any vehicle preparation or repair work conducted as an accessory use in designated buildings.

**Vehicle Storage Lot.** A parcel or parcels of land utilized for long-term or short-term vehicle storage, including cars, motorcycles, trucks, light trucks and/or recreational vehicles.

**Vehicle Wrecking.** The dismantling and parting out of motor vehicles or trailers, or the storage and/or sale of dismantled or wrecked motor vehicles or their parts.

**Veterinary Clinic.** A place where animals are given medical care and where the boarding of animals is limited to short-term care incidental to the medical care.

### **9.300.240 "W" Definitions**

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**Wall.** The vertical exterior surface of a building; vertical interior surfaces that divide a building's space into rooms; fences made of block or stucco, or similar permanent material.

#### **Warehouse.**

**Fulfilment Center.** Is a facility whereby a building is primarily used to receive, process, and fulfill numerous consumer orders associated with electronic commerce ("e-commerce" retailers) or similar high capacity and high frequency orders and deliveries. The use includes the indoor storage of goods, products, and similar items and is typically characterized by a high intensity and a high frequency of truck traffic and may include multiple shifts of employees.

**Warehousing, logistics and distribution facility.** Means warehouse/distribution facilities used for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials and includes bulk storage of materials, which are flammable, or explosive or create hazardous or commonly recognized offensive conditions) before their distribution to retail locations or other warehouses. Warehouse/distribution centers are generally having a land coverage ratio of approximately 45-60 percent, and a dock-high loading doors, could be on opposing sides of the building (cross dock facility); significant movement and storage of products, materials, or equipment; truck activities frequently outside of the peak hour of the adjacent street system; and freeway access, including:

- Freight yards/forwarding terminals
- Warehousing distribution/high cube distribution centers
- Moving agencies

- Parcel delivery terminals
- Railroad freight stations
- Shipping/receiving yards
- Truck terminals

(Ord. No. 2022-337, 03/16/2022)

**Watercourse.** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Wheel Stops.** Permanent devices that block the front wheels of a vehicle in a parking stall.

### 9.300.250 “X” Definitions

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### 9.300.260 “Y” Definitions

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**Yard.** The open space between a lot line and the required building setback line within which no structure shall be located except as otherwise provided in this Code. Yards shall be unobstructed from the ground to sky. See Figure 9.160.030-1 (Setback Designations).

**Front.** A yard extending across the full width of the lot between the side lot lines and between the front lot line and the front setback line. The front lot line shall be deemed to be the existing nearest right-of-way line of the abutting street, road or highway, unless a different right-of-way line for future use shall have been precisely fixed by law or ordinance, or by formal action of the City Council pursuant to law or ordinance, in which event the front lot line shall be deemed to be such different right-of-way line. In the event of multiple adjacent rights-of-way in residential zones, the front of the lot shall be that portion of the lot adjacent to the lowest classification of roadway as established in the General Plan Circulation Element. For all other land use districts, the front of a lot with multiple adjacent rights-of-way shall be that portion of the lot adjacent to the highest classification of roadway as established in the General Plan Circulation Element (unless otherwise established by the General Plan). In the event that more than one adjacent right-of-way are of the same classification, building orientation shall determine the front yard in all zones.

**Rear.** A yard extending across the full width of the lot between the side lot lines and measured between the rear lot line and the rear setback line. Where a rear yard abuts a street, it shall meet the front yard requirements of the district.

**Side.** That portion of a lot adjacent to a property line that is not a front or rear yard as defined herein.

**Street Side.** A side yard adjacent to a public right-of-way.

### 9.300.270 “Z” Definitions

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**Zone.** The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

**Zone District.** A designated section of the City for which prescribed land use requirements and building and development standards are uniform.



**Zoning Map.** The map or maps that are a part of a zoning ordinance that delineate the boundaries of zone districts.



### 9.305.030 Density Bonus and Related Terms Defined

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**Affordable Housing.** Dwelling units with a sales price or rent within the means of a low- or moderate-income household as defined by state or federal legislation. As used in this development code:

1. Very low income refers to family units/households whose annual income is 50% or less of the area's median income as defined in Health and Safety Code Section 50105 (Government Code Section 65915(b)(1)(B)).
2. Low income refers to family units/households whose annual income is between 50% and 80% of the area's median income as defined in Health and Safety Code Section 50079.5 (Government Code Section 65915(b)(1)(A)).
3. Moderate income refers to family units/households whose annual income is between 80% and 120% of the area's median income as defined in Health and Safety Code Section 50093 (Government Code Section 65915(b)(1)(D)).

