



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

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

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

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS
Arthur Butler
Riverside

Robin Lowe
Hemet

John Lyon
Riverside

Glen Holmes
Hemet

Melanie Fesmire
Indio

STAFF

Executive Director
Robert C. Johnson

Ed Cooper
John Guerin
Cecilia Lara
Sophia Nolasco
Barbara Santos

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

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. 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 City Selection Committee – Appointment of Melanie Fesmire

2.2 Selection of Interim Executive Director

2.3 Executive Director's Approvals

2.4 PC Distribution to Commissioners

2.5 Notice of Proposed Overrule – MA-05-138 – City of Perris

2.6 Notice of Proposed Overrule – Specific Plan Amendment – City of Perris

3.0 **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).

4.0 PUBLIC HEARING: 9:00 A.M. OLD BUSINESS

BERMUDA DUNES AIRPORT

4.1 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.

Staff Recommendation: INCONSISTENT

RIVERSIDE MUNICIPAL AIRPORT

4.2 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. Airport Zones B1 and C. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: INCONSISTENT

CORONA MUNICIPAL AIRPORT

4.3 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. Not in an airport influence area. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUE to January 11, 2007

PUBLIC HEARING: 9:30 A.M.

FRENCH VALLEY AIRPORT

4.4 ZAPEA01FV06 - Environmental Assessment (E.A.) – Airport Land Use Commission Initiative – PROPOSAL: Adopt a Land Use Compatibility Plan for French Valley Airport. The project proposal is the adoption of the French Valley Airport Land Use Compatibility Plan as adopted by the Commission in December 2004 and amended in December 2005; however, the Commission will also consider Additional Compatibility Policies (amendments) proposed by ALUC staff, the County of Riverside, and the City of Murrieta. The ALUC will determine whether to adopt a De Minimis Finding and a Negative Declaration. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUE receiving testimony, discuss, provide direction, and CONTINUE to January 11, 2007.

5.0 **PUBLIC HEARING: 10:00 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

- 5.1 ZAP1018MA06 - City of Riverside and City of Moreno Valley – Riverside Case Nos. ANX104, P06-1019 and Moreno Valley Case No. ANX PA06-0148 - Annexation of 46.2 acres - The old Highway 215 and railroad rights-of-way and roadway areas northerly of Alessandro Boulevard and southerly of Eucalyptus/Eastridge Avenues - Annexation of 31 acres into the City of Riverside, and pre-zoning of MP-SP (Manufacturing Park and Specific Plan Combining Zones). Annexation of 15.2 acres into the City of Moreno Valley. Airport Area I. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONSISTENT

- 5.2 ZAP1015MA06 - City of Riverside - City Case Nos. ANX107 and P06-0453- Annexation of 324 acres, including properties located northerly of Mariposa Avenue, southerly of Van Buren Boulevard, easterly of Wood Road, and westerly of Barton Street into the City of Riverside, and establishment of pre-zoning of R-1-8500-RL, R-1-13,000, R-1-13,000-RL, R-1-1/2 Acre-RL, and RE-RL. The land is presently in unincorporated Riverside County and is zoned SP (Specific Plan), W-2-M (Controlled Development Area with mobile homes), R-A (Residential Agricultural 20,000 acre minimum), and R-A-1 (Residential Agricultural 1 acre minimum). Airport Area III. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONSISTENT

6.0 PUBLIC HEARING: NEW BUSINESS**FRENCH VALLEY AIRPORT**

- 6.1 ZAP1004FV06 – KCT Consultants, Inc. for French Valley Development PRT, LLC and Fred Fleming – Commercial Parcel Map No. 35212 – Divide 56.95 acres into 23 parcels for future commercial development, plus a “not a part” area for biological mitigation. The site is located easterly of Winchester Road, westerly of Sky Canyon Drive and the French Valley Airport, and northerly of Hunter Road/Borel Road, in unincorporated Riverside County. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUE/READVERTISE for January 11, 2007

- 6.2 ZAP1006FV06 – Development Companies, LLC/Silverhawk Investments, LLC – County Case No. PP22352 – Development of 17 office buildings with a total floor area of 162,000 square feet on a 12.08-acre site (10.02 net acres) located easterly of Winchester Road, westerly of Sky Canyon Drive, and southerly of Technology Drive in the community of French Valley in unincorporated Riverside County. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: TAKE NO ACTION

CHINO AIRPORT

- 6.3 ZAP1002CH06 – Steve Hathaway/Hillcrest Nexus 2LLC/Stelzer Family – County Case Nos. GPA00834, CZ07445, PP22277 – Development of a 282,770 square foot commercial and industrial center, including a shopping center with major retail tenant, market, drug store, bank, restaurant, car wash, retail shops, fast food, offices, and mini-storage on 37.9 – 38.1 acres located at the southeast corner of Archibald Avenue and

Limonite Avenue in Eastvale, unincorporated Riverside County. General Plan Amendment from LI, OS-REC, and MDR to CR and LI. Change of zoning from A-2-10 to C-1/C-P and M-SC. Airport Areas II and III on 1991 Plan; Zones C and D on Draft Plan. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org

Staff Recommendation: Request Commission Direction; CONSISTENT with 1984 Plan; NOT CONSISTENT with 1991 S.B. County Plan.

- 6.4 ZAP1003CH06 – SC Eastvale Dev. Corp./Bootsma Family/Albert Webb Associates - County Case Nos. CZ07430 and PM35173 – Change zoning of 19.16 – 20.97 acres located at 14560 Schleisman Road (south side of Schleisman, opposite Gypsum Creek Drive), westerly of Archibald Avenue, in Eastvale, unincorporated Riverside County, from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) to A-1 (Light Agriculture). Divide property into two parcels, including one parcel that is one acre in size. Airport Area III on 1991 Plan; Zone D on Draft Plan. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org

Staff Recommendation: CONSISTENT with 1984 and 1991 Plans; Possibly INCONSISTENT with Draft Plan.

MARCH AIR RESERVE BASE

- 6.5 ZAP1016MA06 - City of Riverside - ANX111 and P06-0742 - Annexation of 106 acres - the existing University City neighborhood located westerly of Interstate 215 and southerly of Central Avenue - into the City of Riverside, and establishment of pre-zoning of R-1-100 (Single Family Residential), RC (Residential Conservation), and WC (Water Course). The land is presently in unincorporated Riverside County and is zoned R-1, R-1-80, W-1-9, and C-P-S. Airport Area II. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: DECLINE TO ACT

- 6.6 ZAP1017MA06 – City of Riverside – City Case Nos. ANX103 with P05-0607 and ANX112 with P06-1154 – Annexation of 151 acres located southerly of Alessandro Boulevard, easterly of Barton Street, and westerly of San Gorgonio Drive into the City of Riverside, and establishment of pre-zoning of Industrial Business Park for ANX112 and R-1-125, R-1-65, and R-1-130 for ANX103. This land is presently in unincorporated Riverside County and is zoned R-A and R-A-1. Airport Area II. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONTINUE/READVERTISE for January 11, 2007

- 6.7 ZAP1014MA06 – Michael Lansing et al. – County of Riverside Case Nos. CZ07089 and TR32965 - Change the zoning of 19.75 – 23.95 acres southerly of San Jacinto Avenue and westerly of Pico Avenue, in the Nuevo area of unincorporated Riverside County, from R-R (Rural Residential) to R-1 (One-family Dwelling), and to divide the site into 81 residential lots and one lot for a water detention basin. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONTINUE/READVERTISE for January 11, 2007

7.0 **APPROVAL OF MINUTES:** None

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

9.0 **COMMISSIONER'S COMMENTS**

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RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

STAFF REPORT

ADMINISTRATIVE ITEMS

- 2.1** We are pleased to report that the City Selection Committee met on the evening of November 13, 2006 at Victoria Country Club in the City of Riverside and elected Melanie Fesmire of the Indio City Council to fill the unexpired term of John Machisic, who had resigned his position with the Airport Land Use Commission after one meeting. Congratulations and welcome back.
- 2.2** We are not pleased to report that Executive Director Robert Johnson, Riverside County Planning Director, is leaving County employment. His last day at the office is December 7, 2006. Mr. Ed Cooper will serve as Interim Executive Director for the period December 14, 2006 through January 11, 2007. Congratulations to Mr. Johnson who is now serving as Assistant City Manager for the City of Temecula. We will miss his vision.
- 2.3** Copies of administrative approvals to be issued by the Executive Director before his departure, relating to non-legislative cases determined to be consistent with applicable Airport Land Use Compatibility Plans, will be provided at the hearing for your Commission's information.
- 2.4** Webmaster Jayson Ward will explain the use of the Commissioners' new laptop computers prior to adjournment.
- 2.5** Shortly after the November 9 meeting, staff received notice from the City of Perris that the City's Planning Commission will hold a Public Hearing on December 6, 2006 on a recommendation from City staff to override the Riverside County Airport Land Use Commission determination that General Plan Amendment No. 05-0390, Zone Change 05-0391, and Tentative Tract Map No. 33066 are inconsistent with the Airport Land Use Plan. These projects were reviewed by the Commission at its November 2005 meeting as ALUC Case No. MA-05-138. The general plan amendment and zone change are necessary to facilitate division of the 18.2-acre site into 49 residential lots. The site is located at the northeast corner of Orange Avenue and Murrieta Road.

From a technical standpoint, it is our understanding of State law that only the governing body – in this case, the City Council – has the authority to override or overrule, and that the Planning Commission may only make recommendations. Furthermore, the Airport Land Use Commission was not provided 45 days' notice, which would be required for a final overrule vote. Staff has contacted the City's Interim Planning Director, Brad Eckhardt, who acknowledged that the Planning Commission hearing would not involve a final override action and advised that additional notice would be provided prior to the City Council hearing.

From a substantive standpoint, the ALUC analysis is correct in that the project site is in Airport Area II, which requires a minimum lot size of 2½ acres. Therefore, the proposed project, at a density exceeding two units per acre, is inconsistent with the 1984 Riverside County Airport Land Use Plan, as applied to March Air Reserve Base. With regard to the March Joint Land Use Study, the site is depicted on DRAFT early 2006 maps as being within Zone C1, the Primary Approach/Departure Zone, where residential land use is proposed to be limited to one dwelling unit per acre or less.

