



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

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

Thursday 9:00 a.m., March 11, 2010

CHAIR  
Simon Housman  
Rancho Mirage

VICE CHAIRMAN  
Rod Ballance  
Riverside

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Riverside

Robin Lowe  
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Barbara Santos

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

NOTE: If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Comments shall be limited to 5 minutes and to matters relevant to the item under consideration. 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.

Non-exempt materials related to an item on this agenda submitted to the Airport Land Use Commission or its staff after distribution of the agenda packet are available for public inspection in the Airport Land Use Commission's office located at 4080 Lemon Street, 9<sup>th</sup> Floor, Riverside, CA 92501 during normal business hours.

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

## 1.0 INTRODUCTIONS

### 1.1 CALL TO ORDER

### 1.2 SALUTE TO FLAG

### 1.3 ROLL CALL

## 2.0 PUBLIC HEARING: NEW BUSINESS

### FLABOB AIRPORT

- 2.1 ZAP1013FL10 – Affordable Housing Clearinghouse (Representative: Brenda Rodriguez) – County Case Nos. General Plan Amendment 1089, Change of Zone 7719, Plot Plan 24395. A proposal to amend the General Plan land use designation from Medium High Density Residential (MHDR) to Very High Density Residential (VHDR), change the zoning classification from General Commercial (C-1/C-P) to General Residential (R-3), and develop a 22-unit apartment complex, on 1.12 acres located southerly of Mustang Lane and westerly of La Rue Street in the unincorporated Riverside County community of Rubidoux. (Airport Compatibility Zone E of the Flabob Airport Influence Area). ALUC Staff Planner: Russell Brady at (951) 955-0549, or E-mail at [rbrady@rctlma.org](mailto:rbrady@rctlma.org).

Staff Recommendation: CONSISTENT

**3.0 PUBLIC HEARING: OLD BUSINESS (CONTINUED FROM FEBRUARY 11, 2010)****FRENCH VALLEY AIRPORT**

- 3.1 ZAP1035FV09 and ZAP1004FV06 – H.G. Fenton Development Co./Fred J. Fleming (Representatives: Allen Jones and Karen Ruggels) - ZAP1035FV09: County Case Nos. CZ07690 (Change of Zone) and SP00265S1 (Substantial Conformance to Specific Plan). ZAP1004FV06: County Case No. PM35212 (Commercial/Industrial Parcel Map). These cases relate to a 56.95-acre site located easterly of Winchester Road, southerly of Sparkman Way (Airport Entrance Road), westerly of French Valley Airport, and northerly of an easterly straight-line extension of Hunter Road, in the unincorporated French Valley area. The site comprises Planning Areas 11.1 and 21.1 along with a portion of Planning Area 21.2, within the Borel Airpark Specific Plan. The site is and would remain zoned SP (Specific Plan), but the allowed land uses and development standards would change from a basis of A-1-10 (Light Agriculture, 10 acre minimum lot size) and C-P-S (Scenic Highway Commercial) to C-O (Commercial-Office) and C-P-S, in accordance with the Specific Plan. Offices, health and exercise centers, and laboratories would be among the permitted uses. PM35212 would divide the site into 20 commercial/industrial lots, with 8.43 acres of road rights-of-way. Airport Compatibility Zones B2 and D. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE OFF-CALENDAR

**FRENCH VALLEY AIRPORT**

- 3.2 ZAP1037FV09 – Agriscape, Inc. (Ricardo Almejo) (Representative: Ralph Megna/The Jamieson Group, Inc.) – County Case No. PP24389 (Plot Plan) – A proposal to allow use of approximately 2.34 acres of a 42.03-acre property located easterly of Sky Canyon Drive and southerly of Borel Road and the southerly terminus of Runway 18-36 for the sale of mulch and landscaping supplies. A 400 square foot office trailer or commercial coach would be the only structure on-site. Seven parking spaces would be provided, with additional graveled area that could potentially accommodate additional vehicles. The site is located within Airport Compatibility Zones B1 and C of the French Valley Airport Influence Area, in unincorporated Riverside County. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE TO MAY 13, 2010

**JACQUELINE COCHRAN REGIONAL AIRPORT**

- 3.3 ZAP1014TH09 – Kohl Ranch II, LLC (Representative: Emily Hemphill) – County Case No. SP00303S2 (Specific Plan No. 303, Substantial Conformance No. 2). A proposal to develop a portion of the Kohl Ranch Specific Plan (approximately 294 acres located southerly of Avenue 60, northerly of Avenue 62, and westerly of Polk Street) as a private (membership) auto racing track, and to find such a facility to be in substantial conformance with the Specific Plan (with text amendments to reflect such a determination). The project would include establishment of “founders’ lots” and “corporate lots” for ground lease, clubhouse and pool area, tuning shop, club garages, observation tower, pavilions, an alternative energy park, and a vintage car showroom. (Airport Compatibility Zones A, B1, C and D of Jacqueline Cochran Regional Airport Influence Area). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

**BLYTHE AIRPORT**

- 3.4 ZAP1005BL09 – US Solar Holdings, LLC (Representative: Tanya Martinez) – City Case No. CUP 2009-01 (Conditional Use Permit). A proposal to develop a 100 megawatt (MW) solar photovoltaic (PV) renewable energy facility (to be built in 20 MW phases) on 640 acres within an 829-acre area on the grounds of the Blythe Airport, to the east of Runway 17-35 and to the north of Runway 8-26, in portions of Township 6 South, Range 22 East, Sections 20 and 29. The project will include maintenance enclosures less than 25 feet in height. Blythe Airport is located northerly of Interstate 10 and Hobsonway and easterly of Mesa Drive. (Airport Compatibility Zones C and D of the Blythe Airport Influence Area). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE TO APRIL 8, 2010

**MARCH AIR RESERVE BASE**

- 3.5 ZAP1063MA09 – City of Perris (Representative: Brad Eckhardt, Planning Manager) – City Case Nos. 08-10-007 (Specific Plan), 08-10-008 (General Plan Amendment), and 08-10-009 (Change of Zone). The City proposes to adopt the Perris Valley Commerce Center Specific Plan, which would apply to a 3,517.22-acre area (approximately 5.23 square miles) located southerly of the City of Moreno Valley and March Air Reserve Base, easterly of Interstate 215, northerly of Placentia Street, and westerly of the Perris Valley Storm Drain Channel. The Specific Plan would establish a land use plan (thereby modifying General Plan land uses), designate Planning Areas, establish a list of permitted uses, modify development standards, and establish design guidelines, infrastructure plans, landscaping guidelines, and administrative procedures. The general plan amendment would designate the project area as a Specific Plan, and the change of zone would establish Specific Plan zoning. The majority of the area would continue to be designated for industrial use. (Airport Areas I, II, and III of the March Air Reserve Base Airport Influence Area). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE TO APRIL 8, 2010

**4.0 PUBLIC HEARING: NEW BUSINESS**

**BANNING MUNICIPAL AIRPORT**

- 4.1 ZAP1006BA10 – OSI Partnership I, LLC (Representative: Stantec Consulting Services/Patrick Osborne) – City of Banning Case Nos. DR 07-708, DR08-401 (Design Reviews), and TPM 36056 (Tentative Parcel Map). The applicant proposes to develop twelve (12) industrial buildings ranging from 14,677 square feet to 786,984 square feet in floor area, for a cumulative 1,194,045 square feet of industrial floor area, within a 63.98-64.5 acre area located easterly of Hathaway Street and northerly of Interstate 10 in the City of Banning. The majority of the square footage for each building would be for manufacturing and/or warehousing uses, but each building would also provide for office areas. Tentative Parcel Map No. 36056 is a proposal to divide the property into twelve lots, so that each building would be located on its individual lot. (Airport Compatibility Zone D of the Banning Municipal Airport Influence Area). ALUC Staff Planner: Russell Brady at (951) 955-0549 or John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE TO APRIL 8, 2010

5.0 **ADMINISTRATIVE ITEMS**

5.1 Director's Approvals

5.2 Procedures for Mapping to Achieve General Plan Amendment No. 960/Compatibility Plan Consistency: Proposed Method for Addressing Parcels with Split Compatibility Zone Designations

6.0 **APPROVAL OF MINUTES**

January 14, 2010 and February 11, 2010

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

8.0 **COMMISSIONER'S COMMENTS**

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

**AGENDA ITEM:** 2.1

**HEARING DATE:** March 11, 2010

**CASE NUMBER:** ZAP1013FL10 – Affordable Housing Clearinghouse / Brenda Rodriguez

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** GPA01089 (General Plan Amendment), CZ07719 (Change of Zone), and PP24395 (Plot Plan)

**MAJOR ISSUES:** None

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY for the general plan amendment, change of zone, and the plot plan, subject to the conditions specified herein for the plot plan.

**PROJECT DESCRIPTION:**

The applicant proposes to amend the General Plan land use designation from Medium High Density Residential (MHDR) to Very High Density Residential (VHDR), change the zoning classification from General Commercial (C-1/C-P) to General Residential (R-3), and develop a 22-unit apartment complex.

**PROJECT LOCATION:**

The 1.12 acre site is located southerly of Mustang Lane, westerly of La Rue Street, northerly of Mission Boulevard, and easterly of Carrera Court, approximately 5,346 feet northerly of the nearest point 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

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

**BACKGROUND:**

Land Use/Intensity: The site is located in Airport Zone E. Given the acreage and proposed number of residential units, the density is 19.64 dwellings per acre. As the land use compatibility criteria for Airport Zone E has no residential density limits, the general plan amendment, change of zone and plot plan are consistent with the 2004 Plan.

