



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., October 11, 2007

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

Arthur Butler
Riverside

Robin Lowe
Hemet

John Lyon
Riverside

Glen Holmes
Hemet

Melanie Fesmire
Indio

STAFF

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

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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). Also please be aware that the indicated staff recommendation shown below may differ from that presented to the Commission during the public hearing.

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

FLABOB AIRPORT

2.1 **ZAP1004FL07 – ELBA, Inc./Hill View Development/Charles Joseph Associates – County Case No. GPA00810, CZ07343, TR34795 - A proposal to amend the designation of 7.72 – 7.76 acres located northeasterly of 46th Street and southeasterly of Riverview Drive in the unincorporated Riverside County community of Rubidoux from Estate Density Residential (1 dwelling unit per two acres) within the Community Development Foundation Component to Medium High Density Residential (5-8 dwelling units per acre), to change the zoning on the site from R-1-100 and A-1 to R-3, to divide the property for the establishment of 42 condominium units, and to develop 14 triplex (3-unit) buildings containing 42 dwelling units. Airport Zone D. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.**

Staff Recommendation: CONSISTENT

OLD BUSINESS – CONTINUED

RIVERSIDE MUNICIPAL AIRPORT

- 2.2 ZAP1023RI07 – Magnolia Avenue Baptist Church - City Case Nos. P07-0810 (Conditional Use Permit), P07-0811 (Design Review). A proposal to construct and operate a 22,838 square foot children’s educational facility and a 40,000 square foot church sanctuary, and to remodel the existing church sanctuary to be used as a multi-purpose building. The 10.28-acre site is located at 8351 Magnolia Avenue, westerly of Adams Street, in the City of Riverside. Airport Zone D. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: INCONSISTENT

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

FLABOB AIRPORT

- 3.1 ZAP1005FL07 – Gamaliel Mercado/Mari Medina – County Case No. Change of Zone No. 07520 (CZ 07520). Change the zoning on two parcels with a total area of 15,000 square feet from R-VC (Rubidoux Village Commercial) to R-1 (Residential One-Family Dwelling) located northeasterly of 37th Street, easterly of Daly Avenue and westerly of Crestmore Road, in the unincorporated Riverside County community of Rubidoux. Airport Zone D. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONSISTENT

MARCH AIR RESERVE BASE

- 3.2 ZAP1036MA07 – MR-56 LLC & MR-27, LLC – County Case Nos. SP 00260A2 and CZ 07195. Amendment No. 2 to Specific Plan No. 260. “Menifee North”. Amendment to designation of 44.4 acres within the Airport Influence Area from 25.8 acres of Business Park, 6.6 acres of Residential (2 dwelling units per acre), 6.1 acres of Commercial, and 5.9 acres of utility easement to 27.1 acres of Residential at densities of 5.6 - 7.3 dwelling units per acre (172 dwelling units), 12.5 acres of Community Park, and 3.3 acres of Commercial uses. The areas proposed for change are located northerly of Ethanac Road (State Highway Route 74) and westerly of Menifee Road in the community of Romoland in unincorporated Riverside County. The change of zone would amend the Specific Plan zoning ordinance in accordance with Amendment No. 2. Airport Area III. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONSISTENT

JACQUELINE COCHRAN REGIONAL AIRPORT

3.3 ZAP1004TH07 – Sergio Duran - County Case Nos. GPA 00867 and CZ 07541. A proposal to amend the General Plan designation and zoning of 25.7 acres located northerly of 57th Avenue, easterly of State Highway Route 86, and southerly of Airport Boulevard in the unincorporated Riverside County community of Thermal. The General Plan Amendment proposes to change the designation of 10.08 acres from Low Density Residential within the Rural Community Foundation Component (LDR-RC) to Estate Density Residential within the Rural Community Foundation Component (EDR-RC), to change the designation of 14.45 acres from EDR-RC to Agriculture, and to change the designation of 1.17 acres from EDR-RC to LDR-RC. The change of zone would change the zoning from R-A-20 to R-A-2 on 10.08 acres, A-1 on 14.45 acres, and R-A-1 on 1.17 acres. Airport Zone E. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONSISTENT

3.4 ZAP1005TH07 – Desert Diamond Properties, LLC – County Case Nos. GPA 00865, CZ 07537, and TR 35577. A proposal to amend the Eastern Coachella Valley Area Plan designation of 95.68 – 96.69 acres located westerly of Van Buren Street, southerly of 60th Avenue, and northerly of 61st Avenue from Agriculture within the Vista Santa Rosa Policy Area (maximum intensity one dwelling unit per five acres) to Medium Density Residential, to change the zoning of the property from A-1-10 (Light Agriculture, 10 acre minimum lot size) to R-1 (One-family Dwellings), and to divide the property into 119 residential lots, plus up to 15 open space lots. Airport Zone E. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONSISTENT

4.0 **PUBLIC HEARING: NEW BUSINESS**
SOUTH COUNTY

HEMET RYAN AIRPORT

4.1 ZAP1008HR07 – Cawston Properties, LLC – City Case No. SPA007-02- “Brethren Square”. An amendment to Page Ranch Specific Plan so as to allow for establishment of (1) A service station with a 2,900 square foot convenience store and car wash and (2) A 9,803 square foot commercial retail building on 1.54 acres located easterly of Cawston Avenue and southerly of Stetson Avenue (including the southeast corner of the intersection) in the City of Hemet. Airport Area III (partially within inner 660 feet). This case is pending FAA review. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at clara@rctlma.org.

Staff Recommendation: CONDITIONAL CONSISTENCY

5.0 **PUBLIC HEARING: 9:30 A.M.**
NORTH COUNTY

MARCH AIR RESERVE BASE

- 5.1 ZAP1037MA07 – Air Force Village West, Inc. – JPA Case No. SP 07-01 - Proposed amendment to Air Force Village West Specific Plan. The Specific Plan presently allows for 640 dwelling units (307 detached single-family dwellings, 70 units in duplexes, and 263 apartments), 104 assisted living beds, 40 special care unit beds, and 99 skilled nursing beds. The amended Specific Plan would provide for 560 dwelling units (327 detached single-family dwellings, 70 units in duplexes, and 163 apartments), 116 assisted living beds, 37 special care unit beds, and 99 skilled nursing beds. Additionally, the Specific Plan proposes support facilities, recreational facilities, and a wellness center. The site plan proposes 28 new dwellings, the addition of assisted and independent living facilities, and a future chapel and meeting hall. Air Force Village West is located westerly of Village West Drive and southerly of Van Buren Boulevard within the March Joint Powers Authority jurisdiction. Staff has evaluated this project as a licensed facility. This case is pending FAA review. Airport Area II. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONDITIONALLY CONSISTENT

- 5.2 ZAP 1038MA07 – Andland Properties, LLC (Clarke Ashton) – City Case Nos. PA 05-0105, 05-0106, 05-0107, and 05-0108. “Gateway Business Park.” A proposal to develop a 16-building business park with 253,740 square feet of floor area on 19.56 acres located easterly of Interstate 215 and Old 215, southerly of Alessandro Boulevard, and westerly of Day Street in the City of Moreno Valley. With a general plan amendment from Commercial to Business Park/Industrial on 6.22 acres, a change of zone from Industrial and Community Commercial to Business Park, establishment of Business Park/Industrial General Plan designation and Business Park zoning on 3.27 acres of former right-of-way, and division of 24.11 acres into six parcels through Parcel Map No. 33152. Airport Area I. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: Plot Plan INCONSISTENT. General Plan Amendment, Zone Change, and Parcel Map CONSISTENT.

