



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., March 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. NEW BUSINESS

MARCH AIR RESERVE BASE

3.1 ZAP1022MA07 – Cottonwood Development, LLC/Hunsaker Associates - Tentative Tract Map No. 35148 (Amended) – A proposal to develop six industrial buildings with a gross floor area of 72,890 square feet for condominium purposes on 6.57-8.36 acres located easterly of the current alignment of Interstate 215, westerly of the Old I-215 Frontage Road, and northerly of Cottonwood Avenue. The site includes areas in both the City of Riverside and unincorporated area, but the unincorporated area is proposed for annexation to the City. Airport Area I, Accident Potential Zone II. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

HEMET- RYAN AIRPORT

3.2 ZAP1002HR07 – Sanderson Associates, LLC/Sunshine Real Estate, LLC – City Case Nos. SP 05-3 AND GPA 05-1 (Sanderson Square). Proposal to establish a Specific Plan for 23 acres of retail commercial uses and 17 acres of business park uses on a 40-acre site located easterly of Sanderson Avenue, northerly of Wentworth Drive and the rail line, and southerly of Acacia Avenue in the City of Hemet, and to amend the site’s General Plan designation from Industrial to Specific Plan. Airport Areas I and II. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: INCONSISTENT

BERMUDA DUNES AIRPORT

3.3 ZAP1013BD07 – Rilington Communities/Rilington Inv. – City Case No. TR 33240 (Cantania). Tentative Tract Map No. 33240 proposes to divide 61-63.2 acres located southerly of 42nd Avenue, easterly of Madison Street and the All-American Canal, and northerly of Interstate 10 into 208 residential lots, a 10-acre public park, and two parcels for future development. The residential development would be located within a 30.7-acre area of the property, which is within the City of Indio. Airport Zones C and D. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: INCONSISTENT

4.0 **PUBLIC HEARING: 9:30 A.M.**
OLD BUSINESS

FRENCH VALLEY AIRPORT

4.1 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, December 14, 2006, January 11, 2007 and February 8, 2007). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE to April 12, 2007

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

BLYTHE AIRPORT

5.1 ZAP1001BL07 – Blythe Industrial Properties, LLC/Ben Gosser – County Case Nos. GPA 00838, CZ 07452, and PM 35085. A proposal to divide 48.31 – 55.67 acres located southerly of Hobson Way, northerly of Interstate 10, and westerly of the westerly terminus of Aiello Road into 33 lots for industrial development, to amend the land use designation from Agriculture to Light Industrial, and to change the zoning from N-A to M-SC. The property is located easterly of the community of Mesa Verde in unincorporated Riverside County. Airport Zone D. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

5.2 ZAP1002BL07 – City of Blythe – General Plan 2025, an all-inclusive update to the City’s 1989 Comprehensive Plan to guide the long-term development of the City, Sphere of Influence, and three new planning areas. The General Plan includes the Land Use, Safety, Noise, Community Design, Parks and Recreation, and Open Space and Conservation Elements (new), the adopted (2004) Housing Element, and the Colorado River Corridor Area Plan, including 27 square miles of incorporated lands and 20 square miles within the City’s sphere of influence. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONDITIONALLY CONSISTENT

6.0 PRESENTATION – Vista Santa Rosa – Mr. Jerry Jolliffe, Riverside County Planning Dept.

7.0 ADMINISTRATIVE ITEMS

7.1 Resolution No. 07-02 Adopting CEQA Guidelines for the Airport Land Use Commission

7.2 Executive Director’s Approvals

7.3 Subcommittee: Hemet-Ryan Airport

7.4 Subcommittee: Densities and Concentrations of People

8.0 APPROVAL OF MINUTES

September 14, 2006, October 19, 2006, October 26, 2006, January 11, 2007 and February 8, 2007

9.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

10.0 COMMISSIONER’S COMMENTS

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 3.1

HEARING DATE: March 8, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1022MA07 – Cottonwood Development, LLC/Hunsaker Associates

APPROVING JURISDICTION: City of Riverside

JURISDICTION CASE NO: Tentative Tract Map No. 35148 (Revised)

MAJOR ISSUES: A previous project design was found inconsistent at the January hearing because lot coverage exceeded the 1998 AICUZ recommendation of a 20% coverage maximum in Accident Potential Zone II (Airport Area I). The revised design complies with the 20% coverage maximum, provided that the total project area is 8.36 acres. The 1984 Riverside County Airport Land Use Plan does not restrict commercial or industrial land use intensities, other than by prohibiting “high risk” land uses, including those characterized by “high concentrations of people”.

RECOMMENDATION: Staff recommends a finding of CONSISTENCY with the 1984 Riverside County Airport Land Use Plan, subject to the conditions included herein.

PROJECT DESCRIPTION:

Development of six industrial buildings for condominium purposes on 6.57- 8.36 acres (single lot subdivision). The buildings range from 7,270 to 18,650 square feet in gross floor area, with a total area of 72,890 square feet.

PROJECT LOCATION:

The site is located easterly of the current alignment of Interstate 215, westerly of the Old I-215 Frontage Road, and northerly of Cottonwood Avenue, approximately 11,040 feet northwesterly of the northerly terminus of the runway at March Air Reserve Base. The site includes areas in both the City of Riverside and unincorporated area, but the unincorporated area is proposed for annexation to the City through an annexation and pre-zoning case determined to be consistent by the ALUC at its December 2006 hearing.