Part 77: The applicant's maximum proposed pad elevation on site is 830.7 feet above mean sea level (AMSL) with a maximum building height of 26.03 feet. The proposed R-3 (General Residential) zone change would allow a maximum structure height of 50 feet. The runway elevation at its nearest point to the project boundaries is approximately 754 feet AMSL. At an approximate distance of 5,346 feet and relevant slope of 50:1, due to the short runway, any structure above 860 feet AMSL would require FAA review.

Noise: The site is outside the 55 CNEL contour; therefore, no noise mitigation is required.

**CONDITIONS:**

1. The following uses shall be prohibited:
  - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. The attached notice shall be provided to all potential purchasers and tenants and shall be recorded as a deed notice.
3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
4. Prior to issuance of building permits, 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 860 and shall have received a determination of “No Hazard to Air Navigation.”

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COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION  
STAFF REPORT

**AGENDA ITEM:** 3.1 4-1

**HEARING DATE:** *March ~~February~~ 11, 2010 (continued from February 11 and January 14, 2010)*

**CASE NUMBER:** ZAP1035FV09 and ZAP1004FV06 – H.G. Fenton Development Company/Fred J. Fleming (Representatives: Allen Jones and Karen Ruggels)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** For ZAP1035FV09: CZ07690 (Change of Zone) and SP00265S1 (Specific Plan No. 265, Substantial Conformance No. 1); For ZAP1004FV06: PM35212 (Commercial/Industrial Parcel Map)

**MAJOR ISSUES:**

1. **Given that the site is located within a Specific Plan, ALUC staff initially proposed that the zoning ordinance be amended to prohibit places of worship, day care centers, and libraries within the portion of the property in Compatibility Zone B2, and to prohibit children’s schools, hospitals, and nursing homes anywhere within the applicable Planning Areas. Following the issuance of public notices, ALUC staff was advised by Planning staff that the Specific Plan has expired. Thus, it is now likely that the Specific Plan zoning ordinance will be rescinded and conventional zoning applied to properties formerly subject to the Specific Plan. As a result, the nature of CZ07690 will be altered, and re-advertisement will be required once the revised proposal has been selected.**
2. **The project site is split by the boundary between Compatibility Zones B2 and D. The tentative parcel map does not depict the Compatibility Zone boundary and does not provide for a set-aside of open area. Projects of ten acres or greater in Compatibility Zone D must set aside 10% of their gross land area as ALUC-qualified open area. The applicant has proposed an alternative condition formulation whereby the open land area requirement would be addressed in the course of plot plan review.**

*UPDATE: The issues relating to the expiration of the Specific Plan and the applicant’s revised course of action have not yet been settled.*



**UPDATE II: There has been no further progress since the February meeting.**

**RECOMMENDATION: Staff recommends CONTINUANCE OFF-CALENDAR to ~~February~~ ~~March 11, 2010~~, pending resolution of the matters cited above.**

**PROJECT DESCRIPTION:**

The site comprises Planning Areas 11.1 and 21.1, along with a portion of Planning Area 21.2, within the Borel Airpark Specific Plan, as adopted in 1994. As proposed by the applicant, the site would retain its SP (Specific Plan) zoning, but the allowed land uses and development standards would change from a basis of A-1-10 (Light Agriculture, 10 acre minimum lot size) and C-P-S (Scenic Highway Commercial) to C-O (Commercial-Office) and C-P-S, in accordance with the land use designations in the Specific Plan, as reflected in the Southwest Area Plan Land Use Map of the Riverside County Integrated Project (RCIP) General Plan. The applicant proposed to amend the zoning ordinance provisions to provide for offices, health and exercise centers, and laboratories as among the permitted uses. Parcel Map No. 35212 would divide the 56.95-acre site into 20 commercial/industrial lots, with 8.43 acres of road rights-of-way.

**PROJECT LOCATION:**

The project is located easterly of Winchester Road, southerly of Sparkman Way (Airport Entrance Road), westerly of French Valley Airport, and northerly of an easterly straight-line extension of Hunter Road, approximately 997 feet westerly of Runway 18-36, in the unincorporated Riverside County community of French Valley.

**LAND USE PLAN:** 2007 French Valley Airport Land Use Compatibility Plan (FVALUCP)

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Airport Compatibility Zones B2 and D
- c. Noise Levels: 55-65 CNEL

**BACKGROUND:**

Borel Airpark Specific Plan was adopted by the Riverside County Board of Supervisors in 1994. The Specific Plan provided for industrial park, restricted light industrial, office park, and commercial uses within a 783-acre area that included lands on the easterly, westerly, and southerly boundaries of French Valley Airport. Planning Area 11.1 is designated for office park uses, and Planning Areas 21.1 and 21.2 are designated for commercial uses. However, at the time the Specific Plan was adopted, Planning Area 11.1 was entirely located within an agricultural preserve with an active contract, as were portions of Planning Areas 21.1 and 21.2. Therefore, the zoning ordinance adopted for the Specific Plan allowed only those uses permitted within the agricultural preserve (A-1-

10 zoning uses and densities) within Planning Area 11.1. For Planning Areas 21.1 and 21.2, the ordinance was written in such a way as to permit only the A-1-10 uses and densities until the agricultural preserve was diminished or disestablished, and to subsequently allow C-P-S uses.

Eventually, the Notices of Non-Renewal for the agricultural preserve contract matured, the contract expired, and the applicable agricultural preserve was disestablished. With this action, the C-P-S base use became applicable in those portions of Planning Areas 21.1 and 21.2 previously subject to the A-1-10 use and density restrictions. There was no automatic rollover for Planning Area 11.1.

To be consistent with Specific Plan land uses, the applicant filed Change of Zone Case No. 07690, which sought to amend the Specific Plan zoning ordinance to allow all of the uses permitted by the County's C-O (Commercial Office) zone, except hotels, resort hotels, and motels, in Planning Area 11.1. Additionally, laboratories "including film, dental, medical, research, or testing" would be permitted in that Planning Area. Development standards would be those of the C-O zone, with revisions to setback requirements. The zoning ordinance would also be amended to allow all of the uses permitted by the County's C-P-S (Scenic Highway Commercial) zone in Planning Areas 21.1 and 21.2. Additionally, offices, "including business, law, medical, dental, chiropractic, architectural, engineering, community planning, and real estate," and health and exercise centers (within an enclosed building) would be permitted in that Planning Area. Development standards would be those of the C-P-S zone. These ordinance changes would enable development of Planning Area 11.1 as an office park and development of Planning Areas 21.1 and 21.2 for commercial uses, as envisioned in the Specific Plan.

The substantial conformance to the Specific Plan related solely to the ordinance changes; no other changes to the text of the Specific Plan document were proposed by the applicant and, therefore, no other changes were submitted for ALUC review.

The parcel map was initially submitted to ALUC for review in 2006, but ALUC was unable to take action due to the court-ordered suspension of the 2004 FVALUCP. Therefore, a "no action" letter was issued by ALUC. However, the applicant at that time failed to obtain approval of the parcel map prior to the adoption of the 2007 FVALUCP. As a result, the matter is once again before ALUC, in conjunction with legislative cases subsequently submitted to the Planning Department.

Following the issuance of the notice of hearing, ALUC staff was advised by Planning Department staff that the Specific Plan has expired. The applicant has the option of either filing a Specific Plan Amendment to extend the Specific Plan or amending the change of zone to provide for conventional zoning on the property consistent with the underlying General Plan designations.

Land Use: The site is located in Airport Compatibility Zones B2 and D of the French Valley Airport Influence Area. Excluding the rights-of-way, the site consists of 28.10 acres within Zone B2 and 22.45 acres within Zone D.

The applicant anticipates that the majority of building square footage at the development stage would be for office uses, along with a hotel, restaurants, and a fitness center. The land use intensity of this site can only be evaluated at the plot plan or use permit stage; no buildings are proposed through the parcel map process.

Since the applicant's proposed project initially constituted an ordinance amendment within the Specific Plan zone, ALUC staff realized that this proposal represented an opportunity to prohibit through County zoning those uses that are prohibited pursuant to the Compatibility Plan. Specifically, prohibited uses in Compatibility Zone B2 include places of worship, day care centers, and libraries, as well as children's schools, hospitals, and nursing homes. Children's schools, hospitals, and nursing homes are listed as "discouraged" uses within Compatibility Zone D. However, both of the County zones underlying the SP zoning proposal (C-P-S and C-O) allow "churches, temples, and other places of religious worship" and day care centers, subject to plot plan approval, and the C-O zone allows libraries, subject to plot plan approval.

Therefore, ALUC staff recommended that the ordinance be amended to exclude these uses (at least within the portion of the project site within Compatibility Zone B2). However, it is now likely that the applicant will opt for application of conventional zoning, and ALUC staff will provide for the exclusion of prohibited land uses through conditions applied to the commercial/industrial parcel map.

Open Area Requirement: As the proposed site is located partially within Compatibility Zone D and is larger than 10 acres, compliance with ALUCP open land criteria is required. A minimum of 10 percent of the land area within Compatibility Zone D must qualify as open area. ALUC staff requested that this issue be addressed at the parcel map level, as the individual lots are smaller than 10 acres. Other than road rights-of-way, the parcel map does not illustrate or set aside open areas. A minimum of 2.25 acres within the net area within Compatibility Zone D needs to be set aside as ALUC-qualified open area. The applicant is envisioning that the initial plot plan would address an area of at least ten acres, and is requesting that demonstration of compliance be addressed at the plot plan level.