6.0 **PUBLIC HEARING: 10:00 A.M.**
EAST COUNTY

BERMUDA DUNES AIRPORT

- 6.1 ZAP1021BD07 – BBNE Investments – City Case No. CUP 07-8-900 - A proposal to establish a recreational vehicle sales and service center (Giant RV) including a two-story 34,677 square foot building, on 7.05 acres located northerly of Varner Road and Interstate 10 and easterly of Adams Street in the City of Indio. This case is pending FAA determination. Airport Zones B2 and D. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONDITIONALLY CONSISTENT

PALM SPRINGS AIRPORT

6.2 ZAP1003PS07 – D.R. West LLC/The Nicholas Group – City Case Nos. CUP 5.1161 and Parcel Map No. 33507 (“Gene Autry Plaza”) – A proposal to establish a four-building retail commercial center with a total gross floor area of 62,358 square feet on 6.47-6.54 acres located at the southeast corner of Ramon Road and Gene Autry Trail, northerly of Camino Parocela, in the City of Palm Springs and the Agua Caliente Indian Reservation, and to divide the property into four lots for commercial purposes. Airport Zone B1. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: The conditional use permit is INCONSISTENT. The parcel map is CONSISTENT.

7.0 **APPROVAL OF MINUTES**: September 13, 2007

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

9.0 **COMMISSIONER’S COMMENTS**

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.1 2.1

HEARING DATE: October 11, 2007 (originally considered on September 13, 2007)

CASE SUMMARY:

CASE NUMBER: ZAP1004FL07-Hill View Development/Charles Joseph Associates

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: General Plan Amendment No. 810 (GPA00810), Change of Zone Case No. 7343 (CZ07343), and Tentative Tract Map No. 34795 (TR34795)

MAJOR ISSUES: ~~One of the proposed multi-unit structures may require FAA review.~~ On September 13, 2007 the issue of improper notification was brought to the attention of the Commission. The case was continued to October 11, 2007 to allow for re-advertisement. Property owners within a 300 foot radius of the property in question have been notified. Seven persons spoke in opposition to the proposed project at the September hearing.

RECOMMENDATION:
~~The proposed general plan amendment and change of zone are consistent with the Flabob ALUCP, but staff must recommend Continuance to October 11, 2007 for the tract map, pending determination of need for FAA review.~~

Staff recommends a finding of Consistency for the general plan amendment, the change of zone, and the tentative tract map subject to the conditions specified herein for the tract map.

PROJECT DESCRIPTION:

General Plan Amendment No. 810 (GPA 00810) proposes to amend the current General Plan (Jurupa Area Plan) land use designation of 7.72-7.76 acres from Estate Density Residential (EDR) (1 dwelling unit per two acres) within the Community Development Foundation Component to Medium High Density Residential (MHDR) (5-8 dwelling

units per acre). Change of Zone Case No. 7343 (CZ07343) proposes to change the zoning on the site from R-1-100 (One-family Dwellings, 100 foot minimum lot frontage) and A-1 (Light Agriculture) to R-3 (General Residential). Tentative Tract Map No. 34795 proposes to divide the property for the establishment of 42 condominium units, and to develop 14 triplex (3 unit) buildings containing 42 dwelling units.

PROJECT LOCATION:

The property in question is located northeasterly of 46th Street and southeasterly of Riverview Drive, approximately 1,568 feet northwesterly of the westerly terminus of Runway 6-24 at the Flabob Airport, in the unincorporated Riverside County community of Rubidoux.

LAND USE PLAN: 2004 Flabob Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Flabob Airport
- b. Land Use Policy: Airport Zone D
- c. Noise Policy: Parcels are split by the 55 CNEL Contour

BACKGROUND:

Land Use/Density: The site is located in Airport Zone D. Land use compatibility criteria for Airport Zone D allows for a density of five or more dwelling units per acre. The applicant is proposing 42 units on 7.72-7.76 acres. Given the acreage and proposed number of dwelling units, the density is 5.41 dwelling units per acre. The proposed General Plan Amendment and Change of Zone are consistent with the 2004 Plan.

PART 77: The maximum proposed finished floor elevation at this site is 764 feet above mean sea level (AMSL), and the proposed maximum structure height is 26 1/2 feet. The maximum elevation at top of roof is 790.5 feet AMSL. The runway elevation at its westerly end is 750 feet AMSL. Due to the short runway, the relevant slope is 50:1. At a distance of 1,568 feet from the runway to the nearest point of the site, any structure above 782 feet top elevation would require FAA review. However, the westerly boundary of the site is an additional 915 feet from the runway, allowing an additional 18 feet of elevation at that location. ~~Staff has determined that one of the structures probably requires FAA notice and review, but is willing to consider additional evidence regarding the distance of each structure from the runway. At this time, the applicant has not submitted to FAA for review.~~ **The applicant has submitted additional information indicating that the closest building is 1,755 feet from the runway, and that the elevation at top of roof would not exceed 785 feet AMSL. Therefore, FAA review is not required.**

Noise: The site is crossed by the 55 CNEL contour. Portions of the site would be subject to noise levels exceeding 55 dB (A) CNEL from aircraft operations.

CONDITIONS (Tract Map):

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an off or toward an aircraft engaged in a straight final approach toward a landing aircraft engaged in an initial straight climb following take at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses.
2. Noise attenuation measures shall be incorporated into the building design and construction to ensure such noise level reduction as may be necessary so as to reduce interior noise levels within each unit to 45 CNEL or below.
3. The attached notice shall be provided to all potential purchasers and tenants and shall be recorded as a deed notice.
4. 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.
5. Prior to recordation of a final map, the applicant shall file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration for any structure whose elevation in feet above mean sea level at top of roof or top point exceeds "Y", where "Y" = $750 + (\text{distance from top point to the westerly terminus of the runway at Flabob Airport, divided by } 50)$.
6. **All structures shall maintain a minimum distance of 1,755 feet from the west end of the runway at Flabob Airport.**
7. **Additional ALUC review shall be required for any structure exceeding 26.5 feet in height.**

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.2 2.2

HEARING DATE: October 11, 2007 (continued from September 13, 2007)

CASE SUMMARY:

CASE NUMBER: ZAP1023RI07- Magnolia Avenue Baptist Church

APPROVING JURISDICTION: City of Riverside

JURISDICTION CASE NO.: P07-0810 (Revised Conditional Use Permit) and P07-0811 (Design Review)

MAJOR ISSUES: The intensity of use on-site, especially the single-acre intensity, would be well above the maximum allowable intensity in Airport Zone D, even if use of existing on-site buildings is not included in the calculation. The applicant's representative has been advised that the project intensity is inconsistent with Airport Zone D policies. *However, the City Airport Department has no objection to the project, provided that an aviation easement is recorded.*

RECOMMENDATION: ~~Staff recommends CONTINUANCE to October 11, 2007, at the request of the applicant's representative. [The applicant will need this additional time to prepare documentation in support of a request for consideration pursuant to Sections 3.3.1 (Infill) and/or 3.3.6 (Other Special Conditions).]~~ *Staff recommends a finding of Inconsistency due to the intensity of the proposed development.*

The applicant requests consideration pursuant to Section 3.3.6 (Other Special Conditions).

PROJECT DESCRIPTION:

The applicant proposes to construct and operate a 22,838 square foot children's educational facility and a 40,000 square foot church sanctuary, and to remodel the existing church sanctuary to be used as a multi-purpose building. The project area includes 10.28 acres. Existing buildings on the property include the existing church sanctuary building (31,542 square feet) located on Adams Street and three other buildings with a combined square footage of 50,535 square feet.

PROJECT LOCATION:

The site is located at the northwest corner of Magnolia Avenue and Adams Street in the City of Riverside, approximately 6,468 feet southeasterly of Runway 9/27 at Riverside Municipal Airport.

