



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

Riverside County Administration Center  
4080 Lemon St., Hearing Room (1st Floor)  
Riverside, California

Thursday, 8:30 a.m., September 14, 2006

CHAIR  
Simon Housman  
Rancho Mirage

VICE CHAIRMAN  
Rod Ballance  
Riverside

COMMISSIONERS

Arthur Butler  
Riverside

Robin Lowe  
Hemet

John Lyon  
Riverside

Mark Lightsey  
Hemet

STAFF

Executive Director  
Robert C. Johnson

Ed Cooper  
John Guerin  
Cecilia Lara  
Sophia Nolasco  
Barbara Santos

County Administrative Center  
4080 Lemon St., 9<sup>th</sup> Floor.  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

NOTE: If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Comments shall be limited to 5 minutes and to matters relevant to the Plan. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s).

In compliance with the Americans with Disabilities Act, if any accommodations are needed, please contact Barbara Santos at (951) 955-5132 or E-mail at [basantos@rctlma.org](mailto:basantos@rctlma.org). Request should be made at least 48 hours or as soon as possible prior to the scheduled meeting.

## 1.0 INTRODUCTIONS

### 1.1 CALL TO ORDER

### 1.2 SALUTE TO FLAG

### 1.3 ROLL CALL

2.0 EXECUTIVE SESSION: Conference with legal counsel with respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9: Silverhawk Land & Acquisitions, LLC v. Riverside County Airport Land Use Commission et al. (Riverside Superior Court case no. RIC 431176).

3.0 APPROVAL OF MINUTES FOR: July 13, 2006

## 4.0 ADMINISTRATIVE ITEMS

4.1 Discuss October Agenda - New date/time and Special French Valley Meeting.

4.2 Executive Director's Approvals.

5.0 CONSENT CALENDAR WHICH STAFF RECOMMENDS ADOPTION UNDER ONE MOTION UNLESS A COMMISSION MEMBER OR MEMBER OF THE PUBLIC DESIRES TO DISCUSS THE MATTER.

## JACQUELINE COCHRAN REGIONAL AIRPORT

5.1 Resolution for TH-06-105 – Riverside County Planning Department and Environmental Assessment No. 40817. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: Adoption of Resolution No. TH-06-001, as revised, Adopting

a De Minimus Finding, Adopting a Mitigated Negative Declaration for Environmental Assessment No. 40817, Denying the amendment as proposed, and approving Alternative Three.

- 6.0 **PUBLIC HEARING: 9:00 A.M.**  
**ITEMS FOR WHICH STAFF RECOMMENDS CONSISTENCY UNDER ONE MOTION UNLESS A COMMISSION MEMBER OR MEMBER OF THE PUBLIC DESIRES TO DISCUSS THE MATTER.**

**JACQUELINE COCHRAN REGIONAL AIRPORT**

- 6.1 TH-06-107 – CNH Investments, LLC/Don Newell - County Case Nos. GPA 00771, SP 350, CZ 07244 – Specific Plan proposing 1,177 residential units, 71.6 acres commercial, a 12-acre school, a 7-acre park and 36.4 acres of open space with general plan amendment and zone change on 282.9 acres located north of 62<sup>nd</sup> Ave., east of Pierce St., and west of Buchanan St., in unincorporated Riverside County. Partially in Airport Zone E; partially outside airport influence area. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

**MARCH AIR RESERVE BASE**

- 6.2 MA-06-129 – Sycamore Partnership L.P./Investment Building Group/Brian Bargemann - City Case No. P06-0160 (Design Review) – Development of a 317,223 sq. ft. industrial building/warehouse on a 30.21-acre site located westerly of Sycamore Canyon Blvd., northerly of its intersection with Cottonwood Avenue, and southerly of Eastridge Avenue in the City of Riverside. Airport Areas I and II. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

**BERMUDA DUNES AIRPORT**

- 6.3 ZAP1001BD – DBP Ventures – County Case No. PP21736 - Development of 14 industrial buildings with a total floor area of 101,965 square feet at Desert Business Park, located generally northerly of Varner Road and westerly of Washington Street, and easterly of El Viento Road, in unincorporated Riverside County. Airport Zones C and D. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

- 7.0 **PUBLIC HEARING ITEMS FOR WHICH STAFF RECOMMENDS CONDITIONAL CONSISTENCY UNDER ONE MOTION UNLESS A COMMISSION MEMBER OR MEMBER OF THE PUBLIC DESIRES TO DISCUSS THE MATTER.**

NONE

**8.0 PUBLIC HEARING ITEMS FOR WHICH STAFF RECOMMENDS CONTINUANCE UNDER ONE MOTION UNLESS A COMMISSION MEMBER OR MEMBER OF THE PUBLIC DESIRES TO DISCUSS THE MATTER.**

**FRENCH VALLEY AIRPORT**

8.1 ZAP1001FV – Penfield Partners/Devcon Development – County Case Nos. CZ07352 and PP21024 – Change of Zone from R-R (Rural Residential) to I-P (Industrial Park) and development of a 51,314 sq. ft. industrial building (predominantly warehousing) on a 4.93-acre site located on the east side of Penfield Lane extended, south of Benton Road and west of Leon Road, in unincorporated Riverside County. Traffic Pattern Zone. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONTINUANCE to October meeting, or CONDITIONAL CONSISTENCY if FAA Form 7460-1 submitted by hearing date.

**MARCH AIR RESERVE BASE**

8.2 ZAP1002MA – Prologis – County Case Nos. PM33942 and PP20699 – Development of five distribution/warehouse buildings with a total floor area of 1,292,931 square feet on 67.86 – 71.55 acres located both easterly and westerly of Harvill Avenue, southerly of Nandina Avenue and northerly of Old Oleander Avenue in unincorporated Riverside County, and division of project area into five lots. Airport Area II. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONTINUANCE to October meeting, or CONDITIONAL CONSISTENCY if FAA Form 7460-1 submitted by hearing date.

**9.0 OLD BUSINESS**

**FRENCH VALLEY AIRPORT**

9.1 FV-06-109 Garrett Group, LLC/Silverhawk Investments, LLC– Plot Plan No. 21731 proposing development of three single-story buildings with a total floor area of 57,354 square feet on up to 7.63 gross acres located easterly of Sky Canyon Drive and northerly of Murrieta Hot Springs Road in the French Valley area of unincorporated Riverside County. Airport Zones C and B1. Outer Safety Zone and Traffic Pattern Zone. (Continued from August 10, July 13 and June 8, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUANCE TO OCTOBER MEETING

9.2 FV-05-103 – Havadjia Holdings and Michael Monteleone - County Case No. PP20375 – Development of a 3,183 square foot Farmer Boys Restaurant on a 0.78-acre (net area) lot located southerly of Benton Road, northerly of Magdas Coloradas Street, and southeasterly of Winchester Road in French Valley, in unincorporated Riverside County. Emergency Touchdown Zone and Outer Safety Zone (Previously considered on June 9, May 12, and April 14, 2005). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT (without Specific Plan exemption)

9.3 FV-06-106 –Pointe Murrieta Partners – Commercial/Industrial (Schedule E) Parcel Map No. 34461 and Plot Plan No. 21352 for 170,000 sq. ft. of commercial/service industrial buildings, northerly of Murrieta Hot Springs Road and westerly of Town View Avenue. County of Riverside unincorporated area. Airport Zone B1. Emergency Touchdown Zone and Outer Safety Zone. (Continued from August 10, July 13, June 8, May 11, and April 13, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT with the 1996 FVCLUP; consider continuance to November for preparation of an EA and re-adoption of the 2004 FVALUCP.

**JACQUELINE COCHRAN REGIONAL AIRPORT**

9.4 TH-06-106 – Van Buren Estates, LLC - Case Nos. GPA 00787, CZ 07291, and Tract Map No. 34556 – Amend the General Plan designation from Agriculture with Community Development Overlay to Medium Density Residential, change zoning from A-1-20 to R-1, and divide 163.87 acres located east of Van Buren Street and north of 60<sup>th</sup> Avenue into 301 lots. Unincorporated Riverside County. Airport Zones D and E. (Continued from August 10, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT (due to density of portion in Zone D).

**BERMUDA DUNES AIRPORT**

9.5 BD-06-100 – Marsha Vincelette – Plot Plan 21072 for 160,400 sq. ft. of office space in three two-story buildings north of Varner Road and west of Washington Street, within the County of Riverside. Airport Zone D. (Continued from August 10, 2006, May 8, 2006, April 13, 2006 and March 9, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT in absence of additional data.

**HEMET RYAN AIRPORT**

9.6 HR-06-100 – Hemet 63 Investments, LLC/Corman Leigh Communities - Case Nos. GPA 05-4 and ZC 05-4 – Amend General Plan designation from Commercial/Industrial to Mixed Use, and change zoning from M-2 to C-2, R-1 and R-3 on 63 acres located westerly of Cawston Avenue and southerly of Florida Avenue and Acacia Avenue, in the City of Hemet. Transition Area. (Continued from August 10, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT with State Handbook guidelines for densities in inner Turning Zone and Sideline Zone.

- 9.7 HR-06-101 – JAKS, LLC/Meyers, Nave, Riback, Silver and Wilson - GPA 04-07 amending the General Plan designation on 25.6 acres from Industrial to Commercial, and CZ 04-13 changing the zoning of 25.6 acres from M-2 to C-2 and changing the zoning of 10.4 acres from C-1 to C-2. The 36-acre area is located easterly of Sanderson Avenue and southerly of Acacia Avenue, in the City of Hemet. Area I, Area II, and Transition Area. (Continued from August 10, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONDITIONALLY CONSISTENT, but NOT ADVISABLE; large commercial retail facilities would be found inconsistent. Include letter to City regarding future development.

**RIVERSIDE MUNICIPAL AIRPORT**

- 9.8 RI-05-133 – MMI Titan, Inc. - Case No. P-05-1070 (Conditional Use Permit) – Install rooftop antennas for wireless telecommunications on the roof of the Riverside Municipal Airport terminal building, and add an equipment shelter with GPS antennas near Gate 3. Building address: 6951 Flight Road, at Riverside Municipal Airport, in the City of Riverside. Airport Zones B2 and A. (Continued from August 10, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE TO OCTOBER; to allow applicant additional time to obtain FAA clearance.

- 9.9 RI-06-116 – Lindborg and Urbano – Case Nos. P-06-0719 and P-06-0714- Change zoning from R-1-65 to MP and develop a three-building, multi-tenant industrial project (28,125 square feet in floor area) on 2.27 acres located on the south side of Arlington Avenue, westerly of Monroe Street, in the City of Riverside. Airport Zones B1 and A. (Continued from August 10, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUANCE TO OCTOBER

**10.0 NEW BUSINESS**

**FRENCH VALLEY AIRPORT**

- 10.1 FV-06-113 – Silverhawk Industrial L.P./Bechtel/Rachel Rodgers/Polly Johnson – Plot Plan No. 21164 – Development of an unmanned telecommunications facility consisting of antennas on a 70-foot high monoelm, equipment shelter, and GPS antennas on a 2.68-acre site located northwesterly of the terminus of Innovation Court, northeasterly of Technology Drive, in unincorporated Riverside County. Inner Safety Zone. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT; consider continuance to November for preparation of an EA and re-adoption of the 2004 FVALUCP.

- 10.2 FV-06-114 – FV Crossings LP/Fred Grimes - City Case No. 004-249-  
Development of a 65,500 square foot neighborhood shopping center, [including 43,000 square feet in four retail buildings, 6,150 square feet in three restaurant buildings, 16,350 square feet in two office buildings, and a gas station] on an 6.89 to 8.9-acre site located northwesterly of Winchester Road and easterly of Briggs Road, in the City of Murrieta. Outer Safety Zone and Traffic Pattern Zone. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT; consider continuance to November.

**SKYLARK AIRPORT**

- 10.3 ZAP1001SK – Paul Pribble/Mentor Aviation Airport – City Case No. CUP1192 –  
Establish Mentor Aviation Airport. Phase I to include a runway along the alignment of Como Street and mobile office buildings to house business operations for Skydive Elsinore (replaces Skylark Airport). Located northwesterly of Corydon Street, southwesterly of Skylark Airport, in the City of Lake Elsinore. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: Prepare letter to State Division of Aeronautics advising that existing residences would be in Runway Protection Zone; INCONSISTENT with Countywide policies.

**JACQUELINE COCHRAN REGIONAL AIRPORT**

- 10.4 TH-06-108 – Sun Cal Companies – Case Nos. SP 00355, GPA 00799, CZ 07319 –  
Specific Plan proposing 2,460 dwelling units, a 12-acre school, 18.7 acres of parks, 4-acre community recreation area, and 118 acres of open space (with general plan amendment and change of zone) located east of Harrison St., west of Tyler St., south of 62nd Ave., north of 64<sup>th</sup> Ave., in unincorporated Riverside County. Airport Zones D and E. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE pending completion of draft EIR.

11.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

12.0 COMMISSIONER’S COMMENTS

# **RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

## **STAFF REPORT**

### **ADMINISTRATIVE ITEMS**

- 4.1** Mr. B. T. Miller, ALUC Counsel, will be unavailable for the meeting scheduled on October 12, 2006. Therefore, staff recommends that the meeting for October be held on a different date. The options available to the Commission are Thursday, October 5 at 9:00 A.M. and Thursday, October 19 at 1:00 P.M., at the County Administrative Center First Floor Board Hearing Room. Staff recommends October 19, unless the Commission finds that date or time unacceptable. Additionally, provided that staff has released the initial study for the environmental assessment for the French Valley Airport Land Use Compatibility Plan for public review on or before Monday, September 25, a special meeting addressing the French Valley Airport Land Use Compatibility Plan is planned for Thursday, October 26 at 9:00 A.M. at the Eastern Municipal Water District in Perris. If the initial study is not ready for release by September 25, the special meeting will be rescheduled for a later date.
- 4.2** Copies of administrative approvals issued by the Executive Director for cases determined to be consistent with applicable Airport Land Use Compatibility Plans are attached, for your Commission's information.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 5.1

**HEARING DATE:** September 14, 2006 (continued from August 10, 2006)

**CASE SUMMARY:**

**CASE NUMBER:** Resolution for ~~TH-06-105—Riverside County Planning Department~~ and Environmental Assessment No. 40817

**APPROVING JURISDICTION:** Airport Land Use Commission

**JURISDICTION CASE NO:** Not Applicable

**MAJOR ISSUES:**

1. Should Alternative Three be adopted in accordance with the tentative action of the Commission, or should there be further changes in the text of Alternative Three?
2. In Finding No. 13, should the word “unnecessary” be changed to “unsafe”?

**RECOMMENDATION:** **ADOPTION** of Resolution No. TH-06-001, as revised, Adopting a De Minimis Finding, Adopting a Mitigated Negative Declaration for Environmental Assessment No. 40817, Denying the amendment as proposed, and Approving Alternative Three.

**BACKGROUND:** At the last meeting, the Commission suggested several changes to the text of the resolution, but held off on final adoption pending further review of the text of the second paragraph of Alternative Three. Staff has amended the resolution to reflect all of the proposed changes except the change to Finding No. 13, in that the change to Finding No. 13, in staff’s opinion, would imply that the higher residential densities allowable in Airport Zone D with or without the proposed amendment are unsafe. Staff has also amended the initial study attached to the resolution in accordance with the comments of ALUC Counsel. These include identifying the Riverside County Airport Land Use Commission as lead agency for this action, changing the determination from a Negative Declaration to a Mitigated Negative Declaration in that the ALUC approved a “reduced scope” version of the project, and incorporating EIR No. 441 by reference.



**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 6.1

**HEARING DATE:** September 14, 2006

**CASE NUMBER:** TH-06-107 –CNH Investments/Don Newell  
**APPROVING JURISDICTION:** County of Riverside  
**JURISDICTION CASE NO:** Specific Plan 00350, CZ07244, GPA00771  
**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends a finding of Consistency for the project, subject to the conditions specified herein.

**PROJECT DESCRIPTION:**

The proposed project is a Specific Plan proposing 1,177 residential units, 71.6 acres commercial, a 12 acre school, a 7 acre park and 36.4 acres of open space with associated general plan amendment and zone change on 282.9 acres.

**PROJECT LOCATION:**

The site is located northerly of 62<sup>nd</sup> Avenue, east of Pierce Street, west of Buchanan Street, in unincorporated Riverside County, approximately 13,462 feet easterly of Runway 17-35 at the Jacqueline Cochran Regional Airport.

**LAND USE PLAN:** 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan Adjacent Airport:

- a. Airport Influence Area: Jacqueline Cochran Regional Airport (Formerly Thermal Airport)
- b. Land Use Policy: Airport Zone E and outside
- c. Noise Levels: Outside ultimate 55 CNEL

**BACKGROUND:**

LAND USE: Portions of Planning Area 1 and Planning Area 11 lie within Airport Area Zone E. Planning Area 1 is proposed for townhomes, and Planning Area 11 is proposed for commercial use. Airport Zone E has no density or intensity limitations for most land uses.

NOISE: The site is outside the ultimate 55 CNEL contour for the airport.

PART 77: The highest elevation of terrain on the site is -131feet (131 Feet below mean sea level).The runway elevation is -137.5 feet. The tallest proposed structure on site is 41 feet. At a distance of 13,462 feet from the runway, FAA review would be required for any structures with top of roof exceeding -4 feet. FAA notice and review are not required at this time.

**CONDITIONS:**

1. 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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Airspace review will be required for objects greater than 100 feet tall that fall in Zone E.
3. Major spectator-oriented sports stadiums, amphitheaters, and concert halls shall not be permitted in Airport Zone E without additional ALUC review.
4. Any outdoor lighting installed should be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
5. Additional Airport Land Use Commission staff review shall be required at the tentative map, plot plan, or use permit stage for any structure whose top of roof exceeds an elevation of -4 feet (4 Feet below mean sea level).
6. The attached notice shall be provided to all potential purchasers and tenants within those portions of the project in Airport Zone E.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 6.2

**HEARING DATE:** September 14, 2006

**CASE NUMBER:** MA-06-129 – Sycamore Partnership L.P./Investment Building Group/Brian Bargemann

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO.:** P06-0160 (Design Review)

**MAJOR ISSUES:** None

**RECOMMENDATION:** **Staff recommends a finding of Consistency, subject to the conditions specified herein.**

**PROJECT DESCRIPTION:**

The applicant proposes to build a 317,223 square foot concrete tilt-up industrial building/warehouse on 30.21 acres.

**PROJECT LOCATION:**

The project is located westerly of Sycamore Canyon Boulevard, northerly of its intersection with Cottonwood Avenue, and southerly of Eastridge Avenue in the City of Riverside, approximately 12,496 feet northwesterly of the runway at March Air Reserve Base/March Inland Port.

