



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

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

Thursday, 9:00 a.m., November 9, 2006

CHAIR  
Simon Housman  
Rancho Mirage

VICE CHAIRMAN  
Rod Ballance  
Riverside

COMMISSIONERS

Arthur Butler  
Riverside

Robin Lowe  
Hemet

John Lyon  
Riverside

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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 ADMINISTRATIVE ITEMS

2.1 Jackie Cochran – Should reconsideration of decision to adopt Alternative 3B be granted?

2.2 Signing Ceremony – Resolution PS-06-001

2.3 Future Workshops

2.4 Executive Director's Approvals

## 3.0 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.

### **MARCH AIR RESERVE BASE**

3.1 ZAP1009MA06 - Growth Management Company LLC - County Case No. CZ07358 (Change of Zone), PM34128 (Parcel Map), PP21813 (Plot Plan) - Change zoning of 12.53 acres located north of Placentia St., and south of Rider St., southwesterly of March Air Reserve Base in unincorporated Riverside County, from M-SC to I-P, divide the property into 12 industrial parcels, ranging from 0.5-2.5 acres in size, and develop a multiple-building industrial park with a total gross floor area of 205,911 square feet. 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: CONSISTENT

**RIVERSIDE MUNICIPAL AIRPORT**

- 3.2 ZAP1005RI06 – Gary and Shannon Wiegert - County Case No. CZ 07236 – Change the zoning of a 2.5-2.64 acre parcel located at 8710 58<sup>th</sup> Street, on the south side of 58<sup>th</sup> Street, easterly of Pedley Road, in the unincorporated Riverside County community of Pedley, from A-1-1 (Light Agriculture, one acre minimum lot size) to A-1 (Light Agriculture), in order to facilitate division into two lots, with a minimum lot size of 20,000 square feet. Airport Zone E. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

- 3.3 ZAP1008RI06- City of Riverside Public Utilities Department – City Case Nos. P04-1195 and P04-1196 – Establishment of a radio transmitter facility including a tower 80 feet high, with top of antenna 96 feet high, along with an equipment building, at the southwesterly corner of the City’s power generation facility, located northerly of Jurupa Avenue, westerly of Payton Avenue, and easterly of Acorn Street in the City of Riverside. Airport Zone C. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

- 3.4 RI-06-113 – Durry Atassi for McKinley Freeway Center II, Inc. – City Case Nos. P-06-0681 (Design Review), P06-0682 (Change of Zone), P06-0683 (General Plan Amendment). Development of a two-structure commercial shopping center with a total floor area of 21,364 square feet on 1 3/4 acres located easterly of Van Buren Boulevard and south-southeasterly of Colorado Avenue in the City of Riverside. Amend the General Plan designation of the easterly one-acre property from MDR to RBO and change the zoning from R-1-65 to C-2. 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: CONSISTENT (General Plan Amendment and Zone Change);  
CONDITIONALLY CONSISTENT (Design Review).

**PALM SPRINGS AIRPORT**

- 3.5 ZAP1001PS06 – Dillon Wind LLC/PPM Energy, Inc.- Proposal to establish 51 wind turbines (wind energy conversion systems) on three separate sites in the wind energy area of Western Coachella Valley. All WECS will be 327.1 feet in height to top of blade, with a 201.4 foot rotor diameter. Area 1, proposed for 20 WECS, is a 615.53-acre site located east of Highway 62 and north of Dillon Road in unincorporated Riverside County; a variance from wind access and scenic highway setbacks is also sought (Case Nos. WECS 00116 and VAR 01797). Area 3, proposed for 26 WECS, is a 684.99-acre site located west of Indian Avenue and north of 16<sup>th</sup> Avenue in unincorporated Riverside County. A change of zone from W-2 to W-E is proposed for all of Area 3, as is a variance from safety and wind access setbacks. A General Plan Amendment from Estate Density Residential within the Community Development Foundation Component to Public Facilities is proposed for 180.16 acres of Area 3. (Case Nos. WECS 00117, GPA 00811, CZ07346, VAR 01798). Area 5, proposed for 5 WECS, is a 199.98-acre site located south of Dillon Road, east of Oasis Avenue, and west of Indian Avenue, in the City of Palm Springs; a variance from the height limit of 300 feet in the City’s E-1 zone is also sought. (City Case Nos. CUP 5.115 and Variance 6.493). Outside Airport Influence Area, but subject to review due to height. ALUC Staff Planner: John Guerin, Ph: (951)

955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONSISTENT

**4.0 OLD BUSINESS**

**CHINO AIRPORT**

- 4.1 ZAP1001CH06 Silviera Dairy Investment, LLC/Stratham Cloverdale, Inc. – Case Nos. GPA 00807, SP 00357, CZ 07073, TR 32821 – A proposed Specific Plan (Cleveland Square) of 236 detached single-family residences on small lots, with 2.08 acres of parks, on a 40-acre site located westerly of Cleveland Avenue and northerly of Limonite (formerly Cloverdale) Avenue in unincorporated Riverside County, with General Plan Amendment from MDR to MHDR, change of zone from A-2-10 to SP, and tract map for 236 residential lots, 3 park lots, 1 detention basin lot, and 46 open space lots. Airport Zone D on Draft Chino Plan. Airport Area III. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONSISTENT with 1984 Plan, but that a letter be prepared requesting that consideration be given to inclusion of qualified open areas if the project is redesigned.

**BERMUDA DUNES AIRPORT**

- 4.2 ZAP1002BD06 Mike Filing/Global Select Capital/Bulls-Eye Dev. & Const. Co. – Plot Plan Case No. 21840 – Develop a 7,650 square foot office building (6,664 net square feet) with attached 6,139 square foot airplane hangar/warehouse (including a 525 square foot pilot lounge) on a 33,000 square foot lot located at 79-579 Country Club Drive (southerly of Country Club Drive and northerly of Bermuda Dunes Airport) in unincorporated Riverside County. Airport Zones A and B2. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUANCE to December 14, 2006, unless information required to make findings pursuant to Section 3.3.6 (including FAA review) is submitted.

- 4.3 BD-06-103 – Valley Landscape Services (Reconsideration) - Plot Plan Case No. 20513 – Develop a 7,530 square foot office building on a 0.76-acre lot located southwesterly of Country Club Drive and northeasterly of Bermuda Dunes Airport in unincorporated Riverside County. Airport Zones A and B2. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUANCE to December 14, 2006 unless information required to make findings pursuant to Section 3.3.6 is submitted prior to hearing.

**5.0 NEW BUSINESS**

**BERMUDA DUNES AIRPORT**

- 5.1 ZAP1004BD06 – Robert Mainiero for Wafick Zaky - County Case Nos. GPA 00822 and TR 33994 – A proposal to amend the General Plan designation of 4.51 acres located on the north side of 41st Ave., east of Washington St., in the unincorporated Riverside County community of Bermuda Dunes, from Very Low Density Residential within the Community Development Foundation Component to Medium Density Residential, and to divide the site into eight (8) residential lots with a minimum lot size of 20,000 sq. ft., and

one detention/retention lot. Airport Zone C. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT

**FRENCH VALLEY AIRPORT**

5.2 ZAP1002FV06 – Joe Poon/French Valley Industrial Development - Plot Plan No. 21163 and Commercial/Industrial Parcel Map No. 33691 (Redesigned). Develop a multiple-building industrial and business park with a total gross floor area of 294,132 square feet, and divide 82.74 acres into 11 industrial parcels and up to 12 open space, conservation, and governmental lots. The project is located southerly of Auld Road and westerly of Leon Road, in unincorporated Riverside County. Suspended Plan. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: UNABLE TO ACT, or CONTINUE to January 11, 2007

5.3 ZAP1003FV06 – Hill Country S.A. Ltd./Richland Investments, LLC- County Case Nos. Change of Zone No. 6811 and Tentative Tract Map No. 30430 – Change zoning of 40 acres located northerly of Yates Road and westerly of Charlois Drive in French Valley, unincorporated Riverside County, from R-A-2½ to R-1, and divide the 40 acres into 117 residential lots and four open space lots. Suspended Plan. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: UNABLE TO ACT, or CONTINUE to January 11, 2007.

**RIVERSIDE MUNICIPAL AIRPORT**

5.4 ZAP1006RI06 – Robert Malcolm/M&M Plumbing, Inc.- City Case No. P06-0497 (Design Review) – Proposal to increase floor area of a company office to 4,203 square feet through a second floor addition, for a total on-site square footage of 9,003 square feet, on a 0.55-acre lot located at 6782 Columbus Avenue, northerly of Jurupa Avenue and westerly of Jasmine Street in the City of Riverside. Airport Zone D. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to December 14, 2006, unless finding is made regarding shielding.

5.5 ZAP1007RI06 – Fern Moss/Citicom Development LP - City Case Nos. P06-1187 (Rezone) and P06-1188 (Design Review) – Change of Zone from RO to C-2 on 0.54 acre and development of two retail buildings with a total floor area of 7,999 square feet on a 1.33-acre site located northerly of Arlington Avenue and easterly of Phoenix Avenue, directly westerly of the Housing Authority/EDA building in the City of Riverside. 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 allow proponent to present evidence toward an infill determination.

**CORONA MUNICIPAL AIRPORT**

- 5.6 ZAP1001CO06 – Sharon Orit and Ron Benetzhak/RMA-Riverside, Inc.  
City Case No. CUP 05-006 (Conditional Use Permit) – A proposal to establish a personal-use heliport on an 8.32-acre site at 1251 Hidden Springs Drive, easterly of Gilbert Avenue, in the City of Corona. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to December 14, 2006 for acoustical study.

- 6.0 **APPROVAL OF MINUTES:** None

- 7.0 **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).

