



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

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

Thursday, 9:00 a.m., January 11, 2007

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

Interim  
Executive Director  
Ed Cooper

John Guerin  
Cecilia Lara  
Sophia Nolasco  
Barbara Santos

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

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

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

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

## 1.0 INTRODUCTIONS

### 1.1 CALL TO ORDER

### 1.2 SALUTE TO FLAG

### 1.3 ROLL CALL

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

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

## MARCH AIR RESERVE BASE

3.1 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. Airport Area III. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

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

**CORONA MUNICIPAL AIRPORT**

- 4.1 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 9.83 acres at 1251 Hidden Springs Drive, easterly of Gilbert Avenue, in the City of Corona. Not in an airport influence area. (Continued from November 9, 2006 and December 14, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE taking public testimony, and CONTINUE consideration of this matter to February 8, 2007.

**PUBLIC HEARING: 9:30 A.M.**

**FRENCH VALLEY AIRPORT**

- 4.2 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. (Continued from October 26, 2006 and December 14, 2006). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUE to February 8, 2006

- 4.3 ZAP1003FV06 – Hill Country S.A. Ltd./Richland Investments, LLC- County Case Nos. Change of Zone No. 6811 and Tentative Tract Map No. 30430 – Change zoning of 40 acres located northerly of Yates Road and westerly of Charlois Drive in French Valley, unincorporated Riverside County, from R-A-2½ to R-1, and divide the 40 acres into 117 residential lots and four open space lots. (Continued from November 9, 2006). Suspended Plan. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: TAKE NO ACTION

**5.0 PUBLIC HEARING: 9:30 A.M.  
NEW BUSINESS**

**FRENCH VALLEY AIRPORT**

- 5.1 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. Suspended Plan. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: TAKE NO ACTION

- 5.2 ZAP1007FV06 – Patricia Miller – County Case No. CZ07211 – Change of Zone from A-1-10 (Light Agriculture, 10 acre minimum lot size) to A-1-5 (Light Agriculture, 5 acre minimum lot size) on 19.54 – 20.88 acres located northerly of Buena Ventura Road and westerly of Maddalena Road in the unincorporated Riverside County community of French Valley. Suspended Plan. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: TAKE NO ACTION

**PUBLIC HEARING: 10:00 A.M.**

**RIVERSIDE MUNICIPAL AIRPORT**

- 5.3 ZAP1010RI06 – Charles Brown, Architect, for G.F.T., L.L.C. and Unique Carpets – City Case No. P06-1530 (Design Review) – Development of a 58,191 square foot warehouse building, with less than 700 square feet of office space, on 3.15 acres located southerly of Jurupa Avenue and westerly of Acorn Street in the City of Riverside. Airport Zone C. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONTINUANCE to February 8, 2006 if FAA forms have not been submitted.

**MARCH AIR RESERVE BASE**

- 5.4 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](mailto:clara@rctlma.org).

Staff Recommendation: Direct staff as to whether CONSISTENCY finding is possible.

- 5.5 ZAP 1019MA06 – Cottonwood Development, LLC/Hunsaker Associates – Tentative Tract Map No. 35148 – A proposal to develop seven industrial buildings for condominium purposes on 6.57 – 7.84 acres located easterly of the current alignment of Interstate 215, westerly of the Old I-215 Frontage Road, and northerly of Cottonwood Avenue. The site includes areas in both the City of Riverside and unincorporated area, but the unincorporated area is proposed for annexation to the City. Airport Area I. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: Direct staff as to whether CONSISTENCY finding is possible.

- 5.6 ZAP1021MA06 – KDC (Koll Development Co.)/HPB Investments, LP – March JPA Case Nos. PP06-06 and ZV 06-02 – A proposal to develop a three-story, 159,042 square foot office building not exceeding 59 feet in height on 11.2 acres located at 14350 Meridian Parkway, northerly of Cactus Avenue, westerly of Interstate 215 and the rail line, and southerly of Alessandro Boulevard, on the east side of Meridian Parkway, within the area subject to the jurisdiction of March Joint Powers Authority. Variance from Meridian Specific Plan development standard of two stories in the Business Park zone. Airport Areas I and II. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: Direct staff as to whether CONSISTENCY finding is possible.

**BERMUDA DUNES AIRPORT**

- 5.7 ZAP1007BD06 SKL Holding Group, Inc. – County Case No. PP22129 (Plot Plan) – Proposal to develop a Holiday Inn Express Hotel, three stories in height, on a 1.99 – 2.05 acre property located northerly of Varner Road, westerly of (new) Washington Street, and easterly of Berkey Drive (northerly of Motel 6), in the unincorporated Riverside County community of Bermuda Dunes. Airport Zone C. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: Direct staff as to whether CONDITIONAL CONSISTENCY finding is possible.

- 5.8 ZAP1008BD06 – Jonica Esperti – County Case No. PP22238 (Plot Plan) – Development of a triplex (three residential units) at 79-821 42<sup>nd</sup> Avenue, on the south side of 42<sup>nd</sup>, easterly of Jamaica Sands Drive and westerly of Glass Drive, in the unincorporated Riverside County community of Bermuda Dunes. Airport Zones B2 and D. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: INCONSISTENT, but consider possible use of Policy 3.3.6.

- 5.9 ZAP1010BD06 – Northgate Crossing, LLC – City Case Nos. SP 06-3-19, GPA 05-7-71, ZC 05-7-636, PMP 05-7-45, PM 32910 - Development of a multiple use Specific Plan, including 486 residential dwelling units, a motel with 100 to 120 rooms, and 376,700 square feet of commercial uses (including 138,000 square feet of office/showroom buildings, gas station with convenience store, and up to 32,100 square feet of restaurant area) on 88.1 acres located southerly of Indio Boulevard, westerly of Burr Street and southeasterly of Bermuda Dunes Airport in the City of Indio. General Plan Amendment from BP to CC and RH, Zone Change from CC, RL, and BP to CC and RH. Airport Zones B1, B2, C and D. Parcel Map to divide into 23 parcels. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT

**6.0 Presentation – Donna Nelson/Jamaica Sands**

**7.0 ADMINISTRATIVE ITEMS**

7.1 By Laws – Executive Director Identification

7.2 Avigation and Overflight Easements - Colloquy

7.3 Release of Wildlife Attractants Study

7.4 Take No Action Letters

7.5 Density in Specific Plans

7.6 Executive Directors Approvals

7.7 Communications of Interest to Commission

**8.0 APPROVAL OF MINUTES: None**

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

10.0 **COMMISSIONER'S COMMENTS**

Y:VALUCIALUCAGDA-011107.doc

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.1 ~~6-7~~

**HEARING DATE:** January 11, 2007 (continued from 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:** *None.*

~~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:**

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

~~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 **and** 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.



Y:\ALUC\March\ZAP1014MA06SRJAN07.doc

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

AGENDA ITEM: 4.1 ~~4.3~~ ~~5.6~~

HEARING DATE: ~~January 11, 2007~~ ~~December 14, 2006~~ (continued from ~~December 14, 2006~~ and 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, continue taking public consider testimony, and CONTINUE consideration of this matter to the February 8, January 11, 2007 ~~December 14~~ public hearing calendar.