**LAND USE PLAN:** 1984 Riverside County Airport Land Use Plan, applied to March Air Base

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/March Inland Port
- b. Land Use Policy: Airport Areas I and II
- c. Noise Levels: 65 -70 CNEL (1998 AICUZ)

**DOCUMENTS UTILIZED FOR REVIEW:**

Staff utilized three sources for its review:

1. The RCALUP: 1984 with Interim boundaries for March Air Force Base: 1986
2. Noise Data from the Air Installation Compatibility Use Zone Study: 1998 March Air Reserve Base
3. DRAFT March Joint Land Use Study (advisory only)

## **BACKGROUND:**

Land Use - Intensity: The proposed land use is a 317,223 square foot concrete tilt-up industrial building. Most of the building will be utilized as warehousing, with up to 7,750 square feet of office uses. A portion of the project lies within Airport Area I, with the remainder in Area II, as depicted on the map illustrated at [www.rcaluc.org](http://www.rcaluc.org). Policy 1 in Chapter III of the 1984 RCALUP states that Airport Area I shall be kept free of all high risk land uses. (See attached Appendix B). Airport Area II allows commercial and industrial development with no restrictions on nonresidential land use intensities for most uses.

The Draft March Land Use Study prepared by Mead and Hunt depicts this property as being within Airport Zone B1. This zone would allow industrial and commercial uses with low intensity. Nonresidential uses would be limited to 25 people per gross acre in Accident Potential Zone (APZ)1 and 50 people per acre elsewhere in Zone B1. This property is located in APZ II, so the intensity limit would be 50 people per acre. Given the uses proposed by the applicant, it is expected that there will be less than 20 persons per acre on this property.

Part 77: The elevation at this site is 1,532 feet above mean sea level (AMSL), and the maximum structure height is 40.5 feet. The runway elevation at the north end is 1,535 feet AMSL. At a distance of 12,496 feet from the runway, in order to be an obstruction, a structure would need to exceed 1,695 feet AMSL. Therefore, Part 77 obstruction criteria are not a concern for this project.

Noise: The 1998 AICUZ indicated the property to be inside the 65 CNEL contour. Noise attenuation measures are required for office portions of the building.

## **CONDITIONS OF APPROVAL:**

1. The maximum office square footage at the east end of the structure shall not exceed 7,750 square feet; otherwise, further ALUC review will be required.
2. Prior to issuance of building permits, the landowner shall convey an avigation easement to the MARB/MIP Airport.
3. Any outdoor lighting installed should be hooded or shielded to assure that no lights are above the horizontal plane.
4. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The attached notice shall be given to all prospective buyers or tenants.
  6. The above ground storage of explosive or flammable materials is prohibited.
  7. The uses specified in the attached Exhibit B of the Riverside County Airport Land Use Plan shall not be allowed.
  8. Incorporate noise attenuation measures into the office portions of the building construction to ensure that interior noise levels from aircraft operations within office areas are at or below 45 CNEL.
  9. Until such time as an Airport Protection Overlay Zone is applied to the property by the City of Riverside, any proposed change in the use of this structure shall be submitted to the Airport Land Use Commission staff for consistency review.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 6.3

**HEARING DATE:** September 14, 2006

**CASE SUMMARY:**

**CASE NUMBER:** ZAP 1001 BD DBP Joint Ventures, LLC

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** Plot Plan 21736

**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY, subject to the conditions specified herein.

### PROJECT DESCRIPTION:

The project is a Plot Plan for the development of 14 industrial buildings with a total floor area of 101,965 square feet.

### PROJECT LOCATION:

The site is located generally northerly of Varner Road and westerly of Washington Street, and easterly of El Viento Road, in unincorporated Riverside County, approximately 9,358 feet northwesterly of Runway 10-28 at the Bermuda Dunes Airport.

LAND USE PLAN: Bermuda Dunes Airport Land Use Compatibility Plan (Dec. 2004)

Adjacent Airport:

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Zone D with the most southerly portion in Zone C
- c. Noise Levels: Mostly outside 55dB CNEL with the most southerly portion inside 55 dB CNEL.

### BACKGROUND:

**LAND USE:** The proposal is a Plot Plan for 14 warehouse/office buildings totaling 101,965 sq. ft. on 9.36 acres. The proposed site is located within Zone D with the southerly most portion in Zone C. Zone D allows an average non-residential density of 100 persons per acre and 300 persons per single acre. Zone C allows an average non-residential density of 75 persons per acre. Both Airport Area Zones C and D permit clustering of non-residential development; however, no single acre of a project site shall exceed the indicated number of people per acre.

Based on the office/storage split indicated by the applicant, the 1.87- acre area within Airport Zone C will have a total occupancy of 56 persons, and the 6.18- acre area within Airport Zone D will have a total occupancy of 186 persons. The project clearly complies with ALUCP criteria.

**NOISE:** The proposed site in Airport Area Zone D is located outside 55 CNEL while the most southerly portion located in Airport Area Zone C is within 55 CNEL as indicated by Noise Impacts Data for Bermuda Dunes Airport. The proposed use is acceptable in that noise category.

**PART 77:** The highest elevation of any object, terrain or structure at the site is approximately 131 feet above mean sea level (AMSL), and the proposed maximum structure height is 30 feet. The runway elevation is 73 feet (AMSL). At a distance of 9,358 feet from the runway, FAA notice would be required for structures exceeding 166 feet at top of roof. Therefore, structures with a finished floor elevation not exceeding 136 feet will not require FAA review.

### **CONDITIONS:**

1. Incorporate noise attenuation measures into the office portions of the building construction to ensure interior noise levels from aircraft operations are at or below 45 CNEL.
2. The maximum height of the proposed buildings shall not exceed 30 feet above ground level, and the maximum elevation at the top of any structure shall not exceed 166 feet above mean sea level.
3. Any outdoor lighting installed shall be hooded or shielded to assure that no lights are above the horizontal plane, and shall comply with the requirements of Riverside County Ordinance No. 655.
4. 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.
  - d. Any use which would generate electrical interference that may be detrimental to any operation of aircraft and/or aircraft instrumentation.

- e. Day care centers, children's schools, nursing homes, hospitals and libraries.
- 
- 5. The attached notice regarding proximity to the airport shall be given to each potential property purchaser or tenant.



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**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 8.1  
**HEARING DATE:** September 14, 2006  
**CASE NUMBER:** ZAP1001FV  
**APPROVING JURISDICTION:** County of Riverside  
**JURISDICTION CASE NO:** CZ07352 & PP21024

**MAJOR ISSUES:** The applicant has not submitted evidence that Form 7460-1 has been submitted to the Federal Aviation Administration.

**RECOMMENDATION:** Staff recommends CONTINUANCE of Case No. ZAP1001FV to the scheduled October meeting, to allow the applicant sufficient time to submit the required forms to the Federal Aviation Administration. In the event that the applicant is able to demonstrate by the date of the Commission hearing (September 14) that Form 7460-1 has been submitted and is under review, staff may change its recommendation at that time to Conditional Consistency, subject to the conditions included herein and such additional conditions as may be necessary to reflect the FAA letter of determination. The change of zone is consistent.

**PROJECT DESCRIPTION:**

Change of Zone from R-R (Rural Residential) to I-P (Industrial Park) and development of a 51,314 square foot industrial building (predominantly warehousing) on a 4.93-acre site.

**PROJECT LOCATION:**

The site is located on the east side of Penfield Lane extended, south of Benton Road and west of Leon Road, approximately 2,298 feet northeasterly of the runway at French Valley Airport, in unincorporated Riverside County.

**LAND USE PLAN:** French Valley Airport Comprehensive Land Use Plan (FVACLUP)

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Traffic Pattern Zone (Old Compatibility Plan) [Zone C (New Plan)]
- c. Noise Levels: 55-60 CNEL ultimate per Coffman Associates

**BACKGROUND:**

Land Use Intensity and Occupancy: Plot Plan No. 21024 proposes a 51,314 square foot industrial building on 4.93 acres. The proposed building is located within the Traffic Pattern Zone (TPZ).

The maximum coverage by structures allowed per the land use compatibility standards for airport safety zones for the French Valley Airport is 50% of gross area or 65% of net area, whichever is greater. Nonresidential structural occupancy is not limited in the Traffic Pattern Zone. Proposed lot coverage is less than 25%. Discouraged land uses in the TPZ zone include schools, auditoriums, amphitheaters, stadiums, and the manufacturing, storage, or distribution of explosives or flammable materials. The project is consistent with the intensity and occupancy provisions of the FVACLUP.

[For the Commission's information, the project would also be consistent with the 2004 French Valley Airport Land Use Compatibility Plan. Pursuant to that Plan, the project would be in Airport Zone C and would meet both the average occupancy standard of 75 persons per acre (with an anticipated average occupancy of 22) and the single-acre standard of 150 persons (with a single-acre maximum occupancy not greater than 93).]

Noise: The site will be subject to noise levels from aircraft operations of 55-60 CNEL. The proposed uses are compatible with such noise levels.

PART 77: The elevation of the site is approximately 1358 feet above mean sea level (AMSL), and the proposed maximum structure height is 32 feet AMSL. The runway elevation at its northerly terminus is 1,347 feet AMSL. At a distance of 2,298 feet from the runway, in order to be an obstruction, a structure would need to exceed 1,370 feet AMSL. FAA review will be required for this project.

Staff recommends application of the following conditions in the event that the FAA application has been submitted. These conditions would be supplemented by any conditions necessary to comply with FAA requirements in the final letter of consistency.

#### **CONDITIONS:**

1. Prior to issuance of a building permit, the property owner shall convey an avigation easement to the County relative to French Valley Airport.
2. Any outdoor lighting that is installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky, and shall comply with Ordinance No. 655.
3. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - e. Schools, auditoriums, and amphitheaters.
  - f. Manufacturing, storage, and distribution of hazardous or flammable materials.
4. Prior to scheduling of this matter for a public hearing before the Board of Supervisors, the project developer shall submit to the Airport Land Use Commission staff evidence that the Federal Aviation Administration has issued a determination of “Not a Hazard to Air Navigation” for the proposed facility.
  5. The attached notice shall be given to all prospective buyers and tenants.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 8.2

**HEARING DATE:** September 14, 2006

**CASE NUMBER:** ZAP 1002 MA- Prologis

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** Plot Plan No. 20699 and Parcel Map No. 33942

**MAJOR ISSUES:** **The applicant has not submitted evidence that Form 7460-1 has been submitted to the Federal Aviation Administration.**

**RECOMMENDATION:** Staff recommends CONTINUANCE of Case No. ZAP1002MA to the scheduled October meeting, to allow the applicant sufficient time to submit the required forms to the Federal Aviation Administration. In the event that the applicant is able to demonstrate by the date of the Commission hearing (September 14) that Form 7460-1 has been submitted and is under review, staff may change its recommendation at that time to Conditional Consistency, subject to the conditions included herein and such additional conditions as may be necessary to reflect the FAA letter of determination.

**PROJECT DESCRIPTION:**

Development of five distribution/warehouse buildings with a total floor area of 1,292,931 square feet on 67.86-71.55 acres in a planned industrial park. Division of site into five industrial lots (one building per lot).

**PROJECT LOCATION:**

The proposed project is located both easterly and westerly of Harvill Avenue, southerly of Nandina Avenue, and northerly of Old Oleander Avenue, approximately 2,900 feet westerly of the runway at March Air Reserve Base in the Mead Valley/North Perris area of unincorporated Riverside County, .

**LAND USE PLAN:** 1984 Riverside County Airport Land Use Plan, applied to March Air Base

Adjacent Airport: March Air Reserve Base/March Inland Port

a. Airport Influence Area: March Air Reserve Base/March Inland Port

b. Land Use Policy: Airport Area II

c. Noise Levels: 55-65 CNEL – the 60 CNEL contour on the 1998 AICUZ study crosses the northeasterly parcel.

**DOCUMENTS REFERENCED:**

Staff utilized five resources for its review:

1. The RCALUP: 1984 with Interim Boundaries for March Air Force Base: 1986
2. Noise Data from the Air Installation Compatibility Use Zone Study: 1998 March Air Reserve Base.
3. DRAFT March Joint Land Use Study (advisory only)
4. Map dated July 12, 1999 prepared by Transportation and Land Management Agency, GIS Division, and map of March Air Reserve Base Airport Influence Area at [www.rcaluc.org](http://www.rcaluc.org)
5. Caltrans Airport Land Use Planning Handbook: 2002

**BACKGROUND:**

Land Use Intensity and Occupancy: The proposed land use is for development of five distribution/warehouse buildings with a total floor area of 1,292,931 square feet on 67.86-71.55 acres. The site is in Airport Area II, as depicted on the map at [www.rcaluc.org](http://www.rcaluc.org). Airport Area II allows commercial and industrial development with no restrictions on nonresidential land use intensities for most areas.

The Draft March Land Use Study prepared by Mead and Hunt depicts this property as being within Airport Zones B2 and C2. The northeasterly parcel, the site of Buildings B1 and B2, would be in Airport Zone B2, while the remainder of the property would be in Airport Zone C2. Airport Zone B2, the more restrictive zone, would limit nonresidential intensity to 100 persons per acre average and 250 persons in any given acre. Airport Zone C2 would limit nonresidential intensity to 150 persons per acre average and 375 persons in any given acre. These parcels are so large that the proposed buildings could be entirely offices and still comply with the draft occupancy criteria.

Part 77: The elevation at this site varies from 1,503 to 1,555 feet above mean sea level (AMSL), and the proposed maximum structure height is 40 feet. The runway elevation at its southerly end is 1,488 feet AMSL. At a distance of 2,900 feet from the runway, in order to be an obstruction, a structure would need to exceed 1,517 feet AMSL in elevation. FAA review is required for this project, unless the applicant can demonstrate that it is not necessary, given the top elevation of each proposed building and its distance from the runway..

Noise: The site is subject to noise levels of 55-65 CNEL, with the 60 CNEL contour crossing the northeasterly parcel, according to Figure 4-6 of the 1998 AICUZ study. The proposed warehousing use is not noise-sensitive and is compatible with such noise levels.

Staff recommends application of the following conditions in the event that the FAA application has been submitted. These conditions would be supplemented by any conditions necessary to comply with FAA requirements in the final letter of consistency.

**CONDITIONS OF APPROVAL:**

1. Prior to recordation of a final map, issuance of building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an aviation easement to the MARB/MIP Airport. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)
2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
3. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. Prior to scheduling of this matter for a public hearing before the Planning Commission or other decision-making body, the project developer shall submit to the Airport Land Use Commission staff evidence that the Federal Aviation Administration has issued a determination of "Not a Hazard to Air Navigation" for the proposed facility.
5. The attached notice shall be given to all prospective buyers and tenants.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.1 5.3 6.3

**HEARING DATE:** September 14, 2006 ~~August 10, 2006~~ ~~July 13, 2006~~  
(continued from August 10, July 13 and June 8, 2006)

**CASE SUMMARY:**

**CASE NUMBER:** FV-06-109 – The Garrett Group, LLC/Silverhawk Investments, LLC

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Plot Plan No. 21731 (PP21731)

**MAJOR ISSUES:** One major issue here is whether the Airport Land Use Commission maintains jurisdiction in this situation, given that the project is not legislative (does not involve a general plan amendment, specific plan, or specific plan amendment). As a plot plan, this matter was subject to mandatory review only because the County's adopted General Plan was not consistent with the 2004 French Valley Airport Land Use Compatibility Plan. With the 2004 Plan suspended, the review of this project is presumably on an advisory basis as a major land use action. Counsel has also raised an interesting question as to whether the County's adopted General Plan can be considered consistent with the older CLUP as reinstated, in that such consistency determination with the older CLUP assumed the specific plan exemption. From an airport land use planning perspective, it would be preferable if a larger proportion of Building C could be sited at least 750 feet from the extended runway centerline.

**RECOMMENDATION:** At its August 10, 2006 meeting, the Airport Land Use Commission decided to utilize the 1996 French Valley Airport Comprehensive Land Use Plan (FVACLUP) during the period that the applicability of the 2004 French Valley Airport Land Use Compatibility Plan is suspended, but without staff recommending a finding of **CONDITIONALLY CONSISTENT**, given the exemption for properties in adopted specific plans. At this point, staff is comfortable that the boundary between the Outer Safety Zone and the Traffic Pattern Zone is approximated by (if not coincident with) the boundary between Airport Zone B1 and Airport Zone C on the 2004 Plan; however, the applicant objects to the requirement for additional review at the tenancy stage and, therefore, has opted to support the position that the project need not be reviewed by this Commission. The staff recommendation, should the Commission jurisdiction be upheld, is for a **CONTINUANCE** to allow sufficient time for the applicant to demonstrate that: (a) the portion of Building C in the Outer Safety Zone occupies less than 25% of the total project area within the Outer Safety Zone; and (b) the total number of persons in the portion of the project in the Outer Safety Zone does not exceed 25 persons per acre, or, alternatively, a two-month continuance to allow for the preparation of an Environmental Assessment and re-adoption of the 2004 French Valley Airport



Land Use Compatibility Plan.

~~RECOMMENDATION: Staff recommends a finding of CONDITIONAL CONSISTENCY with the 2004 French Valley Airport Land Use Compatibility Plan, provided that the project is developed in accordance with the square footage breakdown specified in the conditions included herein.~~

~~RECOMMENDATION: Staff recommends CONTINUANCE to July 13, 2006, with applicant concurrence, to allow the applicant additional time to explain the discrepancies between the calculations and the site plan square footages and for redesign or change in proposed occupancy so as to meet the occupancy standards of Airport Zones B1 and C. If the “commercial” identified is a retail use, the calculations provided by the applicant are incorrect, and the project is inconsistent with the average occupancy and single acre occupancy standards of Airport Zone B1 and the single-acre occupancy standard of Airport Zone C.~~

~~LITIGATION ISSUES: This project is within the French Valley Airport Land Use Compatibility Plan area. Due to ongoing litigation, there is a possibility that the applicability of the adopted 2004 French Valley ALUCP will be suspended by court order. The applicability of the 2004 French Valley Airport Land Use Compatibility Plan has been suspended by court order. Staff has, therefore, also reviewed the project in light of the previously adopted (1997) French Valley Airport Comprehensive Land Use Plan ALUCP and has determined that a portion of the property would have been considered to be in the Outer Safety Zone, which limited uses in structures to 25 persons per acre (essentially equivalent to Airport Zone B1, but without the single-acre occupancy allowance) but also limited lot coverage by structures to a maximum of 25% of net lot area. If the previously adopted ALUCP is placed in effect as a result of court action, staff would recommend a CONTINUANCE to August 10, 2006 to allow sufficient time for the applicant to either (a) demonstrate that the portion of Building C in the Outer Safety Zone occupies less than 25% of the total project area within the Outer Safety Zone or (b) redesign the project so as to site Building C outside the Outer Safety Zone. It should also be noted that the 1997 ALUCP exempted properties within adopted specific plans from “all requirements of this Comprehensive Land Use Plan with respect to land use, development density, and development intensity.” (Section 7.4.1 on page 7-6) However, the validity of this exemption is questionable, given the Attorney General’s opinion regarding such exemptions as provided to Riverside County during the period in which the 2004 Plan was being prepared.~~

**PROJECT DESCRIPTION:**

Development of three one-story buildings (total floor area of ~~57,354~~ 64,350 square feet) for restaurant, commercial, office, and warehouse uses on a site of 6.74 – 6.98 net acres (7.63 gross acres including adjoining street half-width).

