



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., February 8, 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., 9th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

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

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

1.0 INTRODUCTIONS

1.1 CALL TO ORDER

1.2 SALUTE TO FLAG

1.3 ROLL CALL

2.0 **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.

BERMUDA DUNES AIRPORT

3.1 ZAP1012BD06 – Bertha Leijja et al. - County Case No. CZ06965 – Change the zoning of a 9.3-9.7 acre parcel located at 38-755 Jefferson Street, on the westerly side of Jefferson Street, northerly of 39th Avenue, in the unincorporated Riverside County community of Bermuda Dunes, from R-A-10 (Residential Agricultural, 10 acre minimum lot size) to R-A-2 (Residential Agricultural, 2 acre minimum lot size). Airport Zone E. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONSISTENT

- 3.2 ZAP1005BD06 - The Damone Group/BLP Desert and Polk Meadows – County Case Nos. PP22079 and CZ07472. A proposal to develop a retail commercial building and self-storage facility on 5.06 acres located northerly of 42nd Avenue and easterly of Washington Street in the unincorporated Riverside County community of Bermuda Dunes, and a change of zone to adjust the boundaries of the C-P-S (Scenic Highway Commercial) and I-P (Industrial Park) zones on the property. Airport Zones D and E. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at 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.

Staff Recommendation: CONTINUANCE OFF CALENDAR

RIVERSIDE MUNICIPAL AIRPORT

- 4.2 ZAP1007RI06 – Fern Moss/Citicom Development LP - City Case Nos. P06-1187 (Rezone) and P06-1188 (Design Review) – Change of Zone from RO to C-2 on 0.54 acre and development of two retail buildings with a total floor area of 7,999 square feet on a 1.33-acre site located northerly of Arlington Avenue and easterly of Phoenix Avenue, directly westerly of the Housing Authority/EDA building in the City of Riverside. Airport Zones B1 and C. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE OFF CALENDAR

PUBLIC HEARING: 9:30 A.M.

FRENCH VALLEY AIRPORT

- 4.3 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.

Staff Recommendation: CONTINUANCE to March 8, 2007

PUBLIC HEARING: 10:00 A.M.

RIVERSIDE MUNICIPAL AIRPORT

4.4 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.

Staff Recommendation: CONTINUANCE to March 8, 2007 unless documentation of submittal to FAA is provided.

5.0 **PUBLIC HEARING: 10:00 A.M.**
NEW BUSINESS

BERMUDA DUNES AIRPORT

5.1 ZAP1011BD06 – Pacific/Costanza-Lewis - County Case Nos. GPA00809, CZ07340, PP22185 – A proposal to develop three retail commercial buildings with a total floor area of 27,000 square feet on 3.08 acres located southerly of Wildcat Drive and westerly of Washington Street in the unincorporated community of Bermuda Dunes (Plot Plan No. 22185). General Plan Amendment from LI to CR on 1 acre, and Change of Zone from I-P to C-P-S. Airport Zones C and D. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: INCONSISTENT if Building Code Method is used. Provide direction as to whether use of Parking Space Method is appropriate.

PUBLIC HEARING: 10:30 A.M.

REGIONAL (COUNTYWIDE UNINCORPORATED)

5.2 ZAP1001RG07ORD - Riverside County Planning Department - Riverside County Draft Land Use and Development Ordinance (Ordinance No. 850). A proposal to adopt a new Land Use Code consisting of thirty-four proposed zoning classifications established with a direct relationship to the General Plan Foundation components. The new code is organized around a simplified outline format and will consolidate the multitude of County permits into three types of permits (Level I, Level II, or Level III) based upon the approval body and whether noticing or a hearing is required. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT, subject to the text amendments included in the attached Exhibit A.

6.0 **ADMINISTRATIVE ITEMS**

6.1 By Laws – Approve Resolution No. 07-01 for Formal Adoption

6.2 Executive Director’s Approvals

6.3 Density in Specific Plans

6.4 Formation of Subcommittees

6.5 Report by Chairman Simon Housman on ALUC Workshop with Eastern County Local Jurisdictions

6.6 Vista Santa Rosa

7.0 **APPROVAL OF MINUTES:** January 11, 2007

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

9.0 **COMMISSIONER'S COMMENTS**

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 3.1
HEARING DATE: February 8, 2007
CASE SUMMARY:
CASE NUMBER: ZAP1012BD06- Bertha Leija, et al.
APPROVING JURISDICTION: County of Riverside
JURISDICTION CASE NO: Change of Zone 06965

MAJOR ISSUES: None.