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

Adjacent Airport:

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

BACKGROUND:

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

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

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

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

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

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

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

The 1998 AICUZ study is based on a forecast of 61,396 annual operations (40,000 military and the remainder civilian) at March Air Reserve Base. The property is depicted as being within Accident Potential Zone II – an area located a distance of 8,000 to 15,000 feet from

the runway threshold and within 1,500 feet from the extended runway centerline. The Air Force recommends that buildings in this area be limited to one story and that lot coverage not exceed 20%. In this case, the buildings are one story in height, and the revised design provides for lot coverage of 20% of the site's gross area.

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

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

If the structures constitute office space, the average intensity at this site is projected to be 43 persons per gross acre, and the single-acre intensity is projected to be 94 persons per acre in the most intensive acre area including portions of Buildings D and F.

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

Part 77: The highest proposed finished floor elevation for proposed structures on the site is 1,539 feet above mean sea level (AMSL), and the height of the tallest building as depicted on project elevations would not exceed 27 feet. Thus, the highest point at buildout would be 1,566 feet AMSL. The elevation of the runway at its northerly end is 1,535 feet AMSL. At a distance of 11,040 feet from the runway, any structure above 1,645 feet top elevation would require FAA aeronautical review. In this case, FAA review is not required.

Noise: Average noise levels on this site from aircraft operations would exceed 60 CNEL and, in some portions of the site, would exceed 65 CNEL. (Single-event noise levels would, of course, be greater.) Mitigation would be required to provide for an acceptable acoustical environment within the offices.

CONDITIONS:

1. Prior to recordation of the final map, development of any structures, or sale to an entity exempt from the Subdivision Map Act, whichever comes first, the landowner shall convey an aviation easement to the MARB/MIP Airport.
2. Noise attenuation measures shall be incorporated into the building construction as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL in office areas of the buildings.

3. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, hospitals, nursing homes, churches and chapels, auditoriums, restaurants, theaters, bowling alleys, motels, banks, department stores, supermarkets, drug stores, service stations, and public assembly uses such as amphitheaters, outdoor music shells, and sports stadiums.
4. The City of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following facilities on this property:

Auction rooms, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, drinking establishments, retail sales facilities, gymnasiums, lounges, stages, gaming, congregate residences, and swimming pools.

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

Any other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A.
5. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.

6. The aboveground storage of explosive or flammable materials is prohibited.
7. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall be prohibited.
8. The total gross floor area of all structures on the site shall not exceed 72,890 square feet. The total gross floor area of Building D shall not exceed 11,080 square feet. The total gross floor area of Building F shall not exceed 18,650 square feet.
9. No structure shall exceed one story in height.
10. The attached notice shall be provided to all potential purchasers and tenants.
11. Until such time as an Airport Protection Overlay Zone is applied to the property by the City of Riverside, proposed uses of space within the structures, other than offices and industrial uses including, but not limited to, manufacturing, fabrication, storage, and warehousing, shall be submitted to Airport Land Use Commission staff for consistency review. Where the use would not require any discretionary action by the City, the staff consistency review shall be at the building permit review fee level.

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 3.2

HEARING DATE: March 8, 2007

CASE SUMMARY

CASE NUMBER: ZAP1002HR07 Sanderson Associates, LLC/Sunshine Real Estate, LLC

APPROVING JURISDICTION: City of Hemet

JURISDICTION CASE NO.: SP 05-3 and GPA 05-1

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

RECOMMENDATION: While some types of commercial development may be allowable in Areas I and II, it is clear from the conceptual site plan that the applicant intends to develop a major complex consisting predominantly of structures with capacities for occupancy of more than 50 persons. Therefore, staff must recommend that the project be found Inconsistent, as it is located entirely within Areas I and II; however, staff would not object to a continuance in conjunction with a proposal by the City to amend the provisions of the existing 1992 Hemet-Ryan Airport Land Use Compatibility Plan to modify the definition of “places of assembly”.

PROJECT DESCRIPTION:

SP 05-3 proposes the establishment of a 40-acre Specific Plan (“Sanderson Square”) providing for 23 acres of retail commercial uses and 17 acres of business park uses. GPA 05-1 proposes to amend the General Plan designation of the property from Industrial to Specific Plan.

PROJECT LOCATION:

The 40-acre site is located easterly of Sanderson Avenue, northerly of Wentworth Drive and the rail line, and southerly of Acacia Avenue, approximately 2,900 feet easterly of Hemet-Ryan Airport.

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

- a. Airport Influence Area: Hemet-Ryan Airport
- b. Land Use Policy: Area I and Area II, but mostly in Area II

c. Noise Levels: From below 55 CNEL to below 60 CNEL (site is crossed by 55 CNEL contour)

BACKGROUND:

The Hemet-Ryan Airport Comprehensive Airport Land Use Plan (HRACALUP) was adopted in 1992. The Plan defines areas of extreme risk (Area I), high risk (Area II), and moderate risk (Area III), as well as a Transition Area between areas of high and moderate risk. This property lies partially within the area of extreme risk, and the larger portion of the property lies within the area of high risk. No portion of the property is within the Transition Area.