The burden of proof is with the applicant or local jurisdiction to demonstrate that the approval of the project is consistent with the objectives of the State Aeronautics Act. Staff recommends that your Commission authorize a letter maintaining that the project remains inconsistent with the Plan and specifying findings that would be required for an overrule.

- 2.6** Staff has also received notice from the City of Perris that the Perris City Council will hold a Public Hearing on January 30, 2007 at 6:30 P.M. on a recommendation from City staff to override the Riverside County Airport Land Use Commission determination that Specific Plan Amendment No. 03-0288, General Plan Amendment 03-0289, Zone Change 03-0290, and Tentative Tract Map No. 31157 are inconsistent with the Airport Land Use Plan. This notice was provided in accordance with the 45-day review requirements. The notice (mailed on November 29, 2006) failed to specify the ALUC Case Number. Staff will attempt to obtain more information on this case between the date of this report and the meeting on December 14. A copy of the notice is attached for your information.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.1 ~~5.1~~

HEARING DATE: December 14, 2006 (continued from 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.

DECEMBER UPDATE: This project was continued without discussion or presentation at the November 9 hearing, in accordance with the letter from the project representative, Robert Mainiero, requesting a continuance. Staff had met with Mr. Zaky and Mr. Mainiero prior to the November 9 hearing to discuss the recommended finding. The applicant and representative expressed concern that neither they nor the owner of the property at the time that the ALUCP was under consideration had received notice of the hearings for the ALUCP. (The Area of Significant Safety Concern pursuant to the previously adopted Plan did not extend westerly of Yucca Lane.) Amending the General Plan designation from the 2003 designation of Very Low Density Residential (one dwelling unit per acre) to Rural Residential (one dwelling unit per five acres) would essentially result in a 75% reduction in the potential dwelling unit yield of this property (from four units allowable to one unit, or potentially two units pursuant to infill allowances or pursuant to a second unit permit). Mr. Mainiero has now submitted a new letter requesting that the project be returned to the agenda. There is no other new information available as of December 1, 2006.

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 41st 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.

The site is located a considerable distance from the extended runway centerline (2,211 feet), but is located within Airport Zone C due to aircraft turning movements and the height of aircraft above ground level.

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: 4.2 ~~5.5~~

HEARING DATE: December 14, 2006 (continued from 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~~ *January 11, 2007* 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.

DECEMBER UPDATE: This project was continued without discussion or presentation at the November 9 hearing, in accordance with an e-mail request for continuance from project representative Alex Irshaid of RAMCAM Engineering Group. There is no new information available as of December 1, 2006.

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: 4.3 5.6

HEARING DATE: December 14, 2006 (continued from 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 *January 11, 2007* ~~December 14~~ public hearing calendar.

DECEMBER UPDATE: This project was continued from the November 9 hearing, with the consent of the applicant's representative, pending submittal of an acoustical study and additional/amended exhibits. There is no new information available as of December 1, 2006.

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 Liftoff 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.

It is staff’s understanding, based on communications with the applicant’s representative, that there would normally not be more than three operations per day, with not more than one operation during evening hours (7:00-10:00 P.M.) and no operations after 10:00 P.M. or before 7:00 A.M.

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.

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 4.4 ~~3.1~~

HEARING DATE: December 14, 2006 (continued from October 26, 2006)

CASE SUMMARY:

CASE NUMBER: ZAPEA01FV06 – Airport Land Use Commission

LEAD AGENCY: Riverside County Airport Land Use Commission (ALUC)

JURISDICTION CASE NO: Not Applicable

MAJOR ISSUES: Whether to approve the 2004 French Valley Airport Land Use Compatibility Plan as originally adopted in 2004 and amended in 2005 or with additional amendments, including all or portions of the amendments proposed jointly by the County of Riverside and City of Murrieta earlier this year.

RECOMMENDATION:

Staff recommends that the ALUC consider additional testimony in open public hearing, discuss, provide direction to staff as appropriate, and continue its consideration of this matter to the January 11 public hearing agenda, with realization that recirculation of the Environmental Assessment Initial Study will be required and that a tentative action on the Plan will not be possible until a later date, possibly February 8, 2007. Staff continues to support Alternative Four as amended.

~~ADOPT a De Minimis Finding and ADOPT the Negative Declaration for Environmental Assessment No. ZAPEA01FV06 (a finding that the adoption of the French Valley Airport Land Use Compatibility Plan, with or without Additional Compatibility Policies, will not have a significant effect on the environment).~~

~~Staff further recommends that the ALUC then proceed to APPROVE (REINSTATE) the French Valley Airport Land Use Compatibility Plan (FVALUCP), as modified to incorporate the Additional Compatibility Policies identified as “Alternative Four”, as amended by the deletion specified on page 11 of this report. This will be a tentative action; the ALUC should then DIRECT staff to return with a resolution of adoption at the next meeting.~~

DECEMBER UPDATE:

The Riverside County Airport Land Use Commission opened the public hearing on October 26, 2006 and considered public testimony from Larry Markham, Micah Spano, Barbara Lichman, and Gary Levinski. Letters were received from Chevalier, Allen and Lichman

representing The Garrett Group, Pacific Pointe Partners, and Silverhawk Land and Acquisitions, LLC, from Reisung Enterprises, and from the State of California Native American Heritage Commission. A subsequent letter was received from Howard Rice Nemerovski Canady Falk & Rabkin, on behalf of Lender Security Services, Inc.

Based on the substantive concerns raised in the Chevalier, Allen and Lichman letters, staff believes that additional analysis of the potential land use “displacement” is required in order to determine whether the land use and housing impacts are potentially significant, and the extent to which the Additional Compatibility Policies of each “alternative” mitigate these impacts. Staff is in the process of analyzing this data and may be able to present some of this information relative to residential land use impacts at the hearing; however, additional analysis will be required to address nonresidential “displacement”. Once the analysis is completed, the document will need to be amended and recirculated for a thirty-day period, if the Commission decides to move forward with the Mitigated Negative Declaration process.

PROJECT DESCRIPTION:

Adoption of a Land Use Compatibility Plan for French Valley Airport establishing criteria for the determination of consistency of development projects with the objectives of the State Aeronautics Act regarding the protection of public health, safety, and welfare in Airport Influence Areas.

PROJECT LOCATION:

The French Valley Airport Influence Area, last modified in 2004, generally in the vicinity of Winchester Road, southwesterly of its intersection with Keller Road and northeasterly of Promenade Mall, easterly of Interstate 215 and westerly of Washington Street. Major east-west roads in the area include Los Alamos, Clinton Keith, Thompson, Benton, Auld, Murrieta Hot Springs, and Nicholas Roads.

ADDITIONAL COMPATIBILITY POLICY ALTERNATIVES:

Staff has prepared several options for additional compatibility policies that the Airport Land Use Commission could potentially apply in conjunction with the adoption of the French Valley Airport Land Use Compatibility Plan. The Airport Land Use Commission may choose to adopt any one of these “additional compatibility policies” texts or none of them. Staff recommends that the Commission ~~adopt~~ **support** Alternative Four.

Alternative One would provide for additional compatibility policies that would allow a higher intensity range of 1-3 dwelling units per acre in the portion of Zone C located westerly of Winchester Road and would eliminate restrictions on residential densities in Zone D areas outside the 55 CNEL contour. It would also allow nonresidential intensities of 40 persons per acre average and 80 persons per single acre with clustering in Zone B1 (rather than 25 and 50, respectively) and nonresidential intensities of 80 persons per acre average and 160 persons per single acre with clustering in Zone C (rather than 75 and 150, respectively). Both zones would allow additional

intensities provided that the amount of qualifying open land is increased. Alternative One is the proposal submitted by the County of Riverside last year. The City of Murrieta is on record in support of this proposal as of March, 2006. The other alternatives are either less sweeping versions of Alternative One or represent minor modifications to the proposed project.

Alternative Two includes the same nonresidential intensity provisions as Alternative One, as well as the elimination of residential density restrictions in Zone D, but does not include the changes to residential density in Zone C.

Alternative Three includes the same nonresidential intensity provisions as Alternative One, but does not include the changes to residential density in Zone C and does not eliminate residential density restrictions in Zone D. It does include the Countywide provision allowing residential densities in Zone D to be calculated on a net basis.

Alternative 3A includes only the Countywide provision allowing residential densities in Zone D to be calculated on a net basis – the amendment adopted for this airport in December 2005. It does not include any changes in nonresidential intensity.

Alternative Four is similar to Alternative One, but, in order to address issues of consistency with the Airport Land Use Planning Handbook standard safety zone diagrams, restricts the allowance for higher residential densities in Zone C to those portions of Zone C located not less than 6,000 feet from the northerly end of the runway and not less than 500 feet from the extended runway centerline, i.e., areas that would be considered to be in the Traffic Pattern Zone pursuant to these State guidelines.

BACKGROUND:

In order to comply with the requirements of the Airport Land Use Commission section of the California Aeronautics Act (California Public Utilities Code Section 21670 et seq.), the Riverside County Airport Land Use Commission prepared and (in 2004) adopted new Countywide Policies and new Airport Land Use Compatibility Plans for several airports within the County, including French Valley Airport. These Plans are available online at www.rcaluc.org. The new Airport Land Use Compatibility Plans were prepared pursuant to the latest edition of the California Airport Land Use Planning Handbook, published in January 2002 by the State of California Department of Transportation Division of Aeronautics. This document is the guidebook for land use planning in Airport Influence Areas throughout the State of California, which must be used by all agencies (not just the Airport Land Use Commission) in such planning.

The French Valley Airport Land Use Compatibility Plan (FVALUCP) was adopted on December 9, 2004, but its use by the Airport Land Use Commission was suspended in conformance with the Riverside Superior Court's judgment issued in *Silverhawk Land and Acquisitions, LLC v. Riverside County Airport Land Use Commission, et al.* (Case No. RIC 431176) pending completion and adoption or certification of an adequate environmental analysis pursuant to the California Environmental Quality Act. As the Commission declined to reinstate the previously adopted French

Valley Airport Comprehensive Land Use Plan during the suspension period, there is presently no Plan in effect that can be utilized in the project review process. Staff has prepared an initial study and draft Negative Declaration to allow for the adoption of the proposed project, with or without additional compatibility policies as outlined above.