RECOMMENDATION:

Staff recommends a finding of **CONSISTENCY** for the above referenced project, subject to the conditions specified herein being applied to the associated parcel map.

PROJECT DESCRIPTION:

The applicant proposes to change the zoning of a 9.3-9.7 acre parcel from R-A-10 (Residential Agricultural, 10 acre minimum lot size) to R-A-2 (Residential Agricultural, 2 acre minimum lot size). The change of zone was filed to allow for division into four parcels.

PROJECT LOCATION:

The site is located at 38-755 Jefferson Street, on the westerly side of Jefferson Street, northerly of 39th Avenue, in the unincorporated Riverside County community of Bermuda Dunes, approximately 6,058 feet northeasterly 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 Zone E

c. Noise Levels: Outside the 55 CNEL Contour

BACKGROUND:

Land Use – Intensity: The project site is located in Zone E. Residential density is not restricted in Zone E.

Part 77: The highest elevation of any object or terrain is 66 feet above mean sea level (AMSL). The runway elevation at its closest point to the project site is 49.1 feet AMSL. At a distance of 6,058 feet from the runway, FAA review would be required for any structures with top of roof exceeding 109 feet AMSL. FAA review is not required in this situation, provided that structure height does not exceed 43 feet and elevation at top of structure does not exceed 109 feet.

Noise: The project site is located outside the area within the 55 CNEL contour; therefore, no special mitigation is necessary.

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. 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 maximum height of any structure shall not exceed forty-three (43) feet, and the maximum elevation at the top point of structure shall not exceed 109 feet above mean sea level.
4. The attached notice shall be provided to all potential purchasers and tenants.

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 3.2

HEARING DATE: February 8, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1005BD06-BLP Desert and Polk Meadows.

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: Change of Zone 07472

MAJOR ISSUES: None.

RECOMMENDATION:

Staff recommends a finding of **CONSISTENCY** for the above referenced project, subject to the conditions specified herein being applied to the associated parcel map.

PROJECT DESCRIPTION:

The applicant proposes to adjust the boundaries of the C-P-S (Scenic Highway Commercial) and I-P (Industrial Park) zones of a 5.06 acre parcel. The change of zone was filed to allow for a retail and self storage facility.

PROJECT LOCATION:

The site is located northerly of 42nd Avenue, southerly of 41st Avenue, easterly of Washington Street, and westerly of Yucca Lane, in unincorporated Riverside County community of Bermuda Dunes, approximately 6,270 feet southwesterly 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 Zone D & E
- c. Noise Levels: Below the 55 CNEL Contour

BACKGROUND:

Nonresidential – Intensity: The project site is located in Zone D and Zone E. Zone E places no limit on Intensity. Zone D allows for an average of 100 people per acre and a maximum of 300 people in any single acre. Based on the proposed land uses and applying warehouse occupancy levels to the self-storage facility, we anticipate an occupancy of 429 persons on-site, for an average of 85 persons per acre.

The maximum single-acre intensity is 256. Therefore, both the average and single-acre intensity comply with Zone D criteria.

Part 77: The highest elevation of any object or terrain is 112 feet above mean sea level (AMSL). The runway elevation at its closest point to the project site is 73.4 feet AMSL. At a distance of 6,270 feet from the runway, FAA review would be required for any structures with top of roof exceeding 136 feet AMSL. FAA review is not required in this situation, provided that structure height does not exceed 24 feet with 9 inches, and elevation at top of structure does not exceed 136 feet.

Noise: The project site is outside the 55CNEL contour; therefore, no special mitigation is necessary.

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. 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 maximum height of any structure shall not exceed twenty-four (24) feet, nine (9) inches, and the maximum elevation at the top point of structure shall not exceed 136 feet above mean sea level.
4. The attached notice shall be provided to all potential purchasers and tenants.

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.1 ~~4.3-5.6~~

HEARING DATE: February 8, 2007 ~~January 11, 2007~~ ~~December 14, 2006~~
(continued from January 11, 2007, ~~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 comments from consultant Ken Brody regarding the
~~receipt of an~~ acoustical study.

RECOMMENDATION: CONTINUANCE OFF-CALENDAR with the consent of the applicant.

~~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.~~

FEBRUARY UPDATE: This project was continued from the January 11 hearing. Prior to the
January hearing, the applicant submitted an acoustical study, but an opponent of the proposal
also submitted a critique of an earlier noise study, and it appeared to staff that some of the
problems in the old noise study were also problems with the new study. Therefore, staff provided
Ken Brody, ALUC consultant, with both the new study and the critique of the old study. The
applicant's engineer has, in the meantime, decided that a continuance off-calendar is appropriate
at this time.