**Affordable Housing Benefits.** Means one or more of the following:

1. A density bonus pursuant to Section 9.180.060.
2. An incentive pursuant to Section 9.180.120.
3. A development standard waiver or modification pursuant to Section 9.180.150.
4. A parking standard modification pursuant to Section 9.180.160.

**Affordable Housing Cost.** The definition set forth in Health and Safety Code Section 50052.5 (Government Code Section 65915(c)(1)).

**Affordable Housing Developer.** The applicant or permittee of a qualified housing development and its assignees or successors in interest.

**Affordable Rent.** The definition set forth in Health and Safety Code Section 50053 (Government Code Section 65915(c)(1)).

**Childcare Facility.** A child day-care facility other than a family day-care home, including but not limited to infant centers, preschools, extended day-care facilities and school-age childcare centers (Government Code Section 65915(h)(4)).

**Common Interest Development.** Any of the following: a community Apartment project, a condominium project, a planned development or a stock cooperative pursuant to Civil Code Section 1351(c) and Civil Code Section 4100. All common interest development units must be offered to the public for purchase (Government Code Section 65915(b)(1)(D)).

**Condominium Conversion Project.** A residential project in which the applicant proposes to convert Apartment units to condominiums pursuant to Government Code Section 65915.5(a).

**Concession or Incentive.** Means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).
2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- 1.3. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

**Density Bonus.** ~~A process by which a city can increase the density within a development project by a percentage established by law or through which the city offers incentives that support economic viability in return for guarantees with respect to the preservation of the rights of use or sale for affordable housing purposes.~~ A density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the City, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage as mandated by Government Code Section 65915(b).

**Density Bonus Units.** Dwelling units granted pursuant to Section 9.180.030 which exceed the otherwise maximum allowable residential density.

**Development Standard.** A site or construction condition, including but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement or a parking ratio, that applies to a residential development pursuant to the ~~d~~Development ~~e~~Code, the General Plan or other City condition, law, policy, resolution or regulation (Government Code Section 65915(o)(1)).

**Housing Development.** A development project of five or more residential units, including mixed-use developments. ~~includes~~ a subdivision or common interest development that is approved by the city and consists of residential units or unimproved residential lots, and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multi-family dwelling where the result of the rehabilitation would be a net increase in available residential units (Government Code Section 65915(i)).

**Incentive.** Means “incentives and concessions” as that phrase is used in Government Code Section 65915.

Located within one-half mile of a major transit stop. Any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this chapter, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

**Lower Income Student.** A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

**Major Transit Stop.** Has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

**Market-Rate Unit.** A dwelling unit that is not an affordable unit.

**Maximum Allowable Residential Density.** The density allowed under the ~~d~~Development ~~e~~Code, ~~specific plan, and-or~~ the Land Use Element of the General Plan, or if a range of density is permitted, the ~~maximum allowable density for the specific district density~~ greatest number of units allowed by the specific zoning range, specific plan, or Land Use Element of the General Plan applicable to the project. If the density allowed under the ~~d~~Development ~~e~~Code or specific plan is inconsistent with the density allowed under the Land Use Element of the General Plan, the General Plan density shall prevail. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:

1. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and step backs, public and private open space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the City shall accept it, provided that it includes all applicable objective development standards.
- 1-2. Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study-(Government Code Section-~~65915(o)(2)~~65915(o)(6)).

**Minimum Affordable Housing Component.** A housing development project that includes a minimum of any of the following:

1. Very Low-Income Minimum Affordable Housing Component – Provides at least 5% of the total units for very low-income household residents (Government Code Section 65915(b)(1)(B)); or
2. Low-Income Minimum Affordable Housing Component – Provides at least 10% of the total units for low-income households (Government Code Section 65915(b)(1)(A)); or
3. Moderate-Income Minimum Affordable Housing Component – Provides at least 10% of the total dwelling units in a common interest development for moderate-income households (Government Code Section 65915(b)(1)(D)).



**Other Incentives of Equivalent Financial Value.** The reduction or waiver of requirements which the City might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the City to provide cash transfer payments or other monetary compensation (Government Code Section 65915.5(c)).

**Qualified Housing Development.** A housing development that meets the requirements of Section 9.180.030 for density bonus.

**Qualified Land.** Land offered for donation in accordance with Section 9.180.110 that meets the criteria set forth in Subsection 9.180.110.A.

**Senior Citizen Housing Development.** A residential development that is developed, substantially rehabilitated or substantially renovated for senior citizens and that has at least 35 senior citizen housing development units (Government Code Section 65915(b)(1)(C)).