- 8.0 **ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

- 9.0 **COMMISSIONER’S COMMENTS**

# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## STAFF REPORT

### ADMINISTRATIVE ITEMS

- 2.1** A communication was received from Mr. John Powell, Jr. objecting to the manner in which the Airport Land Use Commission adopted Alternative 3B (amending the amendment proposal that had previously been tentatively approved at a public hearing). At the October 19 meeting of the Airport Land Use Commission, Chairman Simon Housman asked that this item be placed on the November 9 agenda. If the Commission, after hearing testimony from the public, agrees to reconsideration, staff recommends that a new public hearing limited to the respective merits of Alternative 3 and Alternative 3B, or such other amendments as may be appropriate to address the concerns of the residents of Vista Santa Rosa, be scheduled for January 11, 2007. This will avoid any concern that the Plan was being amended more than once in any calendar year.
- 2.2** Resolution PS-06-001 amending the Palm Springs International Airport Land Use Compatibility Plan was adopted on August 10, 2006, but was never signed by the Chairman or the Executive Director. An official signing ceremony is proposed at this time.
- 2.3** A workshop with planners from County staff and from the cities of Western Riverside County will be held on November 29, 2006 at 9:00 A.M. at the County Administrative Center in Riverside. Vice-Chairman Rod Ballance will address attendees regarding the role of the Airport Land Use Commission. A similar workshop for planners from the Desert office of the County and from the cities of the Coachella Valley and Eastern Riverside County will be scheduled in the future.
- Additionally, a workshop will be held either at the December 14 Commission meeting or at such special meeting as the Commission may choose to hold at which the Commissioners' new laptop computers will be provided, and [www.rcaluc.org](http://www.rcaluc.org) Webmaster Jayson Ward will explain use.
- 2.4** 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:** 3.1

**HEARING DATE:** November 9, 2006

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1009MA06-Growth Management Company

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** CZ07358(Change of Zone); PM34128 (Parcel Map);  
PP21813 (Plot Plan)

**MAJOR ISSUES:**

None

**RECOMMENDATION:**

Staff recommends a finding of consistency for the above referenced project, subject to the conditions specified herein.

**PROJECT DESCRIPTION:**

The applicant proposes to change the zoning of 12.53 acres from M-SC (Manufacturing-Service Commercial) to I-P (Industrial Park), divide the property into 12 industrial parcels, ranging from 0.5 acres to 2.5 acres in area, and develop a multiple-building industrial park with a total gross floor area of 205,911 square feet.

**PROJECT LOCATION:**

The project is located north of Placentia Street, south of Rider Street, east of Patterson Street, and west of Harvill Avenue, in the Mead Valley/North Perris unincorporated area within the County of Riverside, approximately 13,088 feet southwesterly of the Runway at March Air Reserve Base.

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 Area II
- c. Noise Levels: Outside the 60CNEL Contour (1998 AICUZ)

**BACKGROUND:**

Land Use – Density: The applicant proposes development of 13 industrial buildings for office, warehouse, and manufacturing use with a total building area of 205,911 square feet on 12.53 acres. The site is located in Airport Area II as depicted on the map located at [www.rcaluc.org](http://www.rcaluc.org). Airport Area II places no restrictions on nonresidential land use intensities for most uses.

The site is in Zone C2 on the Draft Joint Land Use Study, which would allow an average intensity of 150 persons per acre. The project would be consistent with that proposal.

Part 77: The highest elevation on-site is 1529 feet above mean sea level (AMSL), and the proposed structure height is expected to be 30 feet. The runway elevation at its closest point is 1,488 feet AMSL. At a distance of 13,088 feet from the runway, in order to be an obstruction, a structure would need to exceed 1,618 feet AMSL. Part 77 obstruction criteria are not a concern for this project.

Noise: The 1998 AICUZ report indicates the property to be outside the 60 CNEL contour. The manufacturing category is compatible without restrictions. Noise is not an issue for this project.

**CONDITIONS:**

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 installed 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. The attached notice shall be given to all prospective buyers or tenants.
- 5. The maximum elevation of each structure (at top of roof) shall not exceed 1,618 feet above mean sea level.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.2

**HEARING DATE:** November 9, 2006

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1005RI06-Weigert Construction

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** CZ 7236 (Change of Zone)

**MAJOR ISSUES:**

None

**RECOMMENDATION:**

Staff recommends a finding of consistency for the above referenced project, subject to the conditions specified herein.

**PROJECT DESCRIPTION:**

The applicant proposes a zone change on 2.5-2.64 acres from A-1-1 (Light Agriculture, one acre minimum lot size) to A-1 (Light Agriculture), in order to facilitate division into two lots with a minimum lot size of 20,000 square feet.

**PROJECT LOCATION:**

The project is located northerly of Limonite Ave, southerly of 58<sup>th</sup> street, and east of Pedley Road, in unincorporated Riverside County, approximately 11,754 feet northwesterly of Runway 9-27 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: Airport Zone E
- c. Noise Levels: Outside the 55 CNEL Contour

**BACKGROUND:**

Land Use – Density: Airport Zone E places no restrictions on residential densities.

Part 77: The highest elevation of any object or terrain is 764 feet above mean sea level (AMSL), and the proposed structure height is expected to be 16 feet at top of chimney. The runway elevation at its closest point is 758 feet AMSL. At a distance of 11,754 feet from the runway, in order for a structure to be an obstruction, a structure would need to exceed 875 feet AMSL. Part 77 criteria are not a concern for this project, provided that this elevation is not exceeded.

Noise: The project is clearly outside the 55 CNEL contour; therefore, noise attenuation is not needed..

**CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent the spillage of lumens or reflection into the sky.
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 given to all potential purchasers and tenants.

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.3

**HEARING DATE:** November 9, 2006

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1008RI06-City of Riverside Public Utilities- Chiu Wong

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** CUP P04-1195 (Conditional Use Permit) & P04-1196 (Design Review)

### MAJOR ISSUES:

None

### RECOMMENDATION:

Staff recommends a finding of consistency for the above referenced project, subject to the conditions specified herein.

### PROJECT DESCRIPTION:

The applicant proposes to construct a radio transmitter facility including a tower 80 feet high, with top of antenna at 96 feet high, along with an equipment building, at the site of an existing power generation facility with electrical substation, control room, and administration building, at the southwesterly corner of the generation facility on a 16.5 acre site.

### PROJECT LOCATION:

The project is located northerly of Jurupa Avenue, westerly of Payton Avenue, and easterly of Acorn Street in the City of Riverside, approximately 2,574 feet northwesterly of Runway 9-27 at Riverside Municipal Airport.

LAND USE PLAN: 2005 Riverside Municipal Airport Land Use Compatability Plan

Adjacent Airport:

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Airport Zone C
- c. Noise Levels: Within 55-60 CNEL Contour

**BACKGROUND:**

Land Use – Density: Unmanned tower; no intensity issue

Part 77: The Federal Aviation Administration has reviewed the project, and has determined in Aeronautical Study No. 2006-AWP-5354-OE that the structure does not exceed obstruction standards and would not be a hazard to air navigation.

Noise: Due to the proposed nature of the project, no noise attenuation is needed.

**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. Any marking and/or lighting of the antenna and/or tower shall be installed and maintained in accordance with FAA Advisory Circular 70/7460-1K.
3. The height of the proposed structure (antenna and tower) shall not exceed ninety-six (96) feet above ground level.

4. The elevation of the proposed structure at top of antenna shall not exceed eight hundred twenty-nine (829) feet above mean sea level.
5. 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.
6. Temporary construction equipment used during actual construction of the facilities shall not exceed the height of the proposed facilities, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
7. Antennas shall utilize a flat or matte (non-glossy) finish so as to minimize the reflection of sunlight.
8. Any outdoor lighting installed on the equipment building shall be hooded or shielded to prevent the spillage of lumens or reflection into the sky



# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.4

**HEARING DATE:** November 9, 2006

### CASE SUMMARY:

**CASE NUMBER:** RI-06-113 – Durry Atassi for McKinley Freeway Center II

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P06-0683 (General Plan Amendment), P06-0682 (Change of Zone), and P06-0681 (Design Review).

**MAJOR ISSUES:** The site is located at the boundary between Airport Zones D and E, with the larger proposed building split between the zones. The exact location of the boundary may impact the consistency determination utilizing the UBC method.

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY for the proposed general plan amendment and zone change, and a finding of CONDITIONAL CONSISTENCY for the design review.

### PROJECT DESCRIPTION:

Development of a two-structure commercial shopping center with a total of 21,364 square feet of floor area on 1¾ acres. General Plan Amendment from Medium Density Residential (MDR) to Retail, Business, and Office (RBO) and Change of Zone from R-1-65 Single-family Residential to C-2 Restricted Commercial on the easterly one-acre parcel.

### PROJECT LOCATION:

The site is located on the south-southeasterly side of Colorado Avenue, easterly of Van Buren Boulevard in the City of Riverside, approximately 4,753 feet southwesterly 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 D and E
- c. Noise Levels: Outside 55 CNEL (Ultimate)

## **BACKGROUND:**

Land Use – Average Occupancy: The proposed project site is split between Airport Zones D and E. The easterly parcel is largely in Zone D, while the westerly parcel is in Zone E. Nonresidential development intensity in Zone D is restricted to an average of 100 persons per acre, with a maximum of 300 persons per acre for any given acre of the property. Nonresidential development intensity in Zone E is not restricted. Building “A” is located entirely in Zone E.

Building “B” with a total floor area of 14,627 square feet is split between Airport Zones D and E. There are two possible means of determining nonresidential intensity. Using the Building Code method of estimating occupancy, including the 50% reduction, if Building “B” were entirely occupied by retail uses, the building would accommodate 244 persons, which would be clearly inconsistent with Airport Zone D occupancy limitations. However, since the building is split between Zones D and E, not all of this area is subject to the Zone D occupancy limitations. Provided that the applicant’s architect has correctly depicted the location of the airport zone boundary on the exhibit, approximately 3,362 square feet of the building is located within Zone D. This would translate to a total occupancy of 56 persons for retail use, which would be consistent with Zone D criteria.

The second possible method of evaluating average occupancy is the parking space method, which estimates occupancy as 1.50 times the number of parking spaces provided. The applicant is providing 96 parking spaces. Based on the number of parking spaces provided, a total of 144 persons may be expected on the site. Since the overall site is 1.75 acres in area, this level of occupancy is consistent with Zone D criteria.

Land Use – Single-Acre Occupancy: Even if one were to assume that all of Building “B” were in Zone D, if the building were entirely in retail use, it would still meet the single-acre occupancy criteria of 300 or less.

Prohibited and Discouraged Uses: The applicant does not propose any discouraged (children’s schools, hospitals, and nursing homes) or prohibited (highly noise-sensitive outdoor nonresidential uses and hazards to flight) uses.