Part 77: The substantial conformance and change of zone are not subject to FAA review, and no buildings are proposed through the parcel map process. However, the applicant filed a Form 7460-1 for a building site located at latitude 33-34-21.360N NAD 83 and longitude 117-07-58.410W with a height of 45 feet above ground level and a maximum elevation of 1,568 feet above mean sea level, and received a Determination of No Hazard to Air Navigation.

At a distance of 997 feet from the runway, FAA notice and review would be required for any future structures exceeding a maximum elevation of 1,350 feet AMSL at top of roof.

Noise: The site is located within an area subject to average noise levels of 55-65 CNEL from aircraft operations, and the 60 CNEL crosses the site. As the project is partially located in Compatibility Zone B2, recommended conditions include a requirement for an exterior to interior noise reduction of 25 dB in all office buildings located wholly or partially in that zone.

**CONDITIONS (to be applied to the 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 landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, composting operations, fly ash disposal, and incinerators.
  - (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 uses, and within the portion of the site in Compatibility Zone B2, places of worship, day care centers, libraries, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
2. Prior to recordation of a final map, the landowner shall convey an avigation easement to French Valley Airport, which shall be recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department and to the Riverside County Airport Land Use Commission.
3. The attached notice shall be provided to all potential purchasers and tenants.

4. Noise attenuation measures shall be incorporated into the office areas of future buildings located wholly or partially within Compatibility Zone B2 to ensure a minimum exterior-to-interior noise level reduction of 25 dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
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, and shall comply with Riverside County Ordinance No. 655, as applicable. Outdoor lighting plans shall be transmitted to the Riverside County Economic Development Agency – Aviation Division for review and comment.
6. Stormwater retention areas shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
7. No building permits for structures for human occupancy shall be issued prior to approval of a Plot Plan, Conditional Use Permit, or Public Use Permit. The first such Plot Plan or Use Permit shall be for an area at least ten (10) acres in size and shall demonstrate compliance with the ALUC open land area requirements by allocating at least ten (10) percent of that portion of its area within Compatibility Zone D to ALUC-qualifying open land. Each subsequent Plot Plan or Use Permit shall demonstrate that the ALUC open land area requirement for Compatibility Zone D is met either on an individual Plot Plan/Use Permit basis, or as an aggregate of all Plot Plans/Use Permits in process or previously approved within the Parcel Map area.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.2 4-1

**HEARING DATE:** March 11, 2010 (continued from February 11, 2010)

**CASE SUMMARY**

**CASE NUMBER:** ZAP1037FV09 – Agriscape, Inc. (Ricardo Almejo)  
(Representative: Ralph Megna/The Jamieson Group)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** Plot Plan No. 24389

**MAJOR ISSUES:** The mulch and compost materials being sold will be stored outside buildings. The project is located very close to the Runway Protection Zone southerly of the runway terminus. It is vital that the property be utilized in a manner that will not attract birds. According to Federal Aviation Administration Advisory Circular 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*, putrescible-waste disposal operations should not be sited near airports. However, the report also states that “composting operations that accept only yard waste (e.g., leaves, lawn clippings, or branches) generally do not attract hazardous wildlife.” Riverside County EDA officials have advised that the facility has been in operation for some time, and there have been no wildlife-related complaints to date. (Concern was expressed regarding the applicant’s use of a “light tower” during nighttime operations.)

Although not an ALUC issue, the County Planning Department has deferred evaluation of this project pending a HANS (Habitat Assessment and Negotiation Strategy) review. Such reviews could potentially affect the ultimate location of structures and site improvements.

**RECOMMENDATION:** Staff recommends CONTINUANCE to the meeting of *May 13, 2010* ~~March 11, 2010~~. The applicant’s representative has agreed to a continuance due to the potential effect of HANS review on site design and structure placement.

Staff has included a condition prohibiting use of any food or municipal solid waste in the mulch or compost materials, and requests that the Commission provide direction as to whether additional information is needed pertaining to the potential wildlife hazard (such as development of a Wildlife Hazard Assessment prepared by a qualified wildlife damage management biologist) or whether to obtain an opinion from a U.S. Department of Agriculture Wildlife Services representative.

**UPDATE:** *The project representative advised on February 23 that the HANS application has not yet been submitted and has agreed to an additional two-month continuance to the May hearing..*

**PROJECT DESCRIPTION:**

Plot Plan No. 24389 proposes the use of approximately 2.34 acres of a 42.03-acre property for the sale of mulch and landscaping supplies. The only associated structure would be a 400 square foot office trailer or commercial coach. The mulch, consisting of decomposing vegetation, would be stored outdoors. Seven parking spaces would be provided, with additional graveled area that could potentially accommodate additional vehicles.

**PROJECT LOCATION:**

The site is located easterly of Sky Canyon Drive and southerly of Borel Road, in the unincorporated Riverside County community of French Valley, approximately 1,188 feet southerly of the southerly terminus of Runway 18-36 at French Valley Airport.

**LAND USE PLAN :** 2007 French Valley Airport Land Use Compatibility Plan (2007 FVALUCP)

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Airport Compatibility Zones B1 and C
- c. Noise Levels: Greater than 55 dB(A) CNEL to 65 dB(A) CNEL

**BACKGROUND:**

Land Use/Intensity: The site is split by the boundary between Airport Compatibility Zone B1 and Airport Compatibility Zone C. Airport Compatibility Zone B1 is the more restrictive of these zones, allowing an average of up to 40 persons per acre and a maximum single-acre intensity of 80 persons, pursuant to the Additional Compatibility Policies of the 2007 FVALUCP. Given the square footage of the office trailer and the proposed number of parking spaces, it is doubtful that the total number of persons on the site would ever exceed forty (40).

Hazards to flight are prohibited in Airport Compatibility Zone B1 and throughout the Airport Influence Area.

Noise: The site is subject to noise from aircraft operations due to its proximity to the runway. Noise levels are projected to exceed 60 CNEL in most portions of the property. However, the proposed use is not noise-sensitive.

PART 77: The site plan depicts a “finish grade” elevation of 1,324 feet above sea level at the southeasterly corner of the “office trailer.” Assuming that the height of the “office trailer” does not exceed 17 feet, the elevation at the top of this structure would not exceed 1,341 feet above mean sea level. The runway elevation is 1,340 feet above mean sea level at its southerly terminus. At a distance of 1,188 feet from the runway, any structure exceeding an elevation of 1,351 feet above sea level at top point would require FAA review. The proposed structure would not require FAA obstruction evaluation review, based on the above assumptions.

Prohibited Uses: Uses that would attract large concentrations of birds or otherwise affect safe air navigation within the area are prohibited in Airport Influence Areas. These uses include composting operations, recycling centers containing putrescible wastes, and construction and demolition debris facilities. The proponent had previously proposed use of the property for compost manufacturing and recycling of green waste, construction waste, and concrete through Conditional Use Permit No. 03395, which was denied by the Board of Supervisors in 2006. This project would involve the outdoor storage and sale of mulch and compost, but not a compost processing operation.

However, if the mulch contains “putrescible waste” attractive to birds, the effect would be the same as that of a processing operation. According to FAA Advisory Circular 150/5200-33B (a copy of which is attached), composting operations that only accept yard waste (leaves, lawn clippings, branches, etc.) generally do not attract hazardous wildlife. However, if the stored materials include food or municipal solid waste, this facility could present a major problem for the safety of aircraft operations in the area.

An additional concern is that lighting during nighttime operations be directed downward so as to not shine into the eyes of pilots preparing to land at the airport, and so as not to be confused with airport lighting.

**PUBLIC COMMENT: Staff has received one phone call in opposition from a nearby property owner, who has concerns regarding flies and dust from the outdoor operations.**

**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, including trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, composting operations utilizing waste other than yard waste, fly ash disposal, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, landscaping utilizing water features, and wastewater management facilities.



- 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 nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
2. Prior to issuance of building permits, the landowner shall convey an avigation easement to French Valley Airport, which shall be recorded, or shall provide evidence that such an easement covering the property has already been recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department and to the Riverside County Airport Land Use Commission.
  3. The attached notice shall be provided to all potential purchasers and tenants.
  4. The maximum elevation of the proposed building, including all roof-mounted appurtenances and obstruction lighting (if any), and any temporary structures shall not exceed 1,350 feet above mean sea level. The building shall maintain a minimum distance of 1,188 feet from the southerly terminus of Runway 18-36.
  5. Any outdoor lighting (including any temporary lighting for nighttime operations) that is installed shall be hooded or shielded and directed downward so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655, as applicable. Outdoor lighting plans, if any, shall be transmitted to **the** Riverside County Economic Development Agency – Aviation Division ~~personnel at~~ **and** French Valley Airport for review and comment. (Failure to comment within thirty days shall be considered to constitute acceptability on the part of the airport manager.)
  6. Any detention or retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
  7. The mulch or compost material shall consist solely of "yard waste" **such as tree trimmings** and shall not include food or other municipal solid waste.

COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION  
STAFF REPORT

**AGENDA ITEM:** 3.3 4.3

**HEARING DATE:** March 11, 2010 (continued from February 11, 2010)

**CASE NUMBER:** ZAP1014TH09 – Kohl Ranch II, LLC  
(Representative: Emily Hemphill)

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO.:** SP00303S2 (Specific Plan No. 303, Substantial Conformance No. 2)

**MAJOR ISSUES:**

~~FAA review of race course in Compatibility Zone A Runway Protection Zone and level of nonresidential intensity~~

*The Federal Aviation Administration advised that it would not be able to support the placement of segments of the race course within the “Future Object Free Area Extended” portion of the Runway Protection Zone. The applicant’s representative has redesigned the project to keep all segments of the race course outside the Runway Protection Zone.*

**RECOMMENDATION:**

~~Staff recommends CONTINUANCE to the meeting of March 11, 2010, pending receipt of comments from the Federal Aviation Administration regarding the acceptability of providing for segments of the race course within the “Future Object Free Area Extended” portion of the Runway Protection Zone. The applicant is in agreement with the continuance.~~

*Staff recommends a finding of CONSISTENCY for the proposed substantial conformance request, subject to the conditions specified herein.*

**PROJECT DESCRIPTION:**

This is a proposal to develop a portion of the Kohl Ranch Specific Plan (approximately 214.7 294 acres) as a private (membership) auto racing track, and to find such a facility to be in substantial conformance with the Specific Plan (with text amendments to reflect

such a determination). The project would include establishment of “founders’ lots” and “corporate lots” for ground lease, clubhouse and pool area, tuning shop, club garages, observation tower, pavilions, an alternative energy park, and a vintage car showroom.

### **PROJECT LOCATION:**

The affected portion of the Specific Plan is in the section located northerly of Avenue 62, southerly of Avenue 60, and westerly of Polk Street, within the unincorporated Riverside County community of Thermal, a minimum of ~~either 625 feet directly southerly~~ **750 feet easterly** of the ~~centerline ultimate southerly terminus~~ of Runway 17/35 at Jacqueline Cochran Regional Airport **at its ultimate southerly terminus.** ~~or 625 feet directly easterly or westerly of the centerline of the runway.~~

**LAND USE PLAN:** 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan (JCRAUCP), as amended in 2006

- a. Airport Influence Area: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Airport Compatibility Zones A, B1, C, and D
- c. Noise Levels: From below 55 to above 65 dB(A) CNEL

### **BACKGROUND:**

The proposed auto racing track, which would be known as Thermal Motorsports Park, would be located in Planning Areas D-1, E-1, and E-2, and a portion of Planning Area A-9, within the Kohl Ranch Specific Plan. Pursuant to the adopted Specific Plan, Planning Area E-2 is designated as Heavy Industrial, Planning Area A-9 is designated Air Park/Mixed Use, and Planning Areas D-1 and E-1 are designated Open Space.

No buildings **or racing track segments** would be constructed within those portions of the property within Airport Compatibility **Zone A.** ~~Zones A and B1.~~ Structures would be limited to locations in Compatibility Zones **B1, C, and D.**

Airport Compatibility Zone A: **The applicant team had initially proposed that a A** portion of the private auto racing track ~~would~~ be located in the Runway Protection Zone, and partially within the “Future Object Free Area Extended.” **This concept was disapproved by the Federal Aviation Administration; consequently, the applicant team has revised its plans so that Zone A will be clear of all structures and uses.**

~~Discussions are in progress to assure that allowance for this land use activity in this portion of the Runway Protection Zone (which lies beyond the Runway Safety Area) would not jeopardize the eligibility of the airport for improvement grants.~~

Airport Compatibility Zone B1: A portion of the private auto racing track would be located in Airport Compatibility Zone B1, **as would paddock-style staging areas where**

**racing vehicles would be unloaded from their transport vehicles. Although not depicted on the conceptual plan, the applicant team proposes that garages and “shops” (not retail stores) be permissible in this area, subject to the intensity restrictions of the Compatibility Plan (average intensity not exceeding 25 persons per acre, single-acre intensity not exceeding 50 persons, with density bonuses permitted for risk-reduction building design). The intensities would be subject to further evaluation at the plot plan stage. ~~This does not present any problems. The land use intensity would clearly be low, and the use is not noise sensitive.~~**

Airport Compatibility Zone C: Most of the proposed structures would be located in Airport Compatibility Zone C, which allows for an average intensity of 75 persons per acre and a maximum single-acre intensity of 150 persons. This area is proposed to include 111 “founders’ lots”, 10 “corporate lots,” a 6,000 square foot clubhouse with pool, an 18,000 square foot tuning shop, and an observation tower up to three stories in height. Ultimately, three pavilion buildings, a vintage car showroom, and an alternative energy park would also be developed here.

Overnight occupancy would be prohibited on both the “founders’ lots” and “corporate lots.”

Airport Compatibility Zone D: Airport Compatibility Zone D allows for an average intensity of 100 persons per acre and a maximum single-acre intensity of 300 persons. This area is proposed to include 20 “founders’ lots,” 20 “corporate lots,” and two 20,000 square foot club garages for storage of automobiles, tires, parts, tools, etc.

The applicant’s aviation consultant has prepared a table indicating that the envisioned project will meet all intensity criteria and open land requirements for these airport compatibility zones. This cannot be verified without review of the plot plan(s) actually proposing these structures, but, at this time, the statement cannot be challenged. At this time, staff is proceeding on the basis that the ultimate plot plan will comply with criteria for all applicable compatibility zones.

#### **PUBLIC COMMENT:**

**One person, representing an adjacent landowner, spoke in opposition to the project at the February 11, 2010 hearing.**

#### **CONDITIONS:**

1. Prior to the issuance of building permits, the landowner shall convey an avigation easement to Jacqueline Cochran Regional Airport, which shall be recorded, or shall provide evidence that such an easement covering the property has already been recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.

2. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County ~~Ordinance~~ **Ordinance** ~~Ordinance~~ No. 655, as applicable. Outdoor lighting plans, if any, shall be transmitted to Riverside County Economic Development Agency – Aviation Division personnel and to the Jacqueline Cochran Regional Airport for review and comment. (Failure to comment within thirty days shall be considered to constitute acceptability on the part of the airport manager.)
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. (Such uses include landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, incinerators, and landfills.)
  - (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 nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials
4. The attached notice shall be provided to all potential purchasers and tenants.
5. Any detention or retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

6. Noise attenuation measures shall be incorporated into the design of office areas of structures, as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL.
7. ~~Federal Aviation Administration clearance shall be required for~~ **No portion of** any roadway or track **shall be** located within the Runway Protection Zone.
8. This consistency finding for Specific Plan No. 303, Substantial Conformance No. 2 is based on the representation by the landowner and the representatives of the landowner that the proposed automobile race track would be for the use of a club with limited membership. No use of the racetrack for the purpose of spectator sports, in which guests pay for admission to an event or a series of events, or to which the general public is invited, is included in this determination of consistency.
9. Development of the area addressed through Specific Plan No. 303, Substantial Conformance No. 2 shall comply with all nonresidential intensity criteria and open area requirements of the applicable airport compatibility zones.

~~(This paragraph shall not be interpreted as prohibiting the development of a race track course within Compatibility Zone A, provided that the location and layout of said course is acceptable to the Federal Aviation Administration and the Riverside County Economic Development Agency—Aviation Division.)~~

10. **All structures shall maintain a minimum distance of 750 feet from any point on Runway 17-35 of Jacqueline Cochran Regional Airport, as the runway is depicted on the Airport's Master Plan (including any point on planned extensions of the runway).**

COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION  
STAFF REPORT

**AGENDA ITEM:** 3.4 4.4

**HEARING DATE:** March 11, 2010 (continued from February 11, 2010)

**CASE NUMBER:** ZAP1005BL09 – US Solar Holdings, LLC  
(Representative: Tanya Martinez)

**APPROVING JURISDICTION:** City of Blythe

**JURISDICTION CASE NO.:** CUP2009-01 (Conditional Use Permit)

**MAJOR ISSUES:** Federal Aviation Administration (FAA) review has not been completed. Reflectivity, glare, and electrical interference are among the concerns when renewable energy facilities are proposed in the vicinity of airports.

~~While it is likely that the project complies with open area requirements, staff cannot verify compliance without a more detailed site plan. Additional information is also requested regarding duration of construction, concentration of construction workers, and whether construction will occur at night.~~

**RECOMMENDATION:** Staff recommends that the Commission authorize a letter requesting that a qualified engineer analyze the probability that the array would create a single beam of reflected light, project the properties of said beam, and plot its daily arc intersecting the aircraft traffic pattern. Staff recommends that the Commission open the public hearing, consider testimony, and CONTINUE this matter CONTINUANCE to the meeting of April 8, ~~March 11,~~ 2010, pending completion of the FAA obstruction evaluation review process and to allow further study as to whether the proposed project would constitute a hazard to flight.

*Staff also requests that the Commission provide the applicant and staff with guidance as to its expectations for evidence demonstrating that the project will not be a hazard to flight.*

~~submittal of such additional information as is necessary to verify compliance with intensity limits and open area requirements.~~

**PROJECT DESCRIPTION:**

This is a proposal to construct and operate a 100 megawatt (MW) solar photovoltaic (PV) renewable energy facility (to be built in 20 MW phases) on 640 acres within an 829-acre area on the grounds of Blythe Airport. The area is labeled “non-aeronautical” on Exhibit 5 5C of the Blythe Airport Master Plan. The project will include maintenance enclosures not exceeding 25 feet in height.

**PROJECT LOCATION:**

The project site is located on the grounds of Blythe Airport, 750 feet easterly of the centerline of Runway 17-35 and 750 feet northerly of the centerline of Runway 8-26, in portions of Sections 20 and 29 of Township 6 South, Range 22 East. Blythe Airport is located northerly of Interstate 10 and Hobsonway and easterly of Mesa Drive, in unincorporated Riverside County.