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

Adjacent Airport:

- | | | |
|----|-------------------------|-----------------------------|
| a. | Airport Influence Area: | Riverside Municipal Airport |
| b. | Land Use Policy: | Airport Zone D |
| c. | Noise Levels: | Outside the 55 CNEL contour |

BACKGROUND:

This project was initially submitted for “staff review” as a project in Zone D without a legislative action. However, it was scheduled for consideration on ~~this~~ **the September 13** agenda due to staff’s inability to make a finding of consistency pursuant to adopted compatibility criteria. Staff met with the applicant’s representatives on August 29 to advise that the proposed project was inconsistent with ALUCP nonresidential intensity criteria for Zone D. Due to the project having been received as a “staff review”, at this time, there are no reduced-size copies of the elevations and floor plans available for inclusion in this staff report package. **One person spoke in opposition to the project at the September hearing.**

Land Use/Intensity: The site is in Airport Zone D. Children’s schools are discouraged in Airport Zone D. The compatibility criteria for Airport Zone D permit 100 people per acre (average) and a maximum of 300 people in any given acre. Even with use of all risk-reduction design measures, the single-acre intensity cannot exceed 390. Both the new sanctuary and the new school building are designed to allow for occupancy by over 390 persons within a single acre. The sanctuary would include fixed seating for 1500 persons. ALUC staff has no information regarding the number of students who would be attending the school, but the 22,838 square foot facility could potentially accommodate over 500 persons. The land use could be accommodated in Airport Zone E, but not in Airport Zone D

~~Given the proposed sanctuary seating, unless ALUC were to make a special finding based upon the number of hours that the building is in use on a weekly basis, the infill provisions would not be sufficient to enable a finding of consistency for that structure.~~

In the long term, ALUC may wish to consider whether Riverside Municipal Airport should be considered as an urban, rather than a suburban/rural, airport. **The distinction is based on the extent to which the surrounding area is developed, not on the level of flight activity or the population of the jurisdiction.** The California Airport Land Use Planning Handbook guidelines for safety zones recommend average intensity criteria of

150 persons per acre and single-acre intensity maxima of 450 persons per acre for the Traffic Pattern Zone of suburban/rural airports (prior to application of risk-reduction design bonuses), but no limits for the Traffic Pattern Zone for urban airports, where the airport is surrounded by predominantly developed areas. Such a determination would need to be addressed through an amendment to the additional compatibility policies for this airport, which would need to be coordinated with the City of Riverside, its Airport Commission, and Airport Manager.

Part 77: The maximum elevation at this site is 791 feet above mean sea level (AMSL), and the proposed maximum structure height is 36 feet and 10 inches. The runway elevation at its easterly end is 815.6 feet AMSL. At a distance of 6,468 feet from the runway, any structure above 880 feet top elevation would require FAA review. (While the closest point of the site is 6,063 feet from the runway, this area is a proposed parking lot; the closest structure would be the existing church/proposed multi-purpose building at a distance of 6,468 feet from the runway.) FAA review is not required.

Noise: The site is outside the 55 CNEL contour. Noise mitigation is not required.

ADDITIONAL INFORMATION (OCTOBER 11, 2007):

The applicant provided the following information:

1.) On April 4, 1996 ALUC staff reviewed (CUP No. 20-712 (Revised)) for the expansion of on-site parking, addition to the sanctuary building with 31,160 square foot basement, 30,000 square feet of main floor, and 8,000 square foot balcony (see CU-020-712 Rev. Exhibit 4), and found the project to be compatible with the draft Riverside Municipal Airport Land Use Plan. Staff recommended a conveyance of an avigation easement, which was subsequently prepared and recorded.

2.) Approved condition, item 4, states that “The administrative and education buildings shall not be used for regular worship services that may be conducted concurrently with primary worship services, unless adequate parking is available for activities in both buildings.”

Approved condition, item 6, states that the preschool play yard hours of operation shall be limited to between 9:00 a.m. and sunset.

3.) The current proposal retains the previously approved future sanctuary and remains an integral part of the Church’s master plan.

4.) On September 6, 2007 a memorandum was sent to Ms. Debra Leight, Associate Planner at the City of Riverside from Ms. Barbara McIlwaine, Airport Operations Coordinator stating the Airport Department has no objection to the proposed development providing the developer and each subsequent buyer is required to sign avigation easements with the City.

Section 3.3.6 of the Riverside County Airport Land Use Compatibility Plan provides for “specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.”

Consideration may be given to the following facts pertinent to this case:

- 1. The proposed project site is located more than 6,000 feet from the airport runway and one mile away from the extended runway centerline**
- 2. The children’s education building would be utilized for classroom purposes only for Sunday school and mid-week bible studies, up to six hours on Sundays and up to three hours on Wednesday evenings, or less than 6% of an average week.**
- 3. The City of Riverside Airports Department has no objection to the proposed project.**

The following conditions are necessary to prevent the establishment of uses that are hazards to flight and to provide notification in accordance with State law. Implementation of these conditions does NOT render the project consistent with the Riverside Municipal Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards (as they would affect the worshippers, students, teachers, and other occupants of these buildings) to below a level of significance pursuant to the California Environmental Quality Act.

CONDITIONS:

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

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 2. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
- 3. The attached notice shall be provided to all potential purchasers and tenants and shall be recorded as a deed notice.
- 4. **The landowner shall convey an aviation easement to the City of Riverside as owner-operator of Riverside Municipal Airport, or shall provide copies of the recorded document to the City Airport Department, the City Planning Department, and the Airport Land Use Commission.**

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.1

HEARING DATE: October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1005FL07- Gamaliel Mercado /Mari Medina

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Change of Zone: CZ 07520

MAJOR ISSUES: None

RECOMMENDATION: Staff recommends a finding of **CONSISTENCY**.

PROJECT DESCRIPTION:

The Change of Zone is to change the zoning of two 7,500 square foot lots from R-VC (Rubidoux Village Commercial) to R-1 (Residential One- Family Dwelling).

PROJECT LOCATION:

The project site is located northeasterly of 37th Street, southerly of Odell Street, easterly of Daly Avenue and westerly of Crestmore Road, approximately 2,682 feet from the easterly terminus of the runway at Flabob Airport, in unincorporated Riverside County.

LAND USE PLAN: 2004 Flabob Airport Land Use Compatibility Plan, as amended in 2005

Adjacent Airport:

- a. Airport Influence Area: Flabob Airport
- b. Land Use Policy: Airport Zone D
- c. Noise Levels: Outside the 55 CNEL Contour

BACKGROUND:

Land Use- Density: The site is located in Airport Zone D. Land use compatibility criteria for Airport Zone D allows for a density of five or more dwelling units per acre. As amended in 2005, this density is to be calculated on this basis of net area (excluding

external streets and qualifying open space). Given the acreage and proposed number of dwelling units, the net density is 5.81 dwelling units per acre. The Change of Zone is consistent with the 2004 Plan.

PART 77: The highest existing elevation on site is 761 feet above mean sea level (AMSL). The elevation of the runway at its easterly end is 766.8 feet AMSL. Due to the runway length being less than 3200 feet, the relevant imaginary surface has a 50 to 1 slope. At a distance of 2,681 feet from the runway, any structure above 820.42 feet AMSL would require FAA review. No structures are proposed through this application. The height limit in the R-1 zone is 40 feet. FAA review would not be required.

Noise: The site is located outside the 55 CNEL noise contour; therefore, special noise mitigation is not necessary.

Changes of zoning are not subject to conditions.

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

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT**

AGENDA ITEM: 3.2

HEARING DATE: October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1036MA07-MR-56 LLC & MR-27, LLC

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: SP00260A2, CZ07195

MAJOR ISSUES: NONE

RECOMMENDATION: Staff recommends a finding of Consistency, subject to the conditions specified herein for the Specific Plan.

PROJECT DESCRIPTION:

Amendment No. 2 to Specific Plan No. 260. "Menifee North". Amendment to designation of 44.4 acres within the Airport Influence Area from 25.8 acres of Business Park, 6.6 acres of Residential (2 dwelling units per acre), 6.1 acres of Commercial, and 5.9 acres of utility easement to 27.1 acres of Residential at densities of 5.6- 7.3 dwelling units per acre (172 dwelling units), 12.5 acres of Community Park, and 3.3 acres of Commercial uses. The Change of Zone would amend the Specific Plan zoning ordinance in accordance with Amendment No. 2.

PROJECT LOCATION:

The areas proposed for change are located northerly of Ethanac Road (State Highway Route 74) and westerly of Menifee Road, approximately 29,000 feet from the southerly terminus of the runway at March Air Reserve Base, in the community of Romoland in unincorporated Riverside County. (The specific plan amendment includes other changes easterly of Malaga Road, but this "third area of change" is outside the Airport Influence Area.)