The FVALUCP increased restrictions on development in some areas relative to the previously adopted French Valley Airport Comprehensive Land Use Plan (prepared in the 1990s prior to the most recent version of the Airport Land Use Planning Handbook), and in many areas provides for a reduced allowable residential density or a restriction in density range to either higher or lower densities than permitted by the adopted plans of local jurisdictions. Additionally, in compliance with an opinion issued by the Office of the Attorney General of the State of California, the exemption of land within adopted specific plans from the density and intensity restrictions of the previous Plan was not included in the FVALUCP. This exemption was not common to most of the pre-existing Plans, but had been included in the old French Valley Comprehensive Land Use Plan.

Both the ALUC consultant (Mead & Hunt) and County Planning Department staff (including this writer) identified a number of conflicts between FVALUCP compatibility criteria and land use designations on the Southwest Area Plan, which had just been adopted in October 2003. While the adoption of an Airport Land Use Compatibility Plan does not establish land use designations, as do City and County General Plans, the provisions of State law requiring consistency between the General Plan of the local jurisdiction and the Airport Land Use Compatibility Plan (in the absence of an overrule by the local jurisdiction) convey the State's interest in furthering the goals specified in the legislation authorizing this special planning for land in Airport Influence Areas. The ALUC must recognize that its actions have a primary effect on land use within the areas subject to its jurisdiction.

Until such time as the Airport Land Use Commission finds that the local jurisdiction's General Plan or Specific Plan is consistent with the ALUCP or such time as the local jurisdiction has overruled the ALUC's determination of inconsistency, State law provides that the ALUC may require all actions, regulations, and permits involving land within an airport influence area be referred to the ALUC for review. (Pursuant to the ALUCP, these would be the "major land use actions" cited in Section 1.5.3 of the Countywide Policies.)

The General Plan of the City of Temecula was reviewed by the ALUC in early 2005 and determined to be consistent with the 2004 FVALUCP. Therefore, the re-adoption or reinstatement of the FVALUCP would not substantially affect land use designations or housing in the City of Temecula. However, there are inconsistencies between the FVALUCP and land use designations in the unincorporated areas of Riverside County and, to a lesser extent, in the City of Murrieta.

AIRPORT LAND USE COMPATIBILITY ZONES:

As with all of the other Airport Land Use Compatibility Plans adopted in 2004 and 2005, the FVALUCP delineates six airport land use compatibility zones: A, B1, B2, C, D, and E. Safety hazards and noise are greatest in Zone A, and decline as one moves farther from the runway and its

extended centerline. Each zone has criteria limiting densities and intensities; however, Airport Land Use Compatibility Zone (“Airport Zone”) E, located farthest from the runway and primary flight paths, has no residential density or land use intensity restrictions (other than restrictions on large assemblages of people and prohibition of uses that are hazards to flight).

Airport Zone A is the Runway Protection Zone, prohibiting all structures except those with locations set by their aeronautical function, assemblages of people, objects exceeding FAR Part 77 height limits, storage of hazardous materials, and hazards to flight. These restrictions are easily linked to safety concerns and Federal Aviation Regulations.

Airport Zone A in the vicinity of French Valley Airport is confined to properties in unincorporated Riverside County. Given the requirement for prohibition of structures, it is fortunate that the number of properties wholly in Airport Zone A is very limited. In most cases, Airport Zone A is confined to properties on airport grounds. Where this is not the case, the County Facilities Management Department or Economic Development Agency may wish to consider purchasing this land (or a conservation easement over such land) to assure that safety is not compromised by the development of structures in such areas.

Airport Zone B1 is the Inner Approach/Departure Zone. New residential development in Airport Zone B1 is limited to 0.05 dwelling units per acre – an average density of one dwelling unit per twenty (20) acres. Nonresidential development may maintain a maximum intensity of twenty-five (25) persons per acre (averaged over a site), with a maximum of fifty (50) persons within any given acre. (An intensity bonus of 30% over the maximum number of persons within any given acre may be allowed if the building design includes features intended to reduce risks to occupants in the event of an aircraft collision with the building.) Prohibited uses in Airport Zone B1 include “children’s schools, day care centers, libraries, nursing homes, hospitals, places of worship, buildings with more than two aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, aboveground bulk storage of hazardous materials, critical community infrastructure facilities, and hazards to flight.” Additionally, structures must be located a maximum distance from the extended runway centerline, and a minimum noise level reduction of 25dB must be achieved in residences (including mobile homes) and office buildings, and airspace review is required for objects greater than 35 feet in height. Overall, 30% of the entire acreage within Zone B1 must be set aside as open land.

Airport Zone B2 is the Adjacent to Runway Zone. This is land parallel to the runway, rather than the areas regularly overflowed by arriving or departing aircraft. New residential development in Airport Zone B2 is limited to 0.1 dwelling units per acre – an average density of one dwelling unit per ten (10) acres. Nonresidential development may maintain a maximum intensity of one hundred (100) persons per acre (averaged over the site), with a maximum of two hundred (200) persons within any given acre and eligibility for the 30% intensity bonus. Prohibited uses in Airport Zone B2 are the same as those in Airport Zone B1, and the requirements for airspace review and noise level reduction are also the same. Structures in Airport Zone B2 must be located a maximum distance from the runway. However, Airport Zone B2 does not have an open land requirement.

Dedication of aviation easements is required for all development in Airport Zones A, B1, and B2.

Airport Land Use Compatibility Zone C is the Extended Approach/Departure Zone. This area extends out from Airport Zones A and B1 as one moves farther out from the runway ends. New residential development in Airport Zone C is limited to 0.2 dwelling units per acre – an average density of one dwelling unit per five (5) acres. Nonresidential development may maintain a maximum intensity of seventy-five (75) persons per acre (averaged over a site), with a maximum of one hundred fifty (150) persons within any given acre and eligibility for the 30% intensity bonus. Prohibited uses in Zone C include “children’s schools, day care centers, libraries, nursing homes, hospitals, buildings with more than three aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, and hazards to flight.” A minimum noise level reduction of 20 dB must be achieved in residences (including mobile homes) and office buildings, and airspace review is required for objects greater than 70 feet in height. Overall, 20% of the entire acreage within Airport Zone C must be set aside as open land.

Airport Land Use Compatibility Zone D is the Primary Traffic Patterns and Runway Buffer Area. New residential development in Airport Zone D is limited to either a maximum density of 0.2 dwelling units per acre (average density of one dwelling unit per five (5) acres) or a minimum density of not less than five (5) dwelling units per acre. Intermediate density levels greater than 0.2, but less than 5.0, dwelling units per acre are prohibited. Nonresidential development may maintain a maximum intensity of one hundred (100) persons per acre (averaged over a site), with a maximum of three hundred (300) persons within any given acre and eligibility for the 30% intensity bonus. Children’s schools, hospitals, and nursing homes are “discouraged” in Airport Zone D, while highly noise-sensitive outdoor nonresidential uses and hazards to flight are prohibited. Airspace review is required for objects greater than 70 feet in height, and 10% of the entire acreage within Zone D must be set aside as open land.

FUNDAMENTALS:

The fundamental purpose of an Airport Land Use Commission is to promote land use compatibility around airports. The introduction to Riverside County’s Airport Land Use Compatibility Plan states that its purpose is “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

The Airport Land Use Commission’s concerns relate to potential impacts associated with exposure to aircraft noise, protection of public safety with respect both to people on the ground and the occupants of aircraft, protection of airport airspace, and general concerns with aircraft overflight. The Airport Land Use Compatibility Plan is based on the principles in the State of California Airport Land Use Planning Handbook.

It should be noted, however, that the density and intensity ranges incorporated in the Countywide land use compatibility criteria are not specifically mandated by State law and, therefore, may be

amended or modified by the Riverside County Airport Land Use Commission through the ALUCP amendment process. The need for the consideration of the effect of the adoption of the French Valley ALUCP on the environment (including analysis of its effects on the implementation of County and City General Plans and on housing) provides the Commission with an opportunity to consider whether to adopt amendments proposed earlier this year by the County of Riverside and the City of Murrieta, or amended versions of such proposals as appropriate.

The task of the Riverside County Airport Land Use Commission is to adopt a Plan that provides for the continued operation and orderly growth of aviation-related activities at the French Valley Airport, while at the same time protecting the public health, safety, and welfare from aircraft noise and hazards from potential aircraft accidents. This task is to be met in a cooperative effort with the local jurisdictions and with an understanding of the needs of the surrounding community. It is in the interests of all parties that an appropriate balance be achieved in this effort.

The FVALUCP, as adopted in 2004, was prepared in accordance with the 2002 Airport Land Use Planning Handbook, but in some cases utilizes stricter criteria than the Handbook would recommend. For example, the Handbook does not require limitations of residential density in the Traffic Pattern Zone, which translates as Airport Zones D and E, and would even include some areas within Airport Zone C. Additionally, the Handbook would allow higher nonresidential intensities than permitted by the FVALUCP in the Inner and Outer Approach/Departure Zones.

EFFECTS ON LAND USE DESIGNATIONS:

The adoption of the FVALUCP in 2004 rendered the pre-existing County and City land use plans inconsistent with the Airport Land Use Compatibility Plan. The provisions of State law give a kind of precedence to the ALUCP in that, if there is a conflict, the responsibility is placed on the local jurisdiction to amend its General Plan to conform to the ALUCP or to overrule the adoption of the ALUCP as applied to that jurisdiction.