**LAND USE PLAN:** 2004 Blythe Airport Land Use Compatibility Plan

- a. Airport Influence Area: Blythe Airport
- b. Land Use Policy: Airport Compatibility Zones C and D
- c. Noise Levels: Outside the 55 CNEL contour

**BACKGROUND:**

Land Use/Intensity: The project site is located within Compatibility Zones C and D of the Blythe Airport Influence Area. Land use compatibility criteria for Airport Compatibility Zone C allow up to 75 people per acre, while up to 100 people per acre are allowed within Airport Compatibility Zone D. Applicable limits for number of persons in any given acre are 150 in Airport Compatibility Zone C and 300 in Airport Compatibility Zone D. The applicant projects a maximum of 400 people on-site during construction; when considered in relation to an 86-acre phase, the average intensity would be less than five persons per acre. ~~Additional information has been requested regarding concentrations of construction workers in order to address the single-acre intensity maximum.~~

**In response to staff’s inquiry, the project representative advised that there would not be more than 80 persons within any given acre at any time, and that no construction would occur during nighttime hours.**

Flight Hazard Issues: Lighting, glare, and electrical interference are among the issues that renewable energy facilities in the airport influence area must address. The applicant has stated that the proposed PV panels are designed to absorb and not reflect light, and that the proportion of light reflected under most circumstances would be 4%, compared to



7.7% for car windows. The applicant is proposing to use poly-crystalline solar panels that incorporate an “anti-reflective coating to increase conversion efficiency.”

**In subsequent communications, the project representative advised that Suntech, the potential array supplier, has determined that the proportion of light reflected would be about 6%.**

**The project representative has further advised that there are no radio frequency emissions associated with the solar panels, which are designed to absorb sunlight and generate direct current (DC) electricity, which is then converted to alternating current (AC) electricity through the inverters.**

**At the February hearing, Commissioner Lyon inquired as to solar panel installations at other airports. He noted that the array at Fresno Yosemite Airport (FAT) is aligned with the runway and suggested contact with FAT Administration.**

**A question has been raised as to whether the array would have the potential to constitute a “coordinated source” generating “a beam of reflected light,” particularly in the early morning and late afternoon. We’ve all had the experience of having to drive facing west/southwest in the afternoon and had to deal with this situation, whether directly from the sun at a low angle in the sky or as reflected off the windows of automobiles traveling ahead of us. As drivers, we have the option of pulling over and stopping until the sun sets. That option is not available to a pilot, who can’t pull over other than by landing the aircraft.**

**A Commissioner has suggested that “an engineer...generate a computer model of the beam of light and its daily arc intersecting the aircraft traffic pattern.” The Commissioner noted that the following properties of the beam would be calculable:**

- size of the beam;**
- strength of the beam;**
- enlargement (dispersion) of the beam over distance;**
- height and width of the beam at any distance from its source;**

**From these properties, the engineer would be able to identify the points where the arc from the tracking array would intersect the approach path and calculate: (a) the time of day that an approaching aircraft would have its view of the runway obscured from different portions of the traffic pattern; (b) the length of time that the beam would take to pass into, through, and out of the point of intersection; and (c) the length of time that the beam would obscure the runway from any given point of the approach.**

**A less quantitative approach would be to request that a disinterested observer (such as a pilot with the Civil Air Patrol) fly over a solar array using similar technology and provide input with regard to glare and reflectivity issues, as well as other issues such as air disturbance and “heat rise.”**

Open Area: Countywide land use compatibility criteria require that a minimum of 20% of land area in Airport Compatibility Zone C and 10% of land area in Airport Compatibility Zone D consist of open land as defined in Policy 4.2.4 of the ALUCP. The project will occupy 640 acres of an 829-acre area, so it would appear that up to 189 acres of the 829-acre area, or 22.8 percent of the larger area, would remain open. However, additional information (a more detailed site plan delineating open areas and a confirmation from the airport operator and/or Riverside County EDA as property owner representative that there are no plans for the remainder of the larger area) is needed to verify compliance with the open area requirements.

**Provided that there are no structures or obstructions within the open rectangles on the site plan, the project clearly meets the requirement for a minimum of ten percent open area in Compatibility Zone D. The project representative has indicated that 27 percent of land area within Compatibility Zone C will be open area, but the format of the exhibit does not facilitate verification.**

Part 77: Federal Aviation Administration obstruction evaluation review is required, because the project is proposed on airport grounds. **The project is presently being evaluated by the Federal Aviation Administration through** ~~The applicant has indicated that the Federal Aviation Administration has assigned~~ Aeronautical Study Nos. 2010-AWP-150-NRA and 2010-AWP-196-NRA through 2010-AWP-216-NRA, all of which are currently being studied. Aeronautical Study Nos. 2010-AWP-196-NRA through 2010-AWP-199-NRA address the solar array (with a maximum height of ten feet above ground level), while 2010-AWP-200-NRA through 2010-AWP-216-NRA address the transmission line poles (with a maximum height of nineteen feet above ground level). ~~to this project.~~

While the Commission has been willing to grant findings of conditional consistency in situations where an off-airport land use is undergoing obstruction evaluation, as an on-airport land use, staff would recommend that the FAA finding of no hazard to air navigation be a prerequisite to a finding of consistency in this situation.

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

#### **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 installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky.
  3. If the panels are mounted on a framework, said framework shall have a flat or matte finish so as to minimize reflection of sunlight.
  4. In the event that any incidence of glare or electrical interference affecting the safety of air navigation occurs as a result of project operation, the permittee shall be required to take all measures necessary to eliminate such glare or interference.
  5. Any new electrical transmission and distribution lines for this project shall be located outside the boundaries of the Runway Protection Zone (a minimum of 2,500 feet easterly of the easterly terminus of Runway 8-26).

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.5 4.2

**HEARING DATE:** March 11, 2010 (continued from February 11, 2010)

### CASE SUMMARY:

**CASE NUMBER:** ZAP1063MA09 – City of Perris (Representative: Brad Eckhardt, Planning Manager)

**APPROVING JURISDICTION:** City of Perris

**JURISDICTION CASE NO:** 08-10-007 (Specific Plan), 08-10-008 (General Plan Amendment), and 08-10-009 (Change of Zone)

**MAJOR ISSUES:** ~~Staff is evaluating the draft Specific Plan document, but had not completed its review of the document at press time. Staff anticipates completion of its review of the draft document by Monday, February 8. However, this would not leave sufficient time for the City to evaluate staff's requests.~~

The major issues here relate mainly to text statements. The overall effect of the project is a positive one, in that the project would restrict the acreage designated for residential use to existing residential neighborhoods. Some changes to the document will be necessary to bring the document into compliance with U.S. Air Force Air Installation Compatible Use Zones report recommendations, *and the City agreed to make those changes necessary to bring the project into conformity with Table 3-1 of the 2005 AICUZ report.*

*ALUC staff provided its comments to the City of Perris in a series of e-mail memoranda sent on January 27, February 3, February 4, and February 8. Subsequently, on February 23, Ed Cooper and John Guerin of ALUC staff met with City of Perris Development Services Director Brad Eckhardt and representatives from Albert A. Webb Associates, the Specific Plan consultant. The City and the consultants agreed to most of the suggested changes. However, six issues remained:*

- (a) How to address the potential for subdivision of residential properties in the Residentially designated and zoned neighborhood southerly of Markham Street and easterly of Webster Avenue in an area designated as within Airport Area II by ALUC maps;*
- (b) Permissible land uses within the proposed Airport Overlay Zones and potential conflicts with Appendix B of the 1984 Riverside County Airport Land Use Plan (ALUC's Airport Area I and the Accident Potential Zones);*
- (c) Maximum dewatering periods for stormwater retention and water quality basins (48 hours vis-à-vis 72 hours);*

- (d) *Floor area ratios and lot coverage within the Airport Overlay Zones;*
- (e) *Provision for live-work units within Specific Plan areas in Airport Area II; and:*
- (f) *Elevation of March Air Reserve Base runway at southerly terminus (since resolved).*

*ALUC staff is continuing to work with City staff in an attempt to “bridge the gap” so as to enable a finding of consistency or conditional consistency, if possible.*

Staff received phone calls and one visit from property owners within the 300-foot radius outside the project boundary, but no contacts from property owners within the project boundary. Upon further analysis, ALUC staff has determined that only the property owners within the 300-foot radius were notified. Property owners within the project boundary, who would be most affected by the adoption of the Specific Plan, were not included in the notification.

*In order to resolve this matter, the City elected to provide for the advertisement of the March hearing through a one-eighth page newspaper advertisement in the Riverside Press-Enterprise. Pursuant to applicable State law, the publication of a one-eighth page advertisement in a newspaper of general circulation constitutes sufficient legal notice when a project affects more than 1,000 property owners.*

**RECOMMENDATION:** Staff recommends that the Commission open the public hearing, consider testimony, and discuss the above issues, and provide feedback to both ALUC staff and the City as to whether further changes to the Specific Plan text will be needed. Following discussion, it is likely that this matter will require an additional CONTINUANCE to April 8, 2010 for finalization of such changes. However, if the Commission finds that the project substantially conforms to the provisions of the 1984 Riverside County Airport Land Use Plan given the text amendments that the City has agreed to undertake, the Commission may choose to render a finding of consistency.