**PROJECT LOCATION:**

The site is located northerly of Murrieta Hot Springs Road, easterly of Sky Canyon Drive, and southerly of Technology Drive in unincorporated Riverside County, approximately 4,113 feet southwesterly of extended Runway 18-36 at French Valley Airport.

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: ~~Zones B1 and C~~ **Traffic Pattern Zone and Outer Safety Zone**
- c. Noise Levels: less than 55 CNEL to 55-60 CNEL (Year 2022)

**BACKGROUND:**

This project site is within Specific Plan No. 213 (Winchester Properties/Silverhawk) and is designated Commercial as a portion of Planning Area 10.

**MAJOR ISSUES:**

Land Use Intensity – Average Occupancy: The proposed project site is located partially in *the Outer Safety Zone and partially in the Traffic Pattern Zone. Land use intensity in the Traffic Pattern Zone is not restricted pursuant to the 1997 FVACLUP. Land use intensity in the Outer Safety Zone for uses in structures is limited to 25 persons per acre; ~~however, as stated above, properties within adopted specific plans were exempted from development intensity restrictions.~~ It would be preferable for Building C to be located outside the Outer Safety Zone or for the portion of the structure in the Outer Safety Zone to be minimized to the extent possible. At this time, staff cannot confirm that the land use intensity criterion for the portion of Building C in the Outer Safety Zone is met, and, therefore, is unable to make a finding of consistency.*

Airport Zone B1 and partially in Airport Zone C. Nonresidential development intensity in Airport Zone B1 is restricted to an average of 25 persons per acre, with a maximum of 50 persons per acre for any given acre of the property. Nonresidential development intensity in Airport Zone C is restricted to an average of 75 persons per acre, with a maximum of 150 persons per acre for any given acre of the property. The applicant's architect has advised that ~~1.81~~ 1.58 acres of the property are in Airport Zone B1, with the remainder of the property (~~5.82~~ 6.05 acres) in Airport Zone C. Based on this breakdown, the maximum number of persons allowed within the Airport Zone B1 portion of the property would be on this property would be ~~about 45~~ 39.5 (say 40). The maximum number of persons allowed within the Airport Zone C portion of the property would be ~~436.5~~ 453.75 (say ~~437~~ 454).

The applicant has provided calculations, but there are some issues with the calculations. It appears that "commercial" use has been treated as "all other" (assumed to result in an occupancy of one person per 100 square feet) rather than as retail sales rooms, ground floor (assumed to result in an occupancy of one person per 30 square feet). If one accepts the concept that the portion of Building C extending into Airport Zone B1 includes 19,927 square feet (5,143 square feet of commercial uses and 14,784 square feet of warehouse space), there would be 101 persons within the Airport Zone B1 portion of the project. However, if the commercial space were changed to office space rather than

~~retail space, this would reduce the total occupancy within Airport Zone B1 to 40.5 persons—essentially in compliance with the adopted criteria.~~

~~There are also some concerns with the calculations utilized by the applicant for Airport Zone C, but with corrections, the project would accommodate 406 persons, or approximately 67 persons per gross acre, which is consistent with the adopted average occupancy criteria.~~

**The applicant has provided revised calculations specifying the uses of each building as follows:  
Building A: 9,600 square feet, evenly divided among restaurant, retail, and office uses at 3,200 square feet each, with half of the restaurant being serving area and half being kitchen area.  
Building B: 11,760 square feet of office space.  
Building C: 35,994 square feet, including 18,894 square feet of warehouse space, 10,100 square feet of office space, 3,800 square feet of retail space, and 3,200 square feet of restaurant space, with 1,500 square feet of the restaurant being serving area and 1,700 square feet being kitchen area.**

**The applicant has not indicated a willingness to limit the retail and restaurant areas of Building C to the portion of the building located outside the Outer Safety Zone, which has brought the occupancy calculation negotiations to an impasse. The applicant would prefer that, if the Commission maintains jurisdiction, that it consider the potential occupancy of the project pursuant to the Parking Space Method. However, the Parking Space Method would not address the differing criteria applied to the portion of Building C in the Outer Safety Zone.**

~~Furthermore, Building C is identified as being split between Airport Zones B1 and C. The Airport Zone B1 portion of Building C would include 20,206 square feet of floor area, while the Airport Zone C portion of Building C would include 15,788 square feet. Restaurant and retail uses would be confined to the Airport Zone C portion of Building C, with the remainder of Building C limited to office and warehouse uses. In particular, the Airport Zone B1 portion of Building C would be limited to 13,706 square feet of warehouse space and 6,500 square feet of office space.~~

~~Based on the above information, the Airport Zone C portion of the site would accommodate 331 persons, and the Airport Zone B1 portion of the site would accommodate 46 persons. This brings the average occupancy within Airport Zone C into consistency with the Countywide compatibility criteria, and brings average occupancy in Airport Zone B1 into essential consistency.~~

~~The nature of the site plan provided by the applicant is not conducive to counting parking spaces, but it does not appear to provide excessive parking, such that application of the 1.5 person per automobile parking space standard would not result in more than 454 persons on the property.~~

**The applicant has now provided a larger version of the site plan that clearly indicates that 265 parking spaces are being provided. This is consistent with an overall occupancy not exceeding 400, which would be consistent with the average occupancy standard.**

In order to maintain long-term consistency, staff recommends that all uses with occupancy levels greater than one person per 100 square feet (such as churches, restaurants, and most types of retail sales) be prohibited in Buildings **Building B** and **that portion of Building C in Airport Zone B1** in the absence of further review by ALUC staff.

Land Use Intensity – Single-Acre Occupancy: *This consideration is not relevant to the 1997 French Valley Airport Comprehensive Land Use Plan.* The proposed project appears to be inconsistent ~~consistent~~ with single-acre occupancy limits, **provided that the project is developed in accordance with the square footages specified in the conditions herein.** The maximum allowable number of persons on any single acre within Airport Zone B1 is 50 persons. The maximum allowable number of persons on any single acre within Airport Zone C is 150 persons. A 30% bonus is allowed for buildings designed in a manner so as to be more resistant to aircraft accidents.

Consistency with the single-acre occupancy limit in Airport Zone B1 once again is contingent on the proposed use of the portion of the building **Building C** extending into that zone. If the “commercial” space is interpreted to be retail floor space, the occupancy would be 101 persons, or at least 64 persons per acre, which would be in excess of allowable single-acre occupancy levels. However, if the commercial space is limited to office uses (or uses of equivalent or lower intensity), the number of persons in the building drops to 40, which is below the single-acre occupancy limit. As an alternative to a change in use, the project could be redesigned to move the building wholly or largely out of Airport Zone B1. **With the new information that the portion of Building C in Airport Zone B1 will consist of 13,706 square feet of warehouse space and 6,500 square feet of office space, this area will accommodate 46 persons, which clearly meets the Airport Zone B1 single-acre occupancy limit of 50 persons.**

The project is also slightly in excess of ~~also meets~~ the single-acre occupancy limit for Airport Zone C. Considering Building A as a separate structure on its own acre, this structure would accommodate ~~128~~ 182 people after application of the 50% reduction. This exceeds ~~complies with~~ the standard of 150 persons. **Building A is sufficiently distant from the other buildings that no reasonably square single-acre area including all of Building A would include more than 10% of Building B, which would still keep occupancy in that single acre below 150.** However, the structure may qualify for the 30% bonus, depending on design. Additionally, since the restaurant occupancy is based on dining area, this may be an overestimate of occupancy, since kitchen areas and storage areas would have a lower level of occupancy than dining areas. Staff access to floor plans could assist in addressing this issue. Otherwise, in the absence of a bonus, the project is inconsistent with the single-acre occupancy standard of 150 persons in Airport Zone C.

**Building B would have an occupancy of 59 persons. Building B is sufficiently distant from Building C that no reasonably square single-acre area including all of Building B would include more than one unit in Building C, which would still keep occupancy in that single acre below 150, as long as the most westerly unit in Building C is not used as a restaurant or other high-occupancy activity.**

~~With the new information that the portion of Building C within Airport Zone C includes 15,788 square feet, broken down as 5,188 square feet of warehousing, 3,800 square feet of retail uses, 3,600 square feet of office space, and a 3,200 square foot restaurant, divided equally between serving area and kitchen area, this portion of the building will accommodate 144 persons, which clearly meets the Airport Zone C single-acre occupancy limit of 150.~~

~~Additionally, if Building B is considered to be located within the same acre as the portion of Building C located in Airport Zone C, they would be considered to be in excess of the single-acre occupancy limit, as Building B and the remaining portion of Building C would together have an occupancy of 198 persons. This is slightly over the 30% bonus number.~~

~~The applicant's architect has prepared calculations that seem to indicate compliance, but in the case of Airport Zone B1, they are based on the assumption of 100 square feet per occupant for the commercial area and on the assumption that the footprint of the portion of Building C is spread over the full 1.58-acre area within Airport Zone B1. At this time, staff sees no evidence that the building is spread over such an area. Additionally, the calculations for Airport Zone C use the office building as the maximum intensity, when, in fact, it is the commercial and restaurant uses that, for the most part, result in the exceedance of the maximum occupancy.~~

~~There has been some discussion as to whether single-acre occupancy criteria should be raised in the future. If the single-acre occupancy criteria were raised from two times average occupancy to three times average occupancy in Zones B1 and C, this would resolve their apparent inconsistency. However, at this time, the project must be evaluated based on the adopted Plan.~~

~~Open Area: Countywide land use compatibility criteria for Airport Zone C require that a minimum of 30% of land area in Airport Zone B1 and 20% of land area in Airport Zone C consist of open land as defined in Policy 4.2.4 of the ALUCP. However, Notes for this Policy state that "open land requirements are intended to be applied with respect to an entire zone" and that this standard is "typically accomplished as part of a community general plan or specific plan, but may also apply to large (10 acres or more) development projects." This project site is less than ten acres in area, so this standard need not be applied in this situation.~~

~~**Maximum Coverage by Structures: Land use compatibility standards limit maximum coverage by structures to 25% of net area in the Outer Safety Zone and 50% of gross area or 65% of net area, whichever is greater, in the Traffic Pattern Zone. Actual lot coverage here is less than 20% of gross area, so this project is clearly in conformance with lot coverage limitations in the Traffic Pattern Zone. It is also likely that the project conforms to the standard for the Outer Safety Zone, although the standard is rendered moot by the exemption for properties within adopted specific plans.**~~

~~Prohibited Uses: The applicant does not propose any prohibited uses, *which in specific plans are limited to hazards to flight.* (children's schools, day care centers, libraries, hospitals, or nursing homes). No aboveground bulk storage of hazardous materials is proposed. No flight hazards are~~

proposed.

*For properties not located within adopted specific plans, prohibited uses in the Outer Safety Zone include residential uses, hotels, motels, restaurants, bars, schools, hospitals, government services, concert halls, auditoriums, stadiums, arenas, public utility stations and plants, public communications facilities and uses involving, as the primary activity, manufacture, storage, or distribution of explosives or flammable materials. The applicant is not proposing any of these uses, other than restaurants.*

**Without the specific plan exemption, restaurants and bars are prohibited uses in the portion of Building C located in the Outer Safety Zone.**

Part 77: The highest elevation on the site is 1,158 feet above MSL and the height of the tallest building as depicted on project elevations would not exceed 38 feet. The application lists the highest on-site elevation as 1,187.50 feet above MSL. The runway elevation is 1,340 feet. The highest point of any structure would be over 114 feet lower than the runway elevation. Therefore, Part 77 obstruction criteria are not a concern.

Noise: The 55 CNEL contour line crosses the site. Noise levels from aircraft operations would be between 55 and 60 CNEL on the easterly portion of the site, but office uses are considered “normally acceptable” within this noise range, as standard construction is usually sufficient to reduce interior noise levels to 45 CNEL. (~~Table 2B: Supporting Compatibility Criteria: Noise~~).

**Aviation Easements: Pursuant to the 1997 French Valley Airport Comprehensive Land Use Plan, aviation easements are required for any development in the Airport Influence Area.**

~~In the event that the Commission chooses to find this proposal consistent with the ALUCP, or in the event that the Commission finds the proposal inconsistent with the French Valley ALUCP but is overruled by the Riverside County Board of Supervisors or its successor in interest,~~

~~staff Staff would recommends that the following conditions be applied:~~

**CONDITIONS:**

- 1. Prior to the issuance of building permits, the landowner shall convey an aviation easement to the County relative to French Valley Airport. Such conveyance shall be recorded in the Office of the Riverside County Recorder. (Contact the Riverside County Economic Development Agency – Aviation Division at (951) 343-5493 for additional information.)* ~~Incorporate noise attenuation measures into the office portions of the building construction to ensure interior noise levels from aircraft operations are at or below 45 CNEL.~~
- ~~2. Land use within Building A shall consist of 3,200 square feet of office space, 3,200 square feet of retail space, and 3,200 square feet of restaurant space, including not more than 1,600 square feet of serving area, unless otherwise approved by the~~

~~Riverside County Airport Land Use Commission or its staff.~~

- ~~3. Land use within Building B shall consist of 11,760 square feet of office space, unless otherwise approved by the Riverside County Airport Land Use Commission or its staff.~~
  - ~~4. Land use within the portion of Building C located in Airport Zone B1 shall consist of 13,706 square feet of warehouse space and 6,500 square feet of office space, unless otherwise approved by the Riverside County Airport Land Use Commission or its staff.~~
  - ~~5. Land use within the portion of Building C located in Airport Zone C shall consist of 5,188 square feet of warehouse space, 3,800 square feet of retail space, 3,600 square feet of office space, and 3,200 square feet of restaurant space, including not more than 1,600 square feet of serving area, unless otherwise approved by the Riverside County Airport Land Use Commission or its staff.~~
6. 2. Any outdoor lighting installed shall be hooded or shielded to assure that no light rays are directed above the horizontal plane and shall conform to Riverside County Ordinance No. 655.
7. 3.3. 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.
  - (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, and nursing homes.~~
  - ~~(f) The following uses would be prohibited in Buildings B and the portion of Building C located in Airport Zone B1: Retail sales facilities, dormitories, courtrooms, community care facilities, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, restaurants,~~

~~drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, swimming pools, locker rooms, exercising rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A, unless it can be demonstrated that other portions of the structure are occupied at a level less than the level assumed in the analysis submitted by the applicant for this project.~~

~~(g) The above ground storage of explosive or flammable materials.~~

~~8. 4. All tenant improvement or occupancy permit requests shall be subject to review by the staff of the Airport Land Use Commission for conformance with the occupancy limitations.~~

~~9. 5. 4. The attached notice shall be provided to all potential purchasers and tenants.~~

5. *All tenant improvement or occupancy permit requests in the portion of Building C in the Outer Safety Zone shall be subject to review by the staff of the Airport Land Use Commission for conformance with the average occupancy limitations of 25 persons per acre within this zone. The landowner or manager shall retain a record of occupancies to assist in this process.*



**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.2

**HEARING DATE:** *September 14, 2006 (Previously considered on June 9, May 12, and April 14, 2005) ~~June 9, 2005 (Continued from April 14th & May 12th, 2005)~~*

**CASE SUMMARY:**

**CASE NUMBER:** FV-05-103 – *Havadjia Holdings/Michael Monteleone*  
*Inland Empire Development Services*

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** Plot Plan *Case No.* 20375

**MAJOR ISSUES:** *The 1996 French Valley CLUP designates this property as being within the Emergency Touchdown Zone, which does not allow structures. This is a situation where the “old” Plan was more restrictive than the suspended 2004 Plan. The applicant contends that the exemption for land within adopted specific plans should be applied in this situation.*

**RECOMMENDATION:** *This project is inconsistent with the 1996 French Valley Comprehensive Land Use Plan if the Specific Plan exemption is not utilized in determining consistency; however, staff would not object to a continuance for two months to allow for the preparation of an Environmental Assessment and re-adoption of the 2004 French Valley Airport Land Use Compatibility Plan, which would place this property in Airport Zone B1, a zone that would allow limited occupancy commercial uses. However, at this time, there is not sufficient evidence to lead staff to conclude that the project would be consistent with the 2004 criteria.*

**PROJECT DESCRIPTION:**

*Plot Plan No. 20375 proposes to establish a 3,183 square foot Farmer Boys restaurant with drive-through on a 34,053 square foot net area (1.07 gross acre) site. ~~A plot plan for a drive thru restaurant.~~*

**PROJECT LOCATION:**

The site is located *easterly of Winchester Road, east of Briggs Rd., north southerly of Benton Rd. Road, and northerly of Magdas Coloradas Street* in the *community of French Valley, unincorporated* ~~County of Riverside County~~, approximately *3,064 feet northerly* ~~2,800 ft. north~~ of Runway 18-36 at the French Valley Airport.

