

A regular scheduled meeting of the Airport Land Use Commission was held on December 12, 2019 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT:	Russell Betts, (Acting Chair) Arthur Butler John Lyon Steven Stewart Richard Stewart
	Gary Youmans

COMMISSIONERS ABSENT: Steve Manos (Chair)

STAFF PRESENT:	Simon Housman, ALUC Director John Guerin, Principal Planner Paul Rull, Principal Planner Barbara Santos, ALUC Commission Secretary Elizabeth Sarabia, Planning Commission Secretary
	Raymond Mistica, ALUC Counsel

OTHERS PRESENT: Albert Rafik, Other Interested Person

 AGENDA ITEM 2.1: <u>ZAP1386MA19 – Core 5 Industrial Partners (Representative: EPD Solutions)</u> – County of Riverside Case No. PPT190028 (Plot Plan). A proposal to construct a 197,856 square foot industrial manufacturing building with mezzanines on 10.96 acres located easterly of Harvill Avenue, northerly of Daytona Cove, westerly of 215 freeway, and southerly of Orange Avenue. The applicant also proposes rooftop solar panels totaling 164,300 square feet (Airport Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area). Continued from 11-14-19.

II. MAJOR ISSUES

The County of Riverside Climate Action Plan requires nonresidential development to utilize on-site renewable energy production (usually from photovoltaic solar panels) to meet 20 percent of total energy demand, as a means to offset greenhouse gas emissions, unless infeasible. (A determination that a project would be hazardous to air traffic in conjunction with an Airport Land Use Commission review is acknowledged as a factor that may result in infeasibility. In that case, the applicant is nevertheless required to install on-site renewable energy production to the greatest extent feasible.) The applicant has identified a solar panel configuration that provides for renewable energy production to the greatest feasible extent consistent with maintaining glare at the acceptable "green" level. The proposal provides for 164,300 square feet of solar panels on the buildings with anti-reflective coating, a fixed tilt of 10 degrees with no rotation, and an orientation of 180 degrees. This proposal would result in "green" level glare (low potential for temporary after-image) within the Air Force traffic patterns and no glare within the 2 mile approach to runways. "Green" level glare complies with the Federal Aviation Administration Interim Policy pertaining to acceptable levels of glare.

On November 7, 2019, the Air Force consultant advised that the airport management operations group of the Base had reviewed the solar glare study and had no objections. On November 13, 2019, the consultant had indicated that the pilot squadron wing of the Base had not yet completed its review of the glare study, which is the reason why the item was continued to the December hearing.

III. STAFF RECOMMENDATION

Staff recommends that the Commission <u>CONTINUE</u> the matter to the January 9, 2020 meeting, pending completion of the Air Force solar glare study review.

IV. PROJECT DESCRIPTION

The applicant proposes to construct a 197,856 square foot industrial manufacturing building with mezzanines on 10.96 acres. Also proposed are rooftop solar panels totaling 164,300 square feet.

V. MEETING SUMMARY

The following staff presented the subject proposal: Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org.

The following spoke in favor of the project: Albert Rafik, other Interested person.

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 5-0 <u>CONTINUED the project to January 9, 2020.</u> Absent: Commissioners Manos and Butler

VII. VIDEO

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at <u>basantos@rivco.org</u>.

ITEM 2.1: TIME: 9:36 A.M.

 AGENDA ITEM 2.2: <u>ZAP1080BD19 – Michael Griswold (Representative: Egan Civil, Inc.)</u> – County of Riverside Case No. PPT190025 (Plot Plan), TPM37675 (Tentative Parcel Map). A proposal to establish a 5-unit 6,748 square foot vehicle and RV/boat storage building with a condominium parcel map for each of the units on 0.70 acres located southerly of Country Club Drive and Interstate 10 freeway, westerly of Jefferson Street, easterly of Adams Street, and northerly of the Bermuda Dunes Airport (Airport Compatibility Zones A and B2 of the Bermuda Dunes Airport Influence Area). Continued from 11-14-19.

II. MAJOR ISSUES

The project proposes several objects and structures within Zone A which are identified as prohibited uses: 6 foot tall security fence, handicap parking and loading stall, and a 3,500 square foot detention basin. These structures can also be considered a hazard to flight.