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 heliport 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* ~~129~~ inches (*16.5* ~~10.75~~ 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.

Ken Brody is reviewing the acoustical study and the critique of the previous acoustical study; as of January 25, staff had not been advised of the results of this analysis.

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.~~

The Riverside Flight Standards District Office of the Federal Aviation Administration has advised in a telephone call to ALUC staff that the applicant will need to file Form 7480-1 with the Federal Aviation Administration at least 90 days prior to construction.

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.

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 4.2 5-5

HEARING DATE: ~~February 8, 2007~~ ~~December 14, 2006~~ (continued from ~~December 14, 2006~~ and November 9, 2006)

CASE SUMMARY:

CASE NUMBER: ZAP1007RI06 – Fern Moss/Citicom Development LP
APPROVING JURISDICTION: City of Riverside
JURISDICTION CASE NO: P-06-1187 (Change of Zone) and P-06-1188 (Design Review)

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

RECOMMENDATION: Staff recommends CONTINUANCE OFF CALENDAR with the consent of the applicant. ~~a finding of INCONSISTENCY, as the level of nonresidential intensity exceeds the Countywide compatibility criteria for Airport Zones B1 and C as determined through the Building Code method; however, staff would not object to a continuance, if the applicant is agreeable, to December 14, 2006~~ January 11, 2007 to allow the project proponent an opportunity to demonstrate that the site qualifies for consideration as an infill-eligible property and to provide data regarding the occupancy and intensity levels of surrounding buildings.

FEBRUARY UPDATE: *This project was continued for two months from the December hearing at the request of the project representative. There is no new information available as of January 25, 2007.*

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

PROJECT DESCRIPTION:

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

PROJECT LOCATION:

The site is located on the northerly side of Arlington Avenue, easterly of Phoenix Avenue, directly westerly of the Riverside County Housing Authority building in the City of Riverside, approximately 3,300 feet southeasterly of the easterly terminus of Runway 9-27 at Riverside Municipal Airport.

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

Adjacent Airport:

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Zones B1 and C
- c. Noise Levels: 55-60 CNEL (Ultimate) – just outside the 60 CNEL contour

BACKGROUND:

Land Use – Average Occupancy: The proposed project site is split between Airport Zones B1 and C. Nonresidential development intensity in Zone B1 is restricted to an average of 25 persons per acre, with a maximum of 50 persons per acre for any given acre of the property. Nonresidential development intensity in Zone C is restricted to an average of 75 persons per acre, with a maximum of 150 persons per acre for any given acre of the property.

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

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

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

The southerly 0.18 acre of the easterly parcel is in Airport Zone C. At an allowable intensity of 75 persons per acre, this area would be allowed 13.5 persons. However, if the half-width of Arlington Avenue is added to the area of the parcel, this increases the Zone C acreage to 0.3 acres, which would increase the allowable number of persons to 22.5. This is still less than the number of persons accommodated by the southerly building (83), even if one were to make the questionable assumption that the southerly building is entirely in Zone C.

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

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

A second possible approach is to consider the proposal using the parking space method. Under this simplified method for determining average occupancy, occupancy is considered to be 1.50 times the number of parking spaces provided. The easterly parcel is proposed to have 23 parking spaces. Using the standard multiplier of 1.5, this would result in a total occupancy of 34 persons, which is very close to the allowable occupancy of 31. However, it appears that there may be a situation of shared parking here. The total number of parking spaces for the two lots would be 57, for a total occupancy of 86 persons over the 1.33-acre area. This exactly fits the allowable intensity in the zones for the two parcels together.

Land Use – Single-Acre Occupancy: Staff estimates that the project slightly exceeds the single-acre occupancy level in Zone C based on an occupancy of 83 persons in the

southerly retail building and 77 persons in the existing restaurant, for a total of 160 and that the project meets the single-acre occupancy standard of 50 persons in Zone B1. However, conformance with the occupancy criteria depends on the square footage of the dining area vis-à-vis the square footage of the commercial kitchen in the existing restaurant, so there is a possibility that the single-acre occupancy criteria for Zone C is also met.

Extended Runway Centerline: Criteria for Airport Zone B1 state that structures should be located a maximum distance from the extended runway centerline. This project meets this criterion in that the site is located at the outer edge of Airport Zone B1. Conformance with this provision would be enhanced by a design which moves the northerly building farther south and places the 12 northerly parking spaces at the rear of the northerly building.