Part 77: The highest elevation on the site is 748 feet above mean sea level (AMSL), and the height of the tallest building as depicted on project elevations would not exceed 25 feet. Thus, the highest point at buildout would be 773 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 23 feet greater than the runway. At a distance of 4,753 feet from this runway, with a 50:1 slope criterion, any structure above 844 feet top elevation would require FAA aeronautical review. In this case, FAA review is not required.

Noise: Average noise levels on this site from aircraft operations would not exceed 55 CNEL. (Single-event noise levels would, of course, be greater.) No special acoustical mitigation for aircraft noise is required.

**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, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses on the easterly property.
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 in Building "B" on this property:

Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, restaurants (other than carry-out/take-home facilities with 12 or less seats), drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, congregate residences, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.
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. The maximum structure height shall not exceed twenty-five (25) feet.
5. The attached notice shall be provided to all potential purchasers and tenants.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.5

**HEARING DATE:** November 9, 2006

### CASE SUMMARY:

**CASE NUMBER:** ZAP1001PS06 – Dillon Wind LLC/PPM Energy, Inc.  
**APPROVING JURISDICTION:** County of Riverside and City of Palm Springs  
**JURISDICTION CASE NO:** Area 1 (County): WECS00116 and VAR01797  
Area 3 (County): WECS00117, GPA00811, CZ07346,  
VAR01798  
Area 5 (City): CUP 5.115 and Variance 6.493

**MAJOR ISSUES:** None.

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

### PROJECT DESCRIPTION:

The applicant proposes to establish 51 wind turbines (wind energy conversion systems) on three separate sites in the wind energy area of Western Coachella Valley. All WECS will be 327.1 feet to top of blade, with a 201.4 foot rotor diameter. WECS00116 proposes 20 WECS in Area 1, a 615.53-acre site. VAR01797 proposes a variance from wind access and scenic highway setbacks for this project. WECS00117 proposes 26 WECS in Area 3, a 684.99-acre site. VAR01798 proposes a variance from safety and wind access setbacks. CZ07346 proposes to change the zoning of Area 3 (684.99 acres) from W-2 (Controlled Development Areas) to W-E (Wind Energy Resource Zone). GPA00811 proposes to change the designation on 180.16 acres of Area 3 from Estate Density Residential within the Community Development Foundation Component to Public Facilities. CUP 5.115 proposes 5 WECS in Area 5, a 199.98-acre site. Variance 6.493 proposes a variance from the 300-foot height limit in the City's E-1 zone.

### PROJECT LOCATION:

Area 1 is located easterly of State Highway Route 62 and northerly of Dillon Road in the vicinity of Southern California Edison's Devers Substation in unincorporated Riverside County. Area 3 is located westerly of Indian Avenue and northerly of 16<sup>th</sup> Avenue in unincorporated Riverside County. Area 5 is located southerly of Dillon Road, easterly of Oasis Avenue, and westerly of Indian Avenue in an area of the City of Palm Springs located northerly of Interstate 10.

## **LAND USE PLAN: 2004 Countywide Policies**

- Nearest Airport: Palm Springs International Airport
- a. Airport Influence Area: None
  - b. Land Use Policy: None
  - c. Noise Levels: WECS are noise generators and are not noise-sensitive receptors.

## **BACKGROUND:**

The site is located outside all Airport Influence Areas, but the project is being reviewed as a Major Land Use Action pursuant to Policy 1.5.3 (c) of the Countywide Airport Land Use Compatibility Policies (construction or alteration of a structure taller than 200 feet above the ground level at the site.)

Part 77: The Federal Aviation Administration has completed aeronautical studies for each "WECS and tower" 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, PROVIDED that each of the structures is marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 70/7460-1K, Obstruction Marking and Lighting, red lights - Chapters 4, 5 (Red) & 12.

## **CONDITIONS:**

1. WECS shall be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1 70/7460-1K, Obstruction Marking and Lighting, red lights – Chapters 4, 5 (Red), & 12, in accordance with the Federal Aviation Administration letters dated July 12, 2006, as implemented through the use of the continuously monitored Red Synchronized Lighting System as described below.
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. Due to the specification of turbines to be lighted using the Red Synchronized

Lighting System, any change to the development in terms of turbine height, physical layout and design of the development, or turbine obstruction lighting designation, including, but not limited to, the deletion of any turbines included in the Red Synchronized Lighting System, shall require the entire development to be resubmitted to the FAA for airspace evaluation.

5. Each wind turbine shall be painted in a bright white color for daytime conspicuity.
6. The seventeen wind turbines identified in FAA Aeronautical Study Numbers 2006-AWP-4032-OE, 2006-AWP-4037-OE, 2006-AWP-4042-OE, 2006-AWP-4043-OE, 2006-AWP-4044-OE, 2006-AWP-4050-OE, 2006-AWP-4051-OE, 2006-AWP-4053-OE, 2006-AWP-4057-OE, 2006-AWP-4059-OE, 2006-AWP-4062-OE, 2006-AWP-4066-OE, 2006-AWP-4067-OE, 2006-AWP-4073-OE, 2006-AWP-4078-OE, 2006-AWP-4079-OE, and 2006-AWP-4083-OE shall be obstruction lighted for nighttime conspicuity using single-fixture L-864 Red Synchronized Lighting, as outlined in the report prepared by the FAA William J. Hughes Technical Center titled "Development of Obstruction Lighting Standards for Wind Turbine Farms". Minimum intensities of 2,000 candelas for nighttime red flashing are required. The lighting shall be continuously monitored.
7. Light outage notification by the project sponsor and/or operator to the FAA Automated Flight Service Station (AFSS) facility is required for either light outages on any of the individual turbines and/or the failure of the synchronization system.
8. Temporary construction equipment used during actual construction of the facilities shall not exceed the height of the proposed facilities, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
9. The proposed WECS shall not generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
10. 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.
11. Rotor blades 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.
12. The WECS and any accessory uses shall not generate smoke or water vapor and shall be designed so as not to attract large concentrations of birds.

13. The maximum height of any WECS and tower shall not exceed 327.1 feet to top of blade at 12 o'clock position.

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

AGENDA ITEM: 4.1 ~~5.2~~

HEARING DATE: November 9, 2006 (continued from October 19, 2006)

CASE SUMMARY:  
CASE NUMBER: ZAP1001CH06 – Silviera Dairy Investment, LLC/Stratham Cloverdale Inc.

APPROVING JURISDICTION: County of Riverside  
JURISDICTION CASE NO: Specific Plan 00357, CZ07073, GPA00807, TR32821

### MAJOR ISSUES:

The proposed general plan amendment from Medium Density Residential to Medium High Density Residential is clearly consistent with the Draft Chino Airport Land Use Compatibility Plan, and the overall project is consistent with proposed density criteria, but the project is deficient in its provision of open areas *that would be required in Airport Zone D if the Chino Plan were adopted. However, it has not been adopted due to the requirement for environmental review, which will be initiated following the completion of the CEQA process for the French Valley ALUCP. Staff would recommend that the project be* Therefore, the project, other than the general plan amendment, is inconsistent with the criteria of the Draft Chino Airport Land Use Compatibility Plan unless redesigned to provide a minimum of 10% (4 acres) in qualified open areas as defined in Section 4.2.4 of the Riverside County Airport Land Use Compatibility Plan Countywide Policies. However, the project is not inconsistent with the 1991 Comprehensive Land Use Plan for Chino Airport adopted by San Bernardino County *or with the 1984 Riverside County Airport Land Use Plan.*

**RECOMMENDATION:** Staff recommends a *finding of CONSISTENCY with the 1984 Riverside County Airport Land Use Plan, subject to the conditions included herein. Staff also recommends that the Commission direct staff to prepare a letter to the Riverside County Planning Department advising that, in the event the County decides that a redesign is appropriate, consideration should be given to including at least 4 acres in qualified open areas that could serve as emergency landing sites, to the extent that such reservation of open space may be accommodated within a workable design.*

~~that the Commission open the public hearing, consider public testimony, discuss, and provide direction to staff as to whether this project, other than the general plan amendment, should be found inconsistent with the Draft Chino Airport Land Use Compatibility Plan due to the lack of sufficient open area. Staff recommends that the~~



~~general plan amendment be found consistent. Staff recommends that the project be found consistent with the 1991 Chino Airport Comprehensive Land Use Plan.~~

**PROJECT DESCRIPTION:**

Specific Plan No. 357 proposes 236 dwelling units in Planning Areas with densities ranging from 6.0 to 8.4 dwelling units per acre, three parks comprising 1.6 acres, a 0.48-acre basin, and 4.49 acres of rights-of-way within a 39.58-acre area. General Plan Amendment No. 00807 proposes to amend the designation of the site on the Eastvale Area Plan from Medium Density Residential (2-5 dwelling units per acre) to Medium High Density Residential (5-8 dwelling units per acre). Change of Zone Case No. 7073 proposes to change the zoning of the amendment site from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) to SP (Specific Plan). Tentative Tract Map No. 32821, Amended No. 1, proposes to divide the property into 236 residential lots, three park lots, one basin lot, and 46 open space lots.

**PROJECT LOCATION:**

The site is located northerly of Limonite Avenue and westerly of Cleveland Avenue in the community of Eastvale in unincorporated Riverside County, approximately 16,480 feet easterly of Runway 8R-26L at Chino Airport.