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

BACKGROUND:

Land Use- Density/Intensity: Density and intensity are not restricted in Area III. There are no intensity issues. The DRAFT March Land Use Study prepared by Mead & Hunt depicts the property as being mostly in Zone E, where conflicts are unlikely unless very tall structures or uses which create a hazard to flight are proposed.

Part 77: The highest existing elevation on site 1,493 feet above mean sea level (AMSL). The elevation of the runway at its southerly end is 1,488 feet AMSL. At a distance of approximately 29,000 feet from the runway, only structures greater than 200 feet in height would require FAA review. FAA review is not required.

Noise: Average noise levels would not exceed 55 CNEL; therefore, noise mitigation is not necessary.

CONDITIONS:

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

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

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.3

HEARING DATE October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1004TH07-Sergio Duran/Pacific
Engineering & Associates

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: GPA No. 00867/CZ No. 07541
(Parcel Map No. 35385 related case)

MAJOR ISSUES: NONE

RECOMMENDATION: Staff recommends a finding of Consistency for the proposed general plan amendment and zone change. Staff further recommends that the County Planning Department apply the conditions included herein to the associated parcel map.

PROJECT DESCRIPTION:

A proposal to amend the General Plan designation and zoning of 25.7 acres. The General Plan Amendment proposes to change the designation of 10.08 acres from Low Density Residential within the Rural Community Foundation Component (LDR-RC) to Estate Density Residential within the Rural Community Foundation Component (EDR-RC), to change the designation of 14.45 acres from EDR-RC to Agriculture, and to change the designation of 1.17 acres from EDR-RC to LDR-RC. The change of zone would change the zoning from R-A-20 to R-A-2 on 10.08 acres, A-1 on 14.45 acres, and R-A-1 on 1.17 acres.

PROJECT LOCATION:

The property is located northerly of 57th Avenue, easterly of State Highway Route 86, and southerly of Airport Boulevard, approximately 9,375 feet easterly of Runway 17-35 at Jacqueline Cochran Regional Airport in the unincorporated Riverside County community of Thermal.

LAND USE PLAN: 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Zone E
- c. Noise Levels: Outside the 55 CNEL Contour

BACKGROUND:

Land Use /Intensity: Airport Zone E places no restrictions on density. There are no changes to the existing land use.

Part 77: The highest existing elevation on site is -120 feet (120 feet below mean sea level). The elevation of the runway at its northerly end is -114 feet (114 feet below mean sea level). At a distance of 9,375 feet from the runway, any structure above -20.25 feet (20.25 feet below mean sea level) would require FAA review. At the expected maximum structural height of 40 feet, FAA review would not be required.

Noise: The site lies outside the 55 CNEL contour. Noise mitigation is not required.

General plan amendments and changes of zone are not subject to conditions.

It is recommended that the County Planning Department apply the following conditions to the associated parcel map:

CONDITIONS (for parcel map):

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible

wastes, construction and demolition debris facilities, incinerators, fly ash disposal, wastewater management facilities, and livestock operations.

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Any outdoor lighting installed should be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing. All outdoor lighting plans subject to County review and approval shall be referred to the Riverside County Economic Development Agency – Aviation Division for review and comment prior to approval.
 3. Additional Airport Land Use Commission review shall be required at the plot plan or use permit stage for any discretionary application proposing to establish any of the following uses:

Artificial marshes, aquaculture (fish farms), landscaping utilizing water features, and production of cereal grains, sunflower, and row crops.

Such uses may require the preparation of a Wildlife Hazard Management Plan.
 4. The attached notice shall be provided to all potential purchasers and tenants.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.4

HEARING DATE: October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1005TH07-Desert Diamond Properties, LLC

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: GPA00865/CZ07537/TR35577

MAJOR ISSUES: NONE

RECOMMENDATION: Staff recommends a finding of Consistency, subject to the conditions specified herein for the tract map.

PROJECT DESCRIPTION:

A proposal to amend the Eastern Coachella Valley Area Plan designation of 95.68-96.69 acres from Agriculture within the Vista Santa Rosa Policy Area (maximum intensity one dwelling unit per five acres) to Medium Density Residential, to change the zoning of the property from A-1-10 (Light Agriculture, 10 acre minimum lot size) to R-1 (One- family Dwellings), and to divide the property into 119 residential lots, plus up to 15 open space lots.

PROJECT LOCATION:

The project site is located westerly of Van Buren Street, southerly of 60th Avenue, and northerly of 61st Avenue, in the Vista Santa Rosa Policy Area, in unincorporated Riverside County, approximately 10,322 feet southwesterly of the northwesterly terminus of Runway 12-30 and 12,800 feet westerly of the southerly terminus of Runway 17-35 at Jacqueline Cochran Regional Airport.

LAND USE PLAN:

2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Airport Zone E
- c. Noise Levels: Outside the 55 CNEL Contour

BACKGROUND:

Land Use –Density: There are no density limits in Airport Zone E.

Part 77: The highest proposed pad elevation on site is -94 feet (94 feet below mean sea level). The elevation of Runway 12-30 at its most northwesterly point is -117 feet (117 feet below mean sea level). At a distance of 10,322 feet from Runway 12-30, any structure at an elevation greater than -14 feet (14 feet below mean sea level) would require review. The elevation of Runway 17-35 at its extended southerly terminus is 137.5 feet below mean sea level (-137.5 feet). At a distance of 12,800 feet from the runway, any structure above an elevation of -9.5 feet (9.5 feet below sea level) at top of roof would require FAA review. No structures greater than 40 feet in height are anticipated; therefore, FAA review is not required.

Noise: The site lies outside the 55 CNEL contour; therefore, no noise attenuation measures are necessary.

General plan amendments and changes of zone are not subject to conditions.

CONDITIONS (for the tract map):

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, fly ash disposal, wastewater management facilities, and livestock operations..

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

- 2. Any outdoor lighting installed should be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing and shall comply with Ordinance No. 655. All outdoor lighting plans subject to County review and approval shall be referred to the Riverside County Economic Development Agency – Aviation Division for review and comment prior to approval.

- 3. Additional Airport Land Use Commission review shall be required at the plot plan or use permit stage for any discretionary application proposing to establish any of the following uses:

Artificial marshes, aquaculture (fish farms), landscaping utilizing water features, and production of cereal grains, sunflower, and row crops.

Such uses may require the preparation of a Wildlife Hazard Management Plan.

- 4. The attached notice shall be provided to all potential purchasers and tenants.

- 5. The retention basins shall be designed so as to provide for a detention period for the design storm not exceeding 48 hours (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT**

AGENDA ITEM: 4.1

HEARING DATE: October 11, 2007

CASE NUMBER: ZAP1008HR07-Cawston Properties,
L.L.C/RTN Development

APPROVING JURISDICTION: City of Hemet

JURISDICTION CASE NO.: SPA 007-02 "Brethren Square"

MAJOR ISSUES: NONE

RECOMMENDATION: Staff recommends a finding of Conditional Consistency pending FAA determination, subject to the conditions specified herein and such additional conditions as may be required pursuant to the terms of the FAA determination.

PROJECT DESCRIPTION:

An amendment to Page Ranch Specific Plan so as to allow for establishment of (1) A service station with a 2,900 square foot convenience store and car wash and (2) A 9,803 square foot commercial retail building on 1.54 acres.

PROJECT LOCATION:

The site is located easterly of Cawston Avenue and southerly of Stetson Avenue (including the southeast corner of the intersection), approximately 2,250 feet southerly of the easterly terminus of Runway 5-23 at Hemet-Ryan Airport, in the City of Hemet.

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

Adjacent Airport:

- a. Airport Influence Area: Hemet-Ryan Airport
- b. Land Use Plan: Area III (partially within inner 660 feet)
- c. Noise Levels: Outside the 55 CNEL Contour

BACKGROUND:

Land Use-Intensity: Area III places no restrictions on intensity. There is a potential of 248 people on site. A very small portion of the subject property is in the transition zone; however, no buildings will be constructed on that portion of land.