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

Part 77: The highest elevation on the proposed site is 768 feet above mean sea level (AMSL), and the height of the tallest building as depicted on project elevations would not exceed 28 feet. Thus, the highest point at buildout would be 796 feet AMSL. The elevation of Runway 9-27 at its easterly terminus (the closest point to the property) is 815 feet. Thus, the top point of the buildings would be at an elevation lower than the runway. Therefore, the buildings would not present obstruction concerns and no FAA notice or review is required.

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

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

CONDITIONS:

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than

an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses.
 - (f) Additionally, the following uses shall be prohibited in the Airport Zone B1 portions of the property, including the northerly structure: places of worship, aboveground bulk storage of hazardous materials, and critical community infrastructure facilities.
2. The City of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following facilities on this property:
- Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, swimming pool decks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A, unless it can be demonstrated that other portions of the structure are occupied at a level less intense than the level assumed in this staff report.
- 3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
 - 4. Noise attenuation measures shall be incorporated into the buildings' construction to ensure such noise level reduction as may be necessary so as to reduce interior noise levels within any unit to 45 CNEL or below.
 - 5. Prior to issuance of building permits, the landowner shall record an avigation easement to Riverside Municipal Airport.
 - 6. The attached notice shall be provided to all potential purchasers and tenants.

Staff Report
Page 6 of 6

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 4.3 4.24.4 3.1

HEARING DATE: February 8, 2007 ~~January 11, 2007~~ ~~December 14, 2006~~ (continued from January 11, 2007, 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 MARCH 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 ~~APRIL OR MAY, 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~~

Staff Report
Page 2 of 16

~~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.

FEBRUARY UPDATE:

No new public comments regarding the environmental assessment itself were received at the January 11 public hearing. Staff has received a letter and telephone calls from residents of a neighborhood easterly of Calistoga Drive and northerly of Murrieta Hot Springs Road in Zone C in opposition to noise from overflying aircraft, especially during nighttime hours. A copy of the letter from Myra Ferrante is

attached, for the Commission's information. Riverside County EDA –Aviation Division has asked for mapping that would illustrate the differences among the alternatives.

Staff is making progress on the residential housing displacement analysis and hopes to have preliminary findings available by the date of the hearing.

PROJECT DESCRIPTION:

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

PROJECT LOCATION:

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

ADDITIONAL COMPATIBILITY POLICY ALTERNATIVES:

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

Alternative One would provide for additional compatibility policies that would allow a higher intensity range of 1-3 dwelling units per acre in the portion of Zone C located westerly of Winchester Road and would eliminate restrictions on residential densities in Zone D areas outside the 55 CNEL contour. It would also allow nonresidential intensities of 40 persons per acre average and 80 persons per single acre with clustering in Zone B1 (rather than 25 and 50, respectively) and nonresidential intensities of 80 persons per acre average and 160 persons per single acre with clustering in Zone C (rather than 75 and 150, respectively). Both zones would allow additional intensities provided that the amount of qualifying open land is increased. Alternative One is the proposal submitted by the County of Riverside last year. The City of Murrieta is on record in support of this proposal as of March, 2006. The other alternatives are either less sweeping versions of Alternative One or represent minor modifications to the proposed project.

Alternative Two includes the same nonresidential intensity provisions as Alternative One,

as well as the elimination of residential density restrictions in Zone D, but does not include the changes to residential density in Zone C.

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

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

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

BACKGROUND:

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

The French Valley Airport Land Use Compatibility Plan (FVALUCP) was adopted on December 9, 2004, but its use by the Airport Land Use Commission was suspended in conformance with the Riverside Superior Court's judgment issued in *Silverhawk Land and Acquisitions, LLC v. Riverside County Airport Land Use Commission, et al.* (Case No. RIC 431176) pending completion and adoption or certification of an adequate environmental analysis pursuant to the California Environmental Quality Act. As the Commission declined to reinstate the previously adopted French Valley Airport Comprehensive Land Use Plan during the suspension period, there is presently no Plan in effect that can be utilized in the project review process. Staff has prepared an initial study and draft Negative Declaration to allow for the adoption of the proposed project, with or without additional compatibility policies as outlined above.