The applicant has submitted Form 7460-1 with the FAA and its review status is currently a "work in progress". Therefore, the project was continued to the December hearing agenda pending completion of the FAA review. As of the date of preparation of this staff report, FAA review is still in progress.

III. STAFF RECOMMENDATION

Staff recommends that the Commission <u>CONTINUE</u> the matter to the January 9, 2020 meeting, pending completion of the Federal Aviation Administration obstacle obstruction review.

STAFF RECOMMENDED AT HEARING INCONSISTENT

INCONSISTENT

IV. PROJECT DESCRIPTION

The applicant proposes to establish a 5-unit 6,748 square foot vehicle and RV/boat storage building with a condominium parcel map for each of the units on 0.70 acres.

FINDINGS FOR A DETERMINATION OF CONSISTENCY PURSUANT TO POLICY 3.3.6 OF THE COUNTYWIDE POLICIES OF THE 2004 RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN:

- 1. The State Airport Permit for Bermuda Dunes Airport, a.k.a. Bermuda Dunes Executive Airport (UDD), includes a variance for the existing Federal Aviation Regulations Part 77 imaginary surface penetrations in the 7:1 Transitional Surface on the north side of the runway, with a 25 foot height restriction. These penetrations are the tree line, which is located at the edge of the Primary Surface and is marked in several locations with lighted obstruction poles. Objects north of the tree line, such as buildings in the industrial park, are acceptable as long as they do not exceed the 25 foot height restriction, since they are, in effect, shadowed by the tree line.
- 2. The mass and setback of the proposed structures are consistent with similar developments along Country Club Drive at a similar distance from, and parallel to, the runway.
- 3. Under the assumption that an application is submitted to the Federal Aviation Administration for review, and that the FAA issues a "Determination of No Hazard to Air Navigation" letter, "the structures 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."
- 4. The proposed project as submitted will not create an undue safety hazard to people on the ground or aircraft in flight.
- 5. The proposed building is not located inside Zone A.
- 6. The proposed drainage basin contains no landscaping that could attract birds and is conditioned to drain within 48 hours of a storm event, which would reduce the potential for bird attractant and bird strike.

- 7. Use of the handicapped parking stall is expected to be rare and for limited time periods, as users will be parking their recreational vehicles in their individual garages within the building.
- 8. The land use intensity for the site does not exceed the allowable land use intensity for the portion of the site in Zone B2.
- 9. The land use will not result in excessive noise exposure because the storage use is not considered noisesensitive.
- 10. The airport owner has expressed support for the solid fence along the property line.
- 11. The conditional use permit for the airport issued by the County will expire in 2027 if not renewed.

CONDITIONS:

- 1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
- 2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
 - (a) Any use or activity 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 or activity 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 or activity 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.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 3. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; construction and demolition debris facilities; wastewater management facilities; incinerators; children's schools; day care centers; libraries; hospitals; nursing homes and other skilled nursing and care facilities; places of worship or assemblies of people; noise-sensitive outdoor nonresidential uses; and hazards to flight.
- 4. The attached notice shall be provided to all prospective purchasers of the property and tenants of the building.
- 5. Prior to issuance of a building permit, the property owner shall convey an avigation easement to Bermuda Dunes Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the County of Riverside.
- 6. Any ground-level or aboveground water detention basin or facilities shall be designed and maintained for a maximum 48-hour detention period after the design storm and remain totally dry between rainfalls. Vegetation around such facilities 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 to prevent large expanses of contiguous canopy, when mature. Trees and bushes shall not produce fruit, seeds, or berries.

No landscaping is proposed or permitted in the detention basin.

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- 7. The project has been evaluated as 6,748 square feet of vehicle and RV/boat garage storage area. Any increase in building area or conversion to any use other than storage or warehousing will require review by the Airport Land Use Commission.
- 8. 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 Bermuda Dunes Airport Manager.
- 9. The Federal Aviation Administration has conducted aeronautical studies of the proposed project (Aeronautical Study Nos. 2019-AWP-14109-OE through 2019-AWP-14112-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 2 and shall be maintained in accordance therewith for the life of the project.
- 10. The proposed building shall not exceed a height of 24 feet above ground level and a maximum elevation at top point of 77 feet above mean sea level.
- 11. 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.
- 12. Temporary construction equipment used during actual construction of the structure(s) shall not exceed 24 feet in height and a maximum elevation of 77 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
- 13. 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 <u>https://oeaaa.faa.gov</u> 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.