~~CONTINUE this item to March 11, 2010, with re-advertisement to include property owners inside the project boundary, as well as those within 300 feet of the outer boundaries of the project.~~

**PROJECT DESCRIPTION:**

The City of Perris proposes to adopt the Perris Valley Commerce Center Specific Plan, which would establish a land use plan (thereby modifying General Plan land uses), designate Planning Areas, establish a list of permitted uses, modify development standards, and establish design guidelines, infrastructure plans, landscaping guidelines, and administrative procedures applicable to a 3,517.22-acre area (approximately 5.23 square miles). The general plan amendment would designate the project

area as a Specific Plan, and the change of zone would establish Specific Plan zoning. The majority of the area would continue to be designated for industrial use.

**PROJECT LOCATION:**

The area included within the proposed Specific Plan is located southerly of the City of Moreno Valley and March Air Reserve Base, easterly of Interstate 215, northerly of Placentia Street, and westerly of the Perris Valley Storm Drain Channel in the City of Perris, and, at its closest point, approximately 400 feet westerly of the westerly edge 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: Airport Areas I, II, and III based on map on [www.rcaluc.org](http://www.rcaluc.org) website
- c. Noise Levels: From below 60 dB(A) CNEL to above 75 dB(A) CNEL, based on the 2005 Air Installation Compatible Use Zone (AICUZ) Study.

**ADDITIONAL DOCUMENTS REVIEWED:**

Air Installation Compatibility Use Zone Report, U.S. Air Force, 2005 (AICUZ)

**BACKGROUND:**

Land Use – Safety Considerations: The project site is located within Airport Areas I, II, and III, as depicted on the map illustrated at [www.rcaluc.org](http://www.rcaluc.org).

Airport Area I corresponds in this area to the combination of the Clear Zone, Accident Potential Zone I, and Accident Potential Zone II, as those areas are defined by the United States Air Force and as mapped in the 2005 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) study (2005 AICUZ). As stated on page 3-1 of the 2005 AICUZ, the Department of Defense (DOD) “has determined that the areas immediately beyond the ends of the runways and along the approach and departure flight paths have the highest potential for aircraft accidents. Based on this analysis, DOD developed three zones that have a relative potential for accidents.” The Clear Zone extends from 0 to 3,000 feet beyond the runway terminus; this is an area that is generally acquired to prevent development. Accident Potential Zone I is located 3,000 to 8,000 feet from the runway terminus, and Accident Potential Zone is located 8,000 to 15,000 feet from the runway terminus. Each zone covers land within 1,500 feet on each side of the line formed by extending the runway centerline in a straight line to a point 15,000 feet from the runway terminus.

The 1984 Riverside County Airport Land Use Plan (1984 RCALUP) states that Airport Area I shall be kept free of all “high risk land uses” (Chapter III, Policy 1). For facilities serving large aircraft like March Air Reserve Base, these zones “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.”

High risk land uses are conceptually defined in Appendix B of the 1984 RCALUP titled HIGH RISK LAND USE EXAMPLES. These are uses that are either critical facilities, are characterized by high concentrations of people, and/or involve the use or storage of flammable or explosive materials. Some uses, such as schools and hospitals, qualify as both critical facilities and uses characterized by high concentrations of people. Places of assembly such as churches, restaurants, theaters, and auditoriums, large retail outlets such as department and discount department stores, supermarkets, drug stores, and dollar stores, and other high patronage facilities fit into the first category. Facilities that either serve an important purpose in emergency situations or are characterized by vulnerable populations fit into the second category, while the third category includes the types of facilities that could exacerbate the direct impact of an aircraft accident, such as service stations, bulk fuel storage, manufacturing of plastics, and breweries.

The 2005 AICUZ includes a table containing guidelines for land use compatibility in the Clear Zone and the Accident Potential Zones. Within the Clear Zone, buildings are not permitted, and allowable uses are limited to agriculture (except livestock), forestry and fishing, transportation facilities, and parking.

Within Accident Potential Zone I, certain commercial and industrial uses are acceptable, and others are not. Potentially compatible industrial uses include the manufacturing of lumber and wood products, furniture and fixtures, paper and allied products, miscellaneous manufacturing, printing and publishing, and wholesale trade, subject to further deliberation relating to intensities. Industrial uses that are generally incompatible, depending on intensities, include the manufacturing of food and kindred products, textile mill products, rubber and plastic products, stone, clay, and glass products, fabricated metal products, and primary metals. The manufacturing of apparel and other finished products made from fabrics, leather, and similar materials and the manufacturing of professional, scientific, and controlling instruments, photographic and optical goods, clocks, and watches are prohibited due to the characteristic high employment intensity of such operations, while the manufacturing of chemicals and allied products and petroleum refining are prohibited for other reasons.

Intensity is also the primary issue in the retail and services sectors. Uses that are potentially compatible include sales of building materials, hardware, farm equipment, automobiles, automobile parts and accessories, marine craft, and aircraft, repair services, business services, and contract construction offices. Uses that are generally incompatible due to intensities include sales of general merchandise, food, apparel and accessories, furniture, home furnishings, and other goods, and miscellaneous services. Eating and drinking establishments, finance, insurance, and real estate services, personal and professional services, and governmental services are listed as prohibited uses, along with educational services (schools), hospitals and nursing homes, other medical services, cultural activities, churches, auditoriums, concert halls, resorts, hotels, lodgings, places of amusement, and places of assembly.

The 2005 AICUZ indicates that residential uses are incompatible in all of the Accident Potential

Zones, with a potential exception for single-family detached residential development at densities not exceeding one to two dwelling units per acre (or possibly higher within a Planned Unit Development where maximum lot coverage is limited to 20 percent within Accident Potential Zone II. The incompatibility extends to “residential hotels, “transient lodging,” and “resorts and group camps,” as well as permanent occupancy residential uses. Most commercial and industrial uses are listed as either compatible or potentially compatible, depending on intensity, in Accident Potential Zone II. Educational services, hospitals, nursing homes, other medical facilities, public assembly uses, petroleum refining, auditoriums, concert halls, outdoor amphitheaters and outdoor spectator sport uses are listed as incompatible uses in Accident Potential Zone II, while uses that are listed as generally incompatible (generally due to intensity) include, in the industrial sector, manufacturing of apparel, professional and scientific instruments, and chemicals.

Adoption of the Perris Valley Commerce Center Specific Plan and its associated General Plan Amendment would reduce the residentially designated acreage within the Specific Plan boundary from 83.26 acres to 62.88 acres. Residentially designated land would be limited to an existing neighborhood of predominantly one-acre lots (located southerly of Markham Street and easterly of Webster Avenue) and an existing, fully developed mobile home park located northerly of Dawes Street and easterly of Perris Boulevard. The residential neighborhood is partially located within Accident Potential Zone I. The mobile home park is not located in an accident potential zone, but is located within Airport Area II.

The Multi-Family Residential designation of the mobile home park is acceptable, since this simply reflects an existing, fully developed land use. The Residential designation of the Markham/Webster neighborhood raises some concerns, since the Specific Plan proposes R-20,000 zoning for that area. Such zoning could potentially allow division into 20,000 square foot lots, thus increasing the number of residentially designated properties in Airport Areas I and II.

The Specific Plan proposes to establish an Airport Overlay Zone, which would consist of the Clear Zone, Accident Potential Zone I, and Accident Potential Zone II, considered together. The City’s willingness to establish such a zone is commendable. ~~However,~~ **The City agreed to the** ALUC staff **recommendation** ~~recommends~~ that the Specific Plan document include a disclosure that the proposed Airport Overlay Zone does not cover the full extent of the Airport Influence Area as delineated by the zones established by the Airport Land Use Commission, which includes the entirety of the land area within the Specific Plan.

The proposed Specific Plan includes a Land Use Table (Table 2.0-2) setting forth those uses that would be permitted uses, those that would require a Conditional Use Permit, and those that would be prohibited. The table includes a footnote identifying those use categories that would be prohibited in the Airport Overlay Zone. The footnote appropriately indicates that residential uses (other than a caretaker’s quarters), live-work units, and educational/care facilities such as schools, hospitals, live-in care facilities, child care centers (other than as an accessory use at a workplace), and medical clinics and offices would be prohibited within the Airport Overlay Zone. Other nonresidential uses would be subject to intensity limits (number of persons per acre). ~~However, there is an internal discrepancy between the criteria specified in Chapter 2 and those specified in Chapter 12. Chapter 2~~



~~indicates average intensity limits of 40 persons per acre in Accident Potential Zone I and 80 persons per acre in Accident Potential Zone II.~~ **A previous internal discrepancy was corrected, so that both Chapter 2 and Chapter 12 specify** ~~indicates average intensity limits of 25 persons per acre in Accident Potential Zone I and 50 persons per acre in Accident Potential Zone II.~~

The footnote is not included for nonresidential uses other than educational/care facilities. Some uses, such as religious institutions, drive-through facilities, liquor stores, and swap meets, would require a Conditional Use Permit, enabling City staff to evaluate the intensity of the proposed land use vis-à-vis the intensity limits, but most commercial and industrial uses are listed as “permitted uses” in one or more zones. Department stores, “big box” variety department stores, supermarkets, drug stores, dollar stores, hotels, motels, and busy sit-down restaurants are all listed as “permitted uses” in one or more zones. In fact, many of these uses would not be able to meet the intensity limitations in the Airport Overlay Zone.