In considering this matter, it is important to note that the overrule of an entire ALUCP for an airport by a jurisdiction would have the effect of eliminating ALUC review of any development within the airport influence area within that jurisdiction. It is staff's position that such an overrule would not be in the best interests of the health, safety, and welfare of the people who live or work in Riverside County and the cities therein. As noted on page 2-12 of the Airport Land Use Planning Handbook, while "ALUCs and local jurisdictions have different objectives with respect to planning for land uses around airports...achieving a mutually acceptable compatibility plan is a desirable goal. Often this means seeking a compromise set of compatibility policies which will adequately protect the airports from incompatible land uses, yet reasonably respond to communities' development needs. *When ALUC adoption of compatibility policies and criteria results in local agency overruling actions, little is accomplished to promote airport land use compatibility objectives.*" [emphasis added]

Unincorporated Riverside County

ALUC staff has analyzed the effect of the adoption of the proposed French Valley Airport Land Use Compatibility Plan on land use designations in the unincorporated area, and the actions that the County would need to take to bring land use designations into consistency with the FVALUCP as originally adopted in 2004. Clearly an amendment to the Area Plan would be required to recognize the new boundaries of the Airport Influence Area. The Board of Supervisors does not have jurisdiction to overrule the boundaries of the Airport Influence Areas established by the FVALUCP, pursuant to State law.

Unless the Board of Supervisors overrules the Airport Land Use Commission or the FVALUCP is amended pursuant to Alternative One, land use designation changes will be required in the vicinity of French Valley Airport, in that the designations of properties on the Southwest Area Plan map are in conflict with the land use density and intensity restrictions in the FVALUCP. Simple replacement of the existing references to the previous FVACLUP with reference to the new FVALUCP would create an internally inconsistent Land Use Element and General Plan.

Land Use Element Policy LU 14.3 of the County's General Plan requires that the County "review subsequent amendments to any airport land use compatibility plan and either adopt the plan as amended or overrule the Airport Land Use Commission as provided by law." State law requires that city and county jurisdictions either bring their General Plans into conformity with Airport Land Use Compatibility Plans or overrule the Airport Land Use Commission. At a minimum, "direct conflicts" must be eliminated. "Direct conflict" exists when the General Plan provides for development at a range of residential densities that exceeds the maximum permissible density in the applicable Airport Zone, or includes densities that are not permitted in the Airport Zone, or when the General Plan provides for nonresidential land uses that characteristically would result in land use intensities in persons per acre exceeding the maximum permissible intensity in that Airport Zone.

It should be noted that land use designations for properties with existing or approved uses (tentative maps for residential development, approved use permits and plot plans) need not be changed for the General Plan and the ALUCP to be consistent with each other; however, adoption of a specific plan is not considered to be a sufficient "entitlement" for this provision to apply, pursuant to an Opinion of the Attorney General of the State of California issued in response to an inquiry from the Office of Riverside County Counsel.

The Airport Land Use Compatibility Zones for French Valley Airport are elongated along the north-northeast to south-southwest runway axis. The vision of the County in establishing this airport was that it would serve as the hub of an area devoted to industrial, commercial, and institutional uses. Unlike the situation with some other airports, most of the properties in Land Use Compatibility Zones A, B1, and B2 are already designated for commercial, industrial, or public uses. Except within Zone A, the changes for most of these parcels would involve the application of the height, intensity, and usage limitations of Zones B1 and B2, rather than changes in land use designations.

Much of Airport Zone A is located within the French Valley Airport grounds and is designated Public Facilities. However, Zone A also extends off the airport site into areas designated Light Industrial, Business Park, and Open Space – Conservation. Thirty (30) parcels are located partially

or wholly within Airport Zone A, including eight (8) parcels entirely within Airport Zone A.

Airport Zone B1 extends northerly and southerly from French Valley Airport, encompassing properties designated Light Industrial, Business Park, Commercial Retail, Mixed Use Planning Area, and Open Space – Conservation. Fortunately, none of these parcels are designated for residential use. Thirty-three (33) parcels are located entirely in Airport Zone B1, and an additional twenty-one (21) parcels are located partially in Airport Zone B1 and partially in less restrictive zones.

Airport Zone B2 is located along the sideline of the runways, encompassing properties designated Commercial Retail, Commercial Office, Light Industrial, and Open Space – Conservation. One parcel is located entirely in Airport Zone B2, while seven (7) parcels are split between Airport Zones B2 and D.

Airport Zone C is the Extended Approach/Departure Zone, encompassing properties designated Business Park, Mixed Use Planning Area, Commercial Retail, Light Industrial, Public Facilities, Open Space – Conservation, Open Space – Recreation, Medium Density Residential, and Medium High Density Residential. Fifty-one (51) parcels are located entirely within Airport Zone C, and an additional twenty-seven (27) parcels are located partially in Airport Zone C and partially in Airport Zone D, including one parcel that is split among Zones B2, C, and D. Six (6) parcels located entirely in Airport Zone C and nine parcels located partially within Airport Zone C are designated wholly or partially for residential development. All but two of these parcels are within Specific Plan No. 312 (French Valley/Spencer's Crossings).

Airport Zone D is the area outside the above safety zones that experiences overflight on a regular basis, being under regular flight paths but either removed from the extended runway centerline or at a greater distance from the runway along the extended runway centerline. Excluding lots smaller than 0.4 acre in size within recorded residential subdivisions, there are 218 parcels located wholly or partially within Airport Zone D. 34 of these parcels are designated for consistent residential densities, 51 are designated for non-residential uses, and 133 of these parcels are designated for residential development at intermediate densities (greater than one dwelling unit per five acres, less than five dwelling units per acre). However, of these 133, 27 are included in approved tentative tract maps and 35 would not be eligible for division pursuant to their 2003 General Plan designations. This leaves 71 parcels for which an amendment to the General Plan designation would be required in order to achieve consistency. 45 of these parcels are designated Medium Density Residential in their entirety, while an additional 21 are split between Medium Density Residential and other designations.

Land use designation changes would not be required in Airport Zone E.

City of Murrieta

Portions of Airport Zones B1 and C, and a large area of Airport Zone D, are located within the corporate boundaries of the City of Murrieta. Almost all of the area in the City in Airport Zone B1 is designated Business Park. The area in Airport Zone C includes lands designated Business Park

and Rural Residential. However, it should be noted that the City designation/zone of Rural Residential provides for a density of 0.4 dwelling units per acre, twice the density allowed in Zone C. Fortunately, it appears that portions of only five parcels are in this category.

The larger concern for the City of Murrieta relating to residential development intensity is that the Plan, as adopted in 2004, prohibits intermediate residential densities in Zone D. Most of the undeveloped residentially designated land in the City of Murrieta portion of Zone D is either designated Rural Residential 0.4 dwelling units per acre or Single Family - 1 Residential, which provides for a density of 2.1 – 5.0 dwelling units per acre. Much of the vacant land designated Single Family - 1 Residential is located within Murrieta Hills, an adopted Specific Plan (originally Specific Plan No. 309 as processed by the County of Riverside; the site was annexed to the City following the County's tentative approval of the project but prior to any final action on the general plan amendment by the County.)

COMMENTS ON THE ENVIRONMENTAL DOCUMENT:

The State of California Native American Heritage Commission (NAHC) has issued a letter stating that the “lead agency is required to assess whether the project will have an adverse effect on [historic and archaeological] resources within the area of potential effect, and, if so, to mitigate that effect.” In this regard, the NAHC recommends a series of actions, including a records search through the California Historic Resources Information Center, a Sacred Lands File search, the preparation of a professional archaeological report, and provisions in the event of accidental discovery of archaeological resources or artifacts, unmarked Native American cemeteries or human remains, and avoidance of areas with significant cultural resources.

As the adoption of the French Valley Airport Land Use Compatibility Plan, with or without additional compatibility policies, does not involve or authorize the disturbance of any land or have any other direct physical environmental impact, there is no direct effect on archaeological resources. However, this area is known to be archaeologically sensitive. The measures indicated in the letter should be incorporated into the development review process by the County of Riverside and the Cities of Murrieta and Temecula. The implementation of these measures is beyond the legal authority or scope of the activities of the Airport Land Use Commission.

EVALUATION OF ADDITIONAL COMPATIBILITY POLICIES:

As a naming convention, these additional compatibility policies are listed as “alternatives”, but all of these are actually options for additional compatibility policies. All assume the adoption of an Airport Land Use Compatibility Plan, the current boundaries of the Airport Influence Area, and the current boundaries of Airport Zones.

The Countywide land use compatibility criteria adopted by the ALUC in 2004 generated considerable concern in the development community over the course of the following months, most of which was directed in comments to County officials and Planning Department staff. The decision not to include the exemption for adopted Specific Plans in the French Valley Plan was of particular

concern to the Building Industry Association (which lobbied for the Board of Supervisors to overrule the ALUC) and also to legal counsel representing the County's Executive Office in its role as financial caretaker for the County's Community Facilities ("Mello-Roos") Districts. Concerns were raised that the nonresidential intensity limitations in Zones B1 and C were so restrictive that the properties would be competitively disadvantaged, and that, as a result, landowners might choose to abandon their properties rather than pay the CFD fees. (These concerns may not have arisen until after the adoption of the FVALUCP, and may not have been presented to the ALUC.) The County opted not to overrule, but decided to pursue an amendment to the FVALUCP prior to initiating any amendments to its General Plan or Specific Plans. The first version of the amendment as submitted in the spring of 2005 was reviewed by the previous Executive Director and found to be too close to a Specific Plan exemption in nature. The County then submitted a revamped version, but consideration of the amendment proposal was placed on hold due to the ongoing litigation and the need for resources to enable the preparation of an environmental document.

Alternative One

Alternative One is the County/City proposal submitted for the Commission's consideration earlier this year. Proposed Section 2.2 addresses residential densities in Zone C and proposes to allow residential densities in the range of one to three (1.0-3.0) dwelling units per acre in the portion of Zone C located westerly of Winchester Road (in addition to the allowance for rural densities not exceeding one dwelling unit per five acres). Projects with densities in the 1.0-3.0 dwelling unit per acre range would be subject to a condition requiring an interior noise level reflecting a noise level reduction of not less than 20dB from exterior noise levels. The proposal noted that the residential density limit for the Extended Runway Centerline zone on the previous CLUP was 3 dwelling units per acre. This change would eliminate the need for the County to initiate Foundation Component General Plan Amendments changing the designations of properties from Community Development densities such as Medium Density Residential (2 to 5 dwelling units per acre) to Rural densities such as one dwelling unit per five acres and a corresponding amendment to adopted Specific Plan No. 312 (French Valley/Spencer's Crossing).