Area III: Area of Moderate Risk permits a wide range of uses. Discretionary uses include but are not limited to: Structures over 35 feet or 2 stories, whichever is greater, Institutional, Places of Assembly, Hazardous Materials and Public and Private Schools.

Part 77: The highest existing elevation on site is 1,522 feet above mean sea level (AMSL). The applicant proposes a pad elevation not to exceed 1,515 feet AMSL and a maximum structure height of 38½ feet. The elevation of the runway at its easterly end is 1,517 AMSL. At a distance of 2,250 feet from the runway, any structure over 1,540 feet at top of roof would require FAA review. The applicant has submitted Form 7460-1 to the Federal Aviation Administration, and the project is presently under review as Aeronautical Study Number 2007-AWP-5989-OE.

Noise: Noise is not an issue. Noise mitigation is not required.

CONDITIONS:

1. Prior to issuance of building permits, the landowner shall record Aviation 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. Prior to issuance of building permits, the applicant shall provide documentation of the issuance of a letter from the Federal Aviation Administration stating that the proposed project is “Not a Hazard to Air Navigation.”
3. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. (It is recommended that airport management be provided an opportunity to review outdoor lighting plans 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.

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 5.1
HEARING DATE: October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1037MA07 – Air Force Village West, Inc.
APPROVING JURISDICTION: March Joint Powers Authority
JURISDICTION CASE NO: SP 07-01 (Amended Specific Plan)

MAJOR ISSUES: The project site is located in Airport Area II of March Air Reserve Base. Airport Area II (not to be confused with Accident Potential Zone II, which is in Airport Area I) requires a 2½ acre minimum lot size. While the project does not involve a land division that would result in the establishment of lots, the density of the residential portion of the project exceeds one dwelling unit per 2½ acres. If this were a residential project, it would not be possible to find the project consistent with the intent of the Area II requirements of the 1984 Riverside County Airport Land Use Plan. However, Air Force Village West qualifies as an institutional or quasi-public use due to the operation of the project's detached single-family residences, duplexes, and apartments as a Residential Care Facility for the Elderly licensed by the State of California Department of Social Services. Moreover, the proposed amendment would reduce the intensity of the project in comparison with the existing adopted Plan, which had previously been reviewed by the Airport Land Use Commission and determined to be consistent. Furthermore, the project, considered as a whole, would be consistent with the proposed compatibility criteria of the March Joint Land Use Study.

RECOMMENDATION: Given the prior determination of consistency and in cognizance of the fact that the proposed amendment reduces the intensity of the project, staff recommends a finding of CONDITIONAL CONSISTENCY, pending FAA review of the proposed structures, subject to the attached conditions and such additional conditions as may be required to comply with the terms of the FAA determination. Staff would further note that this recommendation can only be made because of the status of the project as a licensed facility; the addition of residential uses that would not be part of the licensed facility at the proposed density would not be consistent with the density limitations of Area II of the 1984 Riverside County Airport Land Use Plan.

PROJECT DESCRIPTION:

Air Force Village West, a Continuing Care Retirement Community, proposes an amendment to its adopted Specific Plan. The Specific Plan presently allows for 640 dwelling units (307 detached single-family dwellings, 70 units in duplexes, and 263 apartments), 104 assisted living beds, 40 special

care unit beds, and 99 skilled nursing beds. The amended Specific Plan would provide for 560 dwelling units (327 detached single-family dwellings, 70 units in duplexes, and 163 apartments), 116 assisted living beds, 37 special care unit beds, and 99 skilled nursing beds. Additionally, the Specific Plan proposes support facilities, recreational facilities, and a wellness center. The site plan proposes 28 new dwellings, the addition of assisted and independent living facilities, and a future chapel and meeting hall.

The attached Project Summary provides additional information regarding the unique character of this facility.

PROJECT LOCATION:

The site is located westerly of Village West Drive, easterly of Plummer Road, and southerly of Van Buren Boulevard within the March Joint Powers Authority jurisdiction, approximately 7,520 feet westerly of Runway 14/32 at March Air Reserve Base/March Inland Port.

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

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/Inland Port Airport
- b. Land Use Policy: Area II based on map on www.rcaluc.org website
- c. Noise Levels: 55-65 CNEL existing; 55-60 CNEL future

ADDITIONAL DOCUMENTS REVIEWED:

Air Installation Compatibility Use Zone Report, U.S. Air Force, 2005 (AICUZ)
DRAFT March Air Reserve Base/Inland Airport Joint Land Use Study

Note that the Countywide Plan adopted in 2004 is not applicable to March Air Reserve Base Airport Influence Area at this time. The new DRAFT Plan, once adopted, could be integrated into the Countywide Plan. However, the Countywide Plan offers insights into review of land use proposals.

BACKGROUND:

Land Use – Safety Considerations: The 153-acre project site is located within Airport Area II, as depicted on the map illustrated at www.rcaluc.org. The site is well outside the Accident Potential Zones as defined by the U.S. Air Force. Additionally, since standard safety zone diagrams for U.S. Air Force airports in the California Airport Land Use Planning Handbook coincide with the Clear Zone and Accident Potential Zones depicted in the AICUZ, the property is also outside Handbook recommended safety zones.

Area II requires a minimum residential lot size of 2½ acres, as specified by Policy 2 of the 1984 RCALUP. This policy is based on the following analysis included therein:

“Area II illustrates the general flight paths of the various types of aircraft using the airport. The hazards in this area are similar to those in Area I, the approach zones, but the influence of the same factors of landing, take-off and noise are not as severe and the aircraft are higher in altitude. Therefore, the proposed policy is not as severe. The boundaries of the area will be established to coincide as much as possible to areas where aircraft would be in the landing-take-off pattern and would be turning and applying or reducing power (again, higher risk of something happening.)”

Based on this policy, if the residential dwelling units proposed through this project were conventional residences or apartments, rather than elements of a licensed facility, the project would be inconsistent with the 1984 Riverside County Airport Land Use Plan. Although the project does not involve a division of land and, therefore, is not establishing lots smaller than 2½ acres in area, the intent of the 2½ acre policy is generally considered to be to limit the intensity of residential development within that area. From the standpoint of the living and built environment, the residential areas being proposed will not be substantially different from other residential developments restricted to senior citizens or “neo-seniors” 62 years of age or older. This means that safety issues should still be considered.

The boundaries of Areas I, II, and III are based on the operation of March Air Force Base prior to its realignment as a reserve base. In order to determine whether the 2½ acre minimum lot size requirement would still be appropriate, we consulted the current proposal.

The DRAFT March Joint Land Use Study prepared by Mead and Hunt depicts this property as being within Airport Zone C2. As defined for March Air Reserve Base environs, this would be a flight corridor zone permitting residential densities up to six dwelling units per acre. Nonresidential intensities in this zone would allow for an average of 200 persons per acre and a maximum single-acre intensity of 500 persons. Such uses as hospitals, congregate care facilities, and places of assembly are listed as prohibited uses in proposed Zone C1 (the Primary Approach/Departure Zone), but are not prohibited or even “discouraged” in proposed Zone C2.

Given this information, the Commission may wish to weigh the possibility that application of a 2½ acre minimum lot size or density cap of one dwelling unit per 2 ½ acres is no longer necessary at this location in order to maintain the safety and welfare of future residents. There is a reasonable probability that the project would be found consistent with a future March ARB/IPA Land Use Compatibility Plan based on the Draft March Joint Land Use Study.

Additionally, it should be noted that the Airport Land Use Commission found the most recent amendment to this Specific Plan consistent in 2004 through ALUC Case No. MA-04-131. The staff report for that case (as prepared by EDA) did not mention the 2½ acre minimum lot size requirement within Area II and appears to have treated the project as nonresidential (although possibly a high-risk land use) in character.