**LAND USE PLAN:** *1996 French Valley Comprehensive Land Use Plan (FVACLUP)*  
Adjacent Airport: ~~French Valley~~

- a. Airport Influence Area: *French Valley Airport Zone B1*
- b. Land Use Policy: *Emergency Touchdown Zone (Zone B1 on suspended 2004 Plan)*
- c. Noise Levels: *Inside of 55-65 CNEL; site is crossed by 60 CNEL contour*

**MAJOR ISSUES:**

**BACKGROUND:**

Land Use: The proposal is for a drive-thru restaurant consisting of 3,183 sq. ft. on 1.07 *gross net* acres. *The site is located in the Emergency Touchdown Zone for French Valley Airport's existing runway, which extends a distance of 5,000 feet from the end of the runway and encompasses areas within 250 feet on either side of the extended runway centerline. A portion of the site is located in the Outer Safety Zone, which allows nonresidential intensity of 25 persons per acre; however, the building is entirely located within the Emergency Touchdown Zone. The property is located within Specific Plan No. 106 (Dutch Village). The FVACLUP as written exempted properties in specific plans from the land use intensity restrictions applicable to other properties within the Plan boundaries; however, the validity of this exemption is questionable, given an opinion issued by the Attorney General of the State of California in 2004. For this reason, the Airport Land Use Commission has asked staff to disregard this exemption in determining the consistency of proposed projects with the FVACLUP. Without this exemption, the project is inconsistent with the FVACLUP.*

*Although the project was previously reviewed pursuant to the 2004 French Valley Airport Land Use Compatibility Plan and determined to be inconsistent, it should be noted that the review was based on the assumption that the restaurant would be entirely counter or assembly area. Staff has asked the applicant to provide a more precise floor plan so that areas of public service may be differentiated from food preparation areas ("commercial kitchens" pursuant to Building Code occupancy levels) and storage areas. However, it remains unlikely that the project could meet the Zone B1 criteria (even if the criteria were liberalized in accordance with the County Planning Department proposal) unless the counter and service area is less than 50% of the square footage and/or the applicant can demonstrate a gross area of 1.5 acres or greater.*

~~The project is located in Zone B1. Zone B1 allows an average site density of 25 persons per acre. Based on the proposed number of parking spaces the estimated maximum density is 100 persons divided by 1.07 acres (net), or 93 persons per acre. If the gross acreage of 1.5 acres is used, the estimated maximum density is 67 persons per acre. Using the UBC method the total people expected would be 3,183 sq. ft. divided by 15 sq. ft. per occupant times 50% divided by 1.07 acres (net), or 114 persons per acre. The estimated density based on gross acreage would be 70 persons per acre. The project is inconsistent with the density standards for Zone B1.~~

Part 77: The finished floor elevation of the building is 1,345 *feet above mean sea level* (AMSL) and the height of the structure is approximately 24 feet. The horizontal surface is at 1,500 AMSL and the runway elevation is 1,347 AMSL at the north end. *At a distance of 3,064 feet from the runway, Based on the height standards for Zone B1 and the distance of the site from the runway, structures exceeding 35 ft. or 1,377 feet AMSL in elevation require FAA 7460 review. Given the finished*

*floor elevation of 1,345 feet, FAA notice will not be required provided that the structure, vegetation, and temporary construction equipment do not exceed 32 feet in height.*

Noise: The site will get significant overflight, and is inside of the current and near future 55 CNEL. *The ultimate 60 CNEL contour crosses the site. While the proposed land use is not particularly noise-sensitive, aircraft noise could affect the usability of the drive-through ordering process during overflight.*

~~Other: On April 11, 2005, the applicant requested a continuance of this item to the May 12, 2005 meeting, however, no new or modified information on the project has been provided to ALUC staff. The application was originally submitted to ALUC staff on March 24, 2005, and any additional continuance of this item would exceed the 60-day review period.~~

~~**RECOMMENDATION:** That the ALUC find the project inconsistent with the ALUCP for French Valley Airport based on the proposed density.~~

~~**CONDITIONS for the County to use for an override in accordance with PUC 21675.1:**~~

*In the event that the Commission finds this project consistent pursuant to the Specific Plan exemption, or in the event that the Commission finds the proposal inconsistent with the FVACLUP but is overruled by the Riverside County Board of Supervisors or its successor-in-interest in accordance with Section 21675.1 of the Public Utilities Code, staff would recommend that the following conditions be applied:*

**CONDITIONS:**

1. *Prior to issuance of a building permit, the property owner shall convey an avigation easement to the County relative to* Provide Avigation Easements/Deed Notices to the French Valley Airport ~~prior to sale of any property to any entity exempt from the Subdivision Map Act, prior to recordation of any map, or issuance of any permit, whichever is first.~~
2. The attached Notice shall be given to each prospective buyer or tenant.
3. *The highest point of the proposed structure shall not exceed an elevation of 1,377 feet above mean sea level. No trees shall be planted that would exceed a height of thirty-two (32) feet at maturity. No equipment used during construction shall exceed a height of 32 feet unless notice is first provided to the Federal Aviation Administration through the Form 7460-1 process in accordance with Part 77 of Federal Aviation Regulations. No obstruction of the “FAR Part 77 Conical Surface” shall be permitted.*
4. Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky (lights must be downward facing). *All outdoor lighting shall comply with Riverside County Ordinance No. 655.*

5. 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.
  - (d) Any use which would generate electrical interference that may be detrimental to any operation of aircraft and/or aircraft instrumentation.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.35.1 3.3V.F.VI.C.

**HEARING DATE:** SEPTEMBER 14, 2006 AUGUST 10, 2006 July 13, 2006 June 8, 2006 May 11, 2006 (continued from April 13 and May 11 and June 8 and July 13 AND AUGUST 10, 2006)

**CASE SUMMARY:**

**CASE NUMBER:** FV-06-106 – Pointe Murrieta Partners, LLC

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Plot Plan No. 21352 (PP21352)/Parcel Map No. 33461 (PM 33461)

**MAJOR ISSUES: ONE MAJOR ISSUE HERE IS WHETHER THE AIRPORT LAND USE COMMISSION MAINTAINS JURISDICTION IN THIS SITUATION, GIVEN THAT THE PROJECT IS NOT LEGISLATIVE (DOES NOT INVOLVE A GENERAL PLAN AMENDMENT, SPECIFIC PLAN, OR SPECIFIC PLAN AMENDMENT). THESE PROJECTS WERE SUBJECT TO MANDATORY REVIEW ONLY BECAUSE THE COUNTY'S ADOPTED GENERAL PLAN WAS NOT CONSISTENT WITH THE 2004 FRENCH VALLEY AIRPORT LAND USE COMPATIBILITY PLAN. WITH THE 2004 PLAN SUSPENDED, THE REVIEW OF THIS PROJECT IS PRESUMABLY ON AN ADVISORY BASIS AS A MAJOR LAND USE ACTION. COUNSEL HAS ALSO RAISED AN INTERESTING QUESTION AS TO WHETHER THE COUNTY'S ADOPTED GENERAL PLAN CAN BE CONSIDERED CONSISTENT WITH THE OLDER CLUP AS REINSTATED, IN THAT SUCH CONSISTENCY DETERMINATION WITH THE OLDER CLUP ASSUMED THE SPECIFIC PLAN EXEMPTION. WITHOUT SAID EXEMPTION, THIS PROJECT IS INCONSISTENT, AS IT PROPOSES STRUCTURES WITHIN THE EMERGENCY TOUCHDOWN ZONE (AREAS WITHIN 250 FEET LATERAL DISTANCE FROM THE EXTENDED RUNWAY CENTERLINE.**

**RECOMMENDATION: THIS PROJECT IS INCONSISTENT WITH THE 1996 FRENCH VALLEY COMPREHENSIVE LAND USE PLAN; HOWEVER, STAFF WOULD NOT OBJECT TO A CONTINUANCE FOR TWO MONTHS TO ALLOW FOR THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT AND RE-**

**ADOPTION OF THE 2004 FRENCH VALLEY AIRPORT LAND USE COMPATIBILITY PLAN.**

**RECOMMENDATION: STAFF RECOMMENDS A FINDING OF CONDITIONALLY CONSISTENT (DUE TO THE EXEMPTION FOR PROPERTIES IN ADOPTED SPECIFIC PLANS), BUT NOT ADVISABLE IN THE ABSENCE OF OCCUPANCY RESTRICTIONS, ESPECIALLY WITHIN 250 FEET OF THE EXTENDED RUNWAY CENTERLINE.**

**RECOMMENDATION: CONTINUANCE to August 10, 2006 with applicant concurrence to allow for further clarification from the applicant. An additional continuance may be necessary at that time if the applicant wishes that the project be considered in conjunction with an amendment to the French Valley ALUCP establishing additional compatibility standards for Zone B1 and Zone C modifying single-acre occupancy standards for nonresidential development.**

**RECOMMENDATIONS: Provided that written or oral authorization is received from the applicant, staff recommends CONTINUANCE to July 13, 2006 to allow for further clarification of intended land uses within the proposed buildings and to await comment from ALUC consultant Mead & Hunt with regard to whether further disaggregation of retail occupancy levels would be appropriate and whether vehicle occupancy levels less than 1.5 persons per vehicle should be considered in this case. The applicant has provided some additional information regarding occupancy of some of the types of uses envisioned for the buildings but has not submitted revised calculations at this time, other than to acknowledge that the "all other" space would not be entirely warehousing and storage uses.**

**LITIGATION ISSUES: This project is within the French Valley Airport Land Use Compatibility Plan area. Due to ongoing litigation, there is a possibility that the applicability of the adopted 2004 French Valley ALUCP will be suspended by court order. THE APPLICABILITY OF THE 2004 FRENCH VALLEY AIRPORT LAND USE COMPATIBILITY PLAN HAS BEEN SUSPENDED BY COURT ORDER. Staff has, therefore, also reviewed the project in light of the previously adopted (1997) FRENCH VALLEY AIRPORT COMPREHENSIVE LAND USE PLAN (FVACLUP) ALUCP and has determined that a portion of the property would have been considered to be in the Emergency Touchdown Zone, where new structures were prohibited, and a portion would have been considered to be in the Outer Safety Zone, which limited uses in structures to 25 persons per acre (essentially equivalent to Airport Zone B1, but without the single-acre occupancy allowance) and also limited lot coverage by structures to a maximum of 25% of net lot area. Based on these provisions, the project would have been recommended for a finding of INCONSISTENCY in the absence of the Specific Plan exemption.**

**However, the 1997 FVACLUP ALUCP exempted properties within adopted specific plans from "all requirements of this Comprehensive Land Use Plan with respect to land use, development density, and development intensity." (Section 7.4.1 on page 7-6) The validity of this exemption is questionable, given the Attorney General's opinion regarding such exemptions as provided to Riverside County during the period in which the 2004 Plan was being prepared. NEVERTHELESS, THIS EXEMPTION WAS CLEARLY INCLUDED IN THE CLUP**

**PROJECT DESCRIPTION:**

Development of 13.28 net acres (15.65 gross acres including adjoining street half-widths) as a light industrial business park comprised of approximately 170,000 square feet of floor area in a total of nineteen (19) buildings, and divide the property into six commercial/industrial parcels.

**PROJECT LOCATION:**

The site is located northerly of Murrieta Hot Springs Road, westerly of Town View Avenue, and southerly of Commerce Court in unincorporated Riverside County, approximately 4,400 feet southerly of extended Runway 18-36 at French Valley Airport.

**LAND USE PLAN: 1996 FRENCH VALLEY AIRPORT COMPREHENSIVE LAND USE PLAN**

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: ~~Zone B1~~—**EMERGENCY TOUCHDOWN ZONE AND OUTER SAFETY ZONE ON FVACLUP**
- c. Noise Levels: 55-60 CNEL (Year 2022)

**BACKGROUND:**

This project site is within Specific Plan No. 213 (Winchester Properties/Silverhawk) and was included in the area designated Town Center on that Plan.

**~~MAJOR ISSUES:~~**

~~Land Use – Average Occupancy: **PURSUANT TO THE FVACLUP, THE SITE WOULD BE CONSIDERED TO BE PARTIALLY WITHIN THE EMERGENCY TOUCHDOWN ZONE (WHERE STRUCTURES WERE PROHIBITED) AND PARTIALLY WITHIN THE OUTER SAFETY ZONE (WHERE NONRESIDENTIAL LAND USE INTENSITY WAS LIMITED TO 25 PERSONS PER ACRE FOR USES IN STRUCTURES). HOWEVER, THE SITE WOULD HAVE BEEN SUBJECT TO THE EXEMPTION FOR LAND IN ADOPTED SPECIFIC PLANS.**~~

The proposed project site is located in Airport Zone B1. Nonresidential development intensity in this zone is restricted to an average of 25 persons per acre, with a maximum of 50 persons per acre for any given acre of the property. Thus, the maximum number of persons allowed on this property would be 332 utilizing the net acreage of the property, or 391 utilizing the gross acreage of the property. The applicant has attempted to meet this standard and believes that the project meets this standard. However, the calculations submitted by the applicant (copy attached) assume that “all other uses” have an occupancy load pursuant to the California Building Code of one person per 500 square feet rather than one person per 100 square feet, as shown in Table C-1 in Appendix C of the

Riverside County Airport Land Use Compatibility Plan. If “all other uses” are assumed to result in an occupancy level of one person per 100 square feet, the maximum number of people on-site prior to the application of the standard 50% reduction would be 1,250 persons. Application of the 50% reduction results in an occupancy of 625, or 40 persons per gross acre (47 persons per net acre).

A second possible approach is to consider the proposal using the parking space method. Under this simplified method for determining average occupancy, occupancy is considered to be 1.50 times the number of parking spaces provided. The applicant proposes to provide 482 parking spaces. This formula would indicate a total of 723 persons on the site, or 46 persons per gross acre (54 persons per net acre). The number of parking spaces provided exceeds the number required—400 parking spaces. This would translate into 600 persons on the site, or 38 persons per gross acre.

Each of these average occupancy levels is acceptable in Airport Zone C, but not in Airport Zone B1. With respect to the County proposal to increase allowable average occupancy in Zone B1 to 40 persons per acre, this project would meet that average occupancy standard if one utilizes the Building Code method and the gross acreage of the property or the number of required parking spaces method, but does not meet the standard if one utilizes the provided parking space standard.

The real concern here is that there are no internal floor plans available and no known users. Speculative or “shell” buildings pose the potential for giant loopholes as individual occupants move their businesses into these units or spaces. The Airport Land Use Commission has no guarantee that the proportions of office, storage, and “other” use of any unit will remain stable over time. The provision of parking spaces in excess of the required number serves as a further incentive for higher-intensity land uses to consider locating at this site. Therefore, in the event that the Commission were to consider a finding of consistency for this proposal, staff recommends that the use of each unit be subject to the review of Airport Land Use Commission staff (at the building permit review rate per unit) to ensure that overall and single-acre occupancy limits are not exceeded. It is further recommended that all uses with occupancy levels greater than one person per 100 square feet (such as churches, restaurants, and most types of retail sales) be prohibited in the absence of further review by ALUC staff.

Land Use – Single-Lot Occupancy: **THE FVACLUP USED AVERAGE OCCUPANCY CRITERIA, SO THIS WOULD NOT HAVE BEEN RELEVANT.** The applicant has wisely separated the occupancy of this site into multiple buildings in an attempt to avoid exceeding the single-acre maximum occupancy level of 50 persons, and each lot conforms to the 50 person per acre maximum, or has a total occupancy below 50 persons even when the value of “all other” is set to one person per 100 square feet. The multi-tenant buildings on parcels 3 and 4 have pro-rated occupancies of 51 and 50 persons per acre, respectively, in this situation, but in accordance with the example in the ALUCP, the compliance of sites smaller than one acre is based on total occupancy rather than pro-rated occupancy. Thus, consideration of individual lots does not result in any violations of the single-acre standard when evaluated pursuant to the Building Code method.

Open Area: **THE FVACLUP DID NOT HAVE A MINIMUM OPEN AREA STANDARD, BUT DID INCLUDE LIMITS TO MAXIMUM COVERAGE OF 25% IN THE OUTER SAFETY**



**ZONE. OVERALL SITE COVERAGE FOR THIS PROJECT IS 30-34%. HOWEVER, THIS ASPECT ALSO WOULD HAVE BEEN SUBJECT TO THE SPECIFIC PLAN EXEMPTION.**

Countywide land use compatibility criteria require that a minimum of 30% of land area consist of open land as defined in Policy 4.2.4 of the ALUCP. Notes for this Policy state that “open land requirements are intended to be applied with respect to an entire zone” and that this standard is “typically accomplished as part of a community general plan or specific plan, but may also apply to large (10 acres or more) development projects.” This project site is ten acres or larger, so the Commission could choose to apply this standard in this situation. This project does not provide “open area” as defined in Policy 4.2.4, to wit an area having minimum dimensions of approximately 75 feet by 300 feet free of major obstacles such as walls, large trees, and poles. The project site is adjacent to Tualota Creek flood control channel, which may meet the length and width standard but has steeply sloping edges and riparian vegetation that would present difficulties in the event of an emergency touchdown.

Extended Runway Centerline: **THE FVACLUP DID NOT INCLUDE A SPECIFIC STANDARD BUT ITS SAFETY ZONES WERE BASED ON DISTANCE FROM THE EXTENDED RUNWAY CENTERLINE, INCLUDING THE PROHIBITION OF STRUCTURES WITHIN 250 FEET ON EITHER SIDE OF THE EXTENDED RUNWAY CENTERLINE. THIS ASPECT WOULD ALSO HAVE BEEN SUBJECT TO THE SPECIFIC PLAN EXEMPTION.** Countywide land use compatibility criteria require that structures located in Airport Zone B1 be located a maximum distance *from* from the extended runway centerline. This project does not adhere to this policy, and the extended runway centerline would overlie this site. The project could conceivably be redesigned to move structures away from the extended runway centerline and to provide an open area below the centerline, but such a design would likely result in either a reduced square footage or exceedance of the single-acre occupancy criteria.

Prohibited Uses: **THE FVACLUP HAD A DIFFERENT LIST OF PROHIBITED USES BY SAFETY ZONE, BUT, AGAIN, PROPERTIES WITHIN SPECIFIC PLANS WOULD HAVE BEEN SUBJECT TO THE SPECIFIC PLAN EXEMPTION.** The applicant does not propose any prohibited uses (children’s schools, day care centers, libraries, hospitals, nursing homes, places of worship, or critical community infrastructure facilities). No aboveground bulk storage of hazardous materials is proposed. No flight hazards are proposed.

Part 77: The highest elevation on the proposed site is 1,168 feet above MSL and the height of the tallest building as depicted on project elevations would not exceed 35 feet, except for parapets that may reach a height of 40 feet. The runway elevation is 1,350 feet. The highest point of any structure would be over 140 feet lower than the runway elevation. Therefore, Part 77 obstruction criteria are not a concern.

Noise: **THE FVACLUP DID NOT ADDRESS PROPERTIES OUTSIDE THE 60 CNEL CONTOUR, SO THERE WOULD NOT HAVE BEEN REQUIREMENTS FOR SPECIAL MITIGATION IN THOSE AREAS.** Noise levels on this site from aircraft operations would be between 55 and 60 CNEL, but this is not a concern **for** fro commercial and industrial uses expected to occur on the site, and office uses are considered “normally acceptable” within this noise range.

(Table 2B: Supporting Compatibility Criteria: Noise).