A previous project design on this site was reviewed pursuant to ALUC Case No. HR-04-102. That project had included a residential component (condominiums), as well as commercial and industrial uses, and, as a result was found inconsistent. Copies of the minutes, final letter, and staff report are attached hereto. The conditions clearly stated that “places of assembly” were prohibited, but did not specify the definition of the term.

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

The rest of the property is located in Area II. Area II is an area of high risk, which together with Area I consists of the area of greatest safety concerns. Exhibit 2 on page 18 of the HRACALUP depicts the boundaries of Area II. The boundaries of Area II were “established to coincide as much as possible to areas where aircraft would be in the landing – takeoff generalized pattern and would be turning and applying or reducing power...” (HRACALUP page 17) Policies for Area II permit industrial uses, indicate that commercial uses are “discretionary”, and prohibit schools, institutional uses, places of assembly, and hazardous material facilities. Residential development is limited to a maximum density of one dwelling unit per 2½ acres.

According to Figure 1, Generalized Aircraft Flight Tracks, in Appendix C of the HRACALUP (“Final Report: Preparation of Airport Noise Contours” prepared by Brown-Buntin Associates of Visalia CA for the Riverside County Department of Aviation), the property underlies a generalized flight track for turning aircraft not using a straight-in approach or

departure pattern.

The conceptual site plan provided by the applicant indicates that only a small portion of one building directly easterly of the “main access drive” from Whittier Avenue (a new street that would be located along the northerly boundary of the property) would be in Area I. However, the rest of the property would be entirely in Area II. Major stores such as Wal-Mart, Home Depot, or even a supermarket would be inconsistent with the limitations of Area II. There may be some commercial uses that would not qualify as places of assembly as defined above, but they would be exceptions to the norm. In particular, a 3,000 square foot retail facility would have an occupancy of 50 persons based on 50% of Uniform Building Code occupancy limits, so any larger retail facility would be inconsistent with the 1992 HRACLUP.

The site plan provides for three “anchor tenants”, six “major tenants”, four “multiple tenant” buildings, and seven freestanding pads (five for restaurants and two for financial services) within the commercial area – clearly a regional or major community shopping center. Figure 4.5 on page 95 of the Specific Plan indicates that the commercial area of the project may include 207,100 square feet of retail space, not counting the 28,500 square feet of restaurants and 10,000 square feet in the other two freestanding pads. Breaking this down into retail, restaurant, and office areas, use of Uniform Building Code criteria (including the 50% reduction) would indicate an occupancy level of 4,452 persons in the 23-acre commercial area, for an average of 194 persons per acre. The business park provides for thirteen buildings, four of which would be “mezzanine” two-story buildings, with a possible gross floor area of 186,705 square feet. Assuming a split of 50% office and 50% manufacturing or fabrication, use of Uniform Building Code criteria would indicate an occupancy level of 700 in this 17-acre area, for an average of 41 persons per acre. The applicant estimates that a total of 2,700 people could be on-site at any given time, or approximately 60 people per acre, based on parking.

Furthermore, it must be stated that the general plan amendment and specific plan continue the trend of moving the direction of development in this area in a direction that is not advisable from an airport land use planning perspective. From the point of view of minimizing risk to the public health, safety, and welfare, it would be preferable to maintain the Industrial designation and zoning on this property. If commercial development is to occur here, from the safety perspective, it would be preferable for such development to be located in the portion of the site farthest from the airport, rather than in the portion closest to the airport. (Of course, the easterly portion is less accessible from major roads and, therefore, a less desirable commercial location.)

Since the adoption of the HRACLUP, the State of California Department of Transportation, Division of Aeronautics has issued the 2002 California Airport Land Use Planning Handbook. Staff analysis indicates that, if the main runway length of 4,314 feet is utilized as the critical factor, the standard safety compatibility zone example would be that of a Medium General Aviation Runway. Use of this standard example would place the westerly (proposed commercial) portion of this property in Zones 2 (Inner Approach/Departure Zone) and 3 (Inner Turning Zone). The easterly portion of the property would be partially in the Inner Turning Zone, but largely in Zone 6 (Traffic pattern

Zone). Criteria guidelines for the Inner Approach/Departure Zone recommend average intensity criteria of 25-40 persons per acre, with a maximum single-acre intensity of 50-80 for rural-suburban areas. Criteria guidelines for the Inner Turning Zone recommend average intensity criteria of 60-80 persons per acre, with a maximum single-acre intensity of 120-160 for rural/suburban areas. Both of these zones, as noted above, would be potentially less restrictive than the HRACLUP Area I and Area II standards prohibiting places of assembly. The Traffic Pattern Zone is the least restrictive, with a recommended average intensity of 150 persons per acre and a maximum single-acre intensity of 450.

It should be noted that, in conjunction with an application submitted for the property directly north of this site (ALUC Case No. HR-06-101), Aviation Systems, Inc. prepared a study which recommended that special safety zones be utilized for Hemet-Ryan Airport based on the Short General Aviation Runway example, but modified to reflect high visibility minimums. The Aviation Systems study recommended safety zones (Figure 5 of April 2005 "Hemet-Kaufman" report) that would depict this property as being partially in Zone 4 (Outer Approach/Departure Zone), but mainly in Zone 6, the Traffic Pattern Zone. Criteria guidelines for the Outer Approach/Departure Zone recommend average intensity criteria of 60-80 persons per acre, with a maximum single-acre intensity of 180-240 for rural/suburban areas.