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

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

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

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

AIRPORT LAND USE COMPATIBILITY ZONES:

As with all of the other Airport Land Use Compatibility Plans adopted in 2004 and 2005, the FVALUCP delineates six airport land use compatibility zones: A, B1, B2, C, D, and E. Safety hazards and noise are greatest in Zone A, and decline as one moves farther from the runway and its extended centerline. Each zone has criteria limiting densities and intensities; however, Airport Land Use Compatibility Zone ("Airport Zone") E, located farthest from the runway and primary flight paths, has no residential density or land use intensity restrictions (other than restrictions on large assemblages of people and prohibition

of uses that are hazards to flight).

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

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

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

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

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

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

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

FUNDAMENTALS:

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

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

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

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

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

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

EFFECTS ON LAND USE DESIGNATIONS:

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

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

Unincorporated Riverside County

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

Unless the Board of Supervisors overrules the Airport Land Use Commission or the FVALUCP is amended pursuant to Alternative One, land use designation changes will be required in the vicinity of French Valley Airport, in that the designations of properties on the Southwest Area Plan map are in conflict with the land use density and intensity restrictions in the FVALUCP. Simple replacement of the existing references to the previous FVALUCP 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: 4.4 ~~5.3~~

HEARING DATE: February 8, 2007 ~~January 11, 2007~~ (continued from
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. **Applicant claims to have filed with the FAA, however, staff has not yet received documentation.**

RECOMMENDATION:

Staff must recommend a Continuance to ~~February 8, 2007~~ **March 8, 2007 to provide the applicant more time to provide staff with proper documentation.** ~~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.

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 5.1

HEARING DATE: February 8, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1011BD06 – Pacific/Costanza-Lewis.

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: General Plan Amendment:GPA00809
Change of Zone: CZ07340
Plot Plan: PP22185

MAJOR ISSUES: This project exceeds the allowable land use intensity for Airport Zone D (as well as Airport Zone C) using the Building Code method. However, the project would be eligible for a finding of consistency using the parking space method.

RECOMMENDATION: Staff recommends that the Commission, after discussion of public testimony, provide direction to staff as to whether it would be willing to consider the intensity of this project pursuant to the parking space method. If not, staff must recommend a finding of INCONSISTENCY for the project as designed, but would not object to a continuance for redesign.

PROJECT DESCRIPTION: Plot Plan No. 22185 proposes the development of three retail commercial buildings with a total floor area of 27,000 square feet on 3.08 acres. General Plan Amendment No. 00809 proposes to amend the General Plan designation of a one-acre area from Light Industrial (LI) to Commercial Retail (CR). Change of Zone Case No. 07340 proposes to change the zoning of the same one-acre area from Industrial Park (I-P) to Scenic Highway Commercial (C-P-S).

PROJECT LOCATION: The site is located southerly of Wildcat Drive and westerly of Washington Street in the unincorporated Riverside County community of Bermuda Dunes, approximately 7,062 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 Zones C and D
- c. Noise Levels: 50-60 CNEL (The site is crossed by the 55 CNEL contour.)

BACKGROUND:

Nonresidential Average Intensity: The site is located partially in Airport Zone C and partially in Airport Zone D. 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. Nonresidential intensity on Airport Zone D is restricted to an average of 100 persons per acre and a maximum of 300 persons in any given acre. Pursuant to Appendix C, Table C-1 of the Riverside County Airport Land Use Compatibility Plan, the intensity of retail stores has been determined to be one person per 30 square feet. Analysis by zone was not simple in this case because the project boundary does not coincide with the boundaries of existing parcels. The project boundary is based on the boundaries of proposed parcels. Staff estimates that, of the 3.08 acres within the project boundary, 2.18 acres are in Zone D and 0.90 acres are in Zone C. The proposed southerly building is in Zone C, the proposed northerly building is in Zone D, and the middle building is split by the Zone C/Zone D boundary.

Application of the 50% factor converts the occupancy number to one person per 60 square feet, which would result in a total occupancy within 27,000 square feet of floor area of 450 persons. With a total area of 3.08 acres, this translates into an average intensity of 146 persons per acre. This exceeds the allowable average intensity in both Airport Zones C and D. This method results in a total projected occupancy of 189 persons in Zone C (210 persons per acre) and 261 persons in Zone D (120 persons per acre). These numbers exceed allowable caps in both Airport Zones C and D, although in the case of Zone D, the number is close enough to the limit that the discrepancy could be mitigated by the use of risk-reduction design.

It should be noted that, if the two southerly buildings and 2,200 square feet of the northerly building were restricted to office use, rather than retail use, the project would be consistent with the average intensity limitations.