~~**RECOMMENDATION:** Staff recommends a finding of inconsistency for this project as presently designed, but would be amenable to a continuance to allow for redesign or for further elaboration that would indicate that the one person per 500 square feet standard is appropriate for the “all other” space in the multi-tenant, service industrial, and showroom industrial buildings. Alternatively, the applicant may wish to consider a continuance for not less than 60 days to allow consideration following consideration of the County’s proposal for amendments to the allowable nonresidential intensities in Airport Zones B1 and C. In the event that the Commission chooses to find this proposal consistent with the ALUCP pursuant to Policy 3.3.6, or in the event that the Commission finds the proposal inconsistent with the French Valley ALUCP but is overruled by the Riverside County Board of Supervisors or its successor in interest, staff would recommend that the following conditions be applied:~~

**CONDITIONS:**

1. Prior to project development, recordation of the map, or sale to an entity exempt from the Subdivision Map Act, the project proponents shall convey an avigation easement to the County relative to French Valley Airport.
2. ~~Incorporate noise attenuation measures into any office portions of the building construction to ensure interior noise levels *from aircraft operations* are at or below 45 decibel levels *CNEL*.~~ **THE SITE PLAN SHALL BE MODIFIED TO DELETE ALL STRUCTURES OR PORTIONS OF STRUCTURES WITHIN 250 FEET OF THE EXTENDED RUNWAY CENTERLINE.**
3. 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.
  - (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, and critical community infrastructure facilities such as power plants, electrical substations, and public communications facilities other than facilities providing on-site services only.~~
  - ~~(f) Retail sales facilities, dormitories, courtrooms, community care facilities, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, swimming pools, locker rooms, exercising rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10 A, unless it can be demonstrated that other portions of the unit are occupied at a level less than the level assumed in the analysis submitted by the applicant for this project.~~
  - ~~(g) The above ground storage of explosive or flammable materials.~~
- ~~4. All tenant improvement or occupancy permit requests shall be subject to review by the staff of the Airport Land Use Commission for conformance with the occupancy limitations.~~
  - ~~5. Any and all Covenants, Conditions, and Restrictions prepared for this project shall specifically reference the requirement for occupancy review by Airport *Land* land Use Commission staff subject to review fees for building permits.~~

**4. THE FOLLOWING USES SHALL BE PROHIBITED: RESIDENTIAL USES, HOTELS, MOTELS, RESTAURANTS, BARS, SCHOOLS, HOSPITALS, GOVERNMENT SERVICES, CONCERT HALLS, AUDITORIUMS, PUBLIC COMMUNICATIONS FACILITIES, AND USES INVOLVING, AS THE PRIMARY ACTIVITY, MANUFACTURE, STORAGE, OR DISTRIBUTION OF EXPLOSIVE OR FLAMMABLE MATERIALS.**

**5. ALL TENANT IMPROVEMENT OR OCCUPANCY PERMIT REQUESTS FOR STRUCTURES IN THE OUTER SAFETY ZONE SHALL BE SUBJECT TO REVIEW BY THE STAFF OF THE AIRPORT LAND USE COMMISSION FOR CONFORMANCE WITH THE AVERAGE OCCUPANCY LIMITATIONS OF 25 PERSONS PER ACRE WITHIN THIS ZONE. THE LANDOWNER OR MANAGER SHALL RETAIN A RECORD OF OCCUPANCIES TO ASSIST IN THIS**

**PROCESS.**

6. The attached notice shall be provided to all potential purchasers and tenants.

~~**ADDENDUM May 11, 2006: At the April 13 public hearing, the Airport Land Use Commission determined that it would not be appropriate to penalize applicants on the basis of provision of more than the required number of parking spaces, such that if the UBC standard is met, a project would be considered consistent. Counsel expressed concern with the provisions of Conditions Nos. 4 and 5 above. The applicant agreed to review occupancy calculations. Since the meeting, staff met with the applicant once, but, as of May 1, revised calculations have not been officially submitted. Staff would be amenable to a further continuance if this is acceptable to the applicant, but as this is the last meeting within the 60 day period since project submittal, applicant concurrence is required for a continuance. Otherwise, staff recommends a finding of inconsistency in the absence of further information and clarifications from the applicant.**~~

Y:\ALUC\French Valley\FV-06-106sepsr

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.4 ~~6.8~~

**HEARING DATE:** September 14, 2006 (originally advertised for August 10, 2006)

**CASE SUMMARY:**

**CASE NUMBER:** TH-06-106 – Van Buren Estates, LLC

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** GPA00787/CZ07291/Tract Map No. 34556

**FURTHER PLANNING CONSIDERATIONS September 14, 2006:** This item was originally scheduled for consideration on August 10, 2006, but was not heard due to lack of time. The case was submitted on May 25, 2006. Staff has advised the applicant of the finding of inconsistency. The applicant notes that the proposed design has been prepared to meet the requirements of the Vista Santa Rosa community and does not believe that a redesign to create smaller lot sizes (which would enable the project to meet the criteria of Alternative Three) would contribute to the safety of the residents or the aviation community.

**MAJOR ISSUES:** The project design does not achieve a net density of five dwelling units per acre in the Zone D areas and is, therefore, inconsistent with the provisions of Zone D requiring either densities of five or more dwelling units per acre or 0.2 or less dwelling units per acre.

**RECOMMENDATION:** The portion of the project in Airport Zone E is consistent with the JCRALUCP, but the portion within Airport Zone D as presently designed is inconsistent. Therefore, staff must recommend a finding of inconsistency unless the applicant is willing to redesign, in which case a continuance for such period as the applicant may request would be appropriate.

**PROJECT DESCRIPTION:** General Plan Amendment No. 00787 proposes to amend the General Plan designation from Agriculture with Community Development Overlay to Medium Density Residential. Change of if Zone Case No. 07291 proposes to change the zoning on the site from A-1-20 (Light Agriculture, 20 acre minimum lot size) to R-1 (One-family Dwellings). Tentative Tract Map No. 34556 proposes to divide 163.87 acres into 301 residential lots.

**PROJECT LOCATION:** The site is situated easterly of Van Buren Street and northerly of 60<sup>th</sup> Avenue, approximately 6,586 feet (about 1¼ miles) southwesterly of Runway 12-30 at Jacqueline Cochran Regional Airport.

**LAND USE PLAN: Jacqueline Cochran Regional Airport Land Use Compatibility Plan**

Adjacent Airport: Jacqueline Cochran Regional Airport  
Land Use Policy: JCRALUCP 2005  
a. Compatibility Zone: Airport Zones D and E  
b. Noise Levels: Outside 55CNEL

**BACKGROUND:**

Residential Density: The site is located largely in Airport Zone E, but also partially in Zone D. Residential density in Airport Zone D is restricted to either a rural density not exceeding one dwelling unit per five acres or an urban density of not less than five dwelling units per acre. Intermediate densities (less than five dwelling units per acre net and more than one dwelling unit per five acres gross) are prohibited in Airport Zone D. This project has an overall gross density of slightly less than two dwelling units per acre. The residential lots in the Airport Zone D portion of the project are all 10,000 square feet or larger, well above the 8,712 square foot maximum lot size that translates as 0.2 acre.

Noise: The site underlies traffic patterns. **Future residents** ~~and~~ will experience some annoyance from over flying aircraft, but **the site** ~~is~~ is outside the area subject to average noise levels of 55 CNEL or greater.

PART 77: The maximum elevation of the site is – 98 (98 feet below mean sea level). The elevation of the nearest runway at its low point is – 136 feet. At a distance of 6,586 feet from the runway to the area proposed for amendment, FAA review would be required for any structures with top of roof exceeding – 71 (71 feet below mean sea level). Therefore, some of the residences on this site may require FAA review.

In the event that the Commission chooses to find this proposal consistent with the JCRALUCP, or in the event that the Commission finds the proposal inconsistent with the JCRALUCP but is overruled by the Riverside County Board of Supervisors or its successor-in-interest, staff would recommend that the following conditions be applied:

**CONDITIONS:**

- ~~1. Incorporate noise attenuation measures where necessary to ensure interior noise levels from aircraft operations are at or below 45 decibel levels CNEL.~~
- 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 and shall comply with the provisions of Ordinance No. 655 (if applicable).**
2. Prior to scheduling of these cases before the Board of Supervisors, the developer shall provide to Airport Land Use Commission staff documentation demonstrating that the Federal

Aviation Administration has made a finding of “not a hazard to air navigation” for each structure whose elevation at highest point exceeds “X” feet above mean sea level, where “X” =  $-136 + (\text{distance in feet from highest point of structure to nearest point of existing airport runway}/100)$ .

3. 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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The attached notice shall be provided to all potential purchasers and tenants.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.5 5.5 V.C.

**HEARING DATE:** September 14, 2006 ~~August 10~~ ~~May 11~~ ~~April 13, 2006~~  
(continued from August 10, May 11, April 13 and March 9,  
2006) - **REVISED**

**CASE SUMMARY:**

**CASE NUMBER:** BD-06-100 – Marsha Vincelette  
**APPROVING JURISDICTION:** County of Riverside  
**JURISDICTION CASE NO.:** Plot Plan 21072

**MAJOR ISSUES:** *The remaining major issue with this revamped project is that the project is slightly above the average occupancy limitation for Airport Zone D if all portions of the planned structures are utilized as offices and if the area of the site is as indicated in the County's Geographic Information System. Additionally, FAA review is required.*

**RECOMMENDATION:** *Staff must recommend a finding of INCONSISTENCY based on the information available at this time, but would not object to an additional continuance to clarify whether all portions of the proposed structures would be utilized as offices and to clarify the gross acreage of the site (excluding land owned by the water district).*

**RECOMMENDATION:** ~~Staff recommends CONTINUANCE to September 14, 2006 to allow for redesign, in accordance with the applicant's request.~~

**PROJECT DESCRIPTION:**

The project is a Plot Plan for three two-story office buildings ~~one three-story office building~~ with a **total gross floor area of 160,400** ~~90,165~~ square feet totaling ~~90,000~~ sq. ft. on 7.51-8.24 ~~4.68~~ acres.

**PROJECT LOCATION:**

The site is located easterly of Palapas Road, in the area generally located westerly of Washington Street and ~~northerly~~ of Wildcat Drive, Road east of El Cerrito Road in the County of Riverside, approximately 8,316 feet ~~8,500 ft.~~ northwest of Runway 10-28 at the Bermuda Dunes Airport.

**LAND USE PLAN:** 2004 Bermuda Dunes Airport Land Use Compatibility Plan

**Adjacent Airport :**



- a. Airport Influence Area :** Bermuda Dunes Airport  
**b. Land Use Policy :** Airport Zone D  
**c. Noise Levels :** Outside 55 dB CNEL – just barely outside the contour

Adjacent Airport: \_\_\_\_\_ Bermuda Dunes Airport  
Land Use Policy: \_\_\_\_\_ RCALUCP (Adopted Dec. 2004)  
a. Airport Influence Area: ~~Zone D-C~~  
b. Noise Levels: \_\_\_\_\_ Outside 55 DB CNEL — **just barely outside the contour**

## **MAJOR ISSUES:**

### **BACKGROUND:**

**LAND USE Intensity and Occupancy:** The proposal is a Plot Plan for **three two-story office buildings a three-story** an office building totaling **160,400 square feet** 90,000 sq. ft. on **7.51-8.24 4.68** 4.46 acres. **The applicant has simply identified each structure as an office building and has not delineated whether any portions would be used for other uses, such as fabrication or storage.** The proposed use will include office/warehouse and manufacturing. The proposed site is located within Zone D. Zone D allows up to 90% lot coverage and an average non-residential density of 100 persons per acre with clustering on a single acre of 300 persons. The **revised** project has a density of **107persons** 100 per acre overall **assuming an overall acreage of 7.51 acres.** **The applicant indicated a total acreage of 8.24 gross acres in her application, but has not demonstrated the source of this information.** and a highest acre density of 450 or 500 per acre. The proposal is consistent with allowed overall density and land use within Zone D, ~~but exceeds the density for the single acre of 300.~~

**The redesigned project does appear to meet the Zone D single-acre occupancy limit of 300 persons. Basically, the use of elongated structures with courtyards separating the structures from each other should be sufficient to maintain this standard.**

The above analysis is based on the assumption that the occupancy for **each** the entire building is for office use. If a portion of the building area is to be used for manufacturing, assembly, storage, or warehouse uses, this analysis should be re-evaluated.

~~There may be a possibility of redesign, which would allow the project to comply with the occupancy standards of the Airport Land Use Compatibility Plan. Specifically, if the square footage on any given 43,560-square foot portion of the property is reduced to 60,000, the single acre occupancy would be reduced to 300. Therefore, if this project were redesigned as one 60,000-square foot (perhaps two-story) building and one 30,000-square foot building on opposite sides of the property, the occupancy standards could be met. However, this may not be feasible due to the resultant loss of parking spaces. The applicant is exploring other redesign possibilities.~~

**NOISE:** The proposal is outside **the** 55 CNEL **contour** as indicated by Noise Impact Data for Bermuda Dunes Airport. The proposed use is acceptable in that noise category, but will get some

**PART 77:** The highest elevation of any ~~existing terrain~~ object, terrain, or structure at the site is approximately 128 feet above mean sea level (AMSL). ~~165~~ 164 MSL and the ~~The~~ height of the tallest structure is 42 feet. 55 ft. The runway airport elevation is 73 feet AMSL. At a distance of 8,316 feet from the westerly end of the runway, structures may be up to 156 feet AMSL in elevation at top of roof without requiring FAA notice and review. However, it appears that the top of roof for these structures will exceed 156 feet AMSL. Structures exceeding 70 feet in height or of a height exceeding a 100:1 slope from the end of the runway (155 MSL) require FAA review. Therefore, FAA notice and review are required prior to any determination of consistency.

**RECOMMENDATION:** Staff would recommend that the proposal be found Inconsistent with the ALUCP.

**ADDENDUM April 13:** The application was continued at the request of the applicant. Staff met with the applicant.

**ADDENDUM May 11:** ~~The project, as proposed, is inconsistent with the ALUCP. The applicant has requested a three month continuance to allow for redesign of the project and has agreed to waive the 60 day time limit for action. Staff concurs and recommends Continuance to the meeting of August 10, 2006,~~

**CONDITIONS:** If the county wishes to override the Commission as per PUC 21676.5. These do not make the project consistent.

1. Provide Avigation Easements to the Bermuda Dunes Airport.

**CONDITIONS:**

1. *Any outdoor lighting installed shall be hooded and shielded so as not to result in the spillage of lumens or reflection into the sky.*
2. Incorporate noise attenuation measures into the office portions of the building construction, *if necessary*, to ensure interior noise levels *from aircraft operations* are at or below 45 *CNEL*. -decibel levels.
3. 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 a 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 any operation of aircraft and/or aircraft instrumentation.

**e. Children's schools, hospitals, and nursing homes**

- 4. The attached *notice* ~~notation regarding proximity to the airport~~ shall be ***provided to all potential purchasers and tenants.*** ~~given to each potential property purchaser or tenant.~~
- 5. **Prior to scheduling of a public hearing on this matter, the** ~~The~~ project proponent shall file Form 7460-1, "Notice of Proposed Construction or Alteration" with the Federal Aviation Administration, **and shall present evidence of a finding of "Not a Hazard to Air Navigation" to Airport Land Use Commission staff.**
- 6. **Occupancy is limited to office uses and such uses as would have occupancy levels not exceeding one person per 100 square feet. Additional review by the Riverside County Airport Land Use Commission staff shall be required prior to the establishment of any of the following facilities on this property:**

**Retail sales facilities, dormitories, courtrooms, community care facilities, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms (except within office facilities), dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, swimming pools, locker rooms, exercising rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A, unless it can be demonstrated that other portions of the structure are occupied at a level less intense than the level assumed in the analysis submitted by the applicant for this project.**

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.6 ~~6.3~~

**HEARING DATE:** September 14, 2006 (continued from August 10, 2006)

**CASE SUMMARY**

**CASE NUMBER:** HR-06-100 Corman Leigh Communities

**APPROVING JURISDICTION:** City of Hemet

**JURISDICTION CASE NO.:** GPA 05-4 and ZC 05-4

**MAJOR ISSUES:** Conversion of land designated for industrial and commercial use to residential and commercial uses, with the residential uses in the area closest to the airport, including areas within 500 feet of airport runways, normally does not contribute to the objectives of airport land use compatibility planning. A portion of the property would be within the Inner Turning Zone of the main runway using standard diagrams from the Airport Land Use Planning Handbook.

**RECOMMENDATION:** Given that residential uses are subject to discretionary review, the Airport Land Use Commission may exercise its judgment in terms of the appropriateness of the proposed land use at the given location. Based on the provisions of the 2002 California Airport Land Use Planning Handbook, a finding of Inconsistency is recommended due to the placement of residential units at urban densities within the Inner Turning Zone of both the main runway and the glider/sailplane runway. Staff would not object to a continuance if the applicant is willing to redesign the proposed project to place the residential portion of the project outside the Inner Turning Zone or to limit residential densities in that zone to a maximum of one dwelling unit per two acres, and to maintain a 500 foot setback from the glider/sailplane runway for residences at intensities exceeding one unit per acre.

~~**RECOMMENDATION:** Given that the Transition Area allows residential development at densities up to twenty dwelling units per acre and commercial development, staff recommends that the project be found Consistent, subject to the conditions herein, but Not Preferable.~~

**PROJECT DESCRIPTION:**

GPA 05-4 proposes to amend the designation of a 63.02-acre property from Commercial/Industrial to Mixed Use. ZC 05-4 proposes to change the zoning of the property from M-2 (Heavy Manufacturing) to R-1 (Single Family Residential), R-3 (Multi-Family Residential), and C-2 (General Commercial).

**PROJECT LOCATION:**

The site is located southerly of Florida Avenue and Acacia Street, westerly of Cawston Avenue, and northerly of Hemet-Ryan Airport. The airport boundary is located directly southerly of the amendment site.

Adjacent Airport: Hemet-Ryan Airport  
Land Use Policy:  
a. Airport Influence Area: Transition Area and Area III  
c. Noise Levels: From below 55 CNEL to above 60 CNEL

## **BACKGROUND:**

The Hemet-Ryan Airport Comprehensive Airport Land Use Plan (HRACALUP) was adopted in 1992. The Plan defines areas of extreme risk (Area I), high risk (Area II), and moderate risk (Area III), as well as a Transition Area between areas of high and moderate risk. This property lies just outside the area of extreme risk extending easterly from the runways. The property also lies outside the area of high risk, which is narrow on the area parallel to the airport because aircraft approaching or departing from the airport would not normally fly over the property. The Transition Area includes the outer 330 feet of Area II and the inner 660 feet of Area III adjacent to the outer boundary of Area II.

Land Use: The site is located largely within the Transition Area, with the remainder in Area III. In accordance with the policies for Transition Areas specified on pages 27 through 29 of the HRACALUP, “if 50% or more of the project site is in the Transition Area, it shall be considered part of the Transition Area.” Commercial, industrial, and manufacturing uses, other than institutional uses, places of assembly, public and private schools, and hazardous material facilities, are permitted in this area. Residential uses and the special nonresidential uses specified above are subject to discretionary review, with maximum residential density limited to twenty (20) dwelling units per acre. The HRACALUP requires that the Airport Land Use Commission hold a public hearing on each application for discretionary use. Given this provision, residential uses are potentially consistent with the HRACALUP requirements for this area, provided that density is limited to twenty dwelling units per acre.