**LAND USE PLAN: 1984 Riverside County Airport Land Use Plan**

- |                            |  |
|----------------------------|--|
| Adjacent Airport:          | Chino Airport (County of San Bernardino)   |
| a. Airport Influence Area: | Within Adopted Study Area  |
| b. Land Use Policy:        | Airport Zone D on Draft Plan; outside Area of Influence on 1991 <b>San Bernardino County Plan (outside conical surface and Referral Areas "A", "B", and "C"); outside Area B on maps on file at ALUC</b> |
| c. Noise Levels:           | Outside 65 CNEL contour on 1991 Plan and outside ultimate 55 CNEL contour on Draft Plan.   |

**BACKGROUND:**

**Analysis Relative to 1984 Riverside County Airport Land Use Plan**

An Airport Influence Area has been established for the portions of Riverside County in the vicinity of Chino Airport, but Riverside County Airport Land Use Commission never officially adopted a Comprehensive Land Use Plan (CLUP) for Chino Airport. This may have been due to the fact that this portion of Riverside County was almost exclusively in agricultural use until the late 1990s, when land values and housing demand led to the dairy and other agricultural lands being sold to make way for housing development. To a certain extent, Riverside County has relied on the Plan prepared by San Bernardino County to determine areas that would be the equivalent

of Area I or Area II areas as defined by the 1984 Riverside County Airport Land Use Plan. As noted below, this site was not included within the Area of Influence on the 1991 San Bernardino County Plan, so staff has no reason to believe that this property should be considered to be within Area I or Area II. Area I would not be recommended for residential use, while Area II restricts residential development to one dwelling unit per 2½ acres. Area III requires avigation easements for all uses. The height of avigation easements will be from 150 feet above runway ground level elevation. The 1984 Plan also addresses noise attenuation; however, special attenuation for aircraft noise is not required in this case because the site is located outside the 55 CNEL contour and normal construction is generally sufficient to reduce exterior noise by at least 10 dB. A condition requiring an avigation easement to Chino Airport is included herein.

#### **Analysis Relative to Draft Chino Airport Land Use Compatibility Plan**

General Plan Amendment: This project does involve a change from Medium Density Residential (2 to 5 dwelling units per acre) to Medium High Density Residential (5 to 8 dwelling units per acre), but this change is consistent with Draft Chino Airport Land Use Compatibility Policies for Airport Zone D. Therefore, the general plan amendment is clearly consistent.

Residential Density: The site is located entirely in Airport 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 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. Residential areas within the project boundary all have densities of 6.0-8.4 dwelling units per acre, which are clearly consistent with Draft Chino Airport Land Use Compatibility Policies.

Prohibited and Discouraged Uses: The applicant does not propose any prohibited uses (highly noise-sensitive outdoor nonresidential uses and hazards to flight) or discouraged uses (children's schools, hospitals, and nursing homes) within the project.

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 **does not meet** this criteria. The total amount of open space is approximately 5% of the land area in the project, and most of this area is developed park space that would not meet the ALUC definition of "open area".

**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 673 feet above mean sea level (673feet AMSL). The elevation of the nearest runway at its low point is 636 feet AMSL. At a distance of 16,480 feet from the runway, FAA review would be required for any structures with top of roof exceeding 800 feet AMSL. At this time, no structures are expected to exceed 35 feet in height (height to top of roof not exceeding 708 feet AMSL). Therefore, FAA notice and review is not required at this time.

#### **Analysis Relative to 1991 Chino Airport Comprehensive Land Use Plan**

The project site is located outside Safety Zone III, Referral Area "C", and the Conical Surface as depicted on Figures I-4 and III-7 of the Chino Airport Comprehensive Land Use Plan and, thus, would not be subject to restrictions included therein. However, the project is subject to ALUC review due to its location within the Interim Area of Influence established by the ALUC in 2000.

#### **CONDITIONS:**

1. The Specific Plan shall not provide for the location of schools, hospitals, nursing homes, or highly noise-sensitive nonresidential uses within its boundaries.
2. 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.
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 instruments: 1:100 slope from the end of the runway.
4. Additional Airport Land Use Commission staff review shall be required at the tentative map, plot plan, or use permit stage for any structure greater than 70 feet in height.
  5. The attached notice shall be provided to all potential purchasers and tenants.
  6. 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 Chino Airport. (Contact San Bernardino County Department of Airports at (909) 387-7801 for additional information.)

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

AGENDA ITEM: 4.2 5.1

HEARING DATE: November 9, 2006 (continued from October 19, 2006)

### CASE SUMMARY

CASE NUMBER: ZAP1002BD06 – Mike Filing/Global Select Capital Inc./Bulls-Eye Dev. & Const. Co.

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Plot Plan Case No. 21840

**MAJOR ISSUES:** Location of structures partially within Airport Zone A less than 250 feet from the runway centerline, specifically a hangar/warehouse at a distance of 150 feet from centerline and an office building at a distance of 248 feet from centerline. *A secondary issue is that occupancy/intensity issues would require that the pilot lounge and hangar not be occupied by persons at the same time. As of November 1, FAA review is not complete for this project, and staff awaits additional information from the Airport Manager confirming the intent of the State of California Division of Aeronautics regarding the variance for “existing” development included in the Airport Permit.*

~~However, it is the opinion of the ALUCP consultant, Kenneth Brody of Mead & Hunt, that the hangar/warehouse with pilot lounge would constitute an aviation-related use as defined in Section 1.2.5 of the Countywide Policies and would, therefore, be exempt from occupancy level restrictions and the Zone A prohibition of structures. This leaves the two foot encroachment of the offices into Airport Zone A as the major issue.~~

**RECOMMENDATION:** Staff recommends that the Airport Land Use Commission ~~open the public hearing, consider public testimony, and~~ CONTINUE *this matter to December 14, 2006, unless the information required for the Commission to make findings pursuant to Section 3.3.6 of the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan (including the “Determination of No Hazard to Air Navigation”) has been submitted prior to the hearing date.*

~~provide direction to staff as to whether this project should be considered pursuant to Policy 3.3.6 of the Riverside County Airport Land Use Compatibility Plan, based on the proposed use of the more proximate structure as an aircraft hangar/warehouse with pilot lounge, the location of other structures within the same corridor along the southerly side of Country Club Drive, including structures on the lots on both sides of the property, and the limited extent of the encroachment of the office structure~~

~~into Airport Zone A (two feet). Otherwise, staff must recommend a finding of inconsistency as presently designed, due to the encroachment of the office structure within 250 feet from the runway centerline, an area within Airport Zone A, unless the applicant is amenable to a continuance for redesign. 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 Bermuda Dunes ALUCP but is overruled by the Riverside County Board of Supervisors or its successor-in-interest, staff would recommend that the conditions included in this staff report be applied.~~

**PROJECT DESCRIPTION:**

The project is a Plot Plan for the development of a 7,650 square foot office building with attached 6,139 square foot airplane hangar/warehouse (including a 525 square foot pilot lounge) on a 33,000 square foot lot.

**PROJECT LOCATION:**

The site is located southwesterly of Country Club Drive and northeasterly of Bermuda Dunes Airport in the community of Bermuda Dunes in the County of Riverside, approximately 130 feet northeasterly of the centerline of Runway 10-28 at the Bermuda Dunes Airport.

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

Adjacent Airport: ~~Bermuda Dunes Airport~~

Land Use Policy: ~~Bermuda Dunes ALUCP (Adopted Dec. 2004)~~

a. ~~Airport Influence Area: Zones B2 and A~~

**a. Airport Influence Area: Bermuda Dunes Airport**

**b. Land Use Policy: Airport Zones B2 and A**

**c. ~~b.~~ Noise Levels: Greater than 65 dB CNEL at ultimate traffic level**

**BACKGROUND:**

Land Use Intensity: The proposal is a Plot Plan for a 7,650 square foot office building with attached 6,139 square foot airplane hangar/warehouse (including a 525 square foot pilot lounge) on a 33,000 square foot property located at 79-759 Country Club Drive in Bermuda Dunes. The site is split by the boundary between Airport Zone A and Airport Zone B2. Airport Zone A prohibits all structures except those with location set by aeronautical function. Airport Zone B2 allows an average non-residential density of 100 persons per acre with clustering on a single acre of up to 200 persons. In this case, the site is less than one acre in area, so the single-acre clustering allowance is not applicable. With a total site area of 0.76 acre, the maximum number of persons that would be allowed on the site if the

site were entirely in Airport Zone B2 is 76 persons. However, a portion of the site is in Airport Zone A. Approximately 18,000 square feet of the property is in Airport Zone A, and approximately 15,000 square feet is in Airport Zone B2, based on the statement from Airport Manager Mike Smith that the rear property line in this case is 130 feet from the runway centerline. This translates as 0.34 net acres in Airport Zone B2, which would allow an occupancy of 34 persons. However, nonresidential intensity is analyzed on a gross basis. If one were to factor in the half-width of Country Club Drive, this would add an additional 9,000 square feet to Airport Zone B2, increasing allowable occupancy by 60% to 55 persons. Based on the site plan and utilizing the UBC method, the office building would accommodate 38 persons and the “pilot lounge” could potentially accommodate 17 persons, for a total occupancy of 55 persons, provided that the warehouse/hangar is not occupied at the same time as the pilot lounge.

Airport Zone A: The major issue for this project is that Airport Zone A, as mapped on the Bermuda Dunes Airport Land Use Compatibility Plan (BDALUCP) extends onto this property to a depth of 120 feet. The project as designed is inconsistent with the provisions of the BDALUCP and the Countywide Policies, which prohibit new occupiable buildings in Airport Zone A.

~~Discounting the warehouse/hangar structure as an aviation-related use, the office structure encroaches two feet into Airport Zone A.~~ **The hangar/pilot lounge structure encroaches one hundred (100) feet into Airport Zone A, while the office structure encroaches two (2) feet into Zone A. While the hangar/pilot lounge is an aviation-related use, it is not a structure whose location is “set by its aeronautical function,” and, therefore, is not permitted in Airport Zone A in the absence of special findings pursuant to Policy 3.3.6.**

Staff has consulted with Mr. Kenneth Brody of Mead & Hunt, who has verified that Airport Zone A at this location extends a distance of 250 feet from the centerline of the runway. **However, Airport Manager Mike Smith advises that the boundary of Airport Zone A should have reflected the variance in the State Airport Permit whereby the primary surface extends to a distance of 125 feet from the runway centerline, and objects beyond this limit may be up to 25 feet in height. It is Mr. Smith’s contention that the variance is applicable to all lots in the industrial park, including vacant lots.**

Noise: The site is subject to extremely high noise levels from aircraft operations due to its proximity to the runway. Noise levels are projected to exceed 65 CNEL at ultimate traffic levels, and would not be suitable for residential or other noise-sensitive uses. In accordance with criteria for Airport Zone B2, the structure will be required to be designed to provide a minimum noise level reduction of 25dB for the office building.