Section 2.3 addresses residential densities in Zone D and proposes to allow residential densities between 0.2 and 5.0 dwelling units per acre within those portions of Zone D located outside the boundaries of the ultimate 55 CNEL contour. These are areas that would not be considered to be noise-impacted pursuant to CEQA (the California Environmental Quality Act). The effect of Section 2.3 would be to eliminate residential density restrictions in the portion of Zone D located outside the 55 CNEL contour – almost all of Zone D in this area. This proposal is similar to the provision applied to a small area of Zone D westerly of Tyler Street in the City of Riverside, where the Airport Land Use Commission has an adopted policy that "no restriction on residential densities shall apply"; however, the County proposal would apply to a much larger geographic area.

Section 2.4 addresses nonresidential intensities in Airport Zones B1 and C. Basically, it proposes to increase allowable average nonresidential intensities from 25 persons per acre to 40 persons per acre in Zone B1 and from 75 persons per acre to 80 persons per acre in Zone C. Single-acre maximum intensities would continue to be twice the average intensities, raising these levels from 50 to 80

persons in Zone B1 and from 150 to 160 persons in Zone C. Additionally, bonuses for extra open land would be available that could increase intensities by up to 20%, similar to those approved by the Commission for properties in the vicinity of Palm Springs International Airport.

Staff would note that the nonresidential provisions in Alternatives One, Two, Three, and Four relate the higher intensities to areas specified with a (1) and a (2) on a map, but there was no map with the environmental document identifying these areas. In fact, the reference to a (1) and a (2) is a leftover from the initial County proposal, in which (1) was confined to areas within Community Facilities District No. 88-4 and (2) was confined to areas within adopted Specific Plans designated for commercial and industrial development. It is staff's current proposal that the increased allowable intensity for nonresidential development, if recommended by the Commission, apply across-the-board to nonresidential development (whether or not in a Community Facilities District or a Specific Plan, and whether in the City of Murrieta, the City of Temecula, or unincorporated Riverside County); therefore, the words "by a (1) and a (2)" in the introduction of the nonresidential amendment proposal should be deleted.

Section 2.5 proposes to apply the expanded buyer awareness measures applicable in the vicinities of the Palm Springs International Airport and Riverside Municipal Airport to the French Valley Airport Influence Area, excluding Compatibility Zone E. However, these measures are only proposed if the Commission were to approve either Section 2.2, Section 2.3, or both.

The major issue that has been raised regarding the County/City proposal concerns the portions of the proposal that would allow higher residential densities in Airport Zone C. To the extent that the areas within Zone C coincide with areas in the Outer Approach/Departure Zone as delineated in the standard safety zone diagrams of the Airport Land Use Planning Handbook, this portion of the proposal is inconsistent with the guidelines in the Handbook. Table 9C on page 9-47 of the Handbook ("Safety Compatibility Criteria Guidelines") indicates that for rural/suburban settings, residential densities within the Outer Approach/Departure Zone should be one dwelling unit per two to five acres. Therefore, staff would recommend selection of a different alternative.

Alternative Two

Alternative Two is basically Alternative One with the amendment to residential density in Zone C deleted. Section 2.3 above is renumbered Section 2.2, Section 2.4 is renumbered Section 2.3, and Section 2.5 is renumbered Section 2.4.

The primary focus here is on residential densities in Zone D, with Alternative Two proposing that the prohibition on intermediate densities in Zone D areas outside the 55 CNEL contour be eliminated. Table 2B on page 2-23 of the Riverside County Airport Land Use Compatibility Plan (Supporting Compatibility Criteria: Noise) indicates that single-family residences, condominiums, apartments, and mobile homes would all be considered "clearly acceptable" within the 50-55 CNEL range. Furthermore, developments with densities less than five dwelling units per acre clearly present a lesser safety hazard than developments with densities greater than five dwelling units per acre.

The provisions of Airport Zone D are based on two concepts: (1) that persons living in higher density developments are subject to a greater level of ambient noise and would be less likely to be annoyed by aircraft noise as a result and (2) that persons living in intermediate density housing (0.2 to 5.0 dwelling units per acre) and enjoying a quiet living environment are the most likely to register complaints regarding aircraft and aircraft operations. However, this “high or low but not in between” approach is also counterintuitive in that higher density housing would accommodate more persons per acre than intermediate density housing and thereby expose more persons to such hazards as noise and accident potential relative to intermediate density housing. This approach is not mandated by the Handbook. The compatibility of development relative to safety concerns is determined based on occupancy or intensity levels.

The Airport Land Use Commission has previously reviewed and rejected a similar proposal to relax residential density restrictions in Zone D in the vicinity of Jacqueline Cochran Regional Airport. However, in that area, the Commission was addressing a situation where most of the surrounding area was vacant or in agricultural use. In contrast, much of Zone D in the French Valley Airport Influence Area is already developed with intermediate density residential uses.

A secondary reason for allowing the higher density housing, but not the intermediate density housing, in Zone D was as an incentive to induce clustering that would enable the reservation of unused area as open space suitable for emergency landing. However, the provisions of Zone D already require that 10% of the land area in projects 10 acres or larger be set aside as open area. From the perspective of open area preservation, as long as the open area requirement is met, it really should not matter whether the densities in the development area in Zone D are two units per acre, six units per acre, or one unit per two acres, as long as there are no safety or noise issues of concern.

Alternative Three

Alternative Three includes the same nonresidential intensity amendments as Alternatives One and Two, as Section 2.3, and additionally reinstates the year 2005 amendment regarding net density as Section 2.2. Alternative Three has been prepared to allow the Commission an opportunity to forward its vision of the French Valley Airport as the hub of an employment/job center for Southwestern Riverside County. A number of property owners and their representatives have indicated that the allowable occupancy levels, especially in Zones B1 and C, are too restrictive to enable the properties to be developed in an economic manner, especially for commercial uses. The Countywide compatibility criteria of 25 and 75 persons per acre, respectively, were generally based on the lowest end of the persons per acre range found in the Statewide safety compatibility criteria guidelines (Table 9C on page 9-47 of the State Handbook). The proposed occupancy levels of 40 and 80 persons per acre, respectively, do not exceed the maximum nonresidential intensities for the Inner and Outer Approach/Departure zones derived from that table. Alternative Three does not change any residential density provisions of the FVALUCP in effect as of the date that the FVALUCP was suspended.

Alternative 3A

Alternative 3A would simply reinstate the 2005 amendment regarding calculation of residential densities in Zone D on a net acreage basis, excluding open areas.

Alternative Four

Alternative Four reflects staff's attempt to bring Alternative One into compliance with the Airport Land Use Planning Handbook. Sections 2.3 through 2.5 of Alternative Four are identical to those sections of Alternative One, including the same changes to residential densities in Zone D and nonresidential intensities in Zones B1 and C. The difference is in the amendment to residential densities in Zone C. Pursuant to Alternative Four, the "higher intensity range" of 1.0 to 3.0 dwelling units per acre would only be permitted in the portion of Zone C westerly of Winchester Road at distances more than 6,000 feet from the northerly end of the runway and more than 500 feet from the extended runway centerline. These are areas that would be considered to be in the Traffic Pattern Zone, rather than the Outer Approach/Departure Zone, pursuant to the State Handbook. Additionally, this additional compatibility policy would not be applicable to any areas designated for commercial, industrial, or other non-residential uses, or for a residential density of no more than 0.2 dwelling units per acre as of October 7, 2003 and would not be applicable to any areas within the boundaries of the ultimate 60 CNEL contour as depicted on Map FV-3, Noise Compatibility Contours.

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 5.1

HEARING DATE: December 14, 2006

CASE SUMMARY:

CASE NUMBER: ZAP1018MA06-City of Riverside- Patti Nahill/City of Moreno Valley-Chris Ormsby

APPROVING JURISDICTION: City of Riverside/City of Moreno Valley and Riverside County Local agency Formation Commission

JURISDICTION CASE NO: Annexation 104 (P06-1019) and pre-zoning as MP-SP (Manufacturing Park and Specific Plan Combining Zones) in the City of Riverside; Annexation (PA06-0148) to City of Moreno Valley

MAJOR ISSUES:

None

RECOMMENDATION:

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

PROJECT DESCRIPTION:

The proposed project involves the annexation of 31 acres into the City of Riverside, with pre-zoning of MP-SP (Manufacturing Park and Specific Plan Combining Zone), and the annexation of 15.2 acres into the City of Moreno Valley. Presently the land is vacant.

PROJECT LOCATION:

The old Highway 215 and railroad rights-of-way and roadway area located northerly of Alessandro Boulevard, southerly of Eucalyptus/Eastridge Avenues, in unincorporated Riverside County, approximately 8,300 feet northwesterly 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 I
- c. Noise Levels: 60-65 CNEL Contour

BACKGROUND:

Land Use – Intensity: The Cities of Riverside and Moreno Valley propose the annexation of 46.2 acres, 31 acres in which will go into the City of Riverside and 15.2 acres into the City of Moreno Valley. The City of Riverside also proposes a pre-zoning of MP-SP (Manufacturing Park and Specific Plan Combining Zone). The City of Moreno Valley proposes the annexation of 15.2 acres, with the majority of the land being that of right-of-way. The site is located in Airport Area I pursuant to the 1984 Plan, Airport Area I shall be kept free of all high risk land uses. (See attached Appendix B).

The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts the property as being within Zone B1. Airport Area B1 will allow no new dwellings, and will have an intensity standard of 25 people per acre average in Accident Potential Zone I and 50 people per acre elsewhere in Zone B1 and 100 people within any given acre. However, this Plan is not yet in effect, and is meant for advisory purposes only.

Part 77: The highest elevation of any object or terrain is 1539 feet above mean sea level (AMSL). The runway elevation at its closest point is 1535 feet AMSL. The land is currently vacant. Given the distance from the runway, a structure would have to exceed an elevation of 1,618 to merit review.