Having acknowledged this, it must be stated that the general plan amendment and zone change move the direction of development on this property in a manner that is not preferable from an airport land use planning perspective. From the point of view of minimizing risk to the public health, safety, and welfare, it would be preferable to maintain the existing zoning and establish an Industrial designation. If residential development is to occur here, it would be preferable for the residential development to be located within the portion of the site farthest from the airport, **or, more precisely, to the area least impacted by airport and aircraft operations**, rather than the portion closest to the airport. Additionally, the applicant’s analysis of the project relative to the 2002 Airport Land Use Planning Handbook reveals that a portion of the area planned for residential development would fall into the Inner Turning Zone for the main runway.

**The Economic Development Agency – Aviation Division has submitted comments in a letter dated August 8, 2006, in which it is clarified that the applicant’s proposal for inclusion of a 26-acre, 49-lot residential airpark is not being considered by that agency, which owns and manages the Hemet-Ryan Airport. It is recommended that any proposals for residential development in this area be evaluated in light of the guidelines included in the 2002 Airport Land Use Planning Handbook.**

**The letter also indicates that the document submitted by the applicant’s consultant purporting**

**to address the provisions of the 2002 Airport Land Use Planning Handbook “fails to take into account the operational specifications of the approach corridor for the Glider-sailplane Runway 22 operation that is due north of the main runway at Hemet-Ryan Airport.” The airport safety zones depicted in the document appear to be based only on the main runway. In fact, the various airport zones should have been plotted based on both runways being in operation.**

**The Draft Hemet-Ryan Master Plan, Appendix A, includes data indicating that a majority of operations at the airport involves “single engine, propeller, variable pitch”, and that almost half of those operations occur on Runway 22.**

**(Additionally, ALUC staff has observed that the statement that Zone 3 overlays only 4 acres of the 63-acre property does not appear to be corroborated by the map depicting how Zone 3 would affect the property.)**

**Basically, the Airport Land Use Planning Handbook criteria recommend residential densities not exceeding one dwelling unit per two to five acres in the Inner Turning Zone and densities not exceeding one dwelling unit per one to two acres in the Sideline Zone. The Sideline Zone is located parallel to the runway and is basically located at a distance of 125 feet to 500 feet from the centerline of runways less than 4,000 feet in length and at a distance of 250 to 750 feet from the runway centerline for longer runways.**

**Additionally, the Economic Development Agency – Aviation Division has asked that staff advise the Airport Land Use Commission that the “NDB” flight pattern for nonprecision approaches using a non-directional radio beacon – a pattern that would be utilized under adverse weather conditions – crosses directly over the site.**

**Staff would recommend that the applicant revise the mapping of the airport impact areas and consider reallocation of the proposed residential and commercial areas, including siting of urban density residential development outside safety zones (other than Zone 6) for both runways.**

Noise: The HRACALUP includes six CNEL contour maps based on various scenarios. Noise levels are expected to be higher during the fire season, with most of the site within the 55 CNEL contour on such days. At other times, most of the site would be beyond the 55 CNEL contour, although some portions would experience noise in excess of 60 CNEL. The site does not underlie a primary approach and departure flight track, but future residents would experience noise from over flying and adjacent aircraft.

Part 77: The elevation on the site varies from 1,486 to 1,509 feet above mean sea level (AMSL). No structures are proposed at this time, but the Transition Area policies limit structure height to 35 feet. Thus, it is expected that the top of any structure will not exceed 1,544 feet AMSL. The site is approximately 200 feet from the runway, although it is directly adjacent to an identified sailplane operations area. The surface of the runway varies from 1,499 feet to 1,515 feet AMSL. It would appear that all structures at this location will require an FAA 7460 review. However, no structures are proposed at this time.

**CONDITIONS:**

1. Prior to final adoption of the general plan amendment, the landowner shall record Aviation Easements covering the entire parcel proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
2. Any habitable structures to be constructed within areas of the site within the year 2005 average annual day 60 CNEL noise contour (as depicted on Figure 5 of Appendix C of the Hemet Ryan Airport Comprehensive Airport Land Use Plan) shall be soundproofed as necessary to achieve 45 Ldn interior sound levels or quieter relative to aircraft operations. All building plans within those areas shall be signed by a qualified acoustical engineer certifying that the 45 Ldn level will be achieved, based on construction materials and design of the proposed structure.
3. Unless otherwise determined inapplicable by Airport Land Use Commission staff, all structures at this location shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
4. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager prior to approval.
5. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
6. The attached notice shall be given to all prospective buyers and tenants.
7. All future structures at the site shall be limited to thirty-five (35) feet in height or two stories,

whichever is less.

8. Residential density within the site shall be limited to not more than twenty (20) dwelling units per acre.
9. The portion of the site within the Inner Turning Zone of ~~either the main~~ runway at Hemet-Ryan Airport, as such zone is defined and delineated for runways of that size in the State of California Airport Land Use Planning Handbook, shall be limited to a density not exceeding one dwelling unit per two acres. ~~unless developed as an airport residential use where residents would have access to hangars.~~
10. **The portion of the site within 500 feet of the centerline of Runway 4-22 shall be limited to a density not exceeding one dwelling unit per acre.**
- 11.10. Future discretionary development applications within this area, including tract maps and such permits as may require a public hearing pursuant to City of Hemet codes and ordinances, including, but not limited to, applications proposing the establishment of institutional uses, places of assembly, or any structure with a Uniform Building Code capacity of 100 persons or more, shall require subsequent review by the Airport Land Use Commission.



# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 9.7 6.4

**HEARING DATE:** September 14, 2006 (continued from August 10, 2006)

### CASE SUMMARY

**CASE NUMBER:** HR-06-101 JAKS, LLC/Nave, Riback, Silver and Wilson

**APPROVING JURISDICTION:** City of Hemet

**JURISDICTION CASE NO.:** GPA 04-07 and ZC 04-13

**MAJOR ISSUES:** Places of assembly as defined in the Hemet-Ryan Airport Comprehensive Airport Land Use Plan of 1992 include “any structure with a capacity for occupancy of over 50 persons” ~~most types of commercial uses~~, and they are prohibited in Areas I and II. Therefore, pursuant to that Plan, most commercial uses would be found inconsistent.

**RECOMMENDATION:** Given that some types of commercial development may be allowable in Areas I and II, staff recommends that the project be found Conditionally Consistent, subject to the conditions herein including structure occupancy limitations, but Not Advisable. To that extent, it is recommended that the ALUC letter advising of the finding of Conditional Consistency be accompanied by a letter advising that structures with an occupancy of 50 or more persons (including the 50% reduction) would be found inconsistent with the 1992 Plan. If the City of Hemet approves these cases, it is recommended that any proposed land use involving the development of a structure exceeding 3,000 square feet in floor area be referred to the Airport Land Use Commission for review. Large commercial retail facilities would be found INCONSISTENT within most portions of the site.

### PROJECT DESCRIPTION:

GPA 04-07 proposes to amend the General Plan designation of a 25.6-acre property from Industrial to Commercial. ZC 05-4 proposes to change the zoning of 25.6 acres from M-2 (Heavy Manufacturing) to C-2 (General Commercial) and 10.4 acres from C-1 (Neighborhood Commercial) to C-2.

### PROJECT LOCATION:

The 36-acre site is located easterly of Sanderson Avenue and southerly of Acacia Avenue, approximately 3,320 feet northeasterly of Hemet-Ryan Airport.

### LAND USE PLAN: 1992 Hemet-Ryan Airport Comprehensive Land Use Plan

- a. Airport Influence Area: Hemet-Ryan Airport
- b. Land Use Policy: Area I, Area II, and Transition Area
- c. Noise Levels: From below 55 CNEL to below 60 CNEL (site is crossed by 55 CNEL contour)

## **BACKGROUND:**

The Hemet-Ryan Airport Comprehensive Airport Land Use Plan (HRACALUP) was adopted in 1992. The Plan defines areas of extreme risk (Area I), high risk (Area II), and moderate risk (Area III), as well as a Transition Area between areas of high and moderate risk. This property lies partially within the area of extreme risk and partially within the area of high risk, with the area within 330 feet of Acacia Avenue depicted as a Transition Area.

Land Use Intensity: The site is located partially within Area I, areas of extreme risk. Area I is centered on the extended runway centerline, with its boundaries defined by the FAR Part 77 imaginary approach surfaces. This area was designated as the highest relative risk area in the HRACALUP “due to the convergence of flight paths and the resultant high volume of aircraft. Aircraft are descending or ascending, changing power settings, and performing critical turns; thus, the possibility of an aircraft related incident occurring is higher in these areas.” (HRACALUP page 15) Policies for Area I prohibit residential uses, places of assembly, institutional uses, critical facilities, and hazardous material facilities. However, it should be noted that the definition of “places of assembly” in the HRACALUP is broader than in some other ALUCPs. It includes “any structure, public or private, or premise, or portion thereof with a capacity for occupancy of over 50 persons which is designed or used for entertainment, amusement, instruction, education, worship, deliberation, display, meeting, awaiting transportation or for the consumption of food and drink.” The examples given include shopping malls, major retail outlets, restaurants, motels, banks, bowling alleys, and even professional office buildings and funeral homes, as well as auditoriums, theaters, recreation/entertainment facilities, churches, clubhouses, arenas, and stadiums.

The site is located partially in Area II. Area II is an area of high risk, which together with Area I consists of the area of greatest safety concerns. Area II covers the remainder of the site, although the portion of the site within 330 feet of Acacia Avenue is within a Transition Area. Exhibit 2 on page 18 of the HRACALUP depicts the boundaries of Area II and shows that the site would be overflowed by aircraft turning to make their final approach, as well as aircraft flying a straight-in approach pattern. The boundaries of Area II were “established to coincide as much as possible to areas where aircraft would be in the landing – takeoff generalized pattern and would be turning and applying or reducing power....” (HRACALUP page 17) Policies for Area II permit industrial uses, indicate that commercial uses are “discretionary”, and prohibit schools, institutional uses, places of assembly, and hazardous material facilities. Residential development is limited to a maximum density of one dwelling unit per 2½ acres.

The northerly 330 feet adjacent to Acacia Avenue is within the Transition Area, where commercial, industrial, and manufacturing uses, other than institutional uses, places of assembly, public and private schools, and hazardous material facilities, are permitted. Residential uses and the special nonresidential uses specified above are subject to discretionary review. The HRACALUP requires that the Airport Land Use Commission hold a public hearing on each application for discretionary use.

With no specific proposed land uses, it is difficult to rule out commercial use of this property. However, major stores such as Wal-Mart, Lowe’s, or even a supermarket would be inconsistent with the limitations of Area I and Area II. There may be some commercial uses that would not qualify as

places of assembly as defined above, but they would be exceptions to the norm. In particular, a 3,000 square foot retail facility would have an occupancy of 50 persons based on 50% of Uniform Building Code occupancy limits, so any larger retail facility would be inconsistent **with the 1992 HRACLUP**.

Furthermore, it must be stated that the general plan amendment and zone change move the direction of development on this property in a manner that is not advisable from an airport land use planning perspective. From the point of view of minimizing risk to the public health, safety, and welfare, it would be preferable to maintain the Industrial designation and zoning on the 26-acre parcel and change the zoning on the 10-acre parcel to M-2. If commercial development is to occur here, it would be preferable for such development to be located within the Transition Area near Acacia Avenue, where structures with occupancy exceeding fifty persons might be allowable.

Since the adoption of the HRACALUP, the State of California Department of Transportation, Division of Aeronautics has issued the 2002 California Airport Land Use Planning Handbook. It would appear that portions of this site would be considered as being within the standard Zones 2 and 4 (Inner and Outer Approach/Departure Zones). The Handbook recommends that nonresidential intensity levels in partially developed areas be limited to 25-40 persons per acre in Zone 2 (similar to Zone B1 in the 2004 Countywide Plan) and 40-80 persons per acre in Zone 4 (similar to Zone C in the 2004 Countywide Plan).

**Staff analysis indicates that, if the main runway length of 4,314 feet is utilized as the critical factor, the standard safety compatibility zone example would be that of a Medium General Aviation Runway. Use of this standard example would place the majority of the property in either Zone 2, the Inner Approach/Departure Zone, or Zone 4, the Outer Approach/Departure Zone. Both of these zones, as noted above, would be potentially less restrictive than the HRACLUP Area I and Area II standards prohibiting places of assembly. The applicant has submitted studies prepared by Aviation Systems, Inc. which recommend that special safety zones be established that are based on the Shore General Aviation Runway example, but modified to reflect high visibility minimums. The Aviation Systems studies recommend safety zones (Figure 5 of April 2005 “Hemet-Kaufman” report) that would depict the 25.6-acre general plan amendment/zone change site as being partially in Zone 4 and partially in Zone 6, the Traffic Pattern Zone., while the 10.4-acre zone change site would be entirely in the Traffic Pattern Zone, which would allow 150 persons per acre as an average occupancy and a 450 person per acre single-acre occupancy level.**

Noise: The HRACALUP includes six CNEL contour maps based on various scenarios. Figure 5 (Average Annual Day – 2005) is the one that is intended to be utilized for planning purposes under most circumstances. This exhibit shows the property being crossed by the 55 CNEL contour, suggesting that average noise levels would be between 50 and 55 CNEL in some portions of the site and between 55 and 60 CNEL in other portions of the site. Noise levels are expected to be higher during the fire season, with almost all of the site within the 55 CNEL contour on such days and some areas experiencing noise levels above 60 CNEL. On the worst case fire day, the site would be entirely within the 60 CNEL contour and largely within the 65 CNEL contour. The site underlies a primary approach and departure flight track, so future employees and patrons would experience noise from overflying aircraft. **As noted in the Aviation Systems report, with the transfer of**

**firefighting aircraft to March Air Reserve Base, noise levels at the site would be less than 60 CNEL.**

Part 77: The elevation on the site varies from 1,506 to 1,539 feet above mean sea level (AMSL). No structures are proposed at this time, but there are existing Southern California Edison electrical distribution lines approximately 45 feet in height. The proposed City of Hemet zoning limits structures to a height of 35 feet. Thus, it is expected that the top of any structure will not exceed 1,574 feet AMSL. The elevation of the runway at its easterly terminus is 1,515 feet AMSL. At a distance of 3,320 feet from the runway, any structure with a top elevation greater than 1,548 feet AMSL would require FAA review. However, no structures are proposed at this time.

**CONDITIONS:**

1. Prior to final adoption of the general plan amendment, the landowner shall record Avigation Easements covering the entire parcel proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
2. Any habitable structures to be constructed within areas of the site within the year 2005 average annual day 60 CNEL noise contour (as depicted on Figure 5 of Appendix C of the Hemet Ryan Airport Comprehensive Airport Land Use Plan) shall be soundproofed as necessary to achieve 45 Ldn interior sound levels or quieter relative to aircraft operations. All building plans within those areas shall be signed by a qualified acoustical engineer certifying that the 45 Ldn level will be achieved, based on construction materials and design of the proposed structure.
3. Unless otherwise determined inapplicable by Airport Land Use Commission staff, all structures at this location with an elevation above 1,548 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
4. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager prior to approval.
5. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
6. The attached notice shall be given to all prospective buyers and tenants.
  7. All future structures at the site shall be limited to thirty-five (35) feet in height or two stories, whichever is less.
  8. All proposals for discretionary review of development of structures 3,000 square feet or greater in floor area shall be referred to the Airport Land Use Commission for review.
  9. No structure located partially or wholly more than 330 feet southerly of Acacia Avenue shall be designed with a capacity greater than 100 persons, pursuant to the Uniform Building Code, **unless the Hemet-Ryan Airport Comprehensive Land Use Plan is first amended in accordance with the 2002 California Airport Land Use Planning Handbook or superseded by a new Airport Land Use Compatibility Plan. .**

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.8 ~~6.5~~

**HEARING DATE:** September 14, 2006 (continued from August 10, 2006)

**CASE SUMMARY:**

**CASE NUMBER:** RI-05-133 – MMI Titan Inc.

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P-05-1070

**MAJOR ISSUES:** Applicant is ~~unable to provide copy of FAA clearance at this time,~~ challenging staff's request that Form 7460-1 be submitted to the Federal Aviation Administration on the basis that the original antennas were previously reviewed and that the proposal is not increasing the height of the existing antenna facilities. The applicant notes that "the antennas are being mounted to the same existing roof top antenna mounts, and there is no increase to the height or width of any current existing roof top structure." (The argument does not apply to the equipment shelter, which constitutes new construction.) Staff's response is that any determination of exemption should come from the FAA and that neither the ALUC nor its staff is authorized to act on behalf of the FAA.

**RECOMMENDATION:** Staff recommends that the Commission consider testimony and provide direction as to whether to continue to insist on FAA clearance prior to making a determination as to the consistency of this project. A CONTINUANCE to October ~~September 14,~~ 2006 is recommended to allow the applicant additional time to obtain FAA clearance.

**PROJECT DESCRIPTION:**

Install rooftop antennas for wireless telecommunications on the roof of the Riverside Municipal Airport terminal building and add an equipment shelter with GPS antennas near Gate 3.

**PROJECT LOCATION:**

6951 Flight Road, at Riverside Municipal Airport.

Nearest Airport: Riverside Municipal Airport

a. Airport Influence Area: Same

b. Land Use Policy: Airport Zone B2

c. Noise Levels: Greater than 65 CNEL; however, proposed use is not noise-sensitive.

## **BACKGROUND:**

**Part 77: The applicant has demonstrated that the existing facilities were reviewed by FAA and believes that this previous review should cover the current proposal. The previous review expired on June 30, 2000, so it is staff's opinion that any new construction or alteration would not have been covered by that review.** At this time, the applicant is unable to find or to provide documentation demonstrating that the Federal Aviation Administration has completed an aeronautical study of the currently proposed project under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, and has determined that the proposed structures do not exceed obstruction standards and would not be a hazard to air navigation. **The applicant is of the opinion that additional FAA review is not needed due to the fact that the overall antenna height on top of the roof is not being increased.** This is the only issue of concern. The highest elevation will not exceed 818 feet above mean sea level (AMSL).

**Based on Section 77.13 of FAR Subpart 77, it is staff's understanding that any construction or alteration at a public use airport requires FAA notice unless the structure is shielded or is an antenna less than twenty (20) feet in height. In the event that staff was being excessively cautious, staff consulted with both the Riverside County Economic Development Agency-Aviation Division and the Manager of the Riverside Municipal Airport, Mark Ripley, to obtain a "second opinion" as to the need for FAA review. At this time, staff has not found evidence to indicate that the notice and review process is not necessary. Additionally, any attempt to circumvent this process may present liability issues for the applicant in the event of a future accident.**

**The conditions listed below are representative of final conditions that could be applied, dependent on the provisions of the FAA determination letter.**

## **CONDITIONS:**

1. New antenna facilities shall be marked and/or lighted in accordance with FAA Advisory Circulars regarding Obstruction Marking and Lighting, Chapters 4 and 12, in accordance with the Federal Aviation Administration letter dated xx/xx/xxxx.
2. Within five (5) days after the construction reaches its greatest height, FAA Form 7460-2, Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and submitted to the Federal Aviation Administration Air Traffic Airspace Branch, ASW-520, 2601 Meacham Blvd., Fort Worth TX 76137-0520.
3. The specific coordinates, heights, and power shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in height shall not require further review by the Airport Land Use Commission.
4. Temporary construction equipment used during actual construction of the facilities shall not

exceed the height of the proposed facilities.