***JANUARY UPDATE: This project was continued from the December 14 hearing, with the consent of the applicant's representative, pending submittal of an acoustical study and additional amended exhibits. The Commission considered testimony from a number of community residents in opposition to the proposed project, and directed that the radius of public notice for this project be expanded from 300 feet to not less than 500 feet. Staff has provided supplemental notification to property owners within an 800 foot radius of the outer boundaries of the two parcels. Mr. Jason Moquin of the City of Corona Planning Department has advised ALUC staff that the two parcels are being merged through a Lot Line Adjustment procedure, which would then increase the parcel size to 9.83 acres. Staff was unable to reach the applicant during the week between Christmas and New Year's Day; the last known status was that the acoustical study was still a week away from completion. If submitted prior to the hearing, copies will be provided to the Commission.***

***ALUC consultant Ken Brody of Mead & Hunt has provided information indicating that the helicopter specifications provided on the applicant's site plan relating to helicopter size are incorrect. The R44 Raven II helicopter is 459 inches (38.25 feet) in length from front propeller tip to rear end of rudder, its width is 86 inches (7'2"), and its rotor diameter is 198 inches (16.5 feet).***

**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 **a 4.76-acre property within a 9.83-acre ownership** ~~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 459 inches (**38.25 feet**), ~~undercarriage length of 51 inches,~~ overall and undercarriage width of 86 inches, rotor diameter of ~~198.429 inches~~ (**16.540.75 feet**), empty weight of 1,506 pounds, and gross weight of 2,500 pounds.

The Touchdown and Liffoff 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.

*Y:\ALUC\Corona\ZAP1001CO06jan07sr*

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

AGENDA ITEM: 4.2 4.4 3.4

HEARING DATE: ~~January 11, 2007~~ ~~December 14, 2006~~ (continued from ~~December 14, 2006~~ and 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. *Appropriate methods for estimating displacement of commercial and industrial development. How to address the impacts on traffic, air quality, and other issues that may occur as a result of “displacement”.*

### 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 February 8 ~~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 ~~March~~ 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 Reising 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.

#### **JANUARY UPDATE:**

*The December 14 public hearing had been advertised in the Californian newspaper, and a press release was issued, but only one person, Barbara Lichman, commented on this project at the December 14 public hearing. Ms. Lichman asked the Commission to consider allowing nonresidential land use intensities at the upper end of the ranges recommended in the State Airport Land Use Planning Handbook.*

*Unfortunately, due to the complexity of other cases on the Commission’s January calendar, the limited number of work days since the December 14 hearing date, and other priorities as assigned by the Planning Director, staff was not able to make significant progress toward the completion of the residential housing displacement analysis over the course of the preceding four weeks.*

#### **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](http://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: 4.3 ~~5.3~~

HEARING DATE: January 11, 2007 (continued from November 9, 2006)

CASE SUMMARY:

CASE NUMBER: ZAP1003FV06-VSL Engineering-Richard Valdez

APPROVING JURISDICTION: County of Riverside

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

### MAJOR ISSUES:

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

### RECOMMENDATION:

~~If the applicant is willing to accept a continuance to January 11, 2007, to allow sufficient time to allow for the possible reinstatement/adoption of the Land Use Compatibility Plan following adoption of the environmental document, staff recommends CONTINUANCE to January 11, 2007; otherwise, staff~~ Staff recommends that the Commission *authorize staff to send the attached letter to the applicant stating that it will determine that it is UNABLE TO ACT*

*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.**

### PROJECT DESCRIPTION:

The proposed project involves a change of zone of 40 acres from R-A-2 1/2 (Residential

Agricultural, 2 1/2 acre minimum lot size) to R-1 (Residential One- Family Dwelling), and ~~divide~~ **division of** the 40 acres into 117 residential lots and four open space lots.

**PROJECT LOCATION:**

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

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

Adjacent Airport:

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

**BACKGROUND:**

Land Use – Density: Change of Zone 06811 proposes a zone change from R-A- 2 ½ (Residential Agricultural, 2 ½ acre minimum lot size) to R-1 (Residential One- Family Dwelling). Tract Map No. 30430 proposes to divide 40.16 gross acres into 117 residential lots, with a minimum lot size of 7,200 square feet, one water quality basin, and 3 open space lots.

Staff has reviewed the applicant’s proposal and has determined that the project has been designed to be in conformance with the density criteria of the 2004 Riverside County Airport Land Use Compatibility Plan, provided that the boundaries of airport zones ultimately adopted by the Airport Land Use Commission would not be more stringent than those depicted in the suspended 2004 FVALUCP.

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

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

**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: 5.1 ~~6.1~~

HEARING DATE: January 11, 2007 (continued from December 14, 2006 for re-advertisement and notice to surrounding property owners)

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~~ 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~~ *March* 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~~

*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~~ 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~~ *March* 8, 2007.*

JANUARY UPDATE: The case was continued for re-advertisement from the December 14 ALUC hearing because the notices to surrounding property owners

were rejected by the County's Central Mail Processing Service. This issue has been resolved and notification has occurred. At the December hearing, Mr. Kenneth Friedman of Karno, Schwartz & Friedman, a law firm representing the property owner, urged a finding of consistency or project approval once the notice issue is resolved, based on the consistency of this parcel map project with both the pre-existing French Valley Comprehensive Land Use Plan and the suspended 2004 ALUCP. Staff would note that, while it is true that the ruling of the Riverside Superior Court did not prevent the ALUC from reviewing projects pursuant to the previous CLUP, the ALUC has already examined that possibility and at its September meeting specifically declined to reinstate the CLUP on a temporary basis.

#### **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.

**In conjunction with its preparation of the environmental documentation for the adoption of the French Valley Airport Land Use Compatibility Plan, the ALUC is considering whether or not to amend the compatibility policies and/or the boundaries of airport zones. Substantial progress is being made toward the completion of the revisions to the environmental document, but at this point additional data compilation and analysis is required in order to provide a quantified estimate of potential land use and housing displacement as requested by Chevalier, Allen and Lichman on behalf of Pacific Pointe Partners and others.**

**There is a reasonable probability that this parcel map will be consistent with the FVALUCP as eventually adopted and little or no probability of substantial detriment to or interference with the future FVALUCP.**

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:** 5.2

**HEARING DATE:** January 11, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1007FV06- Patricia Miller

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** CZ 07211

### 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 March 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 March 8, 2007.

### PROJECT DESCRIPTION:

The proposed project involves a zone change from A-1-10 (Light Agriculture, 10 acre minimum lot size) to A-1-5 (Light Agriculture, 5 acre minimum lot size) on 19.54-20.88 acres.

**PROJECT LOCATION:**

The site is located northerly of Buena Ventura Road and westerly of Maddalena Road in the unincorporated Riverside County community of French Valley, approximately 8,728 feet easterly of Runway 18-36 at French Valley Airport.

**LAND USE PLAN:** **Suspended** French Valley Airport Land Use Compatibility Plan  
Adjacent Airport:

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

**BACKGROUND:**

Land Use – Density: The project site is vacant land located partially within Zone E and partially outside the Airport Influence Area. The change of zone is associated with a proposed Parcel Map which would divide the site into four 5-acre parcels for single family residential use. Airport Zone E does not limit residential densities.

Part 77: The highest proposed pad elevation is 1381.5 feet above mean sea level (AMSL). The proposed runway elevation at its closest point is 1,337 feet AMSL. At a distance of 8,728 feet from the runway, FAA notice and review may be required for new structures exceeding 1,424 feet AMSL. No new structures are proposed at this time, but it is not likely that structures would exceed a height of 42 feet.

Noise: The site lies outside the 55 CNEL contour; no special acoustical mitigation measures for aircraft noise are required.

Summary: If the 2004 French Valley Airport Land Use Compatibility Plan were in effect, staff would recommend a finding of consistency for this change of zone.

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.