PART 77: The ground level elevation of the site is 52 feet above sea level. The height of the tallest structure is 24 feet, and the height at top of structure is 76 feet. The runway elevation varies from 45.1 feet at its easterly end to 73.4 feet at its westerly end. Due to the proximity to the runway, any

structure with a top of roof at an elevation greater than one foot above the runway elevation would require notice to the Federal Aviation Administration. Factors to consider in obstruction review would include the existence of a tree line located 125 feet northerly of, and parallel to, the runway, the existence of other structures at similar heights at similar distances from the runway, and a variance granted to the airport by the Caltrans Division of Aeronautics permitting existing surface penetrations 125 feet or more northerly of the runway centerline. The proposed conditions in the event of approval include a condition limiting the height of the structure to 24 feet above ground level and a maximum elevation at top of structure of 76 feet above mean sea level.

Infill Provisions: Policy 3.3.1 of the Countywide Policies indicates that where “development not in conformance with the criteria set forth in this Compatibility Plan already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone.” The property is bordered on the west/northwest and on the east/southeast by existing structures; however, the Countywide Policies clearly specify that “this exception does not apply within Compatibility Zones A or B1.” Therefore, the infill policy could serve to allow for an upgraded intensity level of the portion of the project in Airport Zone B2, but the encroachment of the structure into Airport Zone A would not qualify.

**Policy 3.3.6: Other Special Conditions, Specific Location, and Extraordinary Circumstances:**

**At the October 19 public hearing, the Airport Land Use Commission directed staff to prepare findings for a determination of special conditions so as to allow consideration for a finding of consistency once documentation had been received from CALTRANS Division of Aeronautics (through a clarification of the variance included in the Airport Permit) and the Federal Aviation Administration (in the form of a determination of “Not a Hazard to Air Navigation”). Staff is awaiting this additional information.**

**The Commission indicated that the special conditions that may be applicable include the Airport Permit variance, the fact that the mass and setback of the structure is consistent with similar development in this industrial development at a similar distance from, and parallel to, the runway, and the aviation-related nature of the use, whereby the property owner is more likely to be aware of the increased potential aircraft accident hazard associated with locations in proximity to airport runways. Staff recommends that, due to the location within Zone A, the finding of “Not a Hazard to Air Navigation” be a prerequisite for a consistency determination utilizing Policy 3.3.6. If this finding is made known to staff between the date of the preparation of this report and the Commission meeting, staff will endeavor to prepare the required findings to enable a consistency determination.**

**CONDITIONS:**



1. Prior to issuance of building permits, the landowner shall record an avigation easement to Bermuda Dunes Airport.
2. Noise attenuation measures shall be incorporated into the office areas of the building construction to ensure a minimum noise level reduction of 25dB, so as to reduce interior noise levels in the office areas from aircraft operations to 45 CNEL or below.
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, visual approach slope indicator, or red light obstruction marking in accordance with the conditions specified herein.
  - 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, 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.
4. The attached notation regarding proximity to the airport shall be given to each potential property purchaser or tenant.
5. Additional review by the 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, **churches and chapels**, dance floors, lodge rooms, reviewing stands, conference rooms with capacities exceeding a UBC capacity of **55 66**, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges

other than the pilot lounge in the hangar structure, 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.

6. The maximum height of the proposed building shall not exceed 24 feet above ground level, and the maximum elevation at the top of structure shall not exceed 76 feet above mean sea level.
7. Prior to scheduling of the proposed plot plan for hearing before the Riverside County Planning Director, 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.
8. The proposed building shall be marked and/or lighted in accordance with FAA Advisory Circular 70/7460-1K, Obstruction Marking and Lighting, ~~a med-dual system — Chapters 4, 8 (Med-Dual), and 12.~~ **red lights – Chapters 4, 5 (Red), & 12.**
9. At least ten (10) days prior to construction, and again, 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.
10. The specific coordinates and height of the proposed building shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height shall not require further review by the Airport Land Use Commission.
11. Temporary construction equipment used during actual construction of the building shall not exceed the height of the proposed building.
12. The maximum occupancy of the hangar and pilot lounge together shall be limited to seventeen (17) persons.



# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

AGENDA ITEM: 4.3 ~~6-1~~

HEARING DATE: November 9, 2006 (originally heard on August 10, 2006)

### CASE SUMMARY

CASE NUMBER: BD-06-103 – Valley Landscape Service  
(RECONSIDERATION)

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Plot Plan 20513

**MAJOR ISSUES:** Location of a structure *that is not an aviation-related use* partially within Airport Zone A less than 250 feet from the runway centerline. *Staff awaits additional information from CALTRANS Division of Aeronautics confirming its intent regarding the variance for “existing” development included in the Airport Permit for Bermuda Dunes Airport . Consideration should be given to the fact that the FAA has issued a Determination that the project is not a hazard to air navigation, the major concern (along with safety for building occupants) in Zone A.*

**RECOMMENDATION:** Staff recommends that the Airport Land Use Commission open the public hearing, consider public testimony, and CONTINUE this matter to December 14, 2006, unless the information required for the Commission to make findings pursuant to Section 3.3.6 of the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan has been submitted prior to the hearing date.

~~provide direction to staff as to whether this project should be considered pursuant to Policy 3.3.6 of the Riverside County Airport Land Use Compatibility Plan, based on the location of other structures within the same corridor along the southerly side of Country Club Drive and the variance included in the Bermuda Dunes Airport’s operating permit. , and the enhancement to air safety resulting from the removal of tall tamarisk trees along the southerly property line. Otherwise, staff must recommend a finding of inconsistency as presently designed, due to the location of the structure within 250 feet from the runway centerline, an area within Airport Zone A.~~

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 Bermuda Dunes ALUCP but is overruled by the Riverside County Board of Supervisors or its successor-in-interest, staff would

**recommend that the conditions included in this staff report be applied.**

**PROJECT DESCRIPTION:**

The project is a Plot Plan for a 7,530 square foot industrial building on a 0.76-acre site. Valley Landscape Service would occupy approximately one-third of the building, with the other two suites rented to other users. The majority of area within the building would be for warehouse or storage uses.

**PROJECT LOCATION:**

The site is located southwesterly of Country Club Drive and northeasterly of Bermuda Dunes Airport in the community of Bermuda Dunes in the County of Riverside, approximately 124 feet northeasterly of Runway 10-28 at the Bermuda Dunes Airport.

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

Adjacent Airport: ~~Bermuda Dunes Airport~~  
Land Use Policy: ~~Bermuda Dunes ALUCP (Adopted Dec. 2004)~~  
a. ~~Airport Influence Area: Zones B2 and A~~

- a. **Airport Influence Area:** **Bermuda Dunes Airport**
- b. **Land Use Policy:** **Airport Zones B2 and A**
- c. ~~b.~~ **Noise Levels:** **Greater than 65 dB CNEL at ultimate traffic level**

**BACKGROUND:**

Land Use Intensity: The proposal is a Plot Plan for a 7,530 square foot industrial building on a 0.76-acre site. The site is split by the boundary between Airport Zone A and Airport Zone B2. Airport Zone A prohibits all structures except those with location set by aeronautical function. Airport Zone B2 allows an average non-residential density of 100 persons per acre with clustering on a single acre of up to 200 persons. In this case, the site is less than one acre in area, so the single-acre clustering allowance is not applicable. With a total site area of 0.76 acre, the maximum number of persons that would be allowed on the site if the site were entirely in Airport Zone B2 is 76 persons. However, a portion of the site is in Airport Zone A. Under the worst-case scenario, the majority of the property is in Airport Zone A, and 0.32 acres is in Airport Zone B2. This would still allow an occupancy of 32 persons. The project proposes 20 parking spaces, which would translate as 30 persons using the standard parking space methodology of 1.5 occupants per parking space. Therefore, even under the worst-case scenario, the project meets intensity standards using the parking space method.

Based on the site plan, it would appear that approximately 5,400 square feet of the proposed structure would be in warehousing or storage use, with only 2,130 square feet of office uses. Utilizing the UBC method, with the 50% reduction, the storage area would have an intensity of 9 persons and the office area would have an intensity of 11 persons, for a total occupancy of 20 persons. Therefore, the project is clearly consistent with

intensity criteria for Airport Zone B2.

Airport Zone A: The major issue for this project is that Airport Zone A, as mapped on the Bermuda Dunes Airport Land Use Compatibility Plan (BDALUCP) extends onto this property, perhaps to a depth of as much as 120 feet. The project as designed is inconsistent with the provisions of the BDALUCP and the Countywide Policies, which prohibit new occupiable buildings in Airport Zone A. **The office/warehouse building encroaches 69 feet into Airport Zone A, the carport and trash enclosure encroach 114 feet into Zone A, and the rear wall encroaches 120 feet into Zone A.**

Staff has consulted with Mr. Kenneth Brody of Mead & Hunt, who has verified that Airport Zone A at this location extends a distance of 250 feet from the centerline of the runway. **However, Airport Manager Mike Smith advises that the boundary of Airport Zone A should have reflected the variance in the State Airport Permit whereby the primary surface extends to a distance of 125 feet from the runway centerline, and objects beyond this limit may be up to 25 feet in height. It is Mr. Smith's contention that the variance is applicable to all lots in the industrial park, including vacant lots.**

It is the project architect's contention that the proposal should be found consistent, in light of previous consistency determinations for other projects in this corridor and the variance included in the State's Airport Permit. The variance in the airport permit is for "existing...imaginary surface penetrations." Staff has been in contact with Airport Manager Mike Smith, who has no concerns with the project, including the carport, trash enclosure, and rear wall, provided that the proponent removes the tamarisk trees located along the southerly boundary of the property.

Noise: The site is subject to extremely high noise levels from aircraft operations due to its proximity to the runway. Noise levels are projected to exceed 65 CNEL at ultimate traffic levels, and would not be suitable for residential or other noise-sensitive uses. In accordance with criteria for Airport Zone B2, the structure will be required to be designed to provide a minimum noise level reduction of 25dB for the office and reception area portions of the building construction.

PART 77: The ground level elevation of the site is 49 feet above sea level. The height of the tallest structure is 24 feet, but the finished floor elevation may be as high as 61 feet, which would bring the height at top of structure to 85 feet. The runway elevation varies from 45.1 feet at its easterly end to 73.4 feet at its westerly end.