**ALUC staff’s concerns in this regard resulted partially from a misunderstanding of the reference to these uses as “permitted uses.” In fact, they would still be subject to a Development Plan Review process, thereby enabling the City’s Department of Development Services to evaluate the intensity of proposed non-residential uses in the Airport Overlay Zones to assure compliance with the person-intensity limits incorporated in this Specific Plan. The City has proposed additional text to clarify that “permitted uses” would still be subject to review.**

Nonresidential uses are permitted in Airport Area II of the March Air Reserve Base Airport Influence Area. The only land use density or intensity restriction applied by the 1984 RCALUP in Airport Area II is a requirement for a minimum residential lot size of 2½ acres.

~~With an additional policy prohibiting residential subdivision within the Specific Plan area, this requirement would become a non-issue. In the absence of such a policy, the Residential designation and R-20,000 zoning of the Markham/Webster neighborhood would be considered to be inconsistent with the 1984 RCALUP.~~

#### ***DISCUSSION OF ISSUES:***

ALUC staff **recommended** ~~recommends~~ that the Specific Plan zoning provide for a one-acre minimum lot size, which would, in itself, eliminate the potential for subdivision of all but one of the parcels in the neighborhood. ALUC staff also **recommended** ~~recommends~~ that the Specific Plan include a policy prohibiting further subdivision of this area for residential purposes. **The City declined these recommendations, but advised that residential division of the parcels either wholly or partially in the Airport Overlay Zone (ALUC’s Airport Area I) would be deemed inconsistent with the Specific Plan (which prohibits residential development within that area, other than development of a single-family residence on an existing legal lot). Residential division of the remaining parcels with at least two times the minimum lot area for their zoning would not be divisible in practice, because their lot widths are not sufficient to allow for the creation of new lots with widths meeting City standards for the R-20,000 zone.**

**In the absence of a policy prohibiting residential subdivision in the portion of the Markham/Webster neighborhood designated Residential and zoned R-20,000, the Commission will have to evaluate whether the lot widths of the otherwise potentially divisible parcels effectively make their division a sufficiently remote possibility that the Specific Plan could be found consistent with the residential density limitation requiring a 2½ acre minimum lot size for new residential development.**

**A second issue related to the list of permissible land uses in the Airport Overlay Zones. ALUC staff expressed concern that the proposed Specific Plan land use table did not fully reflect the prohibition of uses with high concentrations of people in Airport Area I (pursuant to Appendix B of the 1984 Riverside County Airport Land Use Plan). Appendix B referenced several examples of such uses that were listed as permissible in the land use table. The City and the consultant responded that the proposed nonresidential intensity limitations would essentially accomplish the purpose of this restriction. It should be noted that the 1984 Riverside County Airport Land Use Plan did not include quantitative person-per-acre limitations, which constitute a more precise means of addressing concentrations of people. The City and the consultant did agree to revise the Specific Plan land use table so as to prohibit those uses listed in Table 3-1 of the 2005 Airport Installation Compatible Use Zones study as incompatible (under any circumstances) within the specified Accident Potential Zones. ALUC staff is inclined to support this approach, unless the Commission insists on outright prohibition of the “example” land uses beyond the AICUZ prohibitions. Staff advised the City that, while not strictly prohibited, many retail uses and eating and drinking places would not be able to comply with the intensity restrictions. As the revised table has just recently been submitted, ALUC staff reserves the right to review this in greater depth and provide additional comments between the time of writing of this staff report and the public hearing.**

**The Specific Plan includes provision for two Master Plan drainage basins ten acres or greater in area. ALUC’s standard condition (see Condition No. 5, *infra.*) limits water detention to 48 hours in order to minimize wildlife hazards (attraction to birds). However, the Specific Plan facilities are designed in accordance with Riverside County Flood Control and Water Conservation District criteria, which provide for dewatering within a maximum 72-hour period in a 100-year storm event. At this time, that is not necessarily an inconsistency, as there is no applicable adopted Plan mandating the 48-hour limit. However, the 48-hour limit is included in the Draft March Joint Land Use Study and coincides with the recommendations in the wildlife hazard management report prepared by LSA Associates for Bermuda Dunes Airport and Jacqueline Cochran Regional Airport. Staff has included the 48-hour limit as a condition herein. The City and consultants are agreeable to a 48-hour limit for project-specific detention and water quality basins, but are requesting that the higher limit be permitted for the Master Plan basins (or that the 48-hour limit be applied to the more frequent storms such as a 5-year event for the master Plan basins). ALUC staff advised that this matter should be discussed by the Commission.**

**The fourth issue relates to floor area ratio and lot coverage in the Airport Overlay Zones. The Specific Plan references a maximum floor area ratio of 0.75 for industrial, commercial, and**

office uses, in accordance with the City's General Plan. ALUC staff questioned the use of this standard within the Airport Overlay Zone, suggesting that a separate standard be applied in that area. The City declined to establish a separate standard for that area, citing its voluntary adoption of person-per-acre limits within that area as being sufficient to address the intensity issues underlying the restrictions included in the Appendices of the 2005 AICUZ and the 1984 Riverside County Airport Land Use Plan. However, the U.S. Air Force has traditionally maintained its position that lot coverage in the Accident Potential Zones should be restricted to a maximum of 0.20 (except for warehousing and distribution centers, which may be permitted to have a lot coverage up to 0.50 under specified circumstances). As stated previously, this lot coverage limit is not specifically included in the 1984 Riverside County Airport Land Use Plan.

One possible approach to "bridging the gap" could be to limit development of nonresidential land uses within the Airport Overlay Zone, except for warehousing and distribution center land uses, to a maximum lot coverage of 20 percent, unless the proponent demonstrates to the satisfaction of the Director of Development Services that the applicable nonresidential intensity limits (25 persons per acre within Accident Potential Zone I and 50 persons per acre within Accident Potential Zone II) would not be exceeded. (Lot coverage for warehousing and distribution center land uses may be as high as 50 percent.) This approach is reflected in Condition No. 7 included herein; however, ALUC staff would encourage a full Commission discussion on this matter, as this may be a "bridge too far."

The Plan referenced live-work units as a potential land use. ALUC staff recommended a cap of 64 live-work units within any given quarter-mile area as a way of assuring compliance with the Airport Area II policy in the 1984 Riverside County Airport Land Use Plan limiting residential density to one dwelling unit per 2½ acres. This is reflected in Condition No. 8 included herein. The City does not support this restriction, on the basis that it may be unworkable, but indicated potential willingness to insert language that live-work units would not be authorized until the March Joint Land Use Study has been adopted as the Compatibility Plan for the March Air Reserve Base Airport Influence Area.

Part 77: The Specific Plan does not itself authorize the development of structures. Chapter 12 references the need for Part 77 review and the various airport surfaces.

The final issue (since resolved) related to the discussion of height restrictions in Section 12 of the document. The Specific Plan discussion of Part 77 referenced the "established elevation" of the March Air Reserve Base runway (1,535 feet above mean sea level) as the basis for determining whether Federal Aviation Administration review is required. However, the elevation of the runway at its southerly terminus is 1,488 feet above mean sea level (47 feet lower than the runway elevation at its northerly terminus). In most cases, this is the elevation that should be the basis for this area, since the closest point of the runway for almost all properties within the Specific Plan would be the runway's southerly terminus. The problem with use of the higher elevation would be that some projects that should receive FAA review based on the 1:100 slope formula would then elude the required review process. ALUC staff checked with Mead & Hunt to confirm that the elevation of the runway at its southerly

**terminus is 1,488 feet, and the City and consultant have agreed to amend the text to reflect this elevation in the discussions of airspace surfaces C, E, and F.**

Standard Conditions: Standard conditions for projects in the Airport Influence Area require conveyance of aviation easements to the March Joint Powers Authority, prohibition of flight hazards, downward direction of lighting, and airport in vicinity disclosure notices. These items are all addressed in Section 12.1.1 of the Specific Plan entitled “Compatibility with March Air Reserve Base.” However, this section is within the Airport Overlay Zone portion of the Specific Plan document. In fact, these criteria apply throughout the Specific Plan area, since the entirety of the Specific Plan is located within the Airport Influence Area.

**Wildlife Hazards –see page 7, *supra*.**

#### **CONDITIONS:**

- 1. In accordance with this Specific Plan, prior to the issuance of building permits for any new development within this area, the landowner shall convey an aviation easement to the MARB/MIP Airport. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)**

**This condition is presently applicable to all properties within the Specific Plan, whether or not they are located within the Airport Overlay Zone. In the event that the March Joint Land Use Study is ultimately adopted by the Riverside County Airport Land Use Commission as the official Airport Land Use Compatibility Plan for this area, this condition shall not be applicable to those properties outside the Airport Overlay Zone for which aviation easements are not required pursuant to that Plan.**

- 2. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.**
- 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. (Such uses include landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, incinerators, and landfills.)**

- (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 retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.**
  - 6. Noise attenuation measures shall be incorporated into the design of office areas of structures, as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL.**
  - 7. Development of nonresidential land uses within the Airport Overlay Zone, except for warehousing and distribution center land uses, shall be limited to a maximum lot coverage of 20 percent, unless the proponent demonstrates to the satisfaction of the Director of Development Services that the applicable nonresidential intensity limits (25 persons per acre within Accident Potential Zone I and 50 persons per acre within Accident Potential Zone II) would not be exceeded. Lot coverage for warehousing and distribution center land uses may be as high as 50 percent.**

**This condition is presently applicable to all properties within the Airport Overlay Zone. In the event that the March Joint Land Use Study is ultimately adopted by the Riverside County Airport Land Use Commission as the official Airport Land Use Compatibility Plan for this area, the provisions of said Plan shall supersede the requirements of this condition.**

- 8. Not more than sixty-four (64) live-work units will be permitted to be developed within any given quarter-mile (160-acre) area. Live-work units are not permitted within the Airport Overlay Zone, except at a maximum number of one such unit for each legally established lot, in lieu of a conventional residence.**

**This condition is presently applicable to all properties within the Specific Plan. In the event that the March Joint Land Use Study is ultimately adopted by the Riverside County Airport Land Use Commission as the official Airport Land Use Compatibility**

**Plan for this area, the provisions of said Plan with regard to live-work units shall supersede the requirements of this condition.**

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**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 4.1

**HEARING DATE:** March 11, 2010

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1006BA10 – OSI Partnership I, LLC (Representative: Patrick Osborne, Stantec Consulting Services)

**APPROVING JURISDICTION:** City of Banning

**JURISDICTION CASE NO:** Design Review Case Nos. 07-708 and 08-401; Tentative Parcel Map No. 36056

**MAJOR ISSUES:** FAA obstruction evaluation review is required.

**RECOMMENDATION:** At press time (February 25), staff had not received documentation that the Federal Aviation Administration was processing obstruction evaluation requests for this property. Therefore, at this time, staff recommends CONTINUANCE to the meeting of April 8, 2010; however, in the event that such evidence is received prior to the hearing, staff would recommend that the Commission find the proposed project conditionally consistent.