Y:\ALUC\French Valley\ZAP1007FV06SR.doc

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.3

**HEARING DATE:** January 11, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1010RI06- G.F.T., L.L.C.

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** P06-1530 (Design Review)

### MAJOR ISSUES:

Need for FAA review if building elevation at top of roof exceeds 772 feet above mean sea level. This is otherwise exactly the type of project that is appropriate in Airport influence Areas.

### RECOMMENDATION:

Staff must recommend a Continuance to February 8, 2007 if the applicant or landowner has not yet submitted Form 7460-1 to the FAA. However, if the applicant can provide documentation of submittal to FAA by the date of this hearing, staff will recommend a finding of Conditional Consistency for the development proposal, with referral back to staff for receipt of FAA clearance prior to issuance of a final letter of consistency. The final letter of consistency may include additional conditions to assure compliance with FAA requirements.

### PROJECT DESCRIPTION:

Development of a 58,191 square foot warehouse building, with less than 700 square feet of office space, on 3.15 acres.

### PROJECT LOCATION:

The proposed project is located southerly of Jurupa Avenue and westerly of Acorn Street in the City of Riverside, approximately 1,450 feet northwesterly of the westerly terminus of Runway 9-27 (at its ultimate extent).

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

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Airport Zone C
- c. Noise Levels: Between 60-65 CNEL Contour

**BACKGROUND:**

Land Use – Intensity: The site is located within Airport Zone C. Land use compatibility criteria for Airport Zone C permit an average of 75 people per acre and a maximum of 150 people per single-acre. The applicant is proposing development of 686.6 square feet of office space, and 58,191 square feet of warehouse space. Given the square footage of office space and warehouse space specified in the above project description, this project will result in a total occupancy of 99 people on site, or 31 people per acre average. The project conforms with both average and single-acre intensity criteria.

Part 77: The highest elevation of any object or terrain is 751 feet above mean sea level (AMSL). The runway elevation at its closest point is 757.6 feet AMSL. At a distance of 1,450 feet from the extended runway, structures exceeding a top elevation of 772.1 feet AMSL require FAA review.

Noise: Average noise levels on this site from aircraft operations are between 60 and 65 CNEL. A Noise Level Reduction (NLR) of 20dB in the office portion of the project is required.

**CONDITIONS:**

- 1. Any outdoor lighting installed shall be hooded or shielded so as to prevent the spillage of lumens or reflection into the sky.
- 2. The following uses shall be prohibited:
  - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - c. Any use which would generate smoke or water vapor, or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.

- d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - e. Children's schools, hospitals, nursing homes, day care centers, libraries, and highly noise-sensitive outdoor nonresidential uses.
3. Noise attenuation measures shall be incorporated into the office portions of the building construction as necessary to provide for a noise level reduction of not less than 20dB (exterior to interior) and to ensure interior noise levels from aircraft operations are at or below 45 CNEL in office areas of the building.
  4. The attached notice shall be given to all potential purchasers and tenants.
  5. Prior to scheduling of the proposed Design Review case for final action by the City of Riverside, the proponent shall file Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration and shall present evidence of a finding of "Not a Hazard to Air Navigation" to Airport Land Use Commission Staff.

Y:\ALUC\Riverside\ZAP1010RI06SR.doc



# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.4 ~~6.6~~

**HEARING DATE:** January 11, 2007 (Continued from 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:

*The City's proposed zoning would permit (in some cases) further division of lots smaller than 2 ½ acres into smaller lots. However, as there are existing residences on these lots, the probability of such division is relatively low.*

~~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.~~

*Staff recommends the Commission open the public hearing, consider testimony, discuss, and provide direction to staff as to whether a finding of Consistency with the 1984 Riverside County Airport Land Use Plan, subject to the conditions listed herein, is appropriate in this situation, where all of the lots that are potentially divisible pursuant to the proposed zoning are developed with existing residences. Otherwise, staff must recommend a finding of Inconsistency for the rezoning to the extent that the City's proposed zoning would permit further division of lots smaller than 2 ½ acres in area into smaller lots. The rezoning for Annexation 112 is consistent.*

**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., **with the following Assesor Parcel Numbers: 297-061005, 297-061- 006, 297-061-010, 297-061-011, 297-062-003, 297-063-001, 297-063-002, 297-071-001, 297-071-004, 297-073-004, 297-073-005, 297-073-006, 297-073-007, 297-073-008.** 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.

Y:\ALUC\March\ZAP1017MA06SR.doc

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.5

**HEARING DATE:** January 11, 2007

### CASE SUMMARY:

**CASE NUMBER:** ZAP1019MA06 – Cottonwood Development, LLC/Hunsaker Associates

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** Tentative Tract Map No. 35148

**MAJOR ISSUES:** This project has just been revised to provide for six buildings rather than seven buildings as advertised. This has reduced the potential intensity of development on the site. However, the lot coverage still exceeds the 1998 AICUZ recommendation of a 20% coverage maximum in Accident Potential Zone II (Airport Area I), and if the structures are utilized as office areas, the nonresidential intensity would exceed the proposed criteria for this area in the Draft March Joint Land Use Study. However, the Draft March Joint Land Use Study has not been adopted. The 1984 Riverside County Airport Land Use Plan does not restrict commercial or industrial land use intensities, other than by prohibiting “high risk” land uses, including those characterized by “high concentrations of people”.

**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, where the property is located in an Accident Potential Zone. Staff does not recommend use of the special findings for situations where Plans are in process, in that consistency with the Draft March Joint Land Use Study cannot readily be determined without additional information regarding the use of the structures – in particular, the split between offices and less intense uses.

### PROJECT DESCRIPTION:

Development of six industrial buildings for condominium purposes on 6.57- 7.84 acres (single lot subdivision). The buildings range from 8,224 to 22,447 square feet in gross floor area, with a total area of 88,461 square feet.

### PROJECT LOCATION:

The site is located easterly of the current alignment of Interstate 215, westerly of the Old I-215 Frontage Road, and northerly of Cottonwood Avenue, approximately 11,040 feet northwesterly of the northerly terminus of the runway at March Air Reserve Base. The site includes areas in both the City of Riverside and unincorporated area, but the unincorporated area is proposed for annexation to the City through an annexation and pre-zoning case determined to be consistent in last month's ALUC hearing.

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

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/March Inland Port
- b. Land Use Policy: Area I
- c. Noise Levels: 60-70 CNEL (The site is crossed by the 65 CNEL contour.)

**BACKGROUND:**

Land Use – Safety Considerations: The proposed project site is located within Airport Area I, as depicted on the map illustrated at [www.rcaluc.org](http://www.rcaluc.org) and is located within Accident Potential Zone II as mapped in the 1998 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) study. The 1984 Riverside County Airport Land Use Plan (1984 RCALUP) states that the boundaries of Area I are based on the “imaginary approach surface defined by FAR Part 77, Objects Affecting Navigable Airspace, as the approach surface for the size and type of runways at each airport. These areas are always centered on the runway centerlines extended.”

Policy 1 in Chapter III of the 1984 RCALUP states that Area I shall be kept free of all “high risk land uses.” This policy is based on the following analysis included therein:

“The approach surfaces are specifically defined by Federal Aviation Regulations. These areas carry the highest volume of air traffic due to the fact that all aircraft have to align with these areas to land or take-off on the runways. Aircraft have a higher tendency to have problems within these zones due to changing power settings to take-off or land. The convergence of all aircraft landing and taking-off within these narrow zones also means that the noise levels are highest in these zones. Due to these factors and the accepted Federal definition of the boundary of these surfaces, the area was deemed inappropriate for housing and high risk land uses.”

High risk land uses are conceptually defined in Appendix B of the 1984 RCALUP titled HIGH RISK LAND USE EXAMPLES. Appendix B (a copy of which is attached) states that high risk land uses have one or more of the following characteristics:

- (1) high concentration of people,
- (2) critical facilities, and
- (3) flammable or explosive materials.