V. MEETING SUMMARY

The following staff presented the subject proposal: Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

No one spoke in favor, neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 6-0 found the project <u>**CONSISTENT**</u> based on Policy 3.3.6 Finding. Absent: Commissioner Manos

VII. VIDEO

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at <u>basantos@rivco.org</u>.

ITEM 2.2: TIME: 9:49 A.M.

 AGENDA ITEM 3.1: <u>ZAP1037BA19 – Bremco Construction, Inc., (Representative: William Lewis)</u> – City of Banning Case Nos. CUP19-8005 (Conditional Use Permit), DR19-7013 (Design Review). A proposal to establish a truck terminal facility which includes a 11,670 square foot office building with mezzanine, a 63,360 square foot cross loading dock terminal, a 1,042 square foot line-haul building, a 14,232 square foot maintenance building, two above ground diesel fuel storage tanks totaling 40 gallons, and a 80 square foot security guard building on 39.07 acres located northerly of Westward Avenue, easterly of Hathaway Street, and southerly of Banning Municipal Airport (Airport Compatibility Zones B2 & D of the Banning Municipal Airport Influence Area).

II. MAJOR ISSUES

None

III. STAFF RECOMMENDATION

Staff recommends that the Conditional Use Permit and Design Review be found <u>CONDITIONALLY</u> <u>CONSISTENT</u>, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

STAFF RECOMMENDED AT HEARING

<u>CONSISTENT</u>, subject to the updated conditions provided at the meeting which incorporates FAA conditions.

IV. PROJECT DESCRIPTION

The applicant proposes to establish a truck terminal facility which includes an 11,670 square foot office building with mezzanine, a 63,360 square foot cross loading dock terminal, a 1,042 square foot line-haul building, a 14,232 square foot maintenance building, two above ground diesel fuel storage tanks totaling 40 gallons, and a 80 square foot security guard building on 39.07 acres.

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, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, 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, highly noise-sensitive outdoor nonresidential uses, and hazards to flight.
- 3. Prior to issuance of a building permit, the property owner shall convey an avigation easement to Banning Municipal Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Banning.
- 4. The attached notice shall be given to all prospective purchasers and/or tenants of the property.
- 5. Any ground-level or aboveground water detention basin or facilities shall be designed and maintained for a maximum 48-hour detention period after the design storm and remain totally dry between rainfalls. Vegetation around such facilities 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 to prevent large expanses of contiguous canopy, when mature. Trees and bushes shall not produce fruit, seeds, or berries.

Landscaping in the detention basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORM WATER MANAGEMENT" brochure available at the 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.

- 6. The evaluated project consists of a 11,670 square foot office building with mezzanine, a 63,360 square foot cross loading dock terminal, a 1,042 square foot line-haul building, a 14,232 square foot maintenance building, two above ground diesel fuel storage tanks totaling 40 gallons, and a 80 square foot security guard building. Any proposal to use any of these buildings for retail or assembly occupancies will require an amended review by the Airport Land Use Commission.
- 7. Noise attenuation measures shall be incorporated into the design of the office building and security guard building, to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
- 8. The ALUC open areas as shown on the site plan shall be devoid of obstacles/obstructions greater than 4 feet in height that are at least 4 inches in diameter, which includes parking light poles, walls, trash enclosures, and tall landscaping.
- 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 Banning Airport Manager. 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 Banning Airport Manager.
- 10. The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study No. 2019-AWP-13081-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 2 and shall be maintained in accordance therewith for the life of the project.
- 11. The proposed building shall not exceed a height of 38 feet above ground level and a maximum elevation at top point of 2,203 feet above mean sea level.
- 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 38 feet in height and a maximum elevation of 2,203 feet above mean sea level, 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 <u>https://oeaaa.faa.gov</u> 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.

V. MEETING SUMMARY

The following staff presented the subject proposal: Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

No one spoke in favor, neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 6-0 found the project <u>**CONSISTENT**</u> subject to the updated conditions provided at the meeting which incorporates FAA conditions. Absent: Commissioner Manos

VII. VIDEO

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at <u>basantos@rivco.org</u>.