**FAA reviews have been completed for each point of the proposed main building (Aeronautical Study Nos. 2006-AWP-1039-OE, 2006-AWP-1040-OE, 2006-AWP-1041-OE, and 2006-AWP-1042-OE). The FAA determined that the building "is identified as an obstruction by exceeding the standards" of FAR Part 77, Subpart C, in its exceedance of the Bermuda Dunes Airport Runway 28 Primary Surface. However, due to the proposal being "in an area of previously studied structures of similar**

height”, the FAA issued a “Determination of No Hazard to Air Navigation” on April 25, 2006. The determination letter advises that the “aeronautical study revealed that the structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities”, provided that obstruction marking and lighting is provided and that the maximum height of 24 feet include all roof-mounted antennas, roof-top equipment, signs, and obstruction lighting. The FAA evaluation determined that “there would be no significant adverse effect upon Visual Flight Rules (VFR) operations, or upon Instrument Flight Rules (IFR) operations, or upon the operation of an Air Navigation Aid (NAVAID), if the structure were built only to the proposed filed height.”

The FAA review referenced the variance in the State Airport Permit “for existing penetrations 125 feet or more to the north of the runway centerline, with the additional conditions that no object subject to the variance shall exceed 25 feet in height above the nearest point of the runway elevation, and that all objects subject to the variance shall be red obstruction lighted.”

The FAA also commented that this airport is “not listed in the National Plan of Integrated Airports (NPIAS), because it can never meet FAA Airport Design Standards contained in FAA Advisory Circular 150/5300-13, Change 8” and the inability to meet these design standards is partially due to “the existing tree line and existing buildings which have previously been located in the FAA Part 77 Primary Surface and the Obstacle-Free Area (OFA).”

The FAA determination is based on a maximum structure height of 24 feet above ground level, a maximum elevation of 85 feet above mean sea level (AMSL), and a minimum distance of 186 feet from the runway centerline.

There is no evidence of FAA review for the proposed locations of the carport, trash enclosure, and rear wall.

~~An FAA review (Aeronautical Study No. 2006-AWP-1040-OE) has been completed and is attached. The FAA determined that the project is identified as an obstruction due to its exceedance of the “7:1 side transition surface”. The structure was granted a “determination of no hazard to air navigation” provided that the maximum height at top of building not exceed 85 feet above mean sea level (AMSL). However, the review also stated that the structure is located 272 feet from the runway centerline, which is not correct and raises questions as to the information provided to or utilized by that agency. In reaching this conclusion, the FAA considered the existence of a tree line located 125 feet northerly of, and parallel to, the runway, the existence of other structures at similar heights at similar distances from the runway, and a variance granted to the airport by the Caltrans Division of Aeronautics permitting surface penetrations 125 feet or more northerly of the runway centerline. As a condition of the consistency finding, staff has included a condition limiting the height of the structure to 24 feet above ground level and a maximum elevation at top of structure of 85 feet above mean sea level.~~



Additional Design/Layout Considerations: From an airport land use compatibility planning perspective, the layout is not the most preferable. The Compatibility Plan recommends that structures be located a maximum distance from the runway, which would be better accomplished by siting the structure at the front of the property (along Country Club Drive), with parking in the rear. A second concern is the location of covered parking spaces, a trash enclosure, and an eight foot wall within the area that is clearly within Airport Zone A. These features are not known to have been reviewed by FAA officials. However, they are clearly not as tall as the tree row between the site and the airport.

**CONDITIONS:**

1. Prior to issuance of building permits, the landowner shall record an avigation easement to Bermuda Dunes Airport.
2. Noise attenuation measures shall be incorporated into the office and reception areas of the building construction to ensure a minimum noise level reduction of 25dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
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, visual approach slope indicator, or red light obstruction marking in accordance with the conditions specified herein.
  - 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.
4. The attached notation regarding proximity to the airport shall be given to each potential property purchaser or tenant.

5. Not more than 50 percent of the floor area of each suite or unit shall be utilized for office space or reception areas, with the remaining areas used for storage or warehousing of goods or supplies.
6. The maximum height of the proposed building shall not exceed 24 feet above ground level, and the maximum elevation at the top of structure shall not exceed 85 feet above mean sea level. **No point of the proposed building shall be located at a distance less than one hundred eighty-six (186) feet from the centerline of the runway at Bermuda Dunes Airport.**
7. The proposed building shall be marked and/or lighted in accordance with FAA Advisory Circular **70/7460-1** 70/7460-1K, Obstruction Marking and Lighting, ~~a med-~~  
~~dual system – Chapters 4, 8 (Med-Dual), and 12.~~ **red lights – Chapters 4, 5 (Red), & 12.**
8. At least ten (10) days prior to construction, and again, 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. **A 1A-Accuracy as-built certified survey shall be attached to the final submittal of Form 7460-2 as supplemental information for FAA use in aeronautical charting.**
9. The specific coordinates and height of the proposed building shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height shall not require further review by the Airport Land Use Commission.
10. Temporary construction equipment used during actual construction of the building shall not exceed the height of the proposed building.
11. The rear wall, carport or parking space cover, and trash enclosure shall not exceed a height of ten (10) feet. **These facilities are subject to separate review by the Federal Aviation Administration through the Form 7460-1 process, due to location less than 186 feet from the runway centerline, unless exempted by the Federal Aviation Administration.**
- ~~12. Prior to final building inspection approval, the applicant shall provide evidence to the satisfaction of the Department of Building and Safety that all tamarisk trees within the southerly 120 feet of the site and adjacent portions of the Bermuda Dunes Airport property have been removed.~~

Staff Report  
Page 8 of 8

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.1

**HEARING DATE:** November 9, 2006

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1004BD06 – Robert Mainiero for Wafick Zaky

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** GPA00822 and Tentative Tract Map No. 33994

**MAJOR ISSUES:** The project proposes a density of 1.7 to 1.8 dwelling units per acre in Airport Zone C, which allows a maximum density of 0.2 dwelling units per acre.

**RECOMMENDATION:** Staff recommends a finding of INCONSISTENCY with the Airport Land Use Compatibility Plan. The landowner may wish to consider nonresidential land use options at this location.

**PROJECT DESCRIPTION:** General Plan Amendment No. 00822 proposes to amend the General Plan designation on 4.51 acres from Very Low Density Residential within the Community Development Foundation Component (one dwelling unit per acre) to Medium Density Residential (2 to 5 dwelling units per acre). Tentative Tract Map No. 33994 proposes to divide 4.51 acres into eight (8) residential lots with a minimum lot size of 20,000 square feet and one detention/retention lot.

**PROJECT LOCATION:** The site is located northerly of 41<sup>st</sup> Avenue and easterly of Washington Street in the unincorporated Riverside County community of Bermuda Dunes, approximately 5,854 feet westerly of the westerly terminus of Runway 10-28 at 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 C
- c. Noise Levels: Outside 55 CNEL contour

**BACKGROUND:**

Residential Density: The site is located in Airport Zone C. Residential density in Airport Zone C is restricted to a rural density not exceeding one dwelling unit per five acres. This project has an overall gross density of 1.78 dwelling units per acre. Thus, the proposed

project is inconsistent.

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

PART 77: The maximum elevation of the site is 92 feet above mean sea level (AMSL). Finished floor elevations will not exceed 107 feet AMSL. The elevation of the nearest runway is 73 feet AMSL. At a distance of 5,854 feet from the runway to the area proposed for amendment, FAA review would be required for any structures with top of roof exceeding 131 feet AMSL. Therefore, some of the residences on this site may require FAA review if the elevation at top of roof exceeds 131 feet AMSL.

**In the event that the Airport Land Use Commission makes a finding of inconsistency but is overruled by the Board of Supervisors or its successor-in-interest, staff would recommend that the following conditions be applied:**

**CONDITIONS:**

1. The maximum elevation of any structure at top of roof or top point shall not exceed one hundred thirty-one (131) feet above mean sea level (131 feet AMSL).
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.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 5.2

**HEARING DATE:** November 9, 2006

**CASE NUMBER:** ZAP1002FV06 – Joe Poon/French Valley Industrial Development

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Plot Plan No. 21163 and Commercial/Industrial Parcel Map No. 33691

**MAJOR ISSUES:** The use of the 2004 French Valley Airport Land Use Compatibility Plan has been suspended pursuant to Court action; as a result, there is no Plan against which projects may be evaluated for consistency. There is a possibility of reinstatement in January or February once an environmental document is adopted. Until such time as such a document is adopted, the Commission is legally unable to make a determination of consistency or inconsistency.

**RECOMMENDATION:** If the applicant is willing to accept a continuance to January 11, 2007, to allow sufficient time for submittal of the required forms to the Federal Aviation Administration and to allow for the possible reinstatement/adoption of the Land Use Compatibility Plan following adoption of the environmental document, staff recommends CONTINUANCE to January 11, 2007; otherwise, staff recommends that the Commission determine that it is UNABLE TO ACT on this matter at this time because of the ruling of the Riverside Superior Court in *Silverhawk Land and Acquisitions LLC v. Riverside County Airport Land Use Commission* suspending any and all land use review activity under the 2004 French Valley Airport Land Use Compatibility Plan until the ALUC has taken necessary action to bring its approval of the 2004 Airport Land Use Compatibility Plan into compliance with the California Environmental Quality Act.

**PROJECT DESCRIPTION:**

Develop a multiple-building industrial and business park with a total gross floor area of 294,132 square feet, and divide 82.74 acres into 11 industrial parcels and up to 12 open space, conservation, and governmental lots.

**PROJECT LOCATION:**

The site is located southerly of Auld Road and the Southwest Justice Center, westerly of Leon Road, and directly easterly of the French Valley Airport. The parcel map includes land that has been proposed as the site of a secondary runway for the airport; however, the

plot plan's proposed buildings are all at least 995.43 feet easterly of the proposed secondary runway (future Runway 18L-36R) at French Valley Airport, in unincorporated Riverside County.

**LAND USE PLAN: Suspended** French Valley Airport Land Use Compatibility Plan (FVALUCP)

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: **Suspended**
- c. Noise Levels: From below 55 CNEL to above 70 CNEL on parcel map site at ultimate airport use per Coffman Associates

**BACKGROUND:**

Land Use Intensity and Occupancy: Plot Plan No. 21163 proposes a multiple-building industrial and business park with a total gross floor area of 294,132 square feet in the easterly portion of an 82.74-acre site. Staff has reviewed the applicant's calculations and has determined that, based on the office/manufacturing splits for each building, the project has been designed to be in conformance with the intensity criteria of the 2004 Riverside County Airport Land Use Compatibility Plan, provided that the boundaries of airport zones ultimately adopted by the Airport Land Use Commission would not be more stringent than those depicted in the suspended 2004 FVALUCP.