Type (1) includes “high patronage services”. These uses are listed as including “bowling alleys, restaurants, theaters, motels, banks, etc.”

The 1984 Riverside County Airport Land Use Plan allows commercial and industrial development, other than high risk land uses, in Area I.

The 1998 AICUZ study is based on a forecast of 61,396 annual operations (40,000 military and the remainder civilian) at March Air Reserve Base. The property is depicted as being within Accident Potential Zone II – an area located a distance of 8,000 to 15,000 feet from the runway threshold and within 1,500 feet from the extended runway centerline. The Air Force recommends that buildings in this area be limited to one story and that lot coverage not exceed 20%. In this case, the buildings are one story in height, but lot coverage is 25-30% of the site’s net area.

The AICUZ study recommends that certain types of industrial uses be prohibited in APZ II, including apparel, chemicals, rubber and plastic products, and the manufacturing of professional, scientific, and controlling instruments, photographic and optical goods, watches, and clocks. Additional prohibited uses would include: restaurants; hospitals, nursing homes, and other medical facilities; educational services; churches; resorts and group camps; and public assembly uses such as auditoriums, concert halls, amphitheatres, outdoor music shells, sports arenas and stadiums for spectator sport viewing.

The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts this property as being within Airport Zone B1, which would limit average intensity outside APZ I to 50 persons per acre and single-acre intensity to 100 persons per acre.

If the structures constitute office space, the average intensity at this site could be as high as 66 persons per acre and the single-acre intensity could be as high as 112 persons per acre. It is not clear that the entirety of each building will be office space. Some areas may be used for fabrication and storage. However, given the lack of loading spaces, it is not likely that warehousing and distribution would be a major activity here.

Prohibited and Discouraged Uses: The applicant does not propose any of the uses specifically listed in Appendix B as being prohibited uses in Area I.

Part 77: The highest elevation on the site is 1,565 feet above mean sea level (AMSL), and the height of the tallest building as depicted on project elevations would not exceed 21 feet. Thus, the highest point at buildout would be 1,586 feet AMSL. The elevation of the runway at its northerly end is 1,535 feet AMSL. At a distance of 11,040 feet from the runway, any structure above 1,645 feet top elevation would require FAA aeronautical review. In this case, FAA review is not required.

Noise: Average noise levels on this site from aircraft operations would exceed 60 CNEL and, in some portions of the site, would exceed 65 CNEL. (Single-event noise levels

would, of course, be greater.)

**CONDITIONS:**

1. Prior to recordation of the final map, development of any structures, or sale to an entity exempt from the Subdivision Map Act, whichever comes first, the landowner shall convey an avigation easement to the MARB/MIP Airport.
2. Noise attenuation measures shall be incorporated into the building construction as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL in office areas of the buildings.
3. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, hospitals, nursing homes, churches and chapels, auditoriums, restaurants, theaters, bowling alleys, motels, banks, department stores, supermarkets, drug stores, service stations, and public assembly uses such as amphitheaters, outdoor music shells, and sports stadiums.
4. 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, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, drinking establishments, gymnasiums, lounges, stages, gaming, congregate residences, and swimming pools.



The manufacturing of apparel, chemicals, rubber and plastics products, professional, scientific, and controlling instruments, photographic and optical goods, watches, and clocks.

Any other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A.

5. 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.
6. The aboveground storage of explosive or flammable materials is prohibited.
7. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall be prohibited.
8. The attached notice shall be provided to all potential purchasers and tenants.
9. Until such time as an Airport Protection Overlay Zone is applied to the property by the City of Riverside, proposed uses of space within the structures shall be submitted to Airport Land Use Commission staff for consistency review. Where the use would not require any discretionary action by the City, the staff consistency review shall be at the building permit review fee level.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.6

**HEARING DATE:** January 11, 2007

### CASE SUMMARY:

**CASE NUMBER:** ZAP1021MA06 – KDC (Koll Development Company)/HBP Investments LP

**APPROVING JURISDICTION:** March Joint Powers Authority

**JURISDICTION CASE NO:** PP06-06 (Plot Plan); ZV06-02 (Variance)

**MAJOR ISSUES:** The single-acre land use intensity is inconsistent with the Draft March Joint Land Use Study (November 2005) recommendations, as it exceeds 250 persons within each of the two acres of concentrated development area. The variance contributes to this inconsistency by allowing this concentration, rather than the use of two-story structures dispersed along the frontage outside the Accident Potential Zone. However, the Draft March Joint Land Use Study has not been adopted. 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 and prohibits “high risk” land uses in Area I.

**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 March Joint Land Use Study, given the single-acre land use intensity of this project.

### PROJECT DESCRIPTION:

Development of a three-story, 159,042 square foot office building not exceeding 59 feet in height on 11.2 acres.

### PROJECT LOCATION:

The site is located at 14350 Meridian Parkway, on the east side of Meridian Parkway, northerly of Cactus Avenue, westerly of Interstate 215 and the rail line, and southerly of Alessandro Boulevard, within the area subject to the jurisdiction of March Joint Powers

Authority, approximately 6,640 feet northwesterly of the northerly terminus of the runway at March Air Reserve Base.

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

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/March Inland Port
- b. Land Use Policy: Areas I and II. (The building appears to be in Area II, but very close to the boundary of Area I; however, it is apparently outside APZ I & II.)
- c. Noise Levels: 65-70 CNEL (pursuant to 1998 AICUZ study)

## **BACKGROUND:**

Land Use – Safety Considerations:

**1984 Riverside County Airport Land Use Plan and 1998 Air Installation Compatible Use Zone study:** The proposed project site is located within Airport Areas I and II, as depicted on the map illustrated at [www.rcaluc.org](http://www.rcaluc.org). Available information indicates that the proposed structure is located outside Accident Potential Zone I as mapped in the 1998 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) study. The 1984 Riverside County Airport Land Use Plan (1984 RCALUP) states that the boundaries of Area I are based on the “imaginary approach surface defined by FAR Part 77, Objects Affecting Navigable Airspace, as the approach surface for the size and type of runways at each airport. These areas are always centered on the runway centerlines extended.”

Policy 1 in Chapter III of the 1984 RCALUP states that Area I shall be kept free of all “high risk land uses.” This policy is based on the following analysis included therein:

“The approach surfaces are specifically defined by Federal Aviation Regulations. These areas carry the highest volume of air traffic due to the fact that all aircraft have to align with these areas to land or take-off on the runways. Aircraft have a higher tendency to have problems within these zones due to changing power settings to take-off or land. The convergence of all aircraft landing and taking-off within these narrow zones also means that the noise levels are highest in these zones. Due to these factors and the accepted Federal definition of the boundary of these surfaces, the area was deemed inappropriate for housing and high risk land uses.”

High risk land uses are conceptually defined in Appendix B of the 1984 RCALUP titled HIGH RISK LAND USE EXAMPLES. Appendix B (a copy of which is attached) states that high risk land uses have one or more of the following characteristics:

- (1) high concentration of people,
- (2) critical facilities, and

(3) flammable or explosive materials.

Type (1) includes “high patronage services”. These uses are listed as including “bowling alleys, restaurants, theaters, motels, banks, etc.”

The 1984 Riverside County Airport Land Use Plan allows commercial and industrial development in Area II.

The 1998 AICUZ study is based on a forecast of 61,396 annual operations (40,000 military and the remainder civilian) at March Air Reserve Base. The property is depicted as being partially within Accident Potential Zone I – an area located a distance of 3,000 to 8,000 feet from the runway threshold and within 1,500 feet from the extended runway centerline. However, the proposed structural location is outside the Accident Potential Zone.