**Senior Citizen Housing Development Unit.** A residential dwelling unit in a senior citizen housing development that is available to, and occupied by, a senior citizen as defined in Civil Code Section 51.3.

**Shared Housing Building.** A residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

- A. A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.
- B. A “shared housing building” may include incidental commercial uses, provided that those commercial uses are otherwise allowable and are located only on the ground floor or the level of the shared housing building closest to the street or sidewalk of the shared housing building.

**Shared Housing Unit.** one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.

**Specific, Adverse Impact.** A significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application for the housing development was deemed complete. Inconsistency with the development code or General Plan land use designation shall not constitute a specific, adverse impact upon the public health or safety (Government Code Section 65589.5(d)(2)).

**Total Units and Total Dwelling Units.** A calculation of the number of units that:

- 1. Excludes a unit added by a density bonus awarded pursuant to the Development Code granting a greater density bonus.
- 2. Includes a unit designated to satisfy an inclusionary zoning requirement of the City.



For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, “unit” means one shared housing unit and its pro rata share of associated common area facilities. ~~Dwelling units other than density bonus units.~~ (Government Code Section 65915(b)(3)).



**AIRPORT LAND USE COMMISSION MEETING  
MINUTES  
November 9, 2023**

**DRAFT**

11-13-23

**COMMISSIONERS PRESENT:** Steve Manos, John Lyon, Vernon Poole, Richard Stewart, Larry Smith (alternate for Russell Betts), Maartin Rossouw (alternate for Michael Geller), Michael Lewis (alternate for Steven Stewart)

**COMMISSIONERS ABSENT:** Russell Betts, Michael Geller, Steven Stewart

**2.0 PUBLIC HEARING: CONTINUED ITEMS**

2.1 Staff report recommended: **ZAP1028PV23 – Landstar Companies (Representative: Johnson Aviation)** – City of Perris Case Nos. PLN22-05046 (DPR22-00005 [Development Plan Review], TPM38412 [Tentative Parcel Map]). A proposal to construct two industrial warehouse buildings with mezzanines totaling 867,070 square feet and a 343 tractor-trailer truck yard (on a separate 22.88 acre parcel) on a total 82.83 acres, located southerly of Ellis Avenue, westerly of Case Road, easterly of Goetz Road. The applicant also proposes a tentative parcel map merging the site into two parcels (Airport Compatibility Zones A, B1, B2, C, and D of the Perris Valley Airport Influence Area, and Zone E of March Air Reserve Base/Inland Port Airport Influence Area). Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)

**CONTINUE to 12-14-23**

Staff recommended at hearing: **CONTINUE to 12-14-23**

ALUC Commission Action: **CONTINUED to 12-14-23 (Vote 7-0)**

**Motion: Richard Stewart**  
**Second: Larry Smith**

**3.0 PUBLIC HEARING: NEW CASES**

3.1 Staff report recommended: **ZAP1129FV23 – Marks Architects (Representative: Gabriela Marks)** – County of Riverside Case No. PPT230027 (Plot Plan). A proposal to construct a 2,054 square foot The Habit Burger restaurant, and a 1,568 square foot KFC restaurant with a shared drive-thru on 1.38 acres, located on the southeast corner of Benton Road and Temeku Street. (Airport Compatibility Zone B1 of the French Valley Airport Influence Area). Staff Planner: Jackie Vega at (951) 955-0982, or e-mail at [javega@rivco.org](mailto:javega@rivco.org)

**CONSISTENT**

Staff recommended at hearing: **CONSISTENT**

ALUC Commission Action: **CONSISTENT (Vote 7-0)**

**Motion: Michael Lewis**  
**Second: Maartin Rossouw**

**VIDEO:**

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**AIRPORT LAND USE COMMISSION MEETING  
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November 9, 2023**