The bottom line here is that the project – at least the retail portion - is clearly inconsistent with the 1992 HRACLUP, as all of the commercial buildings would have occupancy levels greater than 50 and, therefore, qualify as places of assembly, which are prohibited in Area II as well as Area I. Some of the industrial buildings could also fall in this category, depending on the internal split of each building between office, manufacturing, and storage or warehousing uses.

While it would appear that a consistency finding is not possible given the text of the 1992 HRACLUP, the Commission may wish to consider whether the standard defining "places of assembly" is outmoded in light of the provisions of the 2002 Handbook. If that is the opinion of the Commission, it may choose to consider whether to "Decline to Act".

Noise: The HRACALUP includes six CNEL contour maps based on various scenarios. Exhibit 5 (Average Annual Day – 2005) is the one that is intended to be utilized for planning purposes under most circumstances. Interpretation of this exhibit (which does not depict parcel boundaries) indicates that the northwesterly portion of this property is crossed by the 55 CNEL contour, suggesting that average noise levels would be between 50 and 55 CNEL in most portions of the site and between 55 and 60 CNEL in the northwesterly portion of the site. Noise levels are expected to be higher during the fire season, with more of the site within the 55 CNEL contour on such days. On the worst case fire day, the site would be almost entirely within the 55 CNEL contour, with a significant portion within the 60 CNEL contour. The site underlies a primary approach and departure flight track, so future employees and patrons would experience noise from overflying aircraft.

Part 77: According to Figure 4.3 of the Specific Plan, "Existing Topography Exhibit", the elevation on the site varies from 1,522 to 1,530 feet above mean sea level (AMSL). No structures would be authorized by the Specific Plan itself, but the application indicates that

structures may be as high as 33 feet and the proposed development standards would allow heights up to 35 feet. Thus, it is expected that the top of any structure will not exceed 1,565 feet AMSL. The elevation of the runway at its easterly terminus is 1,508 feet AMSL. At a distance of 2,900 feet from the runway, any structure with a top elevation greater than 1,537 feet AMSL would require FAA review. However, no structures are proposed at this time.

In the event that the Commission finds this project consistent, or in the event that a Commission finding of inconsistency is overruled by the City of Hemet, staff would recommend that the following conditions be applied:

CONDITIONS:

1. Prior to final adoption of the specific plan, the landowner shall record Avigation Easements covering the entire parcel proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
2. Unless otherwise determined inapplicable by Airport Land Use Commission staff, all structures at this location with an elevation above 1,537 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
3. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager prior to approval.
4. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The attached notice shall be given to all prospective buyers and tenants.

6. All future structures at the site shall be limited to thirty-five (35) feet in height or two stories, whichever is less.

The following conditions shall be applied specifically due to the definition of “places of assembly” in the 1992 Hemet-Ryan Airport Comprehensive Airport Land Use Plan.

7. All proposals for discretionary review of development of structures 3,000 square feet or greater in floor area shall be referred to the Airport Land Use Commission for review.
8. No structure shall be designed with a capacity greater than 100 persons, pursuant to the Uniform Building Code, unless the Hemet-Ryan Airport Comprehensive Land Use Plan is first amended in accordance with the 2002 California Airport Land Use Planning Handbook or superseded by a new Airport Land Use Compatibility Plan. .

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As of Last Complete Printing
Number of Pages:7
Number of Words: 2,561 (approx.)
Number of Characters: 13,552 (approx.)

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.3
HEARING DATE: March 8, 2007
CASE NUMBER: ZAP1013BD07-RilingtonCommunities/Paul DePalatis

APPROVING JURISDICTION: City of Indio
JURISDICTION CASE NO: TR33240

MAJOR ISSUES: The property is split by Airport Zone C and Airport Zone D. The density of the residential portion in Airport Zone C exceeds the ALUCP maximum of one dwelling unit per five acres.

RECOMMENDATIONS: The portion of the project in Airport Zone D is consistent with the BDALUCP, but the portion within Airport Zone C is inconsistent. Therefore, staff must recommend a finding of INCONSISTENCY for the project as proposed.

PROJECT DESCRIPTION:

Tentative Tract Map No. 33240 proposes to divide 61-63.2 acres into 208 residential lots, a 10-acre public park, and two parcels for future development. The residential development would be located within a 30.7- acre area of the property which is split by the boundary between Zone C and Zone D.

PROJECT LOCATION:

The site is located southerly of 42nd Avenue, easterly of Madison Street and the All-American Canal, and northerly of Interstate 10 in the City of Indio, approximately 5,398.8 feet easterly of Runway 28 at Bermuda Dunes Airport.

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

Adjacent Airport:

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

BACKGROUND:

Residential Density:

The site is located partially in Airport Zone C and partially in Airport Zone D. Residential density in Airport Zone C is restricted to a rural density not exceeding one dwelling unit per five acres. The residential portion of this project has an overall density greater than six dwelling units per acre, which

is appropriate for Zone D, but not for Zone C. The Zone C area would include 63 whole lots and portions of 17 other lots. To the extent that this project extends into Zone C, it is inconsistent with the 2004 BDALUCP.