**Draft March Joint Land Use Study (November 2005):** The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts this property as being within Airport Zones B1 and B2, but the proposed structure would be in Airport Zone B2, which would limit average intensity to 100 persons per acre and single-acre intensity to 250 persons per acre. If the proposed structure were utilized entirely for office uses, use of the Building Code method would result in an estimated intensity of 795 persons (159,042 divided by 100, times 50%). Given an 11.2-acre site, this would meet the average intensity standard. Under these assumptions, the project would not meet the single-acre intensity standard of 250. We estimate that the single-acre intensity for this project would be 415 persons.

Use of the Parking Space Method would result in a higher level of inconsistency with the proposed Plan. The site plan provides for 741 parking spaces, which would translate as an intensity of 1,110 persons on-site. Again, while this is consistent with the average intensity standard, the assignment of this number of persons to the 2 acres within which the building space is accommodated would result in a single-acre intensity of 555 persons.

The variance to allow for three-story structures contributes to the concentration of intensity in this case. If the design were to feature two-story buildings over a three-acre area outside the Accident Potential Zone, rather than three-story buildings over a two-acre area, single-acre intensity would be reduced by one-third to 277 persons, which could be potentially consistent if risk-reduction measures (which provide for a bonus of up to 50%) are utilized.

Prohibited and Discouraged Uses: The applicant does not propose any “high risk” land uses as identified in Appendix B of the 1984 Riverside County Airport Land Use Plan (places of assembly such as churches and schools, high patronage services such as theaters, restaurants, and motels, large retail stores such as supermarkets and drug stores, critical facilities such as hospitals, or manufacture and storage of hazardous or flammable materials). Additionally, the applicant does not propose any of the uses that would be prohibited in Airport Zone B2 pursuant to the Draft March Joint Land Use Study (children’s schools, day care centers, libraries, hospitals, congregate care facilities, places of assembly, noise-sensitive outdoor nonresidential uses, critical community infrastructure

facilities, and hazards to flight).

Part 77: The applicant has notified the Federal Aviation Administration (FAA) of this project through the Form 7460-1 obstruction evaluation process. Through aeronautical studies for 2006-AWP-4560-OE through 2006-AWP-4563-OE, the FAA determined that the project as proposed (with a structure height not to exceed 59 feet above ground level and a top elevation not to exceed 1,619 feet above mean sea level) would not be a hazard to air navigation. Therefore, airspace obstruction and structure height are not issues in this situation.

Noise: Average noise levels on this site from aircraft operations would exceed 65 CNEL. (Single-event noise levels would, of course, be greater.) The 1984 Riverside County Airport Land Use Plan does not require noise mitigation for nonresidential uses.

**CONDITIONS:**

1. Prior to project development or issuance of building permits, 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. 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 aboveground storage of explosive or flammable materials is prohibited.
4. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall not be allowed.
5. March Joint Powers Authority shall require additional review by the Airport Land Use

Commission prior to the establishment of any of the following facilities on this property:

Retail sales, 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, classrooms, dormitories, exercising rooms, inpatient health care facilities, libraries, day care nurseries, skating rinks, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A.

6. 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.
7. The maximum structure height shall not exceed fifty-nine (59) feet above ground level, and the maximum elevation at the top of the structure shall not exceed 1,619 feet above mean sea level..
8. The attached notice shall be provided to all potential purchasers and tenants.
9. The Federal Aviation Administration has completed an aeronautical study regarding the proposed project and has determined that the structure would not be a hazard to air navigation and that marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, such marking and/or lighting shall be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 70/7460-1K.
10. The specific coordinates and heights of the building shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in height shall not require further review by the Airport Land Use Commission.
11. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the proposed structure, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.7

**HEARING DATE:** January 11, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1007BD06 – SKL Holding Group, Inc.

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Plot Plan No. 22129

**MAJOR ISSUES:** This project was not placed on the consent agenda because the determination of consistency depends on one's use of the table for determination of occupancy using the Building Code method. If the hotel is considered as a single entity, and the 50% reduction is used, the project is consistent, and if the Parking Space Method is used, the project is also consistent. However, if the lobby and great room are treated as assembly areas and considered separately, the allowable intensity level is exceeded. The site plan also depicts a meeting room, which may be eliminated to provide for two additional guest suites. The guest room capacity based on one person per bed would slightly exceed the allowable average intensity, not counting the number of employees. Consideration should be given to such special circumstances as distance from the extended runway centerline, pilot instructions, and the character of nearby land uses and structures in making a consistency determination in this case. FAA review is required; the applicant has not documented the filing of Form 7460-1.

**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 CONDITIONAL CONSISTENCY with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan would be appropriate in this situation, if the FAA Form 7460-1 process has been initiated by the applicant. If not, staff recommends a Continuance to February 8, 2006.

**PROJECT DESCRIPTION:** Plot Plan No. 22129 proposes the development of a three-story Holiday Inn Express Hotel on a 1.99-2.05 acre property. The site plan indicates a total floor area of 48,970 square feet and 82 guest rooms.

**PROJECT LOCATION:** The site is located northerly of Varner Road, westerly of (new) Washington Street, easterly of Berkey Drive (the "old" Washington Street alignment), and northerly of Motel 6 in the unincorporated Riverside County community of Bermuda Dunes, approximately 6,800 feet northwesterly 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: 55-60 CNEL

**BACKGROUND:**

Nonresidential Intensity: The site is located in Airport Zone C. Nonresidential intensity in Airport Zone C is restricted to an average of 75 persons per acre and a maximum of 150 persons in any given acre. Pursuant to Appendix C, Table C-1 of the Riverside County Airport Land Use Compatibility Plan, the intensity of hotels has been determined to be one person per 200 square feet. Application of the 50% factor converts the occupancy number to one person per 400 square feet, which would result in a total occupancy of 122 persons.

However, the Table also indicates an intensity of one person per 7 square feet for lobbies, one person per 15 square feet for conference rooms, and one person per 50 square feet for exercising rooms, as well as one person per 100 square feet for offices. The lobby and great room together comprise approximately 3,000 square feet, which would accommodate 214 people with the 50% reduction. If these areas are calculated separately and excluded from the total square footage subject to the generic standard, this would place the total occupancy at over 320 people. However, this may not be realistic.

Use of the parking space method would indicate a total occupancy of 137 persons, which is clearly in conformance with the intensity limitations. However, this is likely to be an underestimate in that automobile occupancy is likely to be larger than 1.5 persons per vehicle for hotels and motels.

Perhaps a better approach would be to ignore the lobby, great room, meeting room, and exercise room, which under normal circumstances would be occupied predominantly by hotel guests and employees, and concentrate on the rooms and suites themselves. Considering that 76 rooms would have two queen beds each and 6 rooms would have one king bed each, a conservative estimate would be that there would likely be approximately 158 guests in the facility at any given time, although a guest capacity of 316 persons would be possible. Addition of two more guest rooms would raise occupancy to an average of 162 and a maximum of 324. With a recorded lot size of 2.05 acres, the average allowable intensity would be 154 persons.

Adding employees to the number of guests, it would not be unreasonable to expect a regular occupancy of 180-200 persons during the peak season, which would also be the time of greatest airport activity. Therefore, it is recommended that the project architect consider risk-reduction building design measures. The project is not eligible for the portion of the bonus applicable to single-story structures, but a portion of the intensity bonus could potentially be available if the facility provides for an increased number of emergency exits,



an upgraded building roof strength, and an enhanced fire sprinkler system.