Noise: The site is subject to noise levels of 60-65 CNEL, according to Figure 4-6 of the AICUZ study. Provided that the site is used for manufacturing and/or warehousing, the proposed zoning use is compatible with such noise levels.

CONDITIONS:

The following conditions specified herein are applicable to future new development within the annexation area:

1. Prior to recordation of a final map, issuance of new building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an avigation easement to the MARB/MIP Airport. (Contact March Joint

Powers Authority at (951) 656-7000 for additional information.)

2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
3. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - e. High Risk Land Uses (See attached Appendix B)
4. The attached notice shall be given to all prospective buyers and/or tenants.

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 5.2

HEARING DATE: December 14, 2006

CASE SUMMARY:

CASE NUMBER: ZAP1015MA06-City of Riverside- Patti Nahill

APPROVING JURISDICTION: City of Riverside and Riverside County Local Agency Formation Commission

JURISDICTION CASE NO: Annexation 107 (P06-0453) and pre-zoning as R-1-8500-RL, R-1-13,000, R-1-13,000-RL, R-1-1/2 Acre-RL, and RE-RL.

MAJOR ISSUES:

None

RECOMMENDATION:

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

PROJECT DESCRIPTION:

The proposed project involves the annexation of 324 acres into the City of Riverside and establishment of pre-zoning of R-1-8,500-RL, R-1-13,000, R-1-13,000-RL, R-1-1/2 Acre-RL, and RE-RL. Presently the land is in unincorporated Riverside County and is zoned SP (Specific Plan), R-A (Residential Agricultural 20,000 acre minimum), and R-A-1 (Residential Agricultural 1 acre minimum).

PROJECT LOCATION:

The annexation area the remainder of the Alta Cresta Specific Plan, located northerly of Mariposa Avenue, southerly of Van Buren Boulevard, easterly of Wood Road, and westerly of Barton Road, in unincorporated Riverside County, approximately 11,900 feet westerly of the Runway at March Air Reserve Base. The annexation area extends westerly of Wood Road, but that area is outside the Airport Influence Area and, therefore, is not subject to ALUC review.

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 III
- c. Noise Levels: Outside the 55 CNEL Contour

BACKGROUND:

Land Use – Density: The proposed land use is single family residential. Airport Area III places no restriction on residential densities.

The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts the property as being within Zones D and E. Both Airport Zones D and E place no restrictions on density. However, this Plan is not yet in effect and is for advisory purposes only.

Part 77: The highest elevation of any object or terrain is 1,742 feet above mean sea level (AMSL). The runway elevation at its closest point is 1,535 feet AMSL. No new structures are proposed through this application. FAA notice and review may be required for new structures exceeding an elevation of 1,654 feet AMSL. Therefore, Part 77 obstruction criteria are not a concern at this time.

Noise: The 1998 AICUZ Study indicates the site to be outside the 55 CNEL.

CONDITIONS:

The following conditions specified herein are applicable to future new development within the proposed annexation area:

- 1. Prior to recordation of a final map, issuance of new building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an aviation easement to the MARB/MIP Airport. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)
- 2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
- 3. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight

- climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
- b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The attached notice shall be given to all prospective buyers and tenants.

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 6.1

HEARING DATE: December 14, 2006

CASE NUMBER: ZAP1004FV06 – KCT Consultants, Inc. for French Valley Development PRT, LLC

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: Commercial/Industrial Parcel Map No. 35212

MAJOR ISSUES: Property owners within the 300-foot radius did not receive a ten-day notice pursuant to law due to mailings being rejected by the County’s Central Mail Processing Service. Therefore, this matter will need to be continued to a subsequent hearing date.

Additionally, 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 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: CONTINUANCE FOR READVERTISEMENT. The project may be brought forward at the January 11 hearing, but the Commission may be unable to take action on this matter at that 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. If the applicant prefers a continuance to allow for the reinstatement of the Plan, staff would recommend a continuance to February 8, 2007.

PROJECT DESCRIPTION:

Division of 56.95 acres into 23 parcels for future commercial development, plus a “not a part” area for biological mitigation.

PROJECT LOCATION:

The site is located easterly of Winchester Road, westerly of Sky Canyon Drive and the French Valley Airport, and northerly of Hunter Road/Borel Road, approximately 1,000 feet westerly of Runway 18-36) 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 above 55 CNEL to 65 CNEL on parcel map site at ultimate airport use per Coffman Associates

BACKGROUND:

Land Use Intensity and Occupancy: Parcel Map No. 35212 proposes to divide 56.95 acres into 23 parcels for commercial development. There is no associated plot plan or use permit for development at this time, so no information on land use intensity is available.

Noise: The site will be subject to noise levels from aircraft operations ranging from above 55 CNEL to 65 CNEL. Some uses may require acoustical mitigation (to be determined at the use permit or plot plan stage) in order to achieve interior noise levels of 45 CNEL or lower.

PART 77: The maximum elevation of any building pad on-site is 1,337 feet above mean sea level (AMSL). The elevation of Runway 18-36 at its low point is 1,335 feet AMSL. At a distance of 1,000 feet from the runway, any structure with a top elevation exceeding 1,345 feet AMSL would require FAA notice and review. However, this parcel map would not authorize the construction of any structures. It is likely that most structures within the parcel map boundaries will require FAA notice and review. It is not necessary at this time, as the building pads themselves will not be at such a height as to constitute obstructions.

Summary: If the 2004 French Valley Airport Land Use Compatibility Plan were in effect and if there were no legal notice issues, staff would have recommended a finding of consistency for this parcel map.

Attachment: Regardless of the status of the Compatibility Plan, State law requires notification that the property is located in an Airport Influence Area in the course of real estate transactions. A sample notice is attached for the applicant's use.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 6.2

HEARING DATE: December 14, 2006

CASE NUMBER: ZAP1006FV06 – Development Companies, LLC/Silverhawk Investments, LLC

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: Plot Plan No. 22352

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 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: Staff recommends that the Commission authorize staff to send the attached letter to the applicant stating that it will TAKE NO ACTION 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. The project is reported back to the County of Riverside for appropriate action. Alternatively, if the applicant prefers a continuance to allow for the reinstatement of the Plan, staff would recommend a continuance to February 8, 2007.

PROJECT DESCRIPTION:

Development of 17 office buildings with a total floor area of 162,000 square feet on a 12.08-acre site (10.02 net acres).

PROJECT LOCATION:

The site is located easterly of Winchester Road, westerly of Sky Canyon Drive, and southerly of Technology Drive in the community of French Valley in unincorporated Riverside County, approximately 3,584 feet southwesterly of Runway 18-36 at French Valley Airport.

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: Below 55 CNEL except for the northeasterly portion of the property, where the noise level would be 55-60 CNEL at ultimate airport use per Coffman Associates

BACKGROUND:

Land Use Intensity and Occupancy: Plot Plan No. 22357 proposes development of 17 office buildings with a total floor area of 162,000 square feet on a 12.08-acre site. Staff has reviewed the site plan and has determined that, if the buildings are entirely devoted to office uses, the project would have an average intensity of 70 persons per acre and that the single-acre intensity would be as high as 230 persons per acre. The single-acre intensity is affected by the use of two-story structures on the site plan.

Noise: The site will be subject to noise levels from aircraft operations, but most of the site lies outside the 55 CNEL contour.

PART 77: The maximum elevation of the site is approximately 1,253 feet above mean sea level (AMSL). No scaled elevations were provided, but if one assumes a maximum structure height of 45 feet as stated in the application, the elevation at top of structure would still be lower than the runway elevation. Therefore, Part 77 criteria are not a concern at this location.

Attachment: Regardless of the status of the Compatibility Plan, State law requires notification that the property is located in an Airport Influence Area in the course of real estate transactions. A sample notice is attached for the applicant's use.

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 6.3

HEARING DATE: December 14, 2006

CASE SUMMARY:

CASE NUMBER: ZAP1002CH06 – Hillcrest Nexus 2 LLC /Steve Hathaway/
Stelzer Family Trust

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: General Plan Amendment No. 00834, Change of Zone Case No. 07445, and Plot Plan No. 22277

MAJOR ISSUES: The single-acre land use intensities are inconsistent with the Draft Chino Airport Land Use Compatibility Plan, as they exceed 150 persons per acre in most of the portion of the property within Airport Zone C. The proposed project is also inconsistent with the 1991 San Bernardino County Chino Airport Land Use Compatibility Plan, in that it provides for structures that would hold more than 15 persons within Safety Zone II. However, the project is not inconsistent with the 1984 Riverside County Airport Land Use Plan, which does not restrict commercial or industrial land use intensities within Area II. If risk reduction features are utilized, the project could be consistent with State Handbook criteria for the Outer Approach/Departure Zone if the State's more generous multipliers were utilized.

RECOMMENDATION: Staff recommends that the Commission open the public hearing, consider testimony, discuss, and provide direction to staff as to whether, given these circumstances, a finding of consistency with the 1984 Riverside County Airport Land Use Plan, subject to the conditions included herein, is appropriate in this situation. Staff does not recommend use of the special findings for situations where Plans are in process, in that the proposed project design is not consistent with the Draft Chino Airport Land Use Compatibility Plan, given the single-acre land use intensities of this project. However, the applicant has been advised that he may suggest amendments to the Draft Plan during the public hearing process for the Plan's environmental document.

PROJECT DESCRIPTION:

General Plan Amendment No. 00834 proposes to change the designation of the property on the Eastvale Area Plan Land Use Map of the Riverside County General Plan from Light Industrial, Open Space – Recreation, and Medium Density Residential (2 to 5 dwelling units per acre) to Commercial Retail and Light Industrial. Change of Zone Case No. 07445 proposes to change the zoning of the property from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) to C-1/C-P (General Commercial) and M-SC (Manufacturing – Service Commercial). Plot Plan No. 22277 proposes the development of a 282,770 square foot commercial and industrial center, including a shopping center

with major retail tenant, market, drug store, bank, restaurant, car wash, retail shops, fast food, offices, and mini-storage on the property.