Open Area: Airport Zone C requires a minimum of 20% of area in open land, and Airport Zone D requires a minimum of 10% open land. As a park is proposed, this would meet the Zone D requirement. Additionally, a flood control channel is located to the west of the project. (See attached aerial.)

Noise: The project site is located outside of the area projected to be subject to average noise levels of 55 CNEL or greater.

PART 77: The majority of the site is located at an elevation not exceeding 24 feet above mean sea level (AMSL). The structure height will not exceed thirty-six (36) feet. The elevation of the nearest runway is 49 feet AMSL. At a distance of 5,398.8 feet from the runway to the project site, FAA review would be required for any structures with top of roof exceeding 103 feet AMSL. FAA review is not required.

In the event that the Commission chooses to find this proposal consistent due to special circumstances, or in the event that a Commission finding of inconsistency is overruled by the City of Indio, staff would recommend that the following conditions be applied:

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

- (e) Children's schools, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses.
- 3. Day care centers and libraries shall be prohibited within the Zone C portion of the project.
- 4. The attached notice shall be provided to all potential purchasers and tenants.
- 5. Design and landscaping of the park shall be in accordance with the provisions of Appendix C of the Wildlife Hazard Guidance Report dated January 31, 2007 regarding projects within 10,000 feet of an airport.

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.1 ~~4.34.24.4~~ 3.1

HEARING DATE: March February 8, 2007 ~~January 11, 2007~~ ~~December 14, 2006~~ (continued from February 8, 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 APRIL 12 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, JUNE OR JULY 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~~

Staff Report
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action; the ALUC should then DIRECT staff to return with a resolution of adoption at the next meeting.

DECEMBER UPDATE:

The Riverside County Airport Land Use Commission opened the public hearing on October 26, 2006 and considered public testimony from Larry Markham, Micah Spano, Barbara Lichman, and Gary Levinski. Letters were received from Chevalier, Allen and Lichman representing The Garrett Group, Pacific Pointe Partners, and Silverhawk Land and Acquisitions, LLC, from Reising Enterprises, and from the State of California Native American Heritage Commission. A subsequent letter was received from Howard Rice Nemerovski Canady Falk & Rabkin, on behalf of Lender Security Services, Inc.

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

JANUARY UPDATE:

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

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

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.

MARCH UPDATE:

THE ECONOMIC DEVELOPMENT AGENCY – AVIATION DIVISION HAS SUBMITTED COMMENTS INDICATING THAT IT DOES NOT SUPPORT AMENDMENTS THAT WOULD RELAX THE RESTRICTIONS IMPOSED BY THE 2004 PLAN ON RESIDENTIAL DEVELOPMENT. STAFF HAS RECEIVED A LETTER FROM THE CENTRAL PARK COMMUNITY ASSOCIATION EXPRESSING CONCERNS REGARDING FLIGHT PATTERNS FROM FRENCH VALLEY AIRPORT. THE ASSOCIATION REPRESENTS PROPERTY OWNERS WITHIN TRACT 29570, AN AREA OF THE SILVERHAWK SPECIFIC PLAN (SPECIFIC PLAN NO. 213) IN AIRPORT ZONE D.

THERE HAS NOT BEEN EXTENSIVE PROGRESS ON THIS MATTER SINCE THE LAST COMMISSION HEARING, AS ISSUES RELATING TO THE REVIEW OF A PROPOSED SITE PLAN FOR A PROJECT IN THE MIXED USE PLANNING AREA OF SPECIFIC PLAN NO. 213 DIVERTED TIME THAT OTHERWISE WOULD HAVE BEEN SPENT ON THE RESIDENTIAL “DISPLACEMENT” ANALYSIS.

STAFF DID MEET WITH CITY OF MURRIETA PLANNING DEPARTMENT STAFF TO REVIEW PROJECTS WITHIN THE CITY PORTION OF THE AIRPORT INFLUENCE AREA. CITY OFFICIALS ALSO ADVISED THAT LAND IN THE CITY IS NOT SUBJECT TO THE RESTRICTIONS OF THE HIGHWAY 79 POLICY AREA, ALTHOUGH THERE ARE OTHER CONSTRAINTS THAT COULD AFFECT DEVELOPMENT WITHIN CITY LIMITS, NOTABLY HABITAT CONSERVATION REQUIREMENTS.

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 **SPRINGS**, 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.

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 5.1

HEARING DATE: March 8, 2007

CASE SUMMARY

CASE NUMBER: ZAP1001BL07 – Blythe Industrial Properties, LLC/Ben Gosser

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: GPA00838, CZ07452, and PM35085

MAJOR ISSUES: None.

RECOMMENDATION: Staff recommends a finding of CONSISTENCY with the 2004 Blythe Airport Land Use Compatibility Plan, subject to the conditions included herein.

PROJECT DESCRIPTION:

General Plan Amendment No. 838 (GPA00838) proposes to amend the General Plan designation of a 48.31-55.67-acre property from Agriculture to Light Industrial. Change of Zone Case No. 7452 (CZ07452) proposes to change the zoning of this property from N-A (Natural Assets) to M-SC (Manufacturing-Service Commercial). Commercial/Industrial Parcel Map No. 35085 proposes to divide the property into 33 lots for industrial development.