5. The proposed facilities shall not generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
6. Other than FAA-approved lighting and marking as specified above, no lighting shall be installed that would direct a steady light or flashing light of red, white, green, or amber colors associated with aircraft operations toward an aircraft engaged in an initial straight climb during takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport.
7. Antennas shall utilize a flat or matte (non-glossy) finish so as to minimize the reflection of sunlight towards an aircraft engaged in an initial straight climb during takeoff or towards an aircraft engaged in a straight final approach toward a landing at an airport.
8. The proposed facilities shall not generate smoke or water vapor and shall be designed so as not to attract large concentrations of birds.
9. To coordinate frequency activation and verify that no interference is caused to FAA facilities, prior to beginning any transmission from the site, the permittee shall contact ONTARIO SYSTEM SUPPORT CENTER at (909) 605-1966.



**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 9.9 ~~6.6~~

**HEARING DATE:** September 14, 2006 (continued from August 10, 2006)

**CASE SUMMARY:**

**CASE NUMBER:** RI-06-116 – Lindborg and Urbano (Cole & Frick Architects)

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P-06-0714 (Design Review) and P-06-0719 (Change of Zone)

**MAJOR ISSUES:** The change of zone from residential to MP is consistent. The site plan has been revised, but one of the structures (now labeled Building C) still ~~Proposed Building A~~ extends, albeit only slightly, into Airport Zone A, where new occupiable structures are prohibited. ~~the applicant has not identified land use splits for use of the proposed buildings,~~ and FAA review has not yet commenced to staff's knowledge.

**RECOMMENDATION:** Staff recommends CONTINUANCE to October ~~September 14, 2006~~ to allow the project proponent an opportunity to redesign the proposed project so as to remove all occupiable structures from Airport Zone A and comply with Compatibility Zone occupancy restrictions, to submit a Notice of Proposed Construction or Alteration Form 7460-1 to the Federal Aviation Administration, and to submit additional fees for the design review. Otherwise, staff must recommend a finding of inconsistency for the design review, at least for Building C A. Staff recommends a finding of consistency for the change of zone.

**PROJECT DESCRIPTION:**

Change of zone from R-1-65 to MP (Manufacturing Park) and development of three multi-tenant industrial buildings with a total of ~~28,125~~ 24,560 square feet of floor area on 2.27 acres.

**PROJECT LOCATION:**

The site is located on the south side of Arlington Avenue, westerly of Monroe Street in the City of Riverside, approximately 619 feet southeasterly of the southerly terminus of Runway 16-34 at Riverside Municipal Airport.

**LAND USE PLAN: 2005 Riverside Municipal Airport Land Use Compatibility Plan**

Adjacent Airport:

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Zones B1 and A
- c. Noise Levels: 55-60 CNEL (Ultimate)

**~~MAJOR ISSUES:~~**

**BACKGROUND:**

Airport Zone A: The major issue for this project is that Building C A is partially located within Airport Zone A, as mapped on the Riverside Municipal Airport Land Use Compatibility Plan (RMALUCP). The project as designed is, therefore, inconsistent with the provisions of the RMALUCP and the Countywide Policies, which prohibit new occupiable buildings in Airport Zone A. **This issue can be resolved by eliminating the portion of Building C that extends into Airport Zone A.** The project architect ~~had~~ has been asked to verify the location of Airport Zone A on the property and return with a redesign that moves the building out of Airport Zone A.

Land Use – Average Occupancy: The proposed project site is split between Airport Zones A and B1. Nonresidential development intensity in Zone B1 is restricted to an average of 25 persons per acre, with a maximum of 50 persons per acre for any given acre of the property. **No intensity credit is given for the portion of the site in Airport Zone A.**

There are two possible means of determining nonresidential intensity. Using the Building Code method of estimating occupancy, including the 50% reduction, if the structures were entirely occupied by office uses, the site would accommodate ~~123~~ 140 persons, which would be clearly inconsistent with Airport Zone B1 occupancy limitations. ~~However, if the buildings were split with a mix of 40% fabrication, 40% storage, and 20% office uses, the site would accommodate 75 persons, which would be closer to the standard, which for this site is 57 persons assuming a gross acreage (excluding Zone A areas) of 2.27 acres. There is a possibility that the total structural area may need to be reduced to bring development into compliance with the Airport Zone B1 criteria.~~

Staff ~~has~~ asked the project architect to provide calculations relative to the gross area of the site and the area in Airport Zone A and relative to the use split within the buildings so that consistency may be analyzed.

**The architect has submitted a revised site plan that purports to show how the project meets the occupancy criteria. Unfortunately, due to a miscommunication from staff, the architect used an assumption of one person per 300 square feet rather than one person per 200 square feet for manufacturing areas. Nevertheless, even with this factor corrected, it would appear that the total occupancy at this site would be 50 persons. The architect has calculated the gross area of the project site (to the centerline of Arlington Avenue) within the Airport Zone B1 area as 2.04 acres. In that situation, the project would meet the 25 person per acre standard for that airport zone.**

A second possible approach is to consider the proposal using the parking space method. Under this simplified method for determining average occupancy, occupancy is considered to be 1.50 times the number of parking spaces provided. The applicant is providing ~~58~~ 70 parking spaces. Based on the number of parking spaces provided, a total of ~~87~~ 105 persons may be expected on the site. This is

not consistent with the provisions of Airport Zone B1; however, the Airport Land Use Commission has previously determined that, if the project is determined to be consistent using the UBC method, the second approach need not be used.

Land Use – Single-Acre Occupancy: ~~The proposed project complies with the Given the low average occupancy level of Airport Zone B1 and the use of three buildings rather than one building on the site, it is likely that most design layouts meeting the average occupancy standard of 25 persons per acre will comply with the~~ 50 persons per acre single-acre standard in this situation.

Extended Runway Centerline: Criteria for Airport Zone B1 state that structures should be located a maximum distance from the extended runway centerline. This project does not meet this criterion in that the majority of structural square footage is within the westerly half of the property – the portion closest to the extended runway centerline.

Prohibited Uses: The applicant does not propose any prohibited uses (children’s schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor nonresidential uses, aboveground bulk storage of hazardous materials, and critical community infrastructure facilities). No flight hazards are proposed.

Part 77: The highest elevation on the proposed site is 748 feet above mean sea level (AMSL), and the height of the tallest building as depicted on project elevations would not exceed 20 feet. Thus, the highest point at buildout would be 768 feet AMSL. The elevation of Runway 16-34, a 2,851-foot long runway, at its southerly end is 750.5 feet. Thus, the top point of the buildings could be at an elevation of up to 18 feet greater than the runway. At a distance of 619 feet from this runway, with a 50:1 slope criterion, any structure above 762.5 feet top elevation will require FAA aeronautical review. The project architect has been advised of the need to submit Form 7460-1 to the Federal Aviation Administration.

Noise: Noise levels on this site from aircraft operations would exceed 55 CNEL. (Single-event noise levels would, of course, be significantly greater.) Office uses are considered to be “normally acceptable” in this noise range, while general manufacturing and warehousing are considered “clearly acceptable” (Table 2B, Supporting Compatibility Criteria: Noise). Slight interference with outdoor activities and conversation may occur.

### **CONDITIONS:**

1. 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.
  - (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, highly noise-sensitive outdoor nonresidential uses, aboveground bulk storage of hazardous materials, and critical community infrastructure facilities.
2. The City of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following facilities on this property:
- Retail sales facilities, dormitories, courtrooms, community care facilities, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, swimming pools, locker rooms, exercising rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A, unless it can be demonstrated that other portions of the structure are occupied at a level less intense than the level assumed in this staff report.
3. 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.
4. Noise attenuation measures shall be incorporated into the office areas of the building construction to ensure a minimum noise level reduction of 25dB, or such reduction as may be necessary so as to reduce interior noise levels within any unit to 45 CNEL or below.
5. Prior to the scheduling of the proposed change of zone for hearing before the Riverside City Council, the proponent shall file Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration and shall present evidence of a finding of "Not a Hazard to Air Navigation" to Airport Land Use Commission staff.
6. Prior to issuance of building permits, the landowner shall record an aviation easement to Riverside Municipal Airport.
7. The attached notice shall be provided to all potential purchasers and tenants.

Staff Report  
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**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 10.1

**HEARING DATE:** September 14, 2006

**CASE SUMMARY:**

**CASE NUMBER:** FV-06-113 – Silverhawk Industrial L.P./Rachel Rodgers/  
Bechtel/Polly Johnson

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Plot Plan Case No. 21164

**MAJOR ISSUES:** The 1996 French Valley CLUP designates this property as being within the Inner Safety Zone, which does not allow structures. This is a situation where the “old” Plan was more restrictive than the suspended 2004 Plan.

**RECOMMENDATION:** This project is inconsistent with the 1996 French Valley Comprehensive Land Use Plan if the Specific Plan exemption is not utilized in determining consistency; however, staff would not object to a continuance for two months to allow for the preparation of an Environmental Assessment and re-adoption of the 2004 French Valley Airport Land Use Compatibility Plan, which would place this property in Airport Zone B1, a zone that would allow unoccupied structures, and to allow for FAA review of the proposed structure.

**PROJECT DESCRIPTION:**

Plot Plan No. 21136 proposes to establish a 70-foot high unmanned communications facility (monoelm) and equipment shelter on a 2.68-acre parcel.

**PROJECT LOCATION:**

The site is located northwesterly of the terminus of Innovation Court, northeasterly of Technology Drive, in the community of French Valley, unincorporated Riverside County, approximately 2,154 feet south-southeasterly of Runway 18-36 at French Valley Airport.

**LAND USE PLAN:** 1996 French Valley Airport Comprehensive Land Use Plan (FVACLUP)  
Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Inner Safety Zone in 1996 Plan (Zone B1 on suspended 2004 Plan)
- c. Noise Levels: 55-65 CNEL; site is crossed by 60 CNEL contour

## **BACKGROUND:**

Land Use: The site is located in the Inner Safety Zone for the runway as proposed to be extended on the French Valley Airport's Master Plan. The Inner Safety Zone prohibits structures. The property is located within a Specific Plan, and the 1996 Plan as written exempted properties in specific plans from the land use intensity restrictions applicable to other properties within the Plan boundaries; however, the validity of this exemption is questionable, given an opinion issued by the Attorney General of the State of California in 2004. For this reason, the Airport Land Use Commission has asked staff to disregard this exemption in determining the consistency of proposed projects with the 1996 CLUP. Without this exemption, the project is inconsistent with the 1996 CLUP.

Part 77: The highest elevation on the proposed site is 1,303 feet above mean sea level (AMSL). The elevation of the runway at the southerly end is 1,340 feet. At a distance of 2,154 feet from the southerly end of the runway as extended to the area of the property proposed as the site of the tower, FAA review would be required for structures with top elevations exceeding 1,361 feet. Therefore, FAA review is required in this situation, given the 70-foot height of the proposed facility.

Noise: Noise levels on this site from aircraft operations would range from 55 to 65 CNEL, with the 60 CNEL contour crossing the site. However, the proposed use is not a noise-sensitive use.

In the event that the Commission finds this project consistent pursuant to the Specific Plan exemption, or in the event that the Commission finds the proposal inconsistent with the FVACLUP but is overruled by the Riverside County Board of Supervisors or its successor-in-interest in accordance with Section 21675.1 of the Public Utilities Code, staff would recommend that the following conditions be applied, plus such supplemental conditions as may be appropriate to implement the requirements of any letter that may be subsequently issued by the Federal Aviation Administration.

## **CONDITIONS:**

1. Prior to issuance of a building permit for the proposed telecommunications facilities, the property owner shall convey an aviation easement to the County relative to French Valley Airport.
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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all potential purchasers and tenants.
  4. Prior to issuance of building permits, the project developer shall submit to Airport Land Use Commission staff evidence that the Federal Aviation Administration has issued a determination of “Not a Hazard to Air Navigation” for the proposed facility.
  5. Any outdoor lighting that is installed shall be hooded or shielded to assure that no lights are above the horizontal plane, and shall comply with Riverside County Ordinance No. 655.



**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 10.2

**HEARING DATE:** September 14, 2006

**CASE SUMMARY:**

**CASE NUMBER:** FV-06-114 – FV Crossings, L.P./Fred Grimes

**APPROVING JURISDICTION:** City of Murrieta

**JURISDICTION CASE NO:** City Case No. 004-249

**MAJOR ISSUES:** The 1996 French Valley CLUP designates a substantial portion of this property as being within the Outer Safety Zone, which limits nonresidential structural occupancy to 25 persons per acre. This portion of the property would include the areas planned as the sites of Buildings D, E, and F. In order for the project plan to conform to the 1996 CLUP, Building F square footage would have to be halved and Buildings D and E eliminated or changed to less intensive uses such as offices.

**RECOMMENDATION:** This project is inconsistent with the 1996 French Valley Comprehensive Land Use Plan if the Specific Plan exemption is not utilized in determining consistency. Staff would not object to a continuance for two months to allow for the preparation of an Environmental Assessment and re-adoption of the 2004 French Valley Airport Land Use Compatibility Plan, which would place this property in Airport Zones B1 and C, and to allow for FAA review of Buildings A, D, F, G, H, and I. However, in the absence of more precise floor plans, the project would still be inconsistent with the 2004 Compatibility Plan, as the average occupancy would be approximately 113 persons per acre if Buildings B and D are developed as restaurants, Buildings A, C, E, G, and I for retail uses, and Buildings F and H for office uses.

**PROJECT DESCRIPTION:**

City of Murrieta Project Review No. 004-249 proposes to establish a 65,500 square foot neighborhood shopping center comprised of nine buildings ranging from 3,000 to 23,200 square feet in floor area on an 8.9-acre parcel.

**PROJECT LOCATION:**

The site is located northwesterly of Winchester Road and easterly of Briggs Road in the community of French Valley, unincorporated Riverside County, approximately 3,156 feet north-northwesterly of Runway 18-36 at French Valley Airport.

**LAND USE PLAN:** French Valley Airport Comprehensive Land Use Plan (FVACLUP)

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Outer Safety Zone and Traffic Pattern Zone in 1996 Plan (Zones B1 and C on suspended 2004 Plan)
- c. Noise Levels: From below 55 CNEL to 60 CNEL; site is crossed by 55 CNEL contour

**BACKGROUND:**

Land Use: The site is partially located in the Outer Safety Zone for the French Valley Airport, which limits nonresidential structural occupancy to 25 persons per acre. The portion of the project in the Outer Safety Zone would be too intensely occupied relative to this standard, resulting in a need to cut the square footage of Building F in half and change the use of Buildings D and E to offices or less intensive uses in order to achieve consistency. The property was located within a Specific Plan when under the jurisdiction of Riverside County, and the 1996 Plan as written exempted properties in specific plans from the land use intensity restrictions applicable to other properties within the Plan boundaries; however, the validity of this exemption is questionable, given an opinion issued by the Attorney General of the State of California in 2004. For this reason, the Airport Land Use Commission has asked staff to disregard this exemption in determining the consistency of proposed projects with the 1996 CLUP. Without this exemption, the portion of this project in the Outer Safety Zone (areas within 750 feet of the extended runway centerline) is inconsistent with the 1996 CLUP. The remainder of the project is in the Traffic Pattern Zone, where nonresidential structural occupancy was not restricted.

If the 2004 Plan were in effect, the project would be split between Airport Zones B1 and C. Due to the single-acre occupancy standard of 50 persons in Zone B1, Building F would meet the single-acre standard. It would be subject to FAA review due to the proposed height of 43 feet. The entirety of the project would be subject to occupancy restrictions and, on an overall basis, if one assumes that all of the restaurant buildings are used as restaurant serving areas and all of the retail buildings are used as display areas, the project would accommodate an average of 113 persons per acre, which is in excess of the allowable intensities for both Zones B1 and C. This indicates a need for more precise information, in that some portions of the retail buildings may be used for storage, and some portions of the restaurant buildings would likely be kitchen areas not open to the public.

Part 77: The site plan indicates finished floor elevations for most of the buildings and maximum heights for all of the buildings. At this time, it appears that the highest point on-site would be 1,386 feet above mean sea level (AMSL) at the highest point of Building H. The elevation of the runway at the northerly end is 1,347 feet AMSL. At a distance of 3,156 feet from the northerly end of the runway at the closest point of the property, FAA review would be required for structures with top elevations exceeding 1,378 feet. The closest structure to the runway, Building F, does not exceed 1,378 feet in elevation, but with a height over 35 feet, this structure may still need to be reviewed. FAA review may be required for most of the structures on the property, depending on the distance from the runway.

Noise: Noise levels on this site from aircraft operations would range from below 55 to 60 CNEL, with the 55 CNEL contour crossing the site. However, the proposed use is not especially noise-sensitive. Noise attenuation measures would be required for the office buildings subject to exterior noise levels exceeding 55 CNEL.

In the event that the Commission finds this project consistent pursuant to the Specific Plan exemption, or in the event that the Commission finds the proposal inconsistent with the FVACLUP but is overruled by the Murrieta City Council in accordance with Section 21675.1 of the Public Utilities Code, staff would recommend that the following conditions be applied, plus such supplemental conditions as may be appropriate to implement the requirements of any letter that may be subsequently issued by the Federal Aviation Administration.

**CONDITIONS:**

1. Prior to issuance of a building permit, the property owner shall convey an avigation easement to the County relative to French Valley Airport.
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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all potential purchasers and tenants.
4. Prior to issuance of building permits for Buildings A, D, F, G, H, and I, the project developer shall submit to Airport Land Use Commission staff evidence that the Federal Aviation Administration has issued a determination of “Not a Hazard to Air Navigation” for the proposed facility, and/or documentation from a licensed land surveyor that the elevation above mean sea level at the highest point of the proposed structure does not exceed “X”, where  $X$  (measured in feet) =  $1347 + (\text{distance from nearest point of structure to the northerly terminus of the main runway}/100)$ .

Staff Report

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5. Any outdoor lighting that is installed shall be hooded or shielded to assure that no lights are above the horizontal plane, and shall comply with Riverside County Ordinance No. 655.