PROJECT LOCATION:

The site consists of 37.8 to 38.1 acres located at the southeast corner of Archibald Avenue and Limonite Avenue (and extending southerly and easterly therefrom) in the community of Eastvale in unincorporated Riverside County, approximately 9,200 feet due east of the easterly end 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 Zones C and D on Draft Plan; Safety Zones II and III and Referral Areas “B” and “C” on 1991 San Bernardino County Plan |
| c. Noise Levels: | 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. Staff has no reason to believe that this property should be considered to be within Area I; however, the portion of the property proposed for retail commercial use is in Area II. Commercial and industrial development is not restricted in Area II under the terms of the 1984 Plan; however, the 1991 San Bernardino County Plan does impose restrictions on nonresidential building intensities within Area II. Avigation easements are required 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 1991 Chino Airport Comprehensive Land Use Plan (San Bernardino County)

The project site is located partially in Safety Zone II, Referral Area “B” and partially in Safety Zone III, Referral Area “C” as depicted on Figures I-4 and III-7 of the Chino Airport Comprehensive Land

Use Plan. The section of that Plan addressing land uses and population densities restricts nonresidential intensities in Safety Zone II, limiting intensities of uses in structures to a maximum of 25 persons per acre and a maximum of 15 persons in any given structure. The Plan recommends that “large assemblies of people in uses such as hospitals, stadiums and arenas, auditoriums and concert halls, outdoor amphitheaters and music shells, regional shopping centers, [and] jails and detention centers” be limited in Zone III, and that hazards to flight and wildlife attractants be avoided. This project design places the most intense uses in Zone II, with the less intense uses in Zone III. The project as designed is inconsistent with the 1991 Chino Airport Comprehensive Land Use Plan.

Analysis Relative to 2002 State of California Airport Land Use Planning Handbook

As noted in the Aviation Systems, Inc. report submitted by the applicant, the project would be considered to be in the Outer Approach/Departure Zone or safety compatibility zone (4) as illustrated in Figure 9K of the 2002 State of California Airport Land Use Planning Handbook. Pursuant to Table 9C, Safety Compatibility Criteria Guidelines, an average of 60 to 80 persons per gross acre could be accommodated in this zone. As demonstrated in the report, the project meets this standard if developed pursuant to the assumptions therein. However, the State Handbook is more generous than the 2004 Riverside County Airport Land Use Compatibility Plan in its allowances for the single-acre intensity multiplier and the risk-reduction factor in the Outer Approach/Departure Zone. Specifically, the maximum number of persons per single acre pursuant to Table 9C is three times the allowable average (180-240 persons per acre), in comparison to two times the allowable average pursuant to Table 2A of the 2004 ALUCP. Additionally, “the bonus for special risk-reduction building design” pursuant to Table 9C is two times, rather than 1.3 times as provided in Table 2A. Thus, use of these risk-reduction factors could raise the allowable single-acre intensity to 360-480. Provided that the building listed as “Major A” is an “exercise room” as assumed in the report, the project could be consistent with the State Handbook recommended criteria if the project design utilizes special risk-reduction features.

Analysis Relative to Draft Chino Airport Land Use Compatibility Plan

Nonresidential Land Use Intensity: The site is located partially in Airport Zone C and partially in Airport Zone D. The westerly portion of the property (22.17 acres, according to the Aviation Systems, Inc. report) is within Airport Zone C, with the remainder in Airport Zone D. Nonresidential intensity in Airport Zone C is restricted to an average intensity of 75 persons per acre and a maximum intensity of 150 persons in any given acre. Nonresidential intensity in Airport Zone D is restricted to an average intensity of 100 persons per acre and a maximum intensity of 300 persons in any given acre. Provided that the buildings depicted on the site plan as “office/commercial” are utilized as offices, that the proportion of the fast-food restaurant square footage in dining area does not exceed 60%, and that the “Major A” building is an exercise room or fitness center rather than a retail sales facility, the project is consistent with the average intensity limitations.

However, the project is not consistent with the single-acre intensity limitations for Zone C as proposed for the Chino Airport environs and as utilized for all of the airports evaluated pursuant to the 2004 Riverside County Land Use Compatibility Plan, except for Palm Springs International

Airport. As noted in the Aviation Systems, Inc. report, there are at least three areas of the property where the single-acre intensity would exceed 200 persons per acre. In the worst-case scenario where the “Major A” building is a retail store with no storage area, an acre including that building and a portion of the “Shops D” building could potentially accommodate 693 persons. This drops to 424 persons if the “Major A” building is a large “exercise room”. However, it would increase above 693 if “Major A” were to become a church, a theater, or a facility where spectators view sports events.

The basic problem here is attributable at least in part to the applicant’s (or his client’s) marketing decision that the commercial uses require visibility and accessibility from Archibald Avenue, rather than Limonite Avenue, with the result that the more intense uses are sited in the westerly Zone C portion of the project site rather than the easterly Zone D portion. From an airport land use compatibility planning perspective, the more intense uses should be sited farther from the end of the runway in Zone D.

Staff would note that CVS Pharmacy has written a letter stating that its pharmacy/drug store would have an average occupancy of 20 persons and a peak occupancy of 50. This seems to be intuitively correct in terms of real world conditions. In contrast, the use of the Building Code method yields an occupancy of 280 persons for this store if entirely used for retail sales, or 230 if 20% of the building is used for storage.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited in Airport Zone C (children’s schools, day care centers, libraries, hospitals, nursing homes, buildings with more than three aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses and hazards to flight) within the project.

Noise: The site underlies traffic patterns. Future patrons, customers, and employees will experience some annoyance from over flying aircraft, but the site lies just 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 636 feet above mean sea level (636feet AMSL). The elevation of the nearest runway at its closest point is 636 feet AMSL. At a distance of 9,200 feet from the runway, FAA review would be required for any structures with top of roof exceeding 728 feet AMSL. At this time, no structures are expected to exceed 40 feet in height, and finished floor elevations are not expected to exceed 646 feet AMSL (height to top of roof not exceeding 686 feet AMSL). Therefore, FAA notice and review is not required at this time.

Open Area: Airport Zone C requires that 20% of major projects be set aside as open land that could potentially serve as emergency landing areas, and Airport Zone D requires a 10% set aside. It is possible that the project could meet these criteria, but this would depend on the design of the parking lot and its landscaping.

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (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.
3. 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.
4. The attached notice shall be provided to all potential purchasers and tenants.
5. 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.)
6. The square footage of the retail sales area in the structure labeled as “drug store” on the site plan shall not exceed 13,447 square feet.
7. The square footage of the dining area in the structures labeled as “fast food” shall not exceed 60 percent of the gross floor area of the structure.
8. The square footage of the retail area in the structures labeled as “market” and “shops” shall not exceed 80 percent of the gross floor area of the structure.
9. The structure labeled as “Major A” may be utilized as a fitness center or exercise room, but the following uses shall not be permitted: retail sales, auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, dining rooms, drinking establishments, exhibit

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rooms, lounges, stages, spectator sporting events, bowling alleys, classrooms, courtrooms, and day care nurseries.

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 6.4

HEARING DATE: December 14, 2006

CASE SUMMARY:

CASE NUMBER: ZAP1003CH06 – SC Eastvale Development Corporation, Bootsma Family, and Albert Webb Associates

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: Change of Zone Case No. 07430 and Parcel Map No. 35173

MAJOR ISSUES: The proposed zoning of A-1 is inconsistent with the Draft Chino Airport Land Use Compatibility Plan, as it would allow for residential development at an intermediate density. The proposed parcel map is arguably inconsistent with the criteria of the Draft Chino Airport Land Use Compatibility Plan due to its establishment of a one-acre lot. (The overall density of the parcel map at one dwelling unit per ten acres is consistent, but it is likely that the larger parcel would subsequently be developed, leaving the one-acre lot as the remaining end result attributable to this parcel map.)

RECOMMENDATION: Staff recommends a finding of CONSISTENCY with the 1984 Riverside County Airport Land Use Plan, subject to the conditions included herein. Staff does not recommend use of the special findings for situations where Plans are in process, in that the proposed project design is not consistent with the Draft Chino Airport Land Use Compatibility Plan, given the lot size allowed by the proposed zoning and the size of the smaller lot that would be established through the parcel map.

PROJECT DESCRIPTION:

Change of Zone Case No. 07430 proposes to change the zoning of 21.07 acres from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) to A-1 (Light Agriculture). Parcel Map No. 35173 proposes to divide the 21.07-acre site into two lots, including one lot one acre in size.

PROJECT LOCATION:

The site is located southerly of Schleisman Road, westerly of Archibald Avenue, and easterly of Cucamonga Creek in the community of Eastvale in unincorporated Riverside County, approximately 8,300 feet southeasterly 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; Safety Zone III and Referral Area “C” on 1991 San Bernardino County Plan
- c. Noise Levels: 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. 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 does not restrict residential densities, but does require aviation easements for all uses. The height of aviation 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 aviation easement to Chino Airport is included herein.

Analysis Relative to 1991 Chino Airport Comprehensive Land Use Plan (San Bernardino County)

The project site is located in Safety Zone III, Referral Area “C” as depicted on Figures I-4 and III-7 of the Chino Airport Comprehensive Land Use Plan. The section of that Plan addressing land uses and population densities does not restrict residential densities in this area. The Plan recommends that “large assemblies of people in uses such as hospitals, stadiums and arenas, auditoriums and concert halls, outdoor amphitheatres and music shells, regional shopping centers, [and] jails and detention centers” be limited, and that hazards to flight and wildlife attractants be avoided.

Analysis Relative to 2002 State of California Airport Land Use Planning Handbook

The project would be considered to be in the Traffic Pattern Zone or safety compatibility zone (6) as illustrated in Figure 9K of the 2002 State of California Airport Land Use Planning Handbook. Pursuant to Table 9C of the Handbook, residential density limitations are not proposed in the Traffic Pattern Zone. As noted above, the site is also outside the 55 CNEL contour. Therefore, the proposed project would be consistent with the Handbook compatibility guidelines.