An additional factor for the Commission to bear in mind is that the property is over 6,000 feet from the end of the runway and at least 660 feet distant from the extended runway centerline. Figure 9K in Chapter 9 of the California Airport Land Use Planning Handbook indicates that, for general aviation runways 6,000 feet or longer, the Outer Approach/Departure Zone would normally be limited to areas within 500 feet on either side of the extended runway centerline beyond distances of 6,000 feet from the end of the runway. Therefore, this site would be considered to be in the Traffic Pattern Zone pursuant to these criteria, which would allow for an average of 150 persons per gross acre in rural/suburban areas, with a doubling of allowable intensity with use of risk-reduction design. It is also our understanding that pilots are instructed to fly along the freeway right-of-way in this area, and this site is separated from the freeway by existing hotel and motel structures.

Noise: The site is located within the area subject to noise levels of 55-60 CNEL. Location within the area subject to noise greater than 55 CNEL may have been a factor in the decision to include this area in Airport Zone C, rather than Airport Zone D. The facility will be required to provide for interior noise levels from aircraft operations not to exceed 45 CNEL.

PART 77: The maximum elevation of the site is 121 feet above mean sea level (AMSL). The structure height may be as high as fifty (50) feet. The elevation of the nearest runway is 73 feet AMSL. At a distance of 6,800 feet from the runway to the project site, FAA review would be required for any structures with top of roof exceeding 141 feet AMSL. The top of roof at this location could be at an elevation as high as 171 feet AMSL. Therefore, this project requires FAA review. The applicant has been notified of this requirement.

### **CONDITIONS:**

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655 (if applicable).
2. Noise attenuation measures shall be incorporated into the building construction as necessary to provide for a 20dB exterior-to-interior noise reduction and to ensure that interior noise levels from aircraft operations do not exceed 45 CNEL in any room or suite.
3. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft

engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, day care centers, libraries, hospitals, and nursing homes.
4. The attached notice shall be provided to all potential purchasers and tenants (including franchisees and concessionaires, but not necessarily hotel guests).

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.8

**HEARING DATE:** January 11, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1008BD06- Jonica Esperti

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Plot Plan 22238

### MAJOR ISSUES:

The project site is split between Zone B2 and Zone D. The proposed design places a portion of Unit A within the B2 Zone. Should the proponent choose to change the design by reversing the placement of the units, so that the units are within Zone D, a conditional consistency determination could be made.

### RECOMMENDATION:

Staff recommends a finding of inconsistency based on design. However, given the characteristics of surrounding land use, the Commission may wish to consider the possible use of Policies 3.3.1 and/or 3.3.6 in determining whether or not the normally incompatible design may be found acceptable based on the location of the property at the edge of the B2 zone and the existence of similar uses on adjoining properties. If the Commission finds that Policy 3.3.6 is not applicable in this situation, but the applicant is willing to redesign, staff would recommend CONTINUANCE to February 8 to allow for submittal of an amended site plan.

### PROJECT DESCRIPTION:

The proposed project involves the development of a triplex (three residential units) on .30 net acres.

**PROJECT LOCATION:**

The project is located at 79-821 42<sup>nd</sup> Avenue, on the south side of 42<sup>nd</sup> Avenue, easterly of Jamaica Sands Drive and westerly of Glass Drive, in the unincorporated Riverside County community of Bermuda Dunes, approximately 1,320 feet southeasterly of Runway 10-28 at Bermuda Dunes Airport.

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

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Airport Zones B2 and D
- c. Noise Levels: 55-60 CNEL Contour

**BACKGROUND:**

Land Use – Density: The project site is located partially within Zone B2 and partially within Zone D. The land is currently vacant. The surrounding properties to the south, east and west are currently zoned R-2 (Multiple Family Dwellings) and are developed as such. The proposed density is consistent with Airport Zone D, but is not consistent with Airport Zone B2.

Part 77: The highest elevation of any object or terrain is 46 feet above mean sea level (AMSL). The runway elevation at its closest point is 49.1 feet AMSL. At a distance of 1,320 feet from the runway, in order to be an obstruction a structure would need to exceed 62 feet AMSL. Part 77 obstruction criteria are a concern for this project if the structure exceeds an elevation of 62 feet AMSL at top of roof. Submittal to the FAA would then be required.

Noise: The average noise level on this site from aircraft operations is between 50-60 CNEL. For structures in the B2 Zone a minimum noise level reduction of 25dB in residences is required.

**CONDITIONS:**

- 1. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in

an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. The attached notice shall be provided to all potential purchasers and tenants.
  3. Provide Avigation Easements to the Bemuda Dunes Airport.
  4. The maximum elevation of any structure at the top of roof shall not exceed 62 feet above mean sea level.
  5. If the site plan remains as proposed, incorporate noise attenuation measures into the design of Unit A to provide for an exterior-to-interior noise level reduction of 25dB so as to ensure an interior noise level from aircraft operations not exceeding 45 CNEL.

Y:\ALUC\Bermuda Dunes\ZAP1008BD06 SR.doc

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 5.9

**HEARING DATE:** January 11, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1010BD06 – Northgate Crossing, LLC

**APPROVING JURISDICTION:** City of Indio

**JURISDICTION CASE NO:** SP 06-3-19, GPA 95-7-71, ZC 05-7-636, PMP 05-7-45, PM 32910

**MAJOR ISSUES:** Proposed densities of residential development and intensities of non-residential development are inconsistent with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan for almost all of the planning areas/proposed parcels. For the most part, the project seems to have been designed without regard to the applicable nonresidential intensity restrictions within the delineated zones. While staff could utilize additional time to explore these inconsistencies at further depth, it does not appear that additional study would change the essential inconsistencies here.

**RECOMMENDATION:** Staff recommends a finding of INCONSISTENCY with the Airport Land Use Compatibility Plan.

**PROJECT DESCRIPTION:** SP 06-3-19/PMP 05-7-45 proposes development of a multiple-use Specific Plan, including 486 residential dwelling units, a motel with 100 to 120 rooms, and 376,700 square feet of commercial uses (including 138,000 square feet of office/showroom buildings, gas station with convenience store, and up to 32,100 square feet of restaurant area) on 88.1 acres. General Plan Amendment No. GPA 05-7-71 proposes to amend the General Plan designation of the site from Business Park (BP) to Community Commercial (CC) and Residential High (RH). Zone Change No. ZC 05-7-636 proposes to change the zoning of the site from Community Commercial (CC), Residential Low (RL), and Business Park (BP) to CC and Residential High (RH). Parcel Map No. 32910 proposes to divide the property into 23 parcels.

**PROJECT LOCATION:** The site is located southerly of Indio Boulevard and westerly of Burr Street in the City of Indio, approximately 600 feet southerly (at its closest point) of the southeasterly 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 Zones B1, B2, C, and D
- c. Noise Levels: From below 55 CNEL to above 65 CNEL

**BACKGROUND:**

Land Use Type: The site is located in Airport Zones B1, B2, C, and D, each of which has distinct compatibility criteria specified in the ALUCP. The Specific Plan provides for 23 parcels with distinct allowable uses. The proposed parcel boundaries are totally unrelated to Airport Zone boundaries; as a result, 11 of the 23 parcels include area in more than one Airport Zone. Parcel 1 is proposed for Residential High designation and zoning, but is located in all four airport zones. The proposed designation and zoning are consistent with the ALUCP for the portion within Airport Zone D, but the proposed designation and zoning are inconsistent within Airport Zones B1, B2, and C. Parcel 8 is also proposed for Residential High designation and zoning, but is described as a Single-Family Residential area. The designation and zoning here are also consistent within the Airport Zone D area, but are not consistent within Airport Zone C.