ITEM 3.1: TIME: 10:13 A.M.

I. AGENDA ITEM 3.2: <u>ZAP1388MA19 – REC Solar (Representative: Tomas Mendez)</u> – City of Moreno Valley Case No. PEN19-0200 (Plot Plan). A proposal for the installation of a 2,804 kilowatt solar roof top panel system (ONT 6) on the existing 1,173,709 square foot Amazon warehouse/distribution center on a 35.4 acre parcel located at 24208 San Michele Road. (A previous proposal to establish a 4014.36 kilowatt solar rooftop panel system on the same building had been found consistent by the ALUC, and was approved by the City's Planning Commission, but is set to expire) (Airport Compatibility Zone C1 of the March Air Reserve Base/Inland Port Airport Influence Area).

II. MAJOR ISSUES

The proposal provides for 235,547 square feet of solar panels on the buildings with anti-reflective coating, a fixed tilt of 10 degrees with no rotation, and an orientation of 180 degrees. ALUC review was required because the tilt and orientation of the proposed panels are different from the original proposal. Analysis of the new proposal indicates that the project would result in "green" level glare (low potential for temporary after-image) within the Air Force traffic patterns and no glare within the 2 mile approach to runways. "Green" level glare complies with the Federal Aviation Administration Interim Policy pertaining to acceptable levels of glare.

At the time this staff report was written, the Air Force has not completed its review of the solar glare study and has not given their acceptance.

III. STAFF RECOMMENDATION

Staff recommends that the Commission <u>CONTINUE</u> the matter to the January 9, 2020 meeting, pending completion of the Air Force solar glare study review.

IV. PROJECT DESCRIPTION

A proposal for the installation of a 2,804 kilowatt solar rooftop panel system (ONT6) on the existing 1,173,709 square foot Amazon warehouse/distribution center on a 35.4 acre parcel.

The Commission had previously determined ZAP1215MA16 consistent at its November 2016 hearing, for a proposal for the installation of a 4,014.36 kilowatt solar rooftop panel system (ONT6) on the same site. The City approved the project with the entitlement set to expire on November 23, 2019. A new application was required because of a change in solar company, and ALUC review was required due to the change in panel tilt and orientation.

V. MEETING SUMMARY

The following staff presented the subject proposal: Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

No one spoke in favor, neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC by a unanimous vote of 6-0 <u>CONTINUED the project to January 9, 2020.</u> Absent: Commissioner Manos

VII. VIDEO

The entire discussion of this agenda item is on video and live streamed on the day of the meeting. If you have any questions please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or e-mail at basantos@rivco.org. ITEM 3.2: TIME: 10:22 A.M..

I. 4.0 ADMINISTRATIVE ITEMS

- 4.1 <u>Director's Approvals</u> Information Only
- 4.2 Federal Aviation Administration Determination for ZAP1092FV19

Simon Housman, ALUC Director updated the Commission regarding the process following their October determination of Conditional Consistency, which generally involves waiting to hear back from the Federal Aviation Administration (FAA) and adding conditions they might have. The applicant has agreed to go back to the FAA for review of buildings located adjacent to the runway.

4.3 <u>Commissioner Public Contact Information</u> ALUC staff will look into generating Commissioner e-mail contacts through the ALUC website.

II. 5.0 APPROVAL OF MINUTES

The ALUC by a unanimous vote of 6-0 approved the November 14, 2019 minutes. Absent: Manos

III. 6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

Simon Housman, ALUC Director informed the Commission he attended a meeting with a representative of the Office of Economic Assistance and several representatives of the March ARB and local communities and agencies regarding a potential grant to fund the Joint Land Use Study at the March Air Reserve Base.

IV. 7.0 COMMISSIONER'S COMMENTS

Commissioner Richard Stewart informed that he will be in Michigan for the next ALUC meeting on January 9th, but his alternate will attend.

V. 8.0 ADJOURNMENT

Russell Betts, Acting Chair adjourned the meeting at 10:44 a.m.

VI. VIDEO

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ITEM 4.0: TIME:10:40 A.M.