

**AIRPORT LAND USE COMMISSION
MINUTE ORDER APRIL 11, 2013
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on April 11, 2013 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Rod Ballance, Vice Chairman
Arthur Butler
Glen Holmes
John Lyon
Russell Betts, Alternate for Greg Pettis
Richard Stewart

COMMISSIONERS ABSENT: Greg Pettis

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: John Criste, College of the Desert
John Raymond, City of Palm Springs
Steve Renew, Desert Community College District

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I. **AGENDA ITEM 2.1:** 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. Additional features proposed for the site include an energy facility with an evaporative cooling tower and a small wind turbine, extensive use of solar photovoltaic panels atop buildings and parking areas, and a retention basin. Visible plumes would constitute a hazard to flight, as would thermal plumes resulting in moderate or high levels of turbulence. This case was continued from the March 14 calendar at the request of the project representative.

III. **STAFF RECOMMENDATION**

Staff recommends an additional CONTINUANCE to ALUC's May 9, 2013 agenda to facilitate additional discussions regarding project design and layout, if this is acceptable to the project team. Otherwise, staff must recommend 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.

STAFF RECOMMENDED AT HEARING

CONTINUE to May 9, 2013, or find INCONSISTENT

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.

The following spoke in favor of the project:

John Criste, College of the Desert, Palm Desert, CA 92211

John Raymond, City of Palm Springs, P.O. Box 2743, Palm Springs, CA 92263

Steve Renew, Desert Community College District, 43-500 Monterey Ave, Palm Desert, CA 92253

No one spoke in neutral or opposition to the project.

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VI. ALUC COMMISSION ACTION

The ALUC Commission by a vote of 5-2 found the project **INCONSISTENT**. Commissioners Richard Stewart and Russell Betts, alternate for Greg Pettis dissenting.

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 9:34 A.M.

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I. **AGENDA ITEM 2.2:** ZAP1086MA12 – Stater Bros. Markets and CVS Drugs (Representative: Dan Schultz, Mile Stone Management) – City of Riverside Case Nos.: P12-0444 (Design Review) and P12-0761 (Conditional Use Permit). Reconsideration of height limit for drug store (request 36 foot height). These cases relate to the expansion and redevelopment of an existing 5.43-acre Stater Bros. commercial center located at the southeast corner of Mary Street and Lincoln Avenue. P12-0444 proposes to expand the center to 6.3 acres, with a new 44,636 square foot Stater Bros. grocery store, an 11,465 square foot CVS drug store with pharmacy, and an 8,760 square foot pad for future commercial development. P12-0761 is a request for a Conditional Use Permit to allow (1) the operation of a drive-thru pharmacy and (2) alcohol sales for off-site consumption. (Area III of the March Air Reserve Base Airport Influence Area).

II. **MAJOR ISSUES**

The CVS drug store building will require a revised obstruction evaluation review by the Federal Aviation Administration relative to Riverside Municipal Airport due to the increased proposed height (36 feet).

III. **STAFF RECOMMENDATION**

Staff recommends that the proposed Conditional Use Permit and Design Review be found CONDITIONALLY CONSISTENT with the 1984 Riverside County Airport Land Use Plan, as applied to the March Air Reserve Base Airport Influence Area, subject to the conditions included herein and such additional or modified conditions as may be necessary to comply with FAA requirements. (The associated General Plan Amendment and Rezone were previously found consistent at ALUC's February 14, 2013 public hearing, and do not require reconsideration.)

IV. **PROJECT DESCRIPTION**

The cases cited above relate to the expansion and redevelopment of an existing 5.43-acre commercial center in the City of Riverside currently developed with a grocery store, drug store, and vacant retail shops. P12-0444 is a proposal to expand the center to 6.3 acres, with a new 44,636 square foot Stater Brothers grocery store, an 11,465 square foot drugstore, and an 8,760 square foot pad for future commercial development. P12-0761 is a request for a Conditional Use Permit to allow (1) the operation of a drive-thru pharmacy and (2) alcohol sales for off-site consumption.

CONDITIONS: Additional conditions will be applied to this project upon receipt of revised FAA determination

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

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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, 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. Prior to issuance of any building permits, the landowner shall convey and have recorded an aviation easement to the March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
- 4. Prior to issuance of any building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each building and shall have received a determination of "Not a Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the City of Riverside Planning Department and the Riverside County Airport Land Use Commission. **[Upon issuance of a determination for the drug store building pursuant to Aeronautical Study No. 2013-AWP-1858-OE, this condition shall be considered to have been MET with regard to the grocery store and drug store, but shall remain in effect and applicable relative to future building(s) on the commercial pad.]**
- 5. The attached notice shall be provided to all prospective purchasers and/or tenants of the property.

Additional conditions will be added pending receipt of the FAA Obstruction Evaluation Service letter for Aeronautical Study No. 2013-AWP-1858-OE. It is anticipated that they will be similar to Conditions 6 through 11 included in the letter from ALUC to the City of Riverside dated February 26, 2013, except that Condition No. 8 would reference a maximum height of 36 feet, rather than 25 feet, for the drug store, and a maximum elevation at top point of 974 feet above mean sea level, rather than 963 feet.

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 7-0 found the project **CONDITIONALLY CONSISTENT**.

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 2.2: TIME IS 9:02 A.M.

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I. **AGENDA ITEM 3.1:** ZAP1057RI13 – Exclusive Towing, Inc. (Representative: Michael Carpenter) - City Case Nos. P11-0767 (Rezoning), P11-0768 (Conditional Use Permit), P11-0769 (Design Review), and P12-0138 (General Plan Amendment). P12-0138 is a proposal to amend the City of Riverside General Plan land use designation on a 2.07-acre property with a site address of 9920 Arlington Avenue (located at the southeasterly corner of Arlington Avenue and Crest Avenue) from Business/Office Park (B/OP) to Industrial (I). P11-0767 is a proposal to rezone that same property from Business and Manufacturing Park (BMP) to General Industrial (I), or General Industrial-Airport Protection Overlay Zone D (I-AP-D). P11-0768 and P11-0769 propose to establish a towing and impoundment business on the site (Zone D of Riverside Municipal Airport Influence Area).

II. **MAJOR ISSUES**

This project was submitted to ALUC as a Conditional Use