The other nine proposed parcels (Parcels 11 through 14 and 17 through 21) that are split by Airport Zone are proposed for Community Commercial designation and zoning. However, some of the uses allowed in the Community Commercial designation and zone would not be allowed in some of the Airport Zones.

The other twelve proposed parcels are located entirely within one Airport Zone. Among these parcels, nine (Parcels 3, 4, 5, 6, 7, 9, 15, 16, and 22) are located entirely within Airport Zone B1 and are proposed for a designation of Community Commercial. However, Airport Zone B1, pursuant to the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan, provides for an average intensity of 25 persons per acre and a maximum single-acre intensity of 50 persons per acre. It is almost impossible for retail commercial uses to comply with these intensity limitations, since, at a rate of one person per 30 square feet, even with the 50% reduction factor, no single acre could include more than 3,000 square feet of retail floor area (3000 divided by 30, divided by 2, equals 50). Additionally, the proposed development regulations for the Community Commercial zone would allow as permitted uses day care centers and places of worship, which are prohibited in Airport Zone B1. The proposed development regulations would also allow hospitals, convalescent hospitals, skilled nursing facilities, schools, educational institutions, and multi-family residential development as conditionally permitted uses. These uses are also prohibited in Airport Zone B1.

Among the split parcels, Parcels 11, 13, 14, 20, and 21 include areas within Airport Zone B1 and subject to the same provisions noted above. Parcel 11 is split among all four zones



(B1, B2, C, and D), while Parcels 13, 14, 20, and 21 are split between Airport Zones B1 and C. Airport Zone C provides for an average intensity of 75 persons per acre and a maximum single-acre intensity of 150 persons per acre. Here a single acre could potentially accommodate 9,000 square feet of retail floor area or 30,000 square feet of office area. Prohibited uses in Airport Zone C are the same as those prohibited in Airport Zone B1, except places of worship. Airport Zone B2 provides for an average intensity of 100 persons per acre and a maximum single-acre intensity of 250 persons. Prohibited uses in Airport Zone B2 are the same as prohibited uses in Airport Zone B1. Parcel 17 is split among Airport Zones B2, C, and D, while Parcels 12, 18, and 19 are split among Airport Zones C and D.

The other three proposed parcels located within one Airport Zone are entirely located within Airport Zone D. Parcels 2 and 23 are proposed for Residential High designation and zoning. This designation and zone allow residential development at a “threshold” density of 12 dwelling units per acre and a maximum density of 15 dwelling units per acre; however, there is no minimum density level. In the high density range, a net density of not less than five dwelling units per acre would be required to achieve consistency with the ALUCP. Parcel 23 is proposed for use as a day care center. That use is consistent with the criteria for Airport Zone D, the only Airport Zone within the project boundary that would allow such a use. The other proposed parcel entirely within Airport Zone D is Parcel 10, which is proposed for a Community Commercial designation and zone. Its projected use in the Specific Plan is “Retail/Restaurant”.

Land Use Intensity: Parcels 1, 2, and 8 are proposed for a total of 434 residential units on 37.08 acres. This level of intensity exceeds 10 dwelling units per acre and is, therefore, consistent with Airport Zone D compatibility criteria. However, the placement of medium density or high density residential in the portions of Parcel 1 within Airport Zones B1, B2, and C and in the portion of Parcel 8 within Airport Zone C would not be consistent with the compatibility criteria for those zones.

Parcel 3 is a 2.01-acre area proposed as open space/retention area. While intensity is not an issue here, extreme care must be utilized to assure that this area does not become a wildlife attractant; this area is among the closest to the runway terminus.

Parcel 4 is a 5.53-acre area proposed for 45,000 square feet of commercial use. This parcel is wholly in Airport Zone B1. If the 45,000 square feet is entirely retail space, it is projected to accommodate 750 persons. This translates as an average intensity of 153 persons per acre, which exceeds allowances in all of the Airport Zones covering this property. The proposal for Parcel 4 is inconsistent.

Parcel 5 is a 1.11-acre parcel proposed for 14,000 square feet of commercial use. This parcel is wholly in Airport Zone B1. If the 14,000 square feet is entirely retail space, it is projected to accommodate 234 persons. This translates as an average intensity of 210 persons per acre, which exceeds allowances in all of the Airport Zones covering this

property. The proposal for Parcel 5 is inconsistent.

Parcel 6 is a 0.70-acre parcel proposed for 6,000 square feet of commercial use. This parcel is wholly in Airport Zone B1. If the 6,000 square feet is entirely retail space, it is projected to accommodate 100 persons. This translates as an average intensity of 143 persons per acre, which exceeds allowances in all of the Airport Zones covering this property. The proposal for Parcel 6 is inconsistent.

Parcel 7 is a 0.68-acre parcel proposed for 3,500 square feet of drive-through commercial use. This parcel is wholly in Airport Zone B1. If the 3,500 square feet is entirely restaurant space, it is projected to accommodate 116 persons. This translates as an average occupancy of 171 persons per acre, which exceeds allowances. However, some drive-through uses may be consistent. A 3500 square foot bank, for example, would be considered to accommodate 17 persons, which would be consistent. Additionally, if developed as a restaurant, a portion of the restaurant would be kitchen area rather than serving area. Additional specificity would be required in order to make a final consistency determination for this parcel.

Parcel 9 is a 0.80-acre parcel proposed for 7,000 square feet of retail/restaurant use. This parcel is wholly in Airport Zone B1. If the 7,000 square feet is entirely retail space, it is projected to accommodate 116 persons. This translates as an average intensity of 145 persons per acre, which exceeds allowable intensities in all Airport Zones covering the property. An even higher level of intensity would occur for restaurant use, with the difference dependent on the proportion used as kitchen area rather than serving area. The proposal for Parcel 9 is inconsistent.

Parcel 10 is a 0.71-acre parcel proposed for 10,000 square feet of retail/restaurant use. This parcel is wholly in Airport Zone D. If the 10,000 square feet is entirely retail space, it is projected to accommodate 167 persons. This translates as an average intensity of 235 persons per acre, which exceeds allowable average intensities in Airport Zone D, although it would not exceed allowable single-acre intensities. An even higher level of intensity would occur for restaurant use, with the difference dependent on the proportion used as kitchen area rather than serving area. The proposal for Parcel 10 is inconsistent.

Parcel 11 is a 6.41-acre parcel proposed for 31,200 square feet of commercial use. This parcel is split among four Airport Zones: B1, B2, C, and D. Structures will be located in Airport Zones B1, C, and D, and some of the structures may be split by Airport Zone. The average intensity of Parcel 11 would be 81 persons per acre. More detailed information, including calculations of the proportion of each structure within each Airport Zone, would be required to determine whether the proposal for Parcel 11 is consistent.

Parcel 12 is a 1.27-acre parcel proposed for a 5,500 square foot convenience store and gas station. This parcel is split between Airport Zones C and D. It appears that the convenience store would be in Airport Zone C. The average intensity of Parcel 12 would be

72 persons per acre. The single-acre intensity would be 92 persons per acre. The proposal for Parcel 12 is consistent.

Parcel 13 is a 3.13-acre parcel proposed for a 100-120 room motel. This parcel is split between Airport Zones B1 and C, but the motel structure would be in Airport Zone B1, according to the site plan. Officially, occupancy in hotels is determined based on square footage; however, a conservative estimate would be 150 person occupancy, so as long as the structure is in the Airport Zone B1 portion of the property, the proposal for Parcel 13 is likely inconsistent.