PROJECT LOCATION:

The site is a single parcel located southerly of Hobsonway, northerly of Interstate 10, and westerly of the westerly terminus of Aiello Road, easterly of the community of Mesa Verde in unincorporated Riverside County, approximately 2,514 feet southerly of Runway 8/26 at Blythe Airport.

LAND USE PLAN: 2004 Blythe Airport Land Use Compatibility Plan

- a. Airport Influence Area: Blythe Airport
- b. Land Use Policy: Airport Zone D
- c. Noise Levels: Below 55 CNEL

BACKGROUND:

Land Use Intensity: The site is located within Airport Zone D. Nonresidential development intensity in Zone D is restricted to an average of 100 persons per acre, with a maximum of

300 persons within any given acre of the property. At this time, no buildings are proposed, so it is unknown whether future development would be in compliance. However, given the acreage of this site, there should be no problem in complying with the average intensity criteria, which would prospectively allow as many as 5500 people on the property.

In order to provide for compliance with the single-acre criteria, recommended conditions provide for any proposed structure 4,500 square feet or larger to be subject to Airport Land Use Commission staff review during the plot plan or use permit process.

Open Area: The site is located in Airport Zone D, where a minimum of 10 percent open area is required. The applicant projects maximum lot coverage of 40 percent.

Noise: The site is located outside the area projected to be subject to average noise levels from aircraft operations in excess of 55 CNEL.

Part 77: The elevation on the site varies from 374 to 400 feet above mean sea level (AMSL). The applicant projects a pad elevation of 388.9 feet AMSL. No structures are proposed at this time, but the applicant projects that new structures will not exceed a height of 40 feet. Thus, it is expected that the top of any structure will not exceed 429 - 440 feet AMSL. The elevation of the Runway 8/26 at its easterly terminus (its low point) is 393 feet AMSL. At a distance of 2,514 feet from the runway, any structure with a top elevation greater than 418 feet AMSL would require FAA review. Therefore, some of the structures ultimately built on this site may require FAA review. However, no structures are proposed at this time.

CONDITIONS:

1. Unless otherwise determined inapplicable by Airport Land Use Commission staff, all new structures at this location with an elevation above 418 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
2. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky.
3. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

- c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - e. Highly noise-sensitive outdoor nonresidential uses.
4. The attached notice shall be given to all prospective buyers and tenants.
 5. All proposals for discretionary review of development of structures 4,500 square feet or greater in floor area shall be referred to Airport Land Use Commission staff for review.
 6. A minimum of ten percent (10%) of the site shall be "open land" as defined in Policy 4.2.4 of the 2004 Riverside County Airport Land Use Compatibility Plan. (Maintenance of existing natural surface conditions is preferred, but driveway areas and parking areas may also qualify.)

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COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 5.2
HEARING DATE: March 8, 2007
CASE NUMBER: ZAP1002BL07 - City of Blythe
APPROVING JURISDICTION: City of Blythe
JURISDICTION CASE NO: Blythe General Plan 2025

MAJOR ISSUES: The Land Use Element of the General Plan should include a policy incorporating the 2004 Blythe Airport Land Use Compatibility Plan by reference or otherwise include the airport land use compatibility policies in the Countywide Policies section of the 2004 Riverside County Airport Land Use Compatibility Plan and a description of the process by which those policies will be implemented by the City of Blythe. Development projects within the portion of the sphere of influence in the Airport Influence Area proposed for a designation of “Planned Development” in the City General Plan will continue to require ALUC review because this designation is not sufficiently specific for a consistency determination to be made at this time. One 16-acre parcel depicted as Rural Residential on the proposed General Plan may need to be changed to an Agriculture designation or be subject to a policy restricting its subdivision to a maximum of three lots. Noise compatibility criteria in the Noise Element conflict with (are less restrictive than) noise compatibility criteria in the ALUCP.

RECOMMENDATIONS: Staff recommends a finding of CONDITIONAL CONSISTENCY with the 2004 Blythe Airport Land Use Compatibility Plan and the policies of the 2004 Riverside County Airport Land Use Compatibility Plan, subject to the conditions included in this staff report, one land use designation map amendment, and the completion of the text amendments summarized herein.

PROJECT DESCRIPTION:

General Plan 2025 is an all-inclusive update to the City’s 1989 Comprehensive Plan to guide the long-term development of the City, its Sphere of Influence, and three new Planning Areas. The General Plan includes the Land Use, Safety, Noise, Community Design, Circulation, Parks and Recreation, and Open Space and Conservation Elements, all of which are new, and the Housing Element, which was adopted in 2004 and would be integrated into General Plan 2025 under separate cover. It also includes a Colorado River Corridor Plan, which is not within an Airport Influence Area. The Plan addresses 27 square miles of land within City limits and 20 square miles within the City’s sphere of influence

(areas outside City limits and currently under County jurisdiction that could potentially be annexed to the City).

PROJECT LOCATION:

All land within the City of Blythe, and unincorporated areas within the County of Riverside that could potentially be annexed into the City. Except for objects 200 feet or greater in height, the jurisdiction of the Airport Land Use Commission is confined to the portions of the City and its Planning Area or sphere of influence within the Airport Influence Area of Blythe Airport.