Noise: The site will be subject to noise levels from aircraft operations ranging from below 55 CNEL to above 70 CNEL, but the area planned for industrial development through the plot plan is in the lower-noise area at least 995 feet from the runway.

PART 77: The maximum elevation of the site is approximately 1,355 feet above mean sea level (AMSL), and the proposed maximum structure height is 24.5 feet. The elevation of the closest runway (the easterly parallel runway as depicted on the Master Plan) is 1,337 feet AMSL. At a distance of 995 feet from the runway, any structure with a top elevation exceeding 1,347 feet AMSL would require FAA notice and review. However, for this project, distance from runway varies from 995 feet for Building I-31 to 1,878 feet for the building including Units I-4 and I-5. Based on the applicant's calculations, 13 of the 37 buildings (including 31 of the 70 Units) will require FAA notice and review.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.3

**HEARING DATE:** November 9, 2006

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1003FV06-VSL Engineering-Richard Valdez

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** CZ06811 (Change of Zone); TM30430 (Tract Map);

### MAJOR ISSUES:

The use of the 2004 French Valley Airport Land Use Compatibility Plan has been suspended pursuant to Court action; as a result, there is no Plan against which projects may be evaluated for consistency. There is a possibility of reinstatement in January or February once an environmental document is adopted. Until such time as such a document is adopted, the Commission is legally unable to make a determination of consistency or inconsistency.

### RECOMMENDATION:

If the applicant is willing to accept a continuance to January 11, 2007, to allow sufficient time to allow for the possible reinstatement/adoption of the Land Use Compatibility Plan following adoption of the environmental document, staff recommends CONTINUANCE to January 11, 2007; otherwise, staff recommends that the Commission determine that it is UNABLE TO ACT on this matter at this time because of the ruling of the Riverside Superior Court in *Silverhawk Land and Acquisitions LLC v. Riverside County Airport Land Use Commission* suspending any and all land use review activity under the 2004 French Valley Airport Land Use Compatibility Plan until the ALUC has taken necessary action to bring its approval of the 2004 Airport Land Use Compatibility Plan into compliance with the California Environmental Quality Act.



**PROJECT DESCRIPTION:**

The proposed project involves a change of zone of 40 acres from R-A-2 1/2 (Residential Agricultural, 2 1/2 acre minimum lot size) to R-1 (Residential One- Family Dwelling), and divide the 40 acres into 117 residential lots and four open space lots.

**PROJECT LOCATION:**

The project is located northerly of Yates Road and westerly of Charlois Drive, in French Valley, unincorporated Riverside County, approximately 12,062 feet northeasterly of Runway 18-36 at French Valley Airport.

**LAND USE PLAN:** **Suspended** French Valley Airport Land Use Compatability Plan (FVALUCP)

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: **Suspended**
- c. Noise Levels: Outside the 55 CNEL Contour

**BACKGROUND:**

Land Use – Density: Change of Zone 06811 proposes a zone change from R-A 2 ½ (Residential Agricultural, 2 ½ acre minimum lot size) to R-1 (Residential One- Family Dwelling). Tract Map No. 30430 proposes to divide 40.16 gross acres into 117 residential lots, with a minimum lot size of 7,200 square feet, one water quality basin, and 3 open space lots. Staff has reviewed the applicant’s proposal and has determined that the project has been designed to be in conformance with the density criteria of the 2004 Riverside County Airport Land Use Compatibility Plan, provided that the boundaries of airport zones ultimately adopted by the Airport Land Use Commission would not be more stringent than those depicted in the suspended 2004 FVALUCP.

Part 77: The highest elevation of any object or terrain on-site is 1,542 feet above mean sea level (AMSL), but this reflects the presence of a hill at the northwesterly end of the property. The residential development will occur in the lower-lying areas, and the highest building pad will be at 1418.2 feet AMSL. No structural elevations have been provided, but if development conforms to the maximum height allowance of the proposed R-1 zoning, structures will not exceed 40 feet in height. (It is not anticipated that any structures would exceed 35 feet in height.) The runway elevation at its closest point is 1,347 feet AMSL. At a distance of 12,062 feet from the runway, any structure with a top elevation exceeding 1,468 feet AMSL would require FAA notice and review. As long as no building pad exceeds an elevation of 1,428 feet, FAA notice and review are not required at this distance from the runway.

Noise: The site is clearly outside the 55 CNEL contour

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.4

**HEARING DATE:** November 9, 2006

### CASE SUMMARY:

**CASE NUMBER:** ZAP1006RI06 – Robert Malcolm/M & M Plumbing, Inc.

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P06-0497 (Design Review)

**MAJOR ISSUES:** Would the Commission be willing to make a determination that the proposed structure is shielded and that, as a result, no FAA review is necessary in this case?

**RECOMMENDATION:** If the Commission makes a determination that it is evident beyond all reasonable doubt that the proposed structure is shielded and will not adversely affect safety in air navigation, staff recommends a finding of CONSISTENCY. Otherwise, staff recommends CONTINUANCE to December 14, 2006 to allow the project proponent an opportunity to comply with ALUCP requirements by submitting a Notice of Proposed Construction or Alteration Form 7460-1 to the Federal Aviation Administration.

### PROJECT DESCRIPTION:

Proposal to increase floor area of a company office to 4,203 square feet through a second floor addition, for a total on-site square footage of 9,003 square feet, on a 0.55-acre lot.

### PROJECT LOCATION:

The site is located at 6782 Columbus Avenue, on the east side of Columbus Avenue, northerly of Jurupa Avenue and westerly of Jasmine Street in the City of Riverside, approximately 3,003 feet northeasterly of the northerly 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: Airport Zone D
- c. Noise Levels: Less than 55 CNEL (Ultimate)

## **BACKGROUND:**

Part 77: The elevation on the proposed site is 817 feet above mean sea level (AMSL), and the height of the building as depicted on project elevations would not exceed 26 feet. Thus, the highest point at buildout would be 843 feet AMSL. The elevation of Runway 16-34, a 2,851-foot long runway, at its northerly end is 771.8 feet. Thus, the highest point of the building could be at an elevation of up to 72 feet greater than the runway. At a distance of 3,003 feet from this runway, with a 50:1 slope criterion, any structure above 831.8 feet top elevation will require FAA aeronautical review.

Additionally, the site is located 3,234 feet from the nearest point of Runway 9-27, a longer runway. Structures at this location may be up to 32 feet greater than the runway elevation, but the precise elevation of the closest point of the runway is unknown, as it is between 762 and 815 feet in elevation. So relative to Runway 9-27, the top of this structure may be as much as 81 feet higher or as little as 28 feet higher than the runway elevation.

The applicant has been advised of the requirement for FAA notice and aeronautical review, but would like to be exempted based on the provisions of Part 77 that state as follows:

“No person is required to notify the Administrator for any of the following construction or alteration:

- (a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.”

In this regard, staff would note that there is a hill between the airport and the site, that there is a 24 foot high warehouse already on the property, and that the industrial building behind the property is located at a higher elevation than the proposed second floor addition. Additionally, the structure is in a developed area. However, staff does not feel qualified to independently make such a determination of shielding and, in the absence of a study by a qualified aviation consultant, believes that a well-informed “jury” would be better equipped to make a decision as to whether the shielding makes a “no hazard” determination “evident beyond all reasonable doubt”.

Land Use – Average Occupancy: The site is located in Airport Zone D. Nonresidential development intensity in Zone D is restricted to an average of 100 persons per acre, with a maximum of 300 persons in any given acre of the property.

There are two possible means of determining nonresidential intensity. Using the Building Code method of estimating occupancy, including the 50% reduction, a 4,203 square foot office building would accommodate 21 persons, and the 4800 square foot storage building

would accommodate 8 persons, for a total occupancy of 29 persons. This is clearly well within the allowable intensity of 55 persons on a site of this size in Zone D.

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 21 parking spaces. Based on the number of parking spaces provided, a total of 32 persons may be expected on the site. This is also well within the allowable intensity in Zone D.

Land Use – Single-Acre Occupancy: Given the total occupancy of 29-31 persons, the project complies with the single-acre occupancy criteria.

Prohibited Uses: The applicant does not propose any discouraged (children's schools, hospitals, and nursing homes) or prohibited (highly noise-sensitive outdoor nonresidential uses and hazards to flight) uses.

Noise: Average noise levels on this site from aircraft operations would not exceed 55 CNEL. (Single-event noise levels would, of course, be greater.) No special acoustical mitigation for aircraft noise is required.

### **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, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses.
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, churches and chapels, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms with capacities exceeding 55 persons, 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. Unless the Airport Land Use Commission makes a finding that, as a result of shielding, it is evident beyond a reasonable doubt that the project will not adversely affect safety in air navigation, prior to the approval of this design review case by the City of Riverside, 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.
5. The maximum structure height for any structure or addition thereto constructed pursuant to this project shall not exceed twenty-six (26) feet.
6. The attached notice shall be provided to all potential purchasers and tenants.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.5

**HEARING DATE:** November 9, 2006

### CASE SUMMARY:

**CASE NUMBER:** ZAP1007RI06 – Fern Moss/Citicom Development LP

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P-06-1187 (Change of Zone) and P-06-1188 (Design Review)

**MAJOR ISSUES:** The nonresidential intensity of this site exceeds the allowable nonresidential intensity for Airport Zone C on a site split between Airport Zones C and the even more restrictive Airport Zone B1 when the Uniform Building Code method is used. However, if one takes both of the parcels into consideration, the use of the Parking Space Method would indicate consistency. The site may be eligible for a determination of infill pursuant to Section 3.3.1, which may reduce the need for change in intensity levels, but either a change of use or reduction in floor area would still be required for the project to comply with limits based on UBC criteria.