Parcel 14 is a 3.94-acre parcel proposed for a 57,000 square foot office/showroom. This parcel is split between Airport Zones B1 and C, but the structure would be largely (if not wholly) in Airport Zone B1. If the 57,000 square feet is entirely office space, it is projected to accommodate 285 persons. This translates as an average intensity of 72 persons per acre, which would meet the criteria for Airport Zone C, but not for Airport Zone B1. Therefore, the proposal for Parcel 14 is inconsistent.

Parcel 15 is a 4.69-acre parcel proposed for a 47,000 square foot office/showroom. This parcel is wholly in Airport Zone B1. If the 47,000 square feet is entirely office space, it is projected to accommodate 235 persons. This translates as an average intensity of 50 persons per acre, which exceeds allowances for Airport Zone B1. Therefore, the proposal for Parcel 15 is inconsistent.

Parcel 16 is a 3.17-acre parcel proposed for a 34,000 square foot office/showroom. This parcel is wholly in Airport Zone B1. If the 34,000 square feet is entirely office space, it is projected to accommodate 170 persons. This translates as an average intensity of 54 persons per acre, which exceeds allowances for Airport Zone B1. Therefore, the proposal for Parcel 16 is inconsistent.

If the “showroom” involves retail sales, this would raise the intensity and further increase the extent of the inconsistency.

Parcel 17 is a 2.13-acre parcel proposed for 50,500 square feet of commercial use and 52 residential dwelling units. This parcel is split between Airport Zones B2, C, and D. Assuming that the residential units can be limited to the Zone D portion of the parcel, let us consider the commercial area. If the 50,500 square feet is entirely retail space, it is projected to accommodate 842 persons. This translates as an average intensity of 395 persons per acre, which exceeds allowances in all of the Airport Zones covering this property. The proposal for Parcel 17 is inconsistent.

Parcels 18 and 19 together consist of 1.53 acres and are proposed for 14,900 square feet of commercial use. These parcels are split between Airport Zones C and D, and the structure depicted on the site plan also appears to be split by the Airport Zone boundary. If the 14,900 square feet is entirely retail space, it is projected to accommodate 248 persons.

This translates as an average intensity of 162 persons per acre, which exceeds allowances in both Airport Zones C and D. The proposal for Parcels 18 and 19 is inconsistent.

Parcels 20 and 21 together consist of 2.10 acres and are proposed for 15,100 square feet of retail/restaurant use. These parcels are split between Airport Zones B1 and C. One structure is entirely in Airport Zone B1, while the other is possibly split by the Airport Zone boundary. If the 15,100 square feet is entirely retail space, it is projected to accommodate 252 persons. This translates as an average intensity of 120 persons per acre, which exceeds allowances in both Airport Zones B1 and C. The proposal for Parcels 20 and 21 is inconsistent.

Parcel 22 is a 3.07-acre parcel proposed for 26,000 square feet of commercial use. This parcel is wholly in Airport Zone B1. If the 26,000 square feet is entirely retail space, it is projected to accommodate 433 persons. This translates as an average intensity of 141 persons per acre, which exceeds allowances in all of the Airport Zones covering this property. The proposal for Parcel 22 is inconsistent.

Parcel 23 is a 1.72-acre parcel in Airport Zone D proposed as a day care center. Day care centers are allowable in Airport Zone D, provided that the intensity limitations are met (in this case, a total of 172 persons or less on-site). The proposal for Parcel 23 is consistent.

Noise: Average noise levels from aircraft operations will range from below 55 CNEL to above 65 CNEL. The northerly portion of the site will be subject to the higher noise levels.

PART 77: The maximum elevation of the site is 69 feet above mean sea level (AMSL). The elevation of the nearest runway is 49 feet AMSL. At a distance of 600 feet from the runway to the closest portion of the site, FAA review would be required for any structures at that portion of the site with top of roof exceeding 55 feet AMSL. However, structures would be allowed to be one foot higher in elevation for every 100 feet of additional distance from the runway. Therefore, some of the structures on this site may require FAA review if the elevation at top of roof exceeds "X", where "X" equals  $49 + (\text{distance in feet from the nearest point of the runway, divided by } 100)$ .

**In the event that the Airport Land Use Commission makes a finding of inconsistency but is overruled by the Indio City Council, staff would recommend that the following conditions be applied:**

**CONDITIONS:**

1. Prior to issuance of building permits, the developer shall provide to the City of Indio and to Airport Land Use Commission staff documentation demonstrating that either (a) the elevation of the proposed structure at its highest point does not exceed "X" feet above mean sea level, where "X" =  $49 + (\text{distance in feet to nearest point of runway, divided by } 100)$ , or (b) the Federal Aviation Administration has conducted

an aeronautical study pursuant to the Form 7460-1 process and has made a finding of “not a hazard to air navigation”.

2. The following uses shall be prohibited throughout the project:
  - (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 following uses shall be prohibited within Parcels 3, 4, 5, 6, 7, 9, 15, 16, 22, those portions of Parcels 1, 11, 13, 14, 20, and 21 located within Airport Zone B1, and those portions of Parcels 1, 11, and 17 located within Airport Zone B2:

Hospitals, convalescent hospitals, skilled nursing facilities, day care centers, places of worship, schools, educational institutions, and multi-family residential structures.
4. The following uses shall be prohibited within those portions of Parcels 1, 8, 11, 12, 13, 14, 17, 18, 19, 20, and 21 located within Airport Zone C:

Hospitals, convalescent hospitals, skilled nursing facilities, day care centers, children’s schools and educational institutions, and multi-family residential structures.
5. The attached notice shall be provided to all potential purchasers and tenants.

# **RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

## **STAFF REPORT**

### **ADMINISTRATIVE ITEMS**

- 7.1** Staff recommends that the Commission authorize staff and County Counsel to prepare an amendment to the Section 2.7 (a) of the ALUC Bylaws to state that “A staff member of the Riverside County Transportation and Land Management Agency or one of its constituent Departments or Divisions shall serve as the Executive Director of the ALUC.”
- 7.2** On December 13, 2006, Chairman Simon Housman inquired about the possibility of expanding the use of aviation easements and requiring such easements as a condition of a finding of consistency on a routine basis. County Counsel has studied the issue and prepared a response. Counsel’s response is attached. This item has been placed on the agenda to allow further discussion by the Commission.
- 7.3** Mead & Hunt has prepared a draft of the long-awaited Wildlife Hazards Attractant Study, which is presently under review by the Economic Development Agency – Aviation Division.
- 7.4** Staff recommends that the ALUC authorize staff to issue “Take No Action” letters for those cases in French Valley that would have qualified for “staff review” pursuant to the Countywide Policies and the 2004 French Valley Airport Land Use Compatibility Plan.
- 7.5** Density in Specific Plans. No new information to report; this is a “placeholder” to remind the Commission that the basic question of whether to address density in new Specific Plans on an overall basis or on a Planning Area –by-Planning Area basis remains an unresolved discussion topic. At this time, staff will continue to evaluate Specific Plans on a Planning Area-by-Planning Area basis unless instructed otherwise.
- 7.6** Copies of administrative approvals issued by the Interim Executive Director for “staff review” cases, i.e., non-legislative cases determined to be clearly consistent with applicable Airport Land Use Compatibility Plans, are attached. Additional copies may be provided at the hearing for your Commission’s information, if additional approvals occur between January 3 and 11.
- 7.7** A copy of the letter sent to the City of Perris in response to the City’s Notice to Override on the Park West Specific Plan Amendment (MA-03-137) is attached for the Commission’s information. Staff is working on other communications authorized by the Commission and will provide copies of any other directed or authorized communications at the hearing