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 10.3

**HEARING DATE:** September 14, 2006

### CASE SUMMARY

**CASE NUMBER:** ZAP1001SK06 Paul Pribble/Mentor Aviation Airport

**APPROVING JURISDICTION:** State of California Department of Transportation Division of Aeronautics (State Airport Permit); City of Lake Elsinore (Conditional Use Permit)

**JURISDICTION CASE NO.:** Conditional Use Permit No. 2006-14

**MAJOR ISSUES:** As designed, a number of existing residences would be located in the Runway Protection or Clear Zone.

**RECOMMENDATION:** Direct staff to prepare a letter to the State Division of Aeronautics and to the City of Lake Elsinore Planning Department advising them of concerns that should be addressed prior to issuance of a permit. There is no adopted Airport Land Use Compatibility Plan for this area, but the proposed project, as designed, would result in a juxtaposition of the planned airport and existing land uses that is inconsistent with the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan and the guidelines of the 2002 State of California Airport Land Use Planning Handbook. (In other words, if the airport were already in existence at the proposed location, and the existing residential development were a proposed project, the residential development would be found inconsistent.) In particular, at least seven and as many as fifteen residences would be in the Runway Protection Zone, where no new structures would be permitted. This particular concern could be mitigated by redesign in that termination of the easterly runway approximately 600 feet farther west would place these existing residences in one of the less restrictive safety zones.

### PROJECT DESCRIPTION:

Mr. Paul Pribble plans to establish Mentor Aviation Airport within a portion of the property that included Skylark Airport. Phase I is the development of a runway along the alignment of Como Street and mobile office buildings to house business operations for Skydive Elsinore. The existing Skylark Airport will cease operations as of September 30, 2006. The proposal involves relocation of the runway approximately 1700 feet within the grounds of the original Skylark Airport. The State of California Department of Transportation Aeronautics Division requires a new airport permit application, which in turn triggered the requirement for Airport Land Use Commission review.

The applicant anticipates 500 flight operations per month (6,000 per year), 80% using turboprop aircraft and 20% using piston engine aircraft. The general pattern will be takeoffs from the easterly

end of the runway (Runway 29, 95% of all takeoffs) and landings at the westerly end (Runway 11, 95% of all landings). Operations are planned to be limited to daylight hours.

### **PROJECT LOCATION:**

The site is located northwesterly of Corydon Street and southwesterly of existing Skylark Airport, in the City of Lake Elsinore.

### **INTRODUCTION – BASIS FOR REVIEW**

As stated in Section 1.5.1 of the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan, any “proposal for a new airport or heliport whether for public use or private use (Public Utilities Code Section 21661.5)” requires referral to the Airport Land Use Commission for a determination of consistency with the Commission’s Plan prior to approval by the local jurisdiction “if the facility requires a state airport permit.” Similarly, such referral for a determination of consistency is required for any “proposal for expansion of an existing airport or heliport if such expansion will require an amended airport permit from the state of California (Public Utilities Code Section 21664.5).” The Riverside County Airport Land Use Compatibility Plan (RCALUCP) Policy Document, adopted on October 14, 2004, articulates “procedures and criteria” that the Airport Land Use Commission (ALUC) “shall utilize when evaluating certain types of airport development proposals that...are subject to ALUC review and are addressed by the Compatibility Plan.”

The ALUCP further states that, in its review of an Airport Master Plan or Airport Layout Plan, the Commission shall focus on the noise, safety, airspace protection, and overflight impacts on the surrounding land uses and must base its review on the proposed airfield design. In this regard, one of the critical issues is whether existing and/or approved land uses in the surrounding area would be considered incompatible with the airport if the airport were already in existence. Another critical issue is whether the proposal includes measures to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses. With regard to noise, any proposed construction or alteration “that would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level.” “In locations having an existing ambient noise level of less than 55 dB CNEL, a project that would increase the noise level by 5.0 dB or more” would be considered to result in a significant noise increase.

### **HISTORICAL BACKGROUND:**

This matter came to the attention of Airport Land Use Commission staff in June when Mr. Pribble advised that he was submitting an application to the California Department of Transportation, Division of Aeronautics for a private airport development, and that he was required to obtain a determination from the Airport Land Use Commission as to whether a review would be required. He was under the impression that private use airports and developments surrounding private use airports are not subject to Airport Land Use Commission review.

Mr. Pribble provided information advising that the project is actually located within the southerly portion of the area identified for many years as Skylark Airport and included within its boundaries

on the 1975 airport influence area map. He advised that he has been “operating” on his half of Skylark Airport since 1985, and that the on-site existing 18,000 square foot hangar is the only hangar facility within the original Skylark Airport grounds. He advised that the Mentor site was purchased from the original property owner and operator of Skylark Airport, subject to the proviso that the site remain available for use by the operator of the existing Skylark Airport in the event of emergencies such as flooding that might render the existing facility temporarily unusable. He advised that, in 1989, the U.S. Army Corps of Engineers had approved the construction of the airport within the Lake Elsinore back basin floodplain. He advised that he has maintained FAA airspace clearance studies for the Mentor site since 1990. He advised that, in 2002, he obtained additional acreage (150 acres) to provide sufficient lands to construct Mentor Aviation Airport and subsequently began the process of obtaining a new airspace clearance. He advised that, in 2006, through its action on East Lake Specific Plan Amendment No. 8 and the “Waterbury project”, the City approved the closure of Skylark Airport and the relocation of Skydive Elsinore’s flight operations to the new Mentor facility.

The use of Como Street as the runway is a temporary operations proposal pending approval of the complete new airport. In order to allow relocation of Skydive Elsinore with the least disruption to the business and flight operations, the vehicular roadway, 60 feet in width and 3200 feet in length, would serve as the interim runway. The location coincides with the originally approved landing area accepted by the U.S. Army Corps of Engineers.

In 1992 and 1993, the City considered the East Lake Specific Plan. At that time, the owners of the property on which Skylark Airport is located acknowledged that Skylark Airport was an existing, non-conforming use and would be subject to closure at the discretion of the City of Lake Elsinore, to be replaced by uses consistent with the Specific Plan. The Mentor site was recognized in the Specific Plan as an airport use area. This year, the property owners of the Skylark Airport site cancelled the land lease and instructed the owners of Skydive Elsinore to vacate the Skylark Airport property on or before September 30, 2006, at which time the airport would be permanently closed and replaced with housing development in accordance with the Specific Plan. At that time, Mr. Pribble was contacted by Skydive Elsinore, requesting to relocate its facilities and flight operations onto Mr. Pribble’s property. Skydive Elsinore would like to relocate its operations to the Mentor facilities prior to the closure of Skylark Airport.

The relocation of airport activities to this particular location has been planned for a number of years through the City of Lake Elsinore’s East Lake Specific Plan. The East Lake Specific Plan has depicted this area as an Airport Use Area since at least 1993, even as the existing Skylark Airport area was planned for redevelopment as a residential community. The applicant filed a conditional use permit application with the City in 1995 proposing a runway on Assessor’s Parcel Number 370-120-057. However, the studies prepared in regard to that project apparently focused on impacts within city limits.

#### **STAFF ANALYSIS:**

While the areas to the west and north of the runway in the City of Lake Elsinore (along with areas immediately to the south) are projected to remain as open space, the area to the east (on the opposite side of Corydon Street) is part of the existing community of Wildomar. Approximately 7 to 15 existing residences would be within the standard runway protection zone (Zone 1) in the event that

the runway is constructed at its proposed location. These residences are generally located along or southerly of Bryant Street, northerly of Cathy Lane and westerly of Hallie Street. This effect could be avoided if the easterly terminus of the runway were moved approximately 600 feet to the west, since by definition, Zone 1 for short general aviation runways extends a distance not greater than 1,000 feet from the end of the runway (currently planned at a location 381 feet westerly of Corydon Street). It appears that an additional 12 residences would be in the Inner Approach/Departure Zone, and 33 residences would be in the Inner Turning Zone, for a total of 60 residences within these three safety zones. The residents of these unincorporated areas would experience overflight of aircraft shortly after takeoff.

The applicant submitted a copy of an exhibit, likely from the Specific Plan, identified as Figure 4.1-4, "Airport Operating Zones". The exhibit depicts a clear zone located entirely westerly of Corydon Street and an Approach Zone and a Rectangular Airport Safety Zone that extend easterly of Corydon Street. A note on that page references the 1983 Airport Land Use Planning Handbook, attributed to the Metropolitan Transportation Commission and the Association of Bay Area Governments.

No noise studies were submitted to Airport Land Use Commission staff for review, but Figure 5.2-4 of the Specific Plan, labeled Exhibit "A", indicates that both the 60 dBA CNEL contour and the 65 dBA CNEL contour would extend easterly of Corydon Street into unincorporated Riverside County.

With regard to airspace protection, staff is concerned regarding an exhibit prepared by the applicant depicting multiple mobile buildings in the vicinity of the runway, including one building identified as "school classrooms" located parallel to the runway and less than ten feet from the extended runway centerline at a distance not greater than 120 feet from the runway terminus.

Yet another concern is whether the open space area westerly of the airport would be a wildlife attractant, which would be a flight hazard for pilots landing at the westerly end of the runway. As noted below, concerns have also been raised regarding potential flight hazards from lights and dust generated by activities at the motocross track proposed for relocation to the vicinity of the planned airport.

It should be noted that if Mentor Aviation Airport is not developed to some degree before October 1, 2006, the operations of Skydive Elsinore would be interrupted if not indefinitely suspended, as the business is required to be relocated. The applicant has advised that Skylark Airport had been operating at its present location under a land lease, which has been cancelled.

#### **PUBLIC COMMENT:**

Mr. Robert Vermillion, a Corydon Street resident, has expressed opposition to the City's proposal to authorize the relocation of a motocross track to a site adjacent and parallel to the proposed runway location at a distance of only 300 feet from the runway centerline. He is concerned that motocross track lights will produce glare that will affect aviation safety for landing pilots and that operations will produce dust clouds that will impact visibility. These conditions would constitute flight hazards that would affect the usability of the proposed airport.



Mr. Vermillion has also objected to the City's allowing the relocation of the Skydive Elsinore operation to the Mentor site without environmental review. He points out that the property owners in the unincorporated area easterly of Corydon Street have not provided avigation easements, and that many of these residences would underlie the flight path. Additionally, based on his experience as the "assigned FAA Accident Prevention Counselor for Skylark Airport", it is his opinion that "transferring the parachuting lessee from Skylark to Mentor Airport was a dangerous action because Mentor Airport only occupies a fraction of the area that was used by Skylark." He is concerned that the combination of a parachuting operation with a public use airport "will result in crashes and fatalities between aircraft and parachutists and homes beneath", once the airport is opened to pilots not familiar with the presence of the parachuting operation.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 10.4

**HEARING DATE:** September 14, 2006

**CASE SUMMARY:**

**CASE NUMBER:** TH-06-108 – SunCal Companies

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Specific Plan 00355, CZ07319, GPA00799

**MAJOR ISSUES:** The proposed general plan amendment would increase land use intensity within the environs of Jacqueline Cochran Regional Airport, as the site would transition from agricultural to urban uses, largely residential uses. However, the densities for most of these Planning Areas are consistent with Land Use Compatibility Policies for Airport Zone D, and the areas with gross densities between 4 and 5 dwelling units per acre can probably be designed to provide for average lot sizes smaller than 0.2 acre. The project is also consistent with Zone D open area requirements. The remaining major issue is the location of the 12-acre school site in the southeasterly portion of the property. While almost all of the property is in Airport Zone D and subject to regular overflight in the traffic pattern, safety would be enhanced if the school site were to be relocated an additional half-mile to a mile farther from the extended runway centerline, if the siting of a school is determined necessary to serve this community. Since children’s schools are “discouraged” in Zone D (prohibited unless “no feasible alternative is available”), the Environmental Impact Report for this project should consider the placement of a school in this zone as a potentially significant land use compatibility concern and provide alternative options for addressing the community’s educational needs.

**RECOMMENDATION:** Staff recommends that the Commission open the public hearing, consider public testimony, discuss, and CONTINUE this item pending completion of a draft Environmental Impact Report addressing the feasibility of an alternative location for the elementary school. In the absence of modifications, or in the event that the applicant requests a determination of consistency within the initial 60 day period pursuant to State law, staff recommends a finding of Conditional Consistency, subject to the conditions provided herein, including the deletion of the elementary school (substituting residential development at a density not less than five dwelling units per acre) and an average residential lot size not exceeding 0.2 acre in any Planning Area.

**PROJECT DESCRIPTION:**

Specific Plan No. 355 proposes 2,460 dwelling units, a 12-acre school, 18.7 acres of parks, a 4-acre community recreation area, and 118 acres of open space within a 622.1-acre area comprising a section of land (Township 7 South, Range 8 East, Section 5). The residential dwelling units would include 742 units in Planning Areas with densities greater than seven dwelling units per acre, 1,003 units in Planning Areas with densities of 5 to 7 dwelling units per acre, and 715 units in Planning Areas with gross densities of 4 to 5 dwelling units per acre. The overall average residential density of the project is 5.9 dwelling units per acre. General Plan Amendment No. 00799 proposes to amend the designation of the site on the Eastern Coachella Valley Area Plan from Agriculture to Medium Density Residential (2-5 dwelling units per acre), Medium High Density Residential (5-8 dwelling units per acre), High Density Residential (8-12 dwelling units per acre), Public Facilities, Open Space – Recreation, and Open Space – Conservation within the boundaries of Specific Plan No. 355. Change of Zone Case No. 07319 proposes to change the zoning of the amendment site from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) and W-2 (Controlled Development Areas) to SP (Specific Plan).

**PROJECT LOCATION:**

The site is a section of land bounded on the north by Avenue 62, on the east by Tyler Street, on the south by Avenue 64, and on the west by Harrison Street. The site is located approximately 5,369 feet southwesterly of Runway 17-35 at the Jacqueline Cochran Regional Airport.

**LAND USE PLAN:** 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Airport Zones D and E (almost entirely in Zone D)
- c. Noise Levels: Outside ultimate 55 CNEL contour

**BACKGROUND:**

General Plan Amendment: This project does involve a change from agricultural to residential land uses, which will result in a major increase in the number of persons residing in the Airport Influence Area and experiencing aircraft overflight. From the perspective of airport land use compatibility planning, this increase is not preferable, and the long-term interests of the airport would be better served by retaining the agricultural designation of this property. However, if the conversion from agricultural uses to urbanization must occur in this area, and if that conversion is toward residential uses, rather than industrial uses, the proposed designations for the most part reflect an attempt to be compatible with the provisions of Airport Zone D through the concentration of residential uses (with most of the dwelling units in higher density configurations) and the provision of ample open area (although predominantly in east-west corridors perpendicular to the main airport runway).

Residential Density: The site is located almost entirely in Airport Zone D, with a small area near the

southwesterly corner of the site in Airport Zone E. Residential density in Airport Zone D is restricted to either a rural density not exceeding one dwelling unit per five acres or an urban density of not less than five dwelling units per net acre. Intermediate densities (less than five dwelling units per acre net and more than one dwelling unit per five acres gross) are prohibited in Airport Zone D. This project has an overall gross residential density of 5.9 dwelling units per acre within the residential planning areas of the project, which is consistent with Jacqueline Cochran Regional Airport Land Use Compatibility Plan (JCRALUCP) compatibility criteria for Airport Zone D. Six of the Planning Areas comprising 157.5 acres are proposed for residential development at gross densities of 4.2 or 4.9 dwelling units per acre; however, with the adoption of Alternative Three by the Airport Land Use Commission, these areas may be found consistent, subject to a condition requiring average lot size in these areas to not exceed 8,712 square feet (0.2 acre). The Commission has expressed concerns that this provision may be counterproductive relative to its goals for provision of open areas, but in this case that will not occur, as the project provides for two east-west open space areas (a “62<sup>nd</sup> Avenue buffer” and a “passive open space”) that together include 63.8 acres, plus an additional 11.3-acre community park.

Prohibited and Discouraged Uses: The applicant does not propose any prohibited uses (highly noise-sensitive outdoor nonresidential uses and hazards to flight) within the project, but does propose a 12-acre school. Children’s schools, hospitals, and nursing homes are “discouraged” uses in Airport Zone D. Countywide policies state that discouraged uses “should generally not be permitted unless no feasible alternative is available.” The intent is not to be discriminatory against the school-age population, but rather to assure the protection of vulnerable populations, and reflects the high priority for the safety of children. At the same time, it is recognized that provision for conveniently located schools within residential areas is important. With almost all of this property in Airport Zone D, alternative on-site locations for the school would not move the school entirely out of Airport Zone D, but if the school site were placed more centrally within the community, it would be a half-mile farther from the extended runway centerline. If the school were at the westerly end of the property, it would be a mile farther from the extended runway centerline. However, if the school district is planning to serve the Kohl Ranch project with this facility, these alternative locations may not be feasible. Since the Specific Plan will require the preparation of an Environmental Impact Report, ALUC staff recommends that the Draft EIR address the location of the school and demonstrate why locations farther from the extended runway centerline would not be feasible. If, in fact, the proposed site is the only feasible location for the school, staff recommends that the school facilities be designed with maximum use of those features that would allow for intensity bonuses for nonresidential buildings and that single-acre intensities not exceed 300 persons.

Open Area: Airport Zone D requires that 10% of major projects be set aside as open land that could potentially serve as emergency landing areas. The proposed project meets this criteria.

Noise: The site underlies traffic patterns. Future residents will experience some annoyance from over flying aircraft, but the site is outside the ultimate 55 CNEL contour for the airport (the area that would be subject to average exterior noise levels of 55 CNEL or greater under ultimate airport development conditions). Therefore, it is not expected that there will be any difficulty in assuring

that interior noise levels from aircraft operations will be at or below 45 CNEL.

Part 77: The maximum elevation of the site is -128 (128 feet below mean sea level). The elevation of the nearest runway at its low point is -137.5 feet. At a distance of 5,369 feet from the runway, FAA review would be required for any structures with top of roof exceeding -84 feet (84 feet below mean sea level). At this time, no structures are expected to exceed 35 feet in height. Therefore, FAA notice and review is not required at this time. FAA notice may be required for structures greater than 44 feet in height and structures with finished floor elevations above -128.

In the event that the applicant elects not to waive the 60-day review period to allow this matter to be continued to allow for preparation of a Draft EIR that addresses the feasibility of alternative sites for the proposed school, staff recommends the issuance of a finding of conditional consistency, subject to the following conditions:

**CONDITIONS:**

1. The Specific Plan shall not provide for the location of schools, hospitals, or nursing homes within its boundaries, except within Airport Zone E.
2. The average lot size of residential lots in Planning Areas with gross densities less than five dwelling units per acre shall not exceed 8,712 square feet (0.2 acre). Tracts proposed within Planning Areas with gross residential densities less than five dwelling units per acre shall be subject to Airport Land Use Commission staff review to assure compliance with this requirement.
3. 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 and shall comply with the provisions of Ordinance No. 655 (if applicable).
4. 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.

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrument 1:100 slope from the end of the runway.
- 5. Additional Airport Land Use Commission staff review shall be required at the tentative map, plot plan, or use permit stage for any structure whose top of roof exceeds an elevation of -84 feet.
- 6. The attached notice shall be provided to all potential purchasers and tenants.

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