Area II allows commercial and industrial uses and, as used in the 1984 Riverside County Airport Land Use Plan, does not include limitations on intensity expressed as persons per acre. While Area I

prohibits high-risk land uses, which would include health care facilities, residential care facilities for the elderly, and places of worship, these uses are not prohibited in the 1984 Countywide Plan Area II criteria (in contrast to Area II criteria in the Hemet-Ryan Airport Plan, wherein such uses are prohibited.)

Part 77: Existing ground elevations on the proposed site vary from 1,631 to 1,747 feet above mean sea level, while the elevation of the runway is 1,488 feet at the southerly end and 1,535 feet at the northerly end. At a distance of 7,520 feet from the runway, a structure exceeding an elevation of 1,610 feet would require FAA review, unless shielded. At a distance of 11,392 feet from the runway to the farthest point of the site, any structure exceeding an elevation of 1,648 feet would require FAA review, unless shielded. The proposed structures are planned at locations with ground elevations exceeding 1700 feet above sea level. Therefore, all new structures within this project shall be subject to requirements for FAA notice pursuant to the Form 7460-1 process. The applicant has submitted to FAA for review of the proposed structures.

Noise: The 2005 AICUZ indicates that, based on existing aircraft activity, portions of the site are subject to average noise levels in excess of 60 CNEL, but not exceeding 65 CNEL. In the future, due to changes in the fleet mix, the average noise level from aircraft activity would be below 60 CNEL. However, the property would likely remain within the area subject to noise exceeding an average of 55 CNEL. This level is not considered “excessive” pursuant to federal law, but special noise mitigation would be needed to provide for an interior noise level of 45 CNEL from aircraft activity with windows open.

CONDITIONS:

1. Prior to project development or issuance of building permits, the landowner shall convey an avigation easement to the MARB/IPA Airport or shall provide documentation of such existing recorded easement to the satisfaction of March Joint Powers Authority. A copy of the recorded avigation easement shall be forwarded to the Airport Land Use Commission for its records.
2. All proposed residential, community care, health care, and worship facilities shall be designed to ensure that interior noise levels from aircraft operations do not exceed 45 dB(A) CNEL.
3. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or FAA-approved obstruction lighting.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The attached notice shall be provided to all potential purchasers and tenants.
 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. All outdoor lighting shall be downward facing. All outdoor lighting plans shall be subject to approval of airport management (U.S. Air Force March Air Reserve Base and March Joint Powers Authority).
 6. Prior to issuance of building permits for any structure or group of structures, the project applicant shall provide evidence of receipt of a determination from the Federal Aviation Administration that the structure or group of structures is “Not a Hazard to Air Navigation.”

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 5.2

HEARING DATE: October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1038MA07 – Andland Properties, LLC (Clarke Ashton)

APPROVING JURISDICTION: City of Moreno Valley

JURISDICTION CASE NO: PA05-0105, PA05-106, PA05-107, and PA05-108

MAJOR ISSUES: Lot coverage is 26.7% of gross area of the four parcels included in the plot plan case. The property is located within Accident Potential Zone I within Airport Area I. U.S. Air Force AICUZ (Air Installation Compatible Use Zone) studies state “For most nonresidential usage [in Accident Potential Zones], buildings should be limited to one story and the lot coverage should not exceed 20 percent.” 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”. The general plan amendment, change of zone, and parcel map are acceptable.

RECOMMENDATION: Staff recommends a finding of CONSISTENCY for the proposed general plan amendment and change of zone and a finding of CONSISTENCY for the proposed parcel map, subject to the conditions included herein, but a finding of INCONSISTENCY for the proposed plot plan due to lot coverage exceeding 20% within the portion of the property in the Accident Potential Zone. Staff would not object to a continuance to allow for submittal of additional information and/or redesign of the plot plan.

PROJECT DESCRIPTION:

City Case No. PA05-107 proposes to amend the City of Moreno Valley General Plan designation on 6.22 acres from Commercial to Business Park/Industrial, and to establish the Business Park/Industrial designation on 3.27 acres of former right-of-way. City Case No. PA05-106 proposes to change the zoning on 6.22 acres from Commercial to Business Park, to change the zoning on 8.7 acres from Industrial to Business Park, and to establish Business Park zoning on 2.47 acres of former right-of-way. Parcel Map No. 33152 (City Case No. PA05-108) proposes to divide 24.11 acres into six parcels. City Case No. PA05-105 is a Master Plot Plan proposing the development of a 16-building business park with 253,740 square feet of gross floor area on 19.56 acres.

PROJECT LOCATION:

The site is located easterly of Interstate 215 and Old 215, southerly of Alessandro Boulevard, and westerly of Day Street in the City of Moreno Valley, approximately 6,480 feet northwesterly of the northerly terminus of Runway 14-32 at March Air Reserve Base/Inland Port Airport.

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

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/Inland Port Airport
- b. Land Use Policy: Airport Area I
- c. Noise Levels: 65-70 CNEL (from 2005 AICUZ Noise Contours)

ADDITIONAL DOCUMENT REVIEWED:

Airport Installation Compatibility Use Zone Reports, U.S. Air Force, 1998 and 2005.
DRAFT March Air Reserve Base/Inland Port Airport Joint Land Use Study

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 predominantly within Accident Potential Zone I as mapped in the 1998 and 2005 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) studies. 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 2005 AICUZ study is based on a forecast of 69,600 annual operations (44,860 military, 21,000 civilian, and 3,740 California Department of Forestry) at March Air Reserve Base. The property is depicted as being within Accident Potential Zone I – an area located a distance of 3,000 to 8,000 feet from the runway threshold and within 1,500 feet from the extended runway centerline. Lot coverage is addressed in Appendix A, on page A-6, as follows: “For most nonresidential usage, buildings shall be limited to one story and lot coverage should not exceed 20%.”

In this case, while the buildings are one story in height, the design of the Master Plot Plan provides for lot coverage of 26.7% of the site’s area. This is inconsistent with the Air Force recommendation. However, a pertinent question is the intent of the coverage limit. The AICUZ studies do not include a specific limit on the number of persons per acre or allowable concentrations of people. If the intent is to limit person-intensity, this objective can be met by using persons per acre as a substitute intensity criterion. On the other hand, if the intent is to ensure sufficient open area to allow for emergency landing, this must be interpreted strictly. Discussions with Air Force representatives lead staff to believe that the coverage limit included in the AICUZ is intended to address both person-intensity and emergency landing concerns.

With regard to intensity, the applicant has indicated that the proposed structures would be utilized as follows: 45% warehousing, 40% manufacturing, and 15% office. Using the Uniform Building Code method and applying the standard 50% reduction, staff projects a total intensity of 558 persons. With a gross area of 21.85 acres including adjacent half-street rights-of-way, the average intensity would be 25.5 persons per acre.

However, the lot coverage maximum, in addition to limiting intensity, also serves to provide for open area along the flight path. To the extent that lot coverage exceeds 20%, less open area is available in the event of an emergency landing.

The applicant’s representative has indicated that future development on the remaining two lots of the parcel map would occur at a lower intensity and lesser lot coverage.

The AICUZ study recommends that certain types of industrial uses be prohibited in APZ I, including the manufacturing of food and kindred products, textile mill products, apparel, chemicals, rubber and plastic products, stone, clay, and glass products, primary metals, fabricated metal products, professional, scientific, and controlling instruments, photographic and optical goods, watches, and

clocks. Additional prohibited uses would include: restaurants; retail trade (except building materials, hardware, farm equipment, automotive, marine craft, aircraft, and accessories); hospitals, nursing homes, and other medical facilities; finance, insurance, and real estate services; personal, professional, and miscellaneous services; governmental services; educational services; churches; resorts and group camps; amusements; 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 within APZ I to 25 persons per acre and single-acre intensity to 100 persons per acre.

The average intensity at this site is projected to be 25.5 persons per gross acre. The single-acre intensity will not exceed 100 persons in the most intense acre, provided that the applicant complies with the intensity split indicated above. Compliance with that intensity split will be critical for the large buildings (1, 2, and 7) to conform to the single-acre maximum of 100. If the larger buildings are occupied at a lower intensity, some deviation from the split may be allowable for the smaller buildings (e.g., a larger proportion of manufacturing area rather than warehousing).