BACKGROUND:

The City submitted its proposed new General Plan for formal Airport Land Use Commission review on January 25, 2007. Commissioners should be receiving with this staff report copies of the proposed Land Use, Safety, and Noise Elements, along with the previously adopted Housing Element. Mead & Hunt has prepared comments, which are attached to this staff report.

ANALYSIS:

While there are no major conflicts between the City's Land Use/Zoning diagram and the Riverside County Airport Land Use Compatibility Plan, the City's General Plan as drafted is not fully consistent with the Riverside County Airport Land Use Compatibility Plan in that it does not include the airport land use compatibility policies in the Countywide Policies section of the 2004 Riverside County Airport Land Use Compatibility Plan and a description of the process by which those policies will be implemented by the City of Blythe. However, it is staff's understanding that the City intends to incorporate these policies through adoption of the 2004 ALUCP by reference. Mead & Hunt and ALUC staff recommend that this be included as a policy within the Land Use Element, if the City wishes to take this approach to achievement of consistency.

The second major issue noted by Mead & Hunt is that the "Planned Development" designation proposed for the portion of the sphere of influence and Planning Area within the Airport Influence Area is not sufficiently specific for a consistency determination to be made at this time. Therefore, development proposals within this area – whether legislative or not – will continue to require ALUC review. As noted in the Mead & Hunt memorandum dated February 26, 2007, once a consistency determination has been made, "individual development projects involving land within the Blythe Airport Influence area (AIA) no longer are required to be submitted to the ALUC for review", except for "those actions for which ALUC review is mandated by state law".

One land use designation amendment may be required. Assessor's Parcel Number 824-110-003 is located in Airport Zone D, but is depicted as "R-R" Rural Residential on the City's Land Use/Zoning Map. Airport Zone D requires either an average density not

exceeding one dwelling unit per five acres or densities of five or more units per acre, but does not allow intermediate densities. As this parcel is greater than 15 acres in area, it is potentially divisible. Therefore, unless the proposed designation/zoning reflects an approved project, either the designation/zoning of the property should be changed to Agriculture or a special policy should be added to the Land Use Element restricting subdivision to a maximum of three lots unless the Zone D criteria is modified in the future.

It should be noted that the designation of this property reflects to some extent the designation of adjoining properties in the unincorporated area for densities as high as one dwelling unit per two acres.

The Noise Element includes a table (Table 8.2-1) whose criteria conflict with the noise compatibility criteria included in the ALUCP. The table potentially would allow for residential uses in areas with exterior noise levels as high as 70 dB(A) Ldn or CNEL. In contrast, the ALUCP (Table 2B) indicates that residential uses are normally unacceptable where aircraft noise results in average noise levels above 60 CNEL. While the standards included in Table 8.2-1 may be acceptable in relation to ground-based noise sources, noise from aircraft operations is different in that it is intermittent - characterized by extensive periods of quiet interspersed with occasional episodes of noise that may be extremely annoying. The single-event noise levels in an area experiencing an average of 65 CNEL would be much higher than 65dB(A). Therefore, consideration should be given to establishment of more restrictive compatibility criteria for aircraft noise, including a separate table to address this issue.

OTHER REQUIRED AMENDMENTS:

1. Either depict the boundaries of the Blythe Airport Influence Area on Figure 3-3 and the Land Use Policy Map (Figure 3-2, to the extent that the area depicted therein is included in the Airport Influence Area) or on a new map to be included in the Land Use Element.
2. Incorporate the Basic Compatibility Criteria (Table 2A of the ALUCP) into the Land Use Element in substitution for the table presently identified as Table 3.7-1. (Table 3.7-1 is actually derived from a federal source, not from the ALUCP.) Inclusion of Table 2A will help ensure that the nonresidential intensity limits of Airport Zones B1, C, and D and the prohibition on flight hazards (such as uses that create visual or electronic interference with aircraft operations) are maintained. Include Map BL-1 from the ALUCP indicating the geographic location of the compatibility zones within the Blythe Airport Influence Area on an adjacent page
3. Add a policy to the Land Use Element stating that, as required by Public Utilities Code Section 21676(b), general plan amendments, specific plans and specific plan amendments, and proposals to adopt or amend zoning ordinances (including changes of zoning) and building regulations, affecting lands within the Airport Influence Area shall be submitted to the Airport Land Use Commission for review.

Additionally, proposals for variances or exceptions from zoning ordinances or building regulations shall be submitted for ALUC review to the extent that such variances or exceptions have associated airport land use compatibility implications.

