

**AIRPORT LAND USE COMMISSION
MINUTE ORDER MARCH 14, 2013
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on March 14, 2013 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Rod Ballance, Vice Chairman
Arthur Butler
John Lyon
Greg Pettis
Richard Stewart

COMMISSIONERS ABSENT: Glen Holmes

STAFF PRESENT: Ed Cooper, ALUC Director
John Guerin, Principal Planner
Russell Brady, Contract Planner
Barbara Santos, ALUC Secretary
B. T. Miller, ALUC Counsel

OTHERS PRESENT: Toby Foster, Applicant Representative
Mike Sattley, Palm Springs Unified School District
Dan Schultz, Representative CVS Pharmacies

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I. **AGENDA ITEM 2.1:** ZAP1027HR13 – AT&T, Coastal Business Group, and Berean Fellowship Baptist Church (Representative: Mitchell Bryant) – City Case No. CUP No. 13-001 (Conditional Use Permit). Conditional Use Permit No. 13-001 is a proposal to establish an unmanned telecommunications facility consisting of antennas on a 65-foot high monopine tower, with associated equipment shelter, on an 800 square foot lease area within a 4.62-acre parcel located at 375 North Sanderson Avenue (on the westerly side of Sanderson Avenue, northerly of Devonshire Avenue), within the City of Hemet. (Area III of Hemet-Ryan Airport Influence Area).

II. **MAJOR ISSUES**
None

III. **STAFF RECOMMENDATION**
Staff recommends a finding of CONSISTENCY for the project, subject to the conditions specified herein.

IV. **PROJECT DESCRIPTION**
Conditional Use Permit No. 13-001 proposes to establish an unmanned telecommunications facility consisting of antennas on a 65-foot high monopine tower, with associated equipment shelter, on an 800 square foot lease area within a 4.62-acre parcel.

CONDITIONS:

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than 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, production of cereal grains, sunflower, and row crops, 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, and incinerators.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the building(s).

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4. Prior to issuance of building permits, the landowner shall convey an aviation easement to the County of Riverside as owner of Hemet-Ryan Airport. Contact the Riverside County Economic Development Agency at (951) 955-9802 for additional information.
5. The Federal Aviation Administration (FAA) has conducted an aeronautical study for the proposed telecommunications facility (Aeronautical Study No. 2013-AWP-892-OE) and an aeronautical study for the proposed 85-foot crane (Aeronautical Study No. 2013-AWP-893-OE) to be used during construction of the facility and has determined that neither marking nor lighting of the proposed structure and temporary crane would be necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.
6. The maximum height of the permanent structure (to top of leaf) shall not exceed 65 feet above ground level, and the maximum elevation at the top of the structure shall not exceed 1,586 feet above mean sea level. The maximum height of any temporary structure, such as cranes, shall not exceed 85 feet above ground level, and the maximum elevation at the top of any temporary structure shall not exceed 1,606 feet above mean sea level.
7. The specific coordinates, height, and top point elevation of the proposed structure shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.
8. Within five (5) days after construction of the telecommunications facility reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org.

No one spoke in favor, neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 6-0 found the project **CONSISTENT**. Absent: Commissioner Glen Holmes

VII. **CD**

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 2.1: TIME IS 9:01 A.M.

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- I. **AGENDA ITEM 2.2: ZAP1005RG12 – City of Perris** – A proposal by the City of Perris to adopt an Updated Housing Element for the Plan Years of 2014 through 2021. The Housing Element is an integral part of the City’s overall General Plan, as one of seven required General Plan elements mandated by State law. The Element assesses the current and future housing needs of various demographic groups, formulates goals, policies, and programs to address housing needs in the City, and sets forth an action plan for implementation of those goals during the eight-year planning period. (March Air Reserve Base and Perris Valley Airport Influence Areas).
- II. **MAJOR ISSUES**
Staff initially identified as major issues provisions in the initial draft of the proposed Housing Element that identified sites for potential development of high-density housing in areas where such densities are not permissible pursuant to the 1984 Riverside County Airport Land Use Plan and proposed “by-right” approval for emergency shelters in the G-I (General Industrial) zone and single-room occupancy housing in the C-C (Community Commercial) zone. These provisions have since been modified to staff’s satisfaction.
- III. **STAFF RECOMMENDATION**
As modified, staff recommends a finding that the proposed Housing Element is CONSISTENT with the 1984 Riverside County Airport Land Use Plan, as applied to March Air Reserve Base, and with the Perris Valley Airport Land Use Compatibility Plan (PVALUCP).
- IV. **PROJECT DESCRIPTION**
The City of Perris proposes to adopt an updated Housing Element for the Plan Years of 2014 through 2021. The Housing Element is an integral part of the City’s overall General Plan, as one of seven General Plan elements mandated by State law. The Element assesses the current and future housing needs of various demographic groups, formulates goals, policies, and programs to address housing needs in the City, and sets forth an action plan for implementation of those goals during the eight-year planning period. The Housing Element is required to identify sites that will meet the identified quantity and type of housing identified for the City pursuant to the Regional Housing Needs Assessment (RHNA) established by the Western Riverside Council of Governments. This site inventory is most important in determination of consistency with applicable Airport Land Use Compatibility Plans. In addition to the site inventory, the Housing Element also addresses other housing issues such as homelessness, substandard housing conditions, and removal of government constraints to provision of affordable housing. Pursuant to State law, the Housing Element must also identify locations or districts where certain uses, such as apartments and emergency shelters, are to be permitted “by right”, i.e., without the need to apply for discretionary review.
- V. **MEETING SUMMARY**
The following staff presented the subject proposal:
ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org.
- No one spoke in favor, neutral or opposition to the project.
- VI. **ALUC COMMISSION ACTION**
The ALUC Commission by a unanimous vote of 6-0 found the project CONSISTENT. Absent: Commissioner Glen Holmes