It should be noted that the lot coverage issue is not addressed in the 1984 Riverside County Airport Land Use Plan itself. Thus, it is technically possible to find a project consistent with the 1984 Riverside County Airport Land Use Plan, subject to specified conditions, even though the lot coverage exceeds 20%. However, it is the intent of the State Aeronautics Act that Airport Land Use Compatibility Plans take into account AICUZ recommendations for uses and intensities within the Accident Potential Zones. Earlier this year, ALUC found an office project within an APZ inconsistent due to the lot coverage issue. (That project was later redesigned to comply with the 20% lot coverage maximum.)

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 existing elevation on the site is 1,549 feet above mean sea level (AMSL). Proposed pad elevations would not exceed 1,551 feet AMSL, and the height of the tallest building as depicted on project elevations would not exceed 24 feet. Thus, the highest point would be expected to be approximately 1,575 feet AMSL. The elevation of the runway at its northerly end is 1,535 feet AMSL. At a distance of 6,480 feet from the runway, any structure above 1,599 feet AMSL 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 65 CNEL in most portions of the site. (Single-event noise levels would, of course, be considerably greater.) Mitigation is required to provide for an acceptable acoustical environment within the offices.

In the event that the City of Moreno Valley chooses to overrule a determination of inconsistency for the plot plan, the City should require the following as conditions of its approval. Implementation of these conditions does NOT render the plot plan consistent with

the recommendations of the United States Air Force in the 2005 Airport Installation Compatible Use Zone Report and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.

CONDITIONS:

1. Prior to issuance of building permits, the landowner shall convey an avigation easement to the MARB/IPA Airport.
2. Noise attenuation measures shall be incorporated into office areas of 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, cafes, cafeterias, 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.
 - (f) Structures greater than one story in height.
4. On an overall basis, the project shall comply with the split of land uses specified in the supplementary application materials: 45% warehousing, 40% manufacturing, and 15% office.
5. The City of Moreno Valley 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 with capacities exceeding 100 persons pursuant to the Uniform Building Code, dining rooms, exhibit rooms, drinking establishments, retail sales facilities, gymnasiums, lounges, stages, gaming, congregate residences, and swimming pools.

The manufacturing of food and kindred products, textile mill products, apparel, chemicals, rubber and plastics products, stone, clay, and glass products, primary metals, fabricated metal 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.

6. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. All outdoor lighting shall be downward facing. (It is recommended that airport management be provided an opportunity to review outdoor lighting plans prior to approval.)
7. The aboveground storage of explosive or flammable materials is prohibited, except in accordance with quantities permitted in Airport Zone B1 pursuant to the provisions of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan (shall be less than 6,000 gallons). Such storage shall only be in conjunction with (and accessory to) a permitted use.
8. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall be prohibited, except as otherwise modified by Condition No. 6 above.
9. The attached notice shall be provided to all potential purchasers and tenants.
10. 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.

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 6.1

HEARING DATE: October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1021BD07 – BBNE Investments

APPROVING JURISDICTION: City of Indio

JURISDICTION CASE NO: Conditional Use Permit: CUP07-8-900

MAJOR ISSUES: Use of the Building Code Method with concentrations of people determined in accordance with Appendix C indicates single-acre intensities greater than 200 persons per acre. However, with use of the risk-reduction design bonus, allowable intensities can be increased by up to 30%. The project would not be eligible for the full bonus because the structure is two stories in height; however, a 15% bonus would be sufficient to render the project consistent.

RECOMMENDATION: Staff recommends CONTINUANCE to November 8, 2007, unless the applicant can provide documentation that Form 7460-1 has been filed with the Federal Aviation Administration, in which case staff recommends a finding of CONDITIONAL CONSISTENCY with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan, provided that the building is fully sprinklered and provides for six exit locations, as depicted on the submitted floor plan.

PROJECT DESCRIPTION: Conditional Use Permit No. 07-8-900 proposes to establish a recreational vehicle sales and service center (“Giant RV”), including a two-story 34,677 square foot building, on a 7.25-acre site.

PROJECT LOCATION: The site is located northerly of Varner Road and Interstate 10 and easterly of Adams Street in the City of Indio, approximately 825 feet north/northeasterly of Runway 10-28 at Bermuda Dunes Airport. (The site is actually directly northerly of the runway, but its closest point is determined by using a line perpendicular to the runway, which is oriented in a northwest-southeast direction.)

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

Adjacent Airport:

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Airport Zones B2 and D
- c. Noise Levels: 55-65 CNEL (The 60 CNEL contour crosses the site.)

BACKGROUND:

Nonresidential Single-Acre Intensity: The site is located in Airport Zones B2 and D; however, the proposed building would be located largely in Airport Zone B2. (Some of the service bays would be in Airport Zone D.) Within the site, 5.09 net acres are located in Airport Zone B2 and 2.16 acres are located in Airport Zone D. Nonresidential intensity in Airport Zone B2 is restricted to an average of 100 persons per acre and a maximum of 200 persons in any given acre.

(A risk-reduction design bonus is available, which would allow a single-acre intensity up to 260 persons with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls.)

Pursuant to Appendix C, Table C-1 of the Riverside County Airport Land Use Compatibility Plan, the intensity of retail stores has been determined to be one person per 30 square feet, the intensity of offices has been determined to be one person per 100 square feet, and the intensity of storage areas has been determined to be one person per 300 square feet. Application of the 50% factor converts these intensity numbers to one person per 60, 200, and 600 square feet, respectively.

In this case, the total intensity of the second floor is easily determined as $(7213 \text{ divided by } 200) + (4128 \text{ divided by } 600) = 43$ persons. The calculation for the first floor requires further study due to its combined use for “sales and offices”. If we assume that the manager, finance, and miscellaneous rooms are not retail sales areas, there are at least 1,643 square feet of non-retail areas on the first floor. If this area is excluded from the retail calculations (and considered office area), the intensity of the first floor is calculated as follows: $(10193 \text{ divided by } 60) + (1643 \text{ divided by } 200) = 170 + 8 = 178$ persons. The total intensity of the building, then, would be 221 persons, which is acceptable within Airport Zone B2 with an 11% risk-reduction design bonus for fire sprinklers, emergency exits, and use of concrete walls.

Nonresidential Average Intensity: Nonresidential average intensity is restricted to 100 persons per acre within Airport Zones B2 and D. This project easily complies with this standard. The Building Code Method projects a total of 221 persons in the building. This translates into an average intensity of 31 persons per acre (43 persons per acre for only the net area in the B2 zone).

Average intensity would be even lower using the Parking Space Method. With a total of 74 parking spaces, excluding spaces for recreational vehicles awaiting service, the Parking Space Method would indicate a total occupancy of 111 persons if one were to assume an occupancy of 1.5 persons per vehicle.

Open Area: Countywide land use compatibility criteria require that a minimum of 10% of land area in Airport Zone D consist of open land as defined in Policy 4.2.4 of the ALUCP. The project complies with that standard for the portions of the property in Airport Zone D.

Noise: The site is located within the area subject to average aircraft noise levels of 55-65 CNEL; therefore, a 25 dB noise reduction shall be required for office areas of the building.

PART 77: No grading plans indicating finished floor elevations were submitted with the ALUC application, but the applicant's representative has indicated a finished floor elevation of 72 feet above mean sea level (AMSL). The structure height may be as high as thirty-five (35) feet. This would appear to indicate a top elevation as high as 107 feet AMSL. The elevation at the westerly end of the runway is 73.4 feet AMSL. The building is set back 165 feet from the property line and so is approximately 990 feet from the runway. At a distance of 990 feet from the runway, any building with an elevation at top of roof exceeding 83.3 feet AMSL would require FAA review. Therefore, staff has asked the applicant to submit Form 7460-1 to the FAA for review.