4. Add a policy to the Land Use Element stating that all applicable policies and criteria in the Blythe Airport component and the Countywide Policies component of the 2004 Riverside County Airport Land Use Compatibility Plan, including the nonresidential intensity restrictions of the various Airport Zones, are incorporated by reference as they pertain to the Blythe Airport Influence Area as City policy for that area.
5. Add a policy to the Land Use Element indicating that all future discretionary actions by the City of Blythe pertaining to the currently unincorporated lands within the Airport Influence Area shall be submitted for ALUC review until such time as a more detailed Area Plan or Specific Plan for that area depicting land use designations has been reviewed and found consistent by the ALUC.
6. Add an implementation measure to the Land Use Element stating that all proposed development projects within the Airport Influence Area shall be reviewed for conformance with the compatibility criteria set forth in the Riverside County Airport Land Use Compatibility Plan.
7. Add a footnote to Table 3.2-1 indicating that more restrictive nonresidential intensity criteria apply within portions of the Blythe Airport Influence Area.
8. Add a policy in the Open Space section of the Land Use Element indicating that the open land requirements of various airport land use compatibility zones will be taken into account in City review of development proposals within those portions of the Airport Influence Area designated for industrial uses.
9. Amend the Safety Element by including a section addressing aircraft hazards, including both the risks that aircraft accidents pose for nearby land uses and the potential for other land uses to present physical, visual, and electronic interference for aircraft in flight. Specific reference should be made to the height limits established in accordance with Part 77 of the Federal Aviation Regulations. The airspace protection map from the Blythe Airport section of the ALUCP should be included in this section. The Safety Element could also include a discussion of the intent of the open land requirement in the Airport Influence Area as providing areas where a light aircraft could make an emergency landing.
10. Add a policy to the Safety Element indicating that development within the Airport Influence Area shall comply with the safety and airspace protection policies of the 2004 Riverside County Airport Land Use Compatibility Plan.
11. Transfer Figure 3-8 depicting noise contours from the Blythe Airport to the Noise Element. Add a policy to the Noise Element indicating that these noise contours will

be utilized by the City in implementing the Airport Land Use Compatibility Plan.

12. Add a note to Table 8.2-1 indicating that more restrictive criteria apply to development in areas affected by aircraft noise, and add Table 2B from the Countywide Policies of the Airport Land Use Compatibility Plan establishing allowable land uses in areas subject to aircraft noise as depicted on the noise contours.
13. Add a policy to the Noise Element stating that airport proximity shall be disclosed in accordance with state law in conjunction with certain real estate transactions within the Airport Influence Area.

CONDITIONS:

1. The City of Blythe shall incorporate the text amendments specified above (or substantively similar text as acceptable to the ALUC Executive Director) into the Land Use, Safety, and Noise Elements of General Plan 2025 and submit the revised text to ALUC staff for concurrence prior to final adoption by the City.
2. The designation of Assessor's Parcel Number 824-110-003 shall be changed to Agriculture or to such other designation that would prohibit the development of residential uses at an overall density greater than one dwelling unit per five acres and less than five dwelling units per acre, unless the designation reflects an approved project. (Second units are excluded from this prohibition.)
3. All major land use actions by the City of Blythe as listed in ALUCP Policy 1.5.3, including, but not limited to, pre-zoning (whether or not in conjunction with an annexation), general plan amendment approval, specific plan adoption, and individual development project approvals pertaining to the area within the Airport Influence Area, but outside the City limits as of January 1, 2007, shall be submitted to the Airport Land Use Commission for mandatory consistency review in accordance with ALUCP Policy 1.5.2(a) until such time as a general plan amendment or a specific plan for the area has been reviewed by the ALUC and found consistent.

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RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

STAFF REPORT

ADMINISTRATIVE ITEMS

- 7.1** Staff recommends that the ALUC adopt Resolution No. 07-02 adopting the State CEQA Guidelines as its procedures for implementing the California Environmental Quality Act. A copy of the resolution is attached.
- 7.2** Executive Director's Approvals. No new "staff review" approvals were issued between February 8 and February 26; this is a "placeholder" in the event that administrative approvals occur between February 27 and March 8. Copies of such administrative approvals will be provided at the hearing for your Commission's information.
- 7.3** At the February meeting, Commissioner Glen Holmes suggested that the ALUC establish a subcommittee to address issues relating to the Hemet-Ryan Airport, development of the Master Plan and Airport Land Use Compatibility Plan, and means of addressing the City's forthcoming General Plan and development applications in the vicinity of the airport. The ALUC decided to place this matter on the March 8 agenda. Interim Executive Director Ed Cooper and Planner John Guerin met with City of Hemet Planning Director Richard Masyczek and Planner Ron Running and with Economic Development Agency – Aviation Division representatives on February 14 to discuss these issues. City representatives indicated their willingness to work cooperatively with an ALUC subcommittee in the planning process, should the ALUC decide to form such a subcommittee. Economic Development Agency – Aviation Division representatives indicated that the Master Plan is probably at least a year away from finalization. ALUC staff raised the possibility that an amendment to the text of the 1992 Hemet-Ryan Airport Comprehensive Land Use Plan may be needed before the new Airport Land Use Compatibility Plan is ready for adoption. (The draft prepared by Mead & Hunt in 2004-05 would need to be amended to reflect the proposed southwesterly runway extension and the retention of the California Department of Forestry and Fire Protection at Hemet-Ryan Airport.)
- 7.4** Another topic that could be considered by a subcommittee is the determination of densities and concentrations of people. If the ALUC establishes such a subcommittee, it could deal with such issues as (1) whether densities in Specific Plans should be calculated on the basis of individual Planning Areas or on the basis of the residential Planning Areas as a whole, within individual Airport Zones and (2) alternative methods for determining concentrations of persons in commercial and industrial development beyond the Uniform Building Code and the Parking Space Method, and whether there should be different intensity assumptions for different types of retail uses. (Generally, a supermarket or a Wal-Mart is going to have more activity within its retail sales area than a furniture or appliance store.)

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