Analysis Relative to Draft Chino Airport Land Use Compatibility Plan

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. The change of zone would facilitate development at an intermediate density of two dwelling units per acre, and the parcel map establishes a lot one acre in size. Thus, the project would not be consistent with the draft Chino Airport Land Use Compatibility Plan. It should be noted that the average density of the parcel map is one dwelling unit per ten acres and that the project could be considered to comply with the low-intensity option of one dwelling unit per five acres or lower intensity. However, this parcel map is most likely a precursor to a subsequent development application that would divide the larger lot, which would then leave the one-acre lot as the end result of the parcel map. This would not be inconsistent if the Airport Land Use Commission chooses to permit intermediate densities in accordance with the request of the County Planning Department earlier this year.

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. Compliance with this standard cannot be determined at this time, as no structures are proposed through these applications. The Cucamonga Creek Channel is adjacent to the site.

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 591 feet above mean sea level (591feet AMSL). The elevation of the nearest runway at its closest point is 636 feet AMSL. At a distance of 8,300 feet from the runway, FAA review would be required for any structures with top of roof exceeding 719 feet AMSL. At this time, no structures are expected to exceed 30 feet in height, and finished floor elevations are not expected to exceed 609 feet AMSL (height to top of roof not exceeding 639 feet AMSL). Therefore, FAA notice and review is not required at this time.

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:

- (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. 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.
4. The attached notice shall be provided to all potential purchasers and tenants.
5. 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 avigation 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: 6.5

HEARING DATE: December 14, 2006

CASE SUMMARY:

CASE NUMBER: ZAP1016MA06-City of Riverside- Patti Nahill

APPROVING JURISDICTION: City of Riverside and Riverside County Local Agency Formation Commission

JURISDICTION CASE NO: Annexation 111(PA06-0453) and pre-zoning as R-1-100, RC, and WC

MAJOR ISSUES:

To the extent that the proposed zoning would allow lots to be divided for residential use, the proposed pre-zoning is **INCONSISTENT** with the adopted March Plan, unless the City is willing to zone the lots that are divisible in such a way that would not allow future subdivision for residential purposes. However, given that the proposed zoning would be consistent with the land use intensity criteria included within the Draft March Land Use Study, it would appear that the inclusion of this site within the area subject to the one dwelling unit per 2 ½ acre density restriction was based on a previous level of aircraft activity that is not projected to return in the future.

RECOMMENDATION:

As applied to most of the area within the proposed annexation, the proposed pre-zoning is consistent with the 1984 Riverside County Airport Land Use Plan, However, for those properties that are 21,000 square feet or larger in area, the proposed pre-zoning is inconsistent, so staff cannot recommend a finding of consistency for the project in its entirety. However, given the above information, it does not appear that the proposed pre-zoning and future subdivision potential would create a safety hazard to people on the ground or aircraft in flight or result in excessive noise exposure. Therefore, the Commission may wish to consider declining to act, thereby avoiding the need for the City to pursue a formal overrule action.

PROJECT DESCRIPTION:

The proposed project involves the annexation of 106 acres to the City of Riverside and establishment of pre-zoning of R-1-100 (Single Family Residential with a minimum lot size of 10,500 square feet), RC (Residential Conservation), and WC (Water Course). Presently the land is in unincorporated Riverside County and is zoned R-1 (One family dwelling with a minimum lot size of 7,200 square feet), R-1-80 (Residential One family dwelling with a minimum frontage of 80 feet), and W-1-9 (Watercourse, Watershed, and Conservation Areas, 9 acre minimum lot size).

PROJECT LOCATION:

The project site is the existing University City neighborhood located westerly of Interstate 215 and southerly of Central Avenue in unincorporated Riverside County, approximately 22,704 feet northwesterly 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 55 CNEL Contour

BACKGROUND:

Land Use – Density: The proposed land use is single-family residential and open space. There is a total of 195 lots. Given the proposed zoning, there is a possibility that 17 of those lots could potentially be subdivided increasing the density. The 1984 Airport Land Use Plan calls for a minimum residential lot size of 2 1/2 acres for Airport Area II. Based on the Land Use Plan the proposed pre-zoning would be inconsistent .

The DRAFT March Joint Land Use Study prepared by Mead and Hunt depicts the property as being within Zones D and E. Airport Zones D and E place no restrictions on density. However, this Plan is not yet in effect and is for advisory purposes only.

Part 77: The highest elevation of any object or terrain is 1,542 feet above mean sea level (AMSL). The runway elevation at its closest point is 1535 feet AMSL. No new structures are proposed through this application. Therefore, Part 77 obstruction criteria are not a concern at this time. Given the distance from the runway, a structure would have to exceed an elevation of 1,762 feet to merit review pursuant to the 1:100 slope criterion.

Noise: The 1998 AICUZ Study indicates the site to be outside the 55 CNEL contour.

CONDITIONS:

The following conditions specified herein are applicable to future new development within the proposed annexation area:

1. Install hooded or shielded outdoor lighting to prevent either 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 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. 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.)
4. The attached notice shall be given to all prospective buyers and tenants.

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 6.6

HEARING DATE: December 14, 2006

CASE SUMMARY:

CASE NUMBER: ZAP1017MA06-City of Riverside- Patti Nahill

APPROVING JURISDICTION: City of Riverside and Riverside County Local Agency Formation Commission

JURISDICTION CASE NO: Annexation 103 (P05-0607) and pre-zoning of R-1-125, R-1-65 & R-1-130; Annexation 112 (P06-1154) and pre-zoning of IBP.

MAJOR ISSUES:

Property owners within the 300-foot radius did not receive a ten-day notice pursuant to law due to mailings being rejected by the County's Central Mail Service. Therefore, this matter will need to be continued to a subsequent hearing date.

RECOMMENDATION:

CONTINUANCE FOR READVERTISEMENT. Place on the January 11 Agenda.

PROJECT DESCRIPTION:

Proposed Annexation 103 consists of 92 acres which constitutes the residential portion of the Alessandro Annexation and establishment of pre-zoning of R-1-125 (Single Family Residential with a minimum lot size of 13,000 square feet), R-1-65 (Single Family Residential with a minimum lot size of 7,000 square feet), & R-1-130 (Single Family Residential with a minimum lot size of a 1/2 acre). Annexation 112 is the 59 acre industrial portion of the Alessandro Annexation and establishment of pre-zoning of IBP (Industrial Business Park).

PROJECT LOCATION:

The proposed annexation of the residential portion is located southerly of Alessandro Boulevard, easterly of Barton Street, and westerly of Gem Lane in unincorporated Riverside County, approximately 10,800 feet northwesterly of the Runway at March Air Reserve Base. Purposed

Annexation 112 the industrial portion is located southerly of Alessandro Boulevard and easterly of Gem Lane, approximately 9,000 feet from the Runway at March Air Reserve Base.

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

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/March Inland Port
- b. Land Use Policy: Airport Area Zone II
- c. Noise Levels: 65 CNEL Contour

BACKGROUND:

Land Use – Density: The proposed land use in the matter of Annexation 103 is Single Family Residential and the proposed land use for Annexation 112 is Industrial. The residential portion of the annexation pre-zoned R-1-130 (Single Family Residential 1/2 acre minimum), encompasses a total of 36 lots with the possibility of subdivision of 14 lots. Airport Area II calls for a minimum of 2 1/2 acre lot sizes. Therefore, staff can only recommend consistency for those lots that cannot be subdivided. The proposed pre-zoning of IBP (Industrial Business Park) for Annexation 112 is consistent with the 1984 Riverside County Airport Land Use Plan.

Part 77: The highest elevation of any object or terrain is 1654 feet above mean sea level (AMSL). The runway elevation at its closest point is 1535 feet AMSL. No new structures are proposed through this application. Therefore, Part 77 obstruction criteria are not a concern at this time. FAA notice and review may be required for new structures exceeding 1,643 feet AMSL.

Noise: The 1998 AICUZ Study indicates the site to be at 65 CNEL.

CONDITIONS:

The following conditions specified herein are applicable to future new development within the annexation area:

1. Prior to recordation of a final map, issuance of new building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an avigation easement to the MARB/MIP Airport. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)
2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
3. The following uses shall be prohibited:

- a. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The attached notice shall be given to all prospective buyers and/or tenants.

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 6.7

HEARING DATE: December 14, 2006

CASE SUMMARY:

CASE NUMBER: ZAP1014MA06-Michael Lansing et al

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: CZ07089(Change of Zone); TM32965 (Tract Map)

MAJOR ISSUES:

Property owners within 300-foot radius did not receive a ten-day notice pursuant to law due to mailings being rejected by the County's Central Mail Service. Therefore, this matter will need to be continued to a subsequent hearing date.

RECOMMENDATION:

CONTINUANCE FOR READVERTISEMENT. Place on the January 11 Agenda.

PROJECT DESCRIPTION:

The proposed project involves a change of zone of approximately 23.3 acres from R-R (Rural Residential) to R-1 (Residential One-family Dwelling) and the subdivision of 23.3 acres into 81 residential lots for development of detached single-family homes one water detention basin lot.

PROJECT LOCATION:

The project is located southerly of San Jacinto Avenue, and westerly of Pico Avenue, in the Nuevo area of unincorporated Riverside County, approximately 37,600 feet southeasterly 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 Zone III
- c. Noise Levels: Outside the 55 CNEL Contour

BACKGROUND:

Land Use – Density: Change of Zone 07089 proposes a zone change from R-R (Rural Residential, 1/2 acre minimum lot size) to R-1 (Residential One- Family Dwelling). Tract Map 32965 proposes to divide 23.3 acres into 81 residential lots, with a minimum lot size of 7,200 square feet, one lot for a water detention basin, and a 14 foot wide regional trail. Airport Area III places no restrictions on residential uses.

Part 77: The highest elevation of any object or terrain is 1430 feet above mean sea level (AMSL). No structural elevations have been provided, but if development conforms to the maximum height allowance of the proposed R-1 zoning, structures would not exceed 40 feet in height. The runway at its closest point is 1,488 feet AMSL. Therefore, structures will not exceed the runway elevation, and Part 77 criteria are not a concern.

Noise: The site is clearly outside the 55 CNEL contour.

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 land owner shall convey an avigation easement to the MARB/MIP Airport. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)
2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
3. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

- c. Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The attached notice shall be given to all prospective buyers and tenants.

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