- 3.2 Staff report recommended: **ZAP1131FV23 – GCRE & Butterfield Stage Center, LLC (Representative: Temecula Engineering Consultants, Inc.)** – County of Riverside Case No. GPA220011 (General Plan Amendment). A proposal to amend the County’s General Plan Circulation Element changing the designation of Auld Road west of Pourroy Road to Washington Street from Urban Arterial to Arterial, and also to realign Pourroy Road between High Vista Drive to Auld Road as Arterial (Airport Compatibility Zone E of the French Valley Airport Influence Area). Staff Planner: Jackie Vega at (951) 955-0982, or e-mail at [javega@rivco.org](mailto:javega@rivco.org)
- CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 7-0)**
- Motion: Vernon Poole  
Second: Richard Stewart**
- 3.3 Staff report recommended: **ZAP1584MA23 – David Patton (Representative: David Patton)** – City of Moreno Valley Case No. PEN23-0072 General Plan Amendment), PEN23-0071(Change of Zone), PEN23-0070 (Development Plan Review), PEN23-0069(Tentative Tract Map No. 38702). A proposal to divide 13.75 acres into 131 single family residential lots and recreational amenities located on the southeast corner of Goya Avenue and Indian Street. The applicant also proposes to amend the site’s general plan land use designation and zoning from Residential 5 to Residential 10. (Airport Compatibility Zones D and E of the March Air Reserve Base/Inland Port Airport Influence Area). Staff Planner: Jackie Vega at (951) 955-0982, or e-mail at [javega@rivco.org](mailto:javega@rivco.org)
- CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 7-0)**
- Motion: Michael Lewis  
Second: Maartin Rossouw**
- 3.4 Staff report recommended: **ZAP1585MA23 – David Patton (Representative: David Patton)** – City of Moreno Valley Case No. PEN22-0159 (General Plan Amendment), PEN22-0158 (Change of Zone), PEN22-0157 (Development Plan Review), PEN22-0156 (Tentative Tract Map No. 38458). A proposal to divide 9.18 acres into 78 single family residential lots and recreational amenities located on the southeast corner of Iris Avenue and Indian Street. The applicant also proposes to amend the site’s general plan land use designation and zoning from Residential 5 to Residential 10. (Airport Compatibility Zones D and E of the March Air Reserve Base/Inland Port Airport Influence Area). Staff Planner: Jackie Vega at (951) 955-0982, or e-mail at [javega@rivco.org](mailto:javega@rivco.org)
- CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 7-0)**
- Motion: Michael Lewis  
Second: Larry Smith**
- 3.5 Staff report recommended: **ZAP1580MA23 – Dish Wireless (Representative: CORE Development Services/ Butler America)** – March Joint Powers Authority Case No. MDR23-01 (Minor Development Review). A proposal to construct a wireless facility totaling 709 square feet on top of a proposed but not yet constructed building with a total height of 48 feet on 2.35 acres, located on the northwest corner of Van Buren Boulevard and the 215 Freeway. (Airport Compatibility Zone B2 of the March Air Reserve Base/Inland Port Airport Influence Area). Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rivco.org](mailto:prull@rivco.org)
- CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 7-0)**
- Motion: John Lyon  
Second: Maartin Rossouw**

**VIDEO:** 2  
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**AIRPORT LAND USE COMMISSION MEETING  
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- 3.6 Staff report recommended: **ZAP1587MA23 – Sunpower (Representative: Ronnie Toh)** – March Joint Powers Authority Case No. COM-Solar 23-008 (Building Permit). A proposal to construct a 704 square foot rooftop solar panel system on an existing industrial building on 1.65 acres, located at 21550 Van Buren Boulevard, westerly of Meridian Parkway (Airport Compatibility Zone C1 of the March Air Reserve Base/Inland Port Airport Influence Area). Staff Planner: Jackie Vega at (951) 955-0982, or e-mail at [javega@rivco.org](mailto:javega@rivco.org)
- CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 7-0)**

**Motion: Richard Stewart**  
**Second: Maartin Rossouw**

4.0 **PUBLIC HEARING: MISCELLANEOUS ITEMS**  
None

5.0 **ADMINISTRATIVE ITEMS**

5.1 Director's Approvals - Information Only

5.2 Update March Air Reserve Base Compatibility Use Study (CUS)

Simon Housman, Project Director of March CUS informed the Commission that we received the first draft of the Cumulative Impact Glare Study which will be circulated shortly. Mr. Housman commented on the comments he had frequently heard from this Commission regarding their frustrations with the housing crisis legislation the State of California had enacted and indicated it's up to the Commissioners if they would like to pursue the policy matter further. Commissioner Richard Stewart suggested maybe an item on the agenda to further review and comment..

6.0 **APPROVAL OF MINUTES**

Maartin Rossouw motioned to approve the October 12, 2023 minutes. Seconded by Steve Manos  
Abstain: John Lyon and Richard Stewart  
(Vote 5-0)

7.0 **ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

None

8.0 **COMMISSIONER'S COMMENTS**

Commissioner Larry Smith (alternate for Russell Betts) supports Commissioner Richard Stewart's comments and would like this Commission to have the housing element as primary discussion moving forward.

9.0 **ADJOURNMENT**

Steve Manos, Chair adjourned the meeting at 10:24 a.m.

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**VIDEO:**

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