CONDITIONS:

1. Prior to issuance of building permits, the landowner shall convey an avigation easement to Bermuda Dunes Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and the City of Indio.
2. Prior to issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for the proposed building and shall have received a determination of "Not a Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the City of Indio Planning Department and the Riverside County Airport Land Use Commission.
3. Noise attenuation measures shall be incorporated into the office areas of the building to ensure a minimum noise level reduction of 25 dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below. (Such noise attenuation will also assist in reducing noise from freeway traffic and railroad operations.)
4. 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.
5. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.
 - (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. (Such uses include landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, fly ash disposal, composting operations, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
6. The City of Indio shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses on the site or in the structure proposed through this conditional use permit:
- Auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, swimming pools, skating rinks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.
7. The attached notice shall be provided to all potential purchasers of the property and tenants of the building.
8. Any detention basins or retention basins shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 6.2

HEARING DATE: October 11, 2007

CASE SUMMARY:

CASE NUMBER: ZAP1003PS07 – D. R. West LLC/The Nicholas Group

APPROVING JURISDICTION: City of Palm Springs

JURISDICTION CASE NO: Conditional Use Permit: CUP 5.1161

Parcel Map No. 33507

MAJOR ISSUES: The intensity of the two largest retail store structures exceeds the maximum permissible average and single-acre intensity for properties in Airport Zone B1, as amended by the Additional Compatibility Policies for Palm Springs International Airport.

RECOMMENDATION: Staff recommends a finding of **INCONSISTENCY** for the proposed Conditional Use Permit and a finding of **CONSISTENCY** for the parcel map (division of land only).

PROJECT DESCRIPTION: Conditional Use Permit No. 5.1161 proposes to establish a four-building retail commercial center with a total gross floor area of 62,358 square feet on 6.47-6.54 acres. Parcel Map No. 33507 proposes to divide the property into four lots for commercial purposes.

PROJECT LOCATION: The site is located at the southeast corner of Ramon Road and Gene Autry Trail, northerly of Camino Parocela, in the City of Palm Springs and the Agua Caliente Indian Reservation, approximately 1600 feet southeasterly of Runway 13R-31L at Palm Springs International Airport.

LAND USE PLAN: 2005 Palm Springs International Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Palm Springs International Airport
- b. Land Use Policy: Airport Zone B1
- c. Noise Levels: 60-65 CNEL

BACKGROUND:

Nonresidential Average Intensity: The site is located in Airport Zone B1. Palm Springs International Airport Land Use Compatibility Plan includes Additional Compatibility Policies that allow for an average nonresidential intensity of 40 persons per acre and a maximum of 80 persons in any given acre. The property lies just outside the 1,700 foot long Runway Protection Zone.

The project proposes a commercial center of 62,358 square feet, including two large retail stores (a 30,242 square foot Best Buy and a 20,387 square foot Staples) and two smaller multi-tenant buildings that would house retail, restaurant, food service, and financial service establishments. Based on the uses indicated in the plans submitted, it would appear that the project would consist of 55,807 square feet of retail area and 6,425 square feet of restaurant area. Using the standard Building Code method pursuant to Appendix C of the 2004 Riverside County Airport Land Use Compatibility Plan, the total occupancy would be estimated at $(55807 \text{ divided by } 30, \text{ divided by } 2) + (6425 \text{ divided by } 15, \text{ divided by } 2) = 930 + 214 = 1,144$ persons.

Based on information from the parcel map, staff estimates that the area within the half-width of adjoining streets is approximately 2.11 acres, bringing the site's gross acreage up to 8.49 acres. The average intensity of the site, then, would be calculated as 135 persons per acre, which exceeds allowable average intensities in Airport Zone B1.

In this case, the Parking Space Method would appear to indicate a lower intensity on the site. The applicant proposes to provide 292 parking spaces. Application of the standard 1.5 persons per vehicle factor results in a total occupancy of 438 persons and an average intensity of 52 persons per acre. While this is not less than 40 persons per acre, it is close to an allowable intensity if the applicant can demonstrate that 40% of project area would meet the "qualifying open area" test.

The Airport Land Use Commission has recently received information from its consultant Mead & Hunt that actual intensities in retail structures would be closer to one person per 110 square feet for facilities including restaurants and one person per 170 square feet for facilities not including restaurants. If the retail areas of the small buildings are treated as retail areas within facilities that include restaurants and the retail areas of the large buildings are treated as retail areas within facilities that do not include restaurants, and if the restaurants are further assumed to consist of 60% serving area and 40% commercial kitchen, the total occupancy would be estimated as $(50629 \text{ divided by } 170) + (5178 \text{ divided by } 110) + (3855 \text{ divided by } 30) + (2570 \text{ divided by } 200) = 298 + 47 + 129 + 13 = 487$ persons. The average intensity would then be 57 persons per acre.

Nonresidential Single-Acre Intensity: The site is located in Airport Zone B1. Pursuant to the Additional Compatibility Policies for Palm Springs International Airport, nonresidential single-acre intensity is restricted to 80 persons per acre in Zone B1. Using the Building Code method, and discounting the proximity of the Best Buy and Staples structures, each of these would be considered to be included in a single acre of area. Use of standard methodology would indicate single-acre intensities of 504 for the Best Buy store and 340 for the Staples store. These intensities are clearly inconsistent, even if the stores were located on entirely separate acres. As adjacent stores, the single-acre intensity is 626 persons. Use of the alternative approach of one person per 170 square feet yields intensities of 178 for the Best Buy store and 120 for the Staples store. Even with bonuses for provision of additional open land, these intensities exceed allowable intensities in Airport Zone B1.

Noise: The site is located entirely within the area subject to aircraft noise levels greater than 60 CNEL. However, retail and restaurant uses are not considered noise-sensitive. Therefore, no special noise mitigation is required.

PART 77: The two northerly buildings have a proposed pad elevation of 374.2 feet above mean sea level (AMSL). These structures will have a height not exceeding twenty-four (24) feet, for an elevation of 398.2 feet at top of structure. The elevation at the southerly end of the runway is 395.5 feet AMSL. At a distance of 1600 feet from the runway, any structure with an elevation at top of roof exceeding 411.5 feet would require FAA review. Therefore, provided that these two structures do not exceed a height of 35 feet, FAA review of these structures will not be required.

Airport Zone B1 requires FAA review of structures with height exceeding thirty-five (35) feet. The proposed Best Buy structure would have a height of thirty-eight (38) feet and would be subject to FAA review. If the proposed Staples structure is attached to the Best Buy structure, or if they are in the same building, the entire structure should be reviewed by FAA. If the Staples structure (30 feet in height, with a pad elevation of 371.7 feet) is a separate, detached structure, less than 35 feet in height, FAA review will not be required at this location.

In the event that the City of Palm Springs chooses to overrule an ALUC determination of inconsistency, the City should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the Palm Springs International Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.

CONDITIONS (Conditional Use Permit case):

1. Prior to issuance of building permits, the landowner shall record an avigation easement to Palm Springs International Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Palm Springs Planning Department.
2. 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. All outdoor lighting plans shall be subject to review by Palm Springs International Airport management.
3. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or such red light

obstruction marking as may be permitted by the Federal Aviation Administration.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
4. Prior to issuance of building permits for any structure with a height exceeding thirty-five (35) feet or an elevation at top of roof or top point exceeding 411.5 feet above sea level, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration for such structure, and shall have received a determination of "Not a Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be submitted to the Airport Land Use Commission and the City of Palm Springs Planning Department.
5. The City of Palm Springs shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in the structures proposed as "Best Buy" and "Staples" retail outlets:
- Food service establishments (any establishment requiring such inspection by City or County Health Departments), auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms with capacities exceeding 100 persons, exhibit rooms, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, swimming pools, skating rinks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.
6. The City of Palm Springs shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in the structures labeled as Buildings "A" and "B":
- Auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, bowling alleys, skating rinks, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 15 square feet (minimum square feet per

occupant less than 15) pursuant to California Building Code (1998) Table 10-A.

7. The attached notice shall be provided to all potential purchasers and tenants.

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