**PROJECT DESCRIPTION:**

The applicant proposes to develop twelve industrial buildings with a total gross floor area of 1,194,045 square feet on a 63.98-64.50 acre site. The buildings range from 14,677 square feet to 786,984 square feet in floor area. The majority of the square footage for each building would be for manufacturing and/or warehousing uses, but each building would also provide for office areas.

Tentative Parcel Map No. 36056 is a proposal to divide the property into twelve lots, so that each building would be located on its individual lot.

**PROJECT LOCATION:**

The site is located easterly of Hathaway Street and northerly of Interstate 10 in the City of Banning, approximately 1,660 feet northerly of Runway 8-26 at Banning Municipal Airport.

**LAND USE PLAN:** 2004 Banning Municipal Airport Land Use Compatibility Plan

Adjacent Airport:

a. Airport Influence Area: Banning Municipal Airport

b. Land Use Policy: Compatibility Zone D

c. Noise Levels: Below 55 CNEL

**BACKGROUND:**

Nonresidential Land Use Intensity: The site is located in Compatibility Zone D. Nonresidential intensity in Compatibility Zone D is restricted to an average of 100 persons per acre and a maximum intensity of 300 persons in any given acre.

There is no issue with average intensity. The site is 63.98 acres in area. At an average intensity of 100 persons per acre, a total of 6,398 persons would be allowed at this location. If the entire project were to be developed as office space, use of the Building Code method, with the standard 50% reduction, would indicate a total of 5,970 persons on-site (1,194,045 square feet, divided by 100, divided by 2). This would be an average intensity of 93 persons per acre. As proposed, even if we assume that the mezzanine areas could eventually be converted to offices, the total occupancy will not exceed 3,185 persons ([65,500 square feet of office space, divided by 100, divided by 2] + [1,142,546 square feet of manufacturing space, divided by 200, divided by 2] = 328 + 2857 = 3185), for an average intensity of 50 persons per acre.

The applicant is proposing to provide 1,214 parking spaces, plus 37 spaces for truck trailers. Use of the Parking Space method, with the standard 1.5 persons per vehicle, would indicate a total of 1,877 persons on-site (1,251 multiplied by 1.5 persons per vehicle). This would be an average intensity of 29 persons per acre. Even if one were to assume an occupancy level of 4.0 persons per vehicle, the overall occupancy would not exceed 5,004 persons, for an average intensity of 78 persons per acre.

This project includes some large buildings. Building 11 alone covers 17.95 acres, and Building 12 covers 3.43 acres. However, provided that second-story “mezzanine” areas do not exceed the square footages specified on the site plan (a maximum of 5,000 square feet in Building 11), no acre of land would include more than 48,560 square feet of floor area. Therefore, even if entirely developed as office space, the maximum single-acre intensity would not exceed 243 persons. As proposed, if we assume a 5,000 square foot mezzanine area used as office space, a 6,000 square foot office, and 37,560 square feet of manufacturing area, the maximum single-acre intensity would be 149 persons.

Therefore, the project, as proposed, clearly meets the intensity criteria for Compatibility Zone D, provided that no uses more intense than offices are established therein.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited or discouraged in Compatibility Zone D (children’s schools, hospitals, nursing homes, highly noise-sensitive outdoor nonresidential uses, and hazards to flight) within the project.

Noise: The site underlies the east-west traffic pattern, which is located primarily northerly of the airport due to the proximity of mountainous terrain to the south. Future patrons, customers, and



employees will experience annoyance from over flying aircraft. However, the property lies outside the area that would be subject to average exterior noise levels of 55 CNEL or greater under ultimate airport development conditions. Therefore, no special mitigation of noise from aircraft is required.

Part 77: The elevation of the site ranges from 2,216 to 2,308 feet above mean sea level (2216-2308 feet AMSL). The elevation of the Runway 8-26 at its westerly terminus is 2219 feet AMSL, but the elevation at the easterly terminus is only 2110 feet AMSL. At a distance of 1,660 feet from the runway, FAA review would be required for any structures with top of roof exceeding 2,235 feet AMSL. The project plans indicate that building heights will not exceed 40 feet, but this means that, even if all of the buildings were established at the low point on-site, all of the proposed buildings would exceed an elevation of 2,235 feet at top point. Therefore, Federal Aviation Administration (FAA) obstruction evaluation review will be required for all buildings.

Open Area: Compatibility Zone D requires that 10% of area within major projects (10 acres or larger) be set aside as open land that could potentially serve as emergency landing areas. 10% of the entire project site equals 278,696 square feet.

Three separate areas within the project site qualify as open space areas having a minimum dimension of 75 feet by 300 feet and free of any structures or obstacles greater than 4 feet in height. These areas are the parking and loading dock areas north and south of building 11 and south of building 12, which total approximately 324,700 square feet. Therefore, the project design meets the open area requirements within Compatibility Zone D.

#### **CONDITIONS:**

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

operations, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, incinerators, and landfills.)

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
  - (e) Children's schools, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses.
3. The City of Banning shall require additional review by the Airport Land Use Commission prior to the establishment of any use other than offices, manufacturing, storage, and warehousing within the proposed buildings. Examples of uses that would require further review include, but are not limited to:

Retail sales, auction rooms, auditoriums, churches and chapels, dance floors, day care or child care centers, libraries, lodge rooms, reviewing stands, conference rooms with capacities of 25 or more persons, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, courtrooms, dormitories, swimming pools, skating rinks, locker rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to the edition of the Building Code in effect at the time of land use or building permit application, as applicable.

These uses have greater intensity than the uses indicated on the plot plan, such that compliance with single-acre intensity limits would need to be re-evaluated.

- 4. Any changes in the locations of buildings from those shown on the exhibit prepared by HPA, Inc. dated October 1, 2009 shall be subject to further review by the Airport Land Use Commission as an amended project.
- 5. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.
- 6. Any ground-level or aboveground water retention or detention basin or facilities 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 such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Landscaping shall utilize plant species that do not produce seeds, fruits, or berries. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.

7. Prior to issuance of building permits, the permittee shall provide evidence that the Federal Aviation Administration has issued a “Determination of No Hazard to Air Navigation” for the proposed buildings. Once such a determination has been issued, the latitude, longitude, coordinates, and height of such buildings shall not be changed, and the site elevation of the structure at top point shall not be increased without further notice to, and review by, the Federal Aviation Administration through the Form 7460-1 process.
8. The open areas indicated on the exhibit prepared by Stantec Consulting Inc. dated February 23, 2010 shall be kept free of most structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires pursuant to Countywide Policy 4.2.4.

# RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

## STAFF REPORT

### ADMINISTRATIVE ITEMS

- 5.1** Director's Approval. As authorized pursuant to Section 1.5.2(d) of the 2004 Riverside County Airport Land Use Compatibility Plan, ALUC Director Ed Cooper has approved one non-legislative case determined to be consistent with Airport Land Use Compatibility Plans. Staff is attaching copies of the determination letter, for your Commission's information.
- 5.2** Procedures for Mapping to Achieve General Plan Amendment No. 960/Compatibility Plan Consistency: Proposed Method for Addressing Parcels with Split Compatibility Zone Designations. The County Planning Department has been working on a County-initiated amendment to the 2003 Riverside County Integrated Project General Plan. The amendment includes updates to the maps of all Airport Influence Areas whose boundaries have changed since 2003, and will include maps of Compatibility Zones within each Airport Influence Area and copies of Table 2A from the Countywide Policies (with amendments as approved through Additional Compatibility Policies, as applicable based upon adopted ALUC actions). Additionally, Planning Department staff has proposed to include within this County-initiated amendment Land Use Map designation changes to the Jurupa and Palo Verde Valley Area Plans so as to bring the designations into consistency with the Airport Land Use Compatibility Plans for Blythe Airport, Flabob Airport, and Riverside Municipal Airport. However, the Compatibility Zone boundaries split many existing parcels into two or more zones. In many cases, assigning multiple General Plan designations within a property would present administrative problems. ALUC staff and Planning staff have met with ALUC's subcommittee, and have developed a potential procedure for addressing this situation. On March 11, ALUC staff and Planning staff will present the proposed method to the Commission. Should the Commission find the proposed method appropriate, Planning staff will then proceed to prepare its recommendation maps for ultimate official review of General Plan Amendment No. 960.