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VII. **CD**

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ITEM 2.2: TIME IS 9:03 A.M.

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I. **AGENDA ITEM 2.3:** ZAP1010PS13 – Palm Springs Unified School District/Reno Contracting (Representative: Toby Foster). A proposal to amend the open areas exhibit approved pursuant to ZAP1006PS09 and to add solar photovoltaic canopies over parking areas at the District service center located at 150 District Center Drive, easterly of Gene Autry Trail, westerly of San Joaquin Drive, and northerly of Mission Drive, in the City of Palm Springs. (Compatibility Zones C and D of Palm Springs International Airport Influence Area).

II. **MAJOR ISSUES**

Whether to require a glare analysis for the addition of solar photovoltaic canopies over parking areas at a site located in Compatibility Zones C and D of Palm Springs International Airport, easterly of the runways, but not along the extended runway centerline.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY, subject to the conditions specified herein.

IV. **PROJECT DESCRIPTION**

The applicant previously obtained approval for, and constructed, a 79,670 square foot service center providing food preparation, reprographic, and maintenance services for facilities of the Palm Springs Unified School District, as well as warehouse and storage space. Pursuant to the conditions of ZAP1006PS09, by which the service center was determined to be consistent with the Palm Springs International Airport Land Use Compatibility Plan, the District was required to set aside 2.9 acres as ALUC-qualifying open area. One of these areas was proposed as a parking area. Now the District is proposing to construct solar photovoltaic canopies over the previously uncovered parking areas, thereby making these areas no longer qualifying to constitute open areas. The applicant is proposing to amend the open area exhibit approved for ZAP1006PS09, relocating a portion of the open area, which triggered the requirement for ALUC review.

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, production of cereal grains, sunflower, and row crops, artificial marshes, composting operations, trash transfer stations that are

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open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, 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 nonresidential uses, and, in the structures located partially or wholly in Compatibility Zone C, libraries and day care centers.
3. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.
 4. 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.
 5. The maximum height of the proposed solar canopy shall not exceed 18 feet above ground level, and the maximum elevation of the solar canopies located westerly (in front) of the building at top point shall not exceed 425 feet above mean sea level.
 6. A minimum of 2.9 acres of open area as defined by Countywide Policy 4.2.4 of the 2004 Riverside County Airport Land Use Compatibility Plan shall be provided on-site, as depicted on the exhibit entitled ALUC Enlarged Site Plan, Sheet S.2, dated November 12, 2012, on file with the Riverside County Airport Land Use Commission. Such open areas shall have a minimum width of 75 feet and a minimum length of 300 feet, and shall not be obstructed by walls, trash enclosures, large trees or poles greater than 4 inches in diameter at a height greater than 4 feet, or overhead wires.
 7. In the event that any incidence of glint, glare, or flash affecting the safety of air navigation occurs as a result of project operation, upon notification to the airport operator of an incidence, the airport operator shall notify the project operator in writing. Within 30 days of written notice, the project operator shall be required to promptly take all measures necessary to eliminate such glint, glare, or flash. An "incidence" includes any situation that results in an accident, incident, "near-miss," or specific safety complaint regarding an in-flight experience to the airport operator or to federal, state, or county authorities responsible for the safety of air navigation. The project operator shall work with the airport operator to prevent recurrence of the incidence. Suggested measures may include, but are not limited to, reprogramming the alignment of the panels or covering them at the time of day when incidences of glare occur to diminish or eliminate the source of the glint, glare, or flash. For each such incidence made known to the project operator, the necessary remediation shall only be considered to have been fulfilled when the airport operator states in writing that the situation has been remediated to the airport operator's satisfaction.

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V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org.

The following spoke in favor of the project:

Toby Foster, Applicant Representative, San Diego, CA

Mike Sattley, Palm Springs Unified School District, 900 E. Tahquitz Canyon Way, Palm Springs, CA 92202

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 6-0 found the project **CONSISTENT**. Absent:
Commissioner Glen Holmes

VII. **CD**

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 2.3: TIME IS 9:15 A.M.

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- I. **AGENDA ITEM 2.4:** ZAP1011PS13 – Desert Community College District (Representative: John Criste, Terra Nova Planning & Research, Inc.). A proposal to establish a West Valley campus of College of the Desert (COD) on 115-119 acres located westerly of Indian Canyon Drive, northerly of Tramview Road, and southerly of the Whitewater River in the City of Palm Springs. The campus would ultimately include multiple buildings with a total gross floor area up to 654,000 square feet, and a solar electric generation facility westerly of the building area. The site is located partially within Compatibility Zones D and E of the Palm Springs International Airport Influence Area and partially outside the Airport Influence Area; however, all of the buildings would be located within Compatibility Zone D.

II. **MAJOR ISSUES**

Compliance with Airport Compatibility Zone D non-residential intensity limitations and need for Federal Aviation Administration obstruction evaluation review of structures.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of INCONSISTENCY for this project, based on exceedance of the single-acre intensity criteria for Airport Compatibility Zone D, unless the Commission is willing to make a special circumstances finding pursuant to Section 3.3.6 of the Countywide Policies, based on the proximity of the site to the Whitewater River floodplain, in which case, staff would recommend CONTINUANCE to ALUC's April 11, 2013 public hearing agenda, pending electronic filing of Form 7460-1 for each of the proposed Phase I buildings with the Federal Aviation Administration's Obstruction Evaluation Service.

STAFF RECOMMENDED AT HEARING

CONTINUE consideration of this matter to its April 11, 2013 public hearing agenda, pending receipt of additional information needed to clarify the occupancy load of the proposed buildings or to redesign the project. Additionally, the applicant team should submit Forms 7460-1 for the proposed first phase buildings to the Obstruction Evaluation Service of the Federal Aviation Administration.

IV. **PROJECT DESCRIPTION**

The Desert Community College District proposes to establish a West Valley campus of College of the Desert (COD) on 115-119 acres in the City of Palm Springs. The campus would ultimately include multiple buildings with a total gross floor area up to 654,000 square feet, and a solar electric generation facility westerly of the building area. The site is located partially within Compatibility Zones D and E of the Palm Springs International Airport Influence Area and partially outside the Airport Influence Area; however, all of the buildings would be located within Compatibility Zone D.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org.

No one spoke in favor, neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 6-0 CONTINUED the project to April 11, 2013.

Absent: Commissioner Glen Holmes

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VII. **CD**

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ITEM 2.4: TIME IS 9:25 A.M.

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I. **3.0 ADMINISTRATIVE ITEMS**

3.1 **Establishment of New Fee for "No Impact" Legislative Actions as Determined by Director**

Chairman Housman expressed concern regarding how a policy for these actions would be implemented by future Commissions and Directors. He is concerned with the possible scenario in which staff charges the new fee, but subsequently finds that there are impacts requiring review by the Commission. In that situation, staff would have to contact the jurisdiction and ask for additional fees, which tends to be very difficult. However, he agrees that it makes sense to provide for a new fee, which would make it easier for jurisdictions to comply with the PUC mandate for ALUC review. He suggested that the best plan may be as proposed: a preliminary review by staff to evaluate whether the project could be addressed in a summary manner with the new, "non-impact" fee, and a Director's decision. Commissioner Lyon commented that a low entry fee would be a good idea. Chairman Housman advised staff to draft a proposal and bring it to the Commission for action in April.

3.2 **Appointment of Ad-Hoc Subcommittee Members**

The Commission appointed Richard Stewart, Rod Ballance and Greg Pettis to the March ALUCP Ad-Hoc subcommittee, and Arthur Butler, John Lyon and Glen Holmes to the Hemet-Ryan Ad-Hoc subcommittee. Chairman Housman volunteered to be alternate on both March and Hemet-Ryan subcommittees.

II. **4.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 5-0 approved the February 14, 2013 minutes. Abstain: Greg Pettis; Absent: Glen Holmes

III. **5.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

Dan Schultz, Representative for CVS Pharmacies, came forward requesting reconsideration of ALUC case ZAP1086MA12. There was a clerical error in their application to the FAA, so they are requesting reconsideration of Condition 8 limiting the height of the structure. Staff noted that the reconsideration would be in relation to the Conditional Use Permit and Design Review

The ALUC Commission by a unanimous vote of 6-0 agreed to reconsider ZAP1086MA12 and place it on the agenda for the April 11, 2013 hearing. Absent: Glen Holmes.

IV. **6.0 COMMISSIONER'S COMMENTS**

Commissioner Lyon noted in connection with Item 2.3, some attachments to that submission which included material from the Fraunhofer Corporation on the effects of texturing glass on solar panels, finding it interesting technology.

Simon Housman indicated one of the side effects of the budget sequester is the Air Force and Navy have discontinued their demonstration programs beginning in April. The Blue Angels will be performing in El Centro this weekend at their basic training base.

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V. **7.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 9:45 A.M.

VI. **CD**

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ITEM 3.0: TIME IS 9:31 A.M.