**RECOMMENDATION:** Staff recommends a finding of INCONSISTENCY, as the level of nonresidential intensity exceeds the Countywide compatibility criteria for Airport Zones B1 and C as determined through the Building Code method; however, staff would not object to a continuance, if the applicant is agreeable, to December 14, 2006 to allow the project proponent an opportunity to demonstrate that the site qualifies for consideration as an infill-eligible property and to provide data regarding the occupancy and intensity levels of surrounding buildings.

### PROJECT DESCRIPTION:

Change of zone from RO to C-2 on 0.54 net acre and development of two retail buildings with a total floor area of 7,999 square feet on 1.33 acres. There is an existing drive-through restaurant on the westerly property.

### PROJECT LOCATION:

The site is located on the northerly side of Arlington Avenue, easterly of Phoenix Avenue, directly westerly of the Riverside County Housing Authority building in the City of Riverside,

approximately 3,300 feet southeasterly of the easterly terminus of Runway 9-27 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 C
- c. Noise Levels: 55-60 CNEL (Ultimate) – just outside the 60 CNEL contour

**BACKGROUND:**

Land Use – Average Occupancy: The proposed project site is split between Airport Zones B1 and C. 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. Nonresidential development intensity in 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.

Using the Building Code method of estimating intensity, one determines the maximum capacity based on the Uniform Building Code and then assumes an intensity of 50% of UBC capacity. For retail uses, the UBC utilizes a maximum capacity of one person per 30 square feet. Thus, a retail store with a gross floor area of 4,999 square feet, as proposed for the southerly portion of the easterly parcel, would have an occupancy of 83 persons (4999 divided by 30, divided by 2) and a retail store with a gross floor area of 3,000 square feet, as proposed for the northerly portion of the easterly parcel, would have an occupancy of 50 persons (3000 divided by 30, divided by 2). Thus, the total occupancy on the easterly parcel would be 133 persons.

Based on information provided by the Riverside County Transportation and Land Management Agency's Geographic Information Services Division (henceforth "GIS"), it is estimated that the northerly 0.34 acre of the easterly parcel is in Airport Zone B1. At an allowable intensity of 25 persons per acre, this area would be allowed 8.5 persons. The UBC method projects that the 3,000 square foot retail building would accommodate 50 persons.

It should be noted, however, that the project includes two lots. At this time, the westerly lot does not include any structures in Zone B1. GIS estimates that the northerly 0.39 acre of the westerly parcel is in Airport Zone B1. This brings the total area on both parcels in Zone B1 to 0.73 acres, which would increase the allowable number of persons to 18.25. However, this is still less than half of the number of persons accommodated by the northerly building (50).

The southerly 0.18 acre of the easterly parcel is in Airport Zone C. At an allowable intensity

of 75 persons per acre, this area would be allowed 13.5 persons. However, if the half-width of Arlington Avenue is added to the area of the parcel, this increases the Zone C acreage to 0.3 acres, which would increase the allowable number of persons to 22.5. This is still less than the number of persons accommodated by the southerly building (83), even if one were to make the questionable assumption that the southerly building is entirely in Zone C.

The bottom line here is that the total square footage of buildings on the easterly parcel needs to be reduced to a level that would accommodate 31 persons. This translates as a total square footage of 1,860 square feet if the site is developed for retail purposes. If offices were proposed rather than retail uses, this would allow development of 6,200 square feet of office uses. These square footages could potentially be doubled if the project site meets the infill criteria of the Airport Land Use Compatibility Plan.

If one considers the two parcels together, adding acreage to include the half-width of Arlington Avenue, there are a total of 1.63 acres in gross area, including 0.73 acres in Airport Zone B1 and 0.90 acres in Airport Zone C. This would accommodate a total of 86 persons. However, one would first have to determine the potential occupancy of the existing restaurant. If the 2,300 square foot facility were entirely dining area, it would accommodate 77 persons (2300 divided by 15 square feet per person divided by 2); however, if only half is dining area and the rest is commercial kitchen, the restaurant would accommodate 41 persons, leaving 45 persons available for new construction. This translates as a total new square footage of 2,700 square feet if the site is developed for retail purposes or 9,000 square feet of office uses.

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 easterly parcel is proposed to have 23 parking spaces. Using the standard multiplier of 1.5, this would result in a total occupancy of 34 persons, which is very close to the allowable occupancy of 31. However, it appears that there may be a situation of shared parking here. The total number of parking spaces for the two lots would be 57, for a total occupancy of 86 persons over the 1.33-acre area. This exactly fits the allowable intensity in the zones for the two parcels together.

Land Use – Single-Acre Occupancy: Staff estimates that the project slightly exceeds the single-acre occupancy level in Zone C based on an occupancy of 83 persons in the southerly retail building and 77 persons in the existing restaurant, for a total of 160 and that the project meets the single-acre occupancy standard of 50 persons in Zone B1. However, conformance with the occupancy criteria depends on the square footage of the dining area vis-à-vis the square footage of the commercial kitchen in the existing restaurant, so there is a possibility that the single-acre occupancy criteria for Zone C is also met.

Extended Runway Centerline: Criteria for Airport Zone B1 state that structures should be located a maximum distance from the extended runway centerline. This project meets this criterion in that the site is located at the outer edge of Airport Zone B1. Conformance with



this provision would be enhanced by a design which moves the northerly building farther south and places the 12 northerly parking spaces at the rear of the northerly building.

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 768 feet above mean sea level (AMSL), and the height of the tallest building as depicted on project elevations would not exceed 28 feet. Thus, the highest point at buildout would be 796 feet AMSL. The elevation of Runway 9-27 at its easterly terminus (the closest point to the property) is 815 feet. Thus, the top point of the buildings would be at an elevation lower than the runway. Therefore, the buildings would not present obstruction concerns and no FAA notice or review is required.

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

**In the event that the Airport Land Use Commission makes a finding of consistency based on use of the Parking Space Method for determination of nonresidential intensity, or in the event that the Airport Land Use Commission makes a finding of inconsistency, but is overruled by the Riverside City Council, application of the following conditions is recommended:**

**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, and highly noise-sensitive outdoor nonresidential uses.
  - (f) Additionally, the following uses shall be prohibited in the Airport Zone B1 portions of the property, including the northerly structure: places of worship, 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:
- Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, swimming pool decks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) 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 buildings construction to ensure such noise level reduction as may be necessary so as to reduce interior noise levels within any unit to 45 CNEL or below.
  - 5. Prior to issuance of building permits, the landowner shall record an avigation easement to Riverside Municipal Airport.
  - 6. The attached notice shall be provided to all potential purchasers and tenants.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.6

**HEARING DATE:** November 9, 2006

### CASE SUMMARY

**CASE NUMBER:** ZAP1001CO06 Sharon Orit and Ron Benetzhak/RMA – Riverside, Inc.

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

**JURISDICTION CASE NO.:** Conditional Use Permit No. 05-006

**MAJOR ISSUES:** As designed, a number of existing residences would be in the flight path and subjected to noise. Staff is awaiting the receipt of an acoustical study.

**RECOMMENDATION:** Open the public hearing, consider testimony, and **CONTINUE** consideration of this matter to the December 14 public hearing calendar.

### PROJECT DESCRIPTION:

Establishment of a personal-use heliport on an 8.32-acre site within a city. The helipad will be at an elevation of 1468 feet above mean sea level (AMSL), with the center at 1468.3 and the corners at 1468.2 feet. The design helicopter is the Robinson 44 Raven II, with an overall length of 45 inches, undercarriage length of 51 inches, overall and undercarriage width of 86 inches, rotor diameter of 129 inches (10.75 feet), empty weight of 1,506 pounds, and gross weight of 2,500 pounds. The Touchdown and Lifftoff Area (TLOF) will be 10.75 feet by 10.75 feet (115.56 square feet) in area, the Final Approach and Takeoff Area (FATO) will be 57.42 feet by 57.42 feet (3,297 square feet) in area, and the Safety Area will be 79.42 feet by 79.42 feet (6,308 square feet). The closest point of the FATO will be 86 feet from the rear property line. The California Department of Transportation Aeronautics Division requires a new heliport permit application, because the facility is proposed to be located inside city limits, which in turn triggered the requirement for Airport Land Use Commission review.

### PROJECT LOCATION:

The site is located at 1251 Hidden Springs Drive, easterly of Gilbert Avenue, in the City of Corona.

### 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.” 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.” In the case of a new airport or heliport, the proposal may be approved if it is consistent with the specific review policies listed in Section 5.2 of the Countywide Policies.

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 heliport if the heliport 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. (Such measures could potentially include the siting of flight tracks so as to minimize impacts, selection of operational procedures to minimize impacts, installation of noise barriers or structural noise insulation, and/or acquisition of property interests on the impacted land.) 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.

No noise studies have been submitted to Airport Land Use Commission staff for review.

#### **NEED FOR AMENDED EXHIBIT:**

The exhibit needs to be amended to depict arrows for magnetic north as well as true north, the magnetic alignment of the centerline of each approach surface (or, if the heliport has multiple, consecutive approach surfaces which create a sector, the magnetic alignment of each approach surface which defines the limits of a sector), the location of the wind cone, the location of the approach surfaces relative to the heliport, airspace surfaces in accordance with FAR Part 77, and the locations and heights of structures, highways, railways, above ground wires, above ground cables, poles, fences, vegetation, and other potential obstructions that underlie the heliport’s imaginary surfaces as defined in FAR Part 77.29.

Additionally, the applicant needs to provide a local area map depicting the locations of all schools, places of public gatherings, and residential areas within 1,000 feet of the center of

the proposed FATO and activity forecasts.

**FAA AIRSPACE DETERMINATION:**

May Be Required.

**CONDITIONS:**

1. No operations (takeoffs or landings) shall be conducted until such time as the State of California Department of Transportation Division of Aeronautics has issued a Site Approval Permit and subsequent Heliport Permit pursuant to Sections 3525 through 3560 of Title 21 of the California Code of Regulations.
2. Heliport markings shall be provided in accordance with Section 3554(a) of Title 21 of the California Code of Regulations. Such marking shall include FATO or TLOF boundary markings in accordance with Chapter 3 of FAA AC 150/5390-2A and marking with the letters "PVT" in letters at least 5 feet in height on the FATO.
3. In the event that night operations are to occur, a heliport lighting system shall be provided in accordance with Section 3554(b) of Title 21 of the California Code of Regulations.