Overall, it may be noted that this development appears to be the second of three projects proposed for an overall area of 6.06 acres located within Assessor's Parcel Numbers 748-370-034, -036, -037, -040, and -041, all of which are owned by Pacific/Costanza-Lewis. This area includes approximately 1.84 acres in Zone C and 4.22 acres in Zone D. Application of the retail occupancy numbers to the full ownership area indicates a total occupancy of 239 persons in Zone C and 649 persons in Zone D, with average intensities of 130 and 154 persons per acre, respectively.

However, this may not be realistic. There is a real dichotomy in results if one compares the Building Code method with the Parking Space Method in this analysis. Considering only the area affected by the proposed plot plan, the applicant proposes to provide a total of 128 parking spaces. Application of the standard 1.5 persons per vehicle factor results in a total occupancy of 192 persons and an average intensity of 62 persons per acre, which would be consistent even if the entire site were in Airport Zone C.

An additional factor for the Commission to bear in mind is that the property is over 7,000 feet from the end of the runway and approximately one-quarter mile northerly of 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. The project as a whole would be in conformance with this criterion.

Another possibility is that the infill criterion may apply here. At this time, staff does not have sufficient information to evaluate whether this criterion would lead to a different determination.

Nonresidential Single-Acre Intensity: The site is located partially in Airport Zone C and partially in Airport Zone D. Nonresidential single-acre intensity is restricted to 150 persons per acre in Zone C and 300 persons per acre in Zone D. Using the Building Code method, staff estimates a single-acre intensity not exceeding 163 persons per acre in the portion of the site in Airport Zone C and not exceeding 329 persons per acre in the portion of the site in Airport Zone D, with the latter number including occupancy of an adjoining building that is not a part of this project. While these levels exceed the allowable intensity standard, the levels are not greater than 10% above the standard, so this can be mitigated through the use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls.

Noise: The site is located partially within the area subject to noise levels of 55-60 CNEL, with the 55 CNEL contour crossing the site. Location within the area subject to noise greater than 55 CNEL may have been a factor in the decision to include a portion of this area in Airport Zone C, rather than Airport Zone D. As retail sales facilities are generally not noise-sensitive, no special mitigation will be required.

PART 77: The maximum elevation of the site is 102 feet above mean sea level (AMSL). The structure height may be as high as thirty-two (32) feet. The elevation of the nearest runway is 73 feet AMSL. At a distance of 7,062 feet from the runway to the project site, FAA review would be required for any structures with top of roof exceeding 143 feet AMSL. FAA review is not required, provided that structure height does not exceed 32 feet and elevation at top of structure does not exceed 143 feet.

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. The following uses shall be prohibited:

- (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, and highly noise-sensitive outdoor uses.
3. The maximum height of any structure shall not exceed thirty-two (32) feet, and the maximum elevation at the top point of structure shall not exceed 143 feet above mean sea level.
4. The County of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the structures proposed through this plot plan:

Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, conference rooms with capacities of 12 or more persons, dining rooms, exhibit rooms, restaurants (other than carry-out/take-home facilities with less than 12 seats), drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.
5. The attached notice shall be provided to all potential purchasers and tenants.

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 5.2

HEARING DATE: February 8, 2007

CASE NUMBER: ZAP1001RG07ORD - County of Riverside Planning Department

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: Ordinance No. 850 – Riverside County Land Use and Development Ordinance

MAJOR ISSUES: While the proposed ordinance incorporates an Airport Overlay Zone, the zone does not serve the purpose of providing criteria for evaluating the consistency of a project with the adopted Airport Land Use Compatibility Plan. However, it can serve as a tool to assure that projects are promptly referred to the Airport Land Use Commission.

RECOMMENDATIONS: Staff recommends a finding of CONSISTENCY for the proposed ordinance, subject to the text amendments included in the attached Exhibit A.

PROJECT DESCRIPTION:

Ordinance No. 850 would be a new Land Use Code consisting of thirty-four proposed zoning classifications established with a direct relationship to the General Plan Foundation components. The new code is organized around a simple outline format and will consolidate the many types of permits into three types of permits (Level I, Level II, or Level III) based upon the approval body and whether noticing or a hearing is required.

PROJECT LOCATION:

All unincorporated areas within the County of Riverside. All airport influence areas include land within the unincorporated County, although a few Airport Influence Areas – Palm Springs International, Banning Municipal, and Corona Municipal - include only small proportions of unincorporated land.

BACKGROUND:

The County submitted its proposed new ordinance for review in December. Each Commissioner present at the December hearing received a paper copy of the draft ordinance.

ANALYSIS:

At this time, the Airport Overlay Zoning Classification is a “shell” in that it does not specify densities or intensities of land use. However, since not all of the existing plans utilize the same categories, with March and Hemet-Ryan utilizing an older method, there is an issue as to the appropriate level of specificity. At some point, it may be appropriate to integrate Plan criteria into the Airport Overlay Zone, but the County would prefer not having to amend its zoning ordinance each time an ALUCP is amended. .

The proposal, then, is not to guide land use development within the airport influence areas, but to direct the reader to the separate procedures and criteria that may at any given time be included in the applicable plans adopted by the Airport Land Use Commission. The County recognizes that, in addition to legislative projects such as general plan amendments, specific plans and specific plan amendments, and changes of zone, all major land use actions will require ALUC review for those Airport Influence Areas where the General Plan and the adopted Airport Land Use Compatibility Plan are inconsistent with each other.

There are direct conflicts between the County’s Area Plan land use designations and the land use compatibility criteria of the Airport Land Use Compatibility Plans adopted in 2004 and 2005, but there are no major conflicts between the proposed zoning ordinance and the ALUCP.

It would be appropriate to amend the text of Section “A” to include a reference to the role of the Airport Land Use Commission in the review of development within the Airport Overlay Zones, which will coincide with the boundaries of Airport Influence Areas. Additionally, the last sentence should be amended to state that “~~Where not modified by the Overlay Zoning Classification, the~~ *The* land use regulations of the underlying Foundation-based Zoning Classification apply *unless the applicable Airport Land Use Compatibility Plan specifies a more restrictive requirement.*”

The text of Section “B” should be amended to clarify that the Airport Overlay zone may be applied to properties in Special and Combining Zoning Classifications as well as the underlying Foundation-based Zoning Classifications.

The text of Section “E.” should be amended to comply with the General Plan Amendment tentatively approved by the Board of Supervisors in conjunction with the Mastercraft Homes project adjacent to Flabob Airport.

Since the 2004/2005 Riverside County Airport Land Use Compatibility Plans were adopted after the 2003 Riverside County General Plan, Section “F.” should state that the project “is consistent with the applicable Airport Land Use Compatibility Plan *as adopted by the Airport Land Use Commission, and as may be summarized in the Area Plan discussion of the Airport Influence Area for the airport in question and set forth in Appendix L of the General Plan*, except when the Airport Land Use Commission has been overruled, as provided by State law.” To the extent that new Airport Land Use Compatibility Plans have been adopted, the summarized discussions in the 2003 Area Plans are out of date, and, given these circumstances, Appendix L was never compiled.

However, ideally, those Area Plan discussions will be updated in conjunction with the 2008/09 County General Plan Update and a comprehensive Airport Land Use Compatibility Plan will serve as Appendix L in the future.

SUGGESTED ADDITIONAL TEXT AMENDMENTS:

The following additional text amendments are suggested, but are not required in order to achieve consistency:

It is suggested that Section 17.04.020.C be amended to add a reference to the fact that land uses within airport influence areas and structures 200 feet or greater in height may require review by the Airport Land Use Commission, the Federal Aviation Administration, and /or the California Department of Transportation, Division of Aeronautics. (The specific references are requested, but not required, since the Section already refers to “the need to obtain any permits/licenses or approvals required by ... other applicable local, State or Federal agency regulations.”)

It is suggested that Section 17.28 be amended to indicate that new Specific Plans and Specific Plan Amendments located within Airport Influence Areas will require ALUC review and will need to comply with the compatibility criteria of the applicable ALUCP. (This is requested as a reminder, but is not required, since such areas would presumably be covered by the Airport Zone Overlay.)

It is also suggested that Section 17.36.010 or Section 17.36.140 be amended to specify the procedures to be followed when referring projects to the ALUC for approval or to indicate in general terms the need for ALUC review and reference the ALUCP for the referral procedures. (This is requested as a reminder, but is not required, since the procedures should be specified in the provisions of the Airport Overlay Zone.)

With regard to the Airport Overlay Zone, it is suggested that the text of Section “A.” be expanded to state that the purpose of the zone is to address impacts related to:

1. Exposure to aircraft noise;
2. Land use safety with respect both to people on the ground and the occupants of aircraft;
3. Protection of airport airspace; and
4. General concerns related to aircraft overflights.

The text of Section “B.” could also be expanded to incorporate a list of airports with adopted Airport Influence Areas that include land in unincorporated Riverside County.

FULL COMPATIBILITY ISSUES:

The alternative approach would be to upgrade the specificity of the Airport Overlay Zoning classification. As Mead & Hunt has noted, this section would need “to be substantially enhanced to include and/or reference the compatibility criteria and project review procedures defined in the ALUCP.” Such changes would have to include, at a minimum, the basic compatibility criteria and other development standards (ALUCP Table 2A on pages 2-14 and 2-15, Policies 3.1.3 through

3.1.6 on pages 2-16 and 2-17, and the specific airport compatibility policies and maps in Chapter 3), residential and non-residential compatibility criteria, and definitions of the types of land use actions that would be exempt from these criteria. There would need to be additional amendments to other portions of the ordinance as well – for example, introduction of the concept of nonresidential intensity calculated in terms of people per acre. (The General Plan measures nonresidential intensity in terms of floor area ratio, not people per acre.) One of the problems with this approach is that any changes to the criteria of an ALUCP would then require a concurrent amendment to the zoning ordinance.

CONDITIONS:

1. Until such time as the County's General Plan and constituent Area Plans have been found consistent by the Airport Land Use Commission through formal consistency review, the County shall continue to submit all major land use actions as listed in ALUCP Policy 1.5.3 for mandatory consistency review in accordance with ALUCP Policy 1.5.2(a). (Subsequent to these actions, the ALUC requests the County to continue to submit major land use actions on a non-mandatory basis as indicated in ALUCP Policy 1.5.2(b)).

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RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

STAFF REPORT

ADMINISTRATIVE ITEMS

- 6.1** Attached is an amendment to 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.”
- 6.2** Executive Director’s Approvals. No new “staff review” approvals were issued between January 11 and January 25; this is a “placeholder” in the event that administrative approvals occur between January 25 and February 8. Copies of such administrative approvals will be provided at the hearing for your Commission’s information.
- 6.3** 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.
- 6.4** Possible creation of subcommittees. Density in Specific Plans and methods for determining concentrations of people are among the topics that could be examined in further depth by subcommittees, if the Commission is so inclined.
- 6.5** ALUC Workshop – Coachella Valley. On January 24, 2007, a workshop was held with city and local government representatives from Eastern Riverside County. Chairman Simon Housman and Commissioner Melanie Fesmire were in attendance and welcomed participants from the cities of Blythe, Coachella, La Quinta, and Palm Desert, and from the Coachella Valley Association of Governments. ALUC staff provided a presentation regarding the role of the ALUC in the development review process. Chairman Housman and staff then moderated a discussion among participants. Topics included the need for close attention to the master planning process for Vista Santa Rosa and the South Coachella Valley being undertaken by the County Planning Department, the possibility for agreements and Memoranda of Understanding to provide for an ALUC role in the review of Tribal development plans in Airport Influence Areas, and alternative methods for determining concentrations of persons in commercial and industrial development, including possible alternative sources such as the Urban Land Institute, transportation planning reference sources such as the ITE Handbook, and urban planning reference sources such as The Practice of Local Government Planning. See the list of participants on page 2.
- 6.6** Vista Santa Rosa. ALUC staff has asked Jerry Jolliffe of the Riverside County Planning Department to provide a presentation regarding the Vista Santa Rosa planning process at the March 8, 2007 meeting.

Listed below are the participants who attended the Eastern County ALUC workshop on January 24, 2007:

ATTENDED

Simon Housman - ALUC Chairman
Melanie Fesmire - ALUC Commissioner (Indio)
Carmen Mariquez – City of Coachella
Les Johnson – City of La Quinta
Eric Ceja – City of La Quinta
Jennifer Wellman – City of Blythe
Stephen Y. Aryan – City of Palm Desert
Richard Kelly (Mayor) – City of Palm Desert
John Wohlmuth – CVAG

ABSENT

Steve Copenhaver – City of Indio
Craig Ewing – City of Palm Springs
Randy Bynder – City of Rancho Mirage
Bud Kopp – City of Cathedral City
Oscar Orici – City of Banning
Steve Mendoza – City of Desert Hot Springs
Corrie Kates – City of Indian Wells

Additional cities in Airport Influence Areas who did not attend either the Western or Eastern County ALUC workshop: City of Lake Elsinore, Murrieta, Norco, Perris, and March JPA.

NOTE: The cities of Beaumont, Calimesa, Canyon Lake, Desert Hot Springs, Indian Wells, and San Jacinto are located entirely outside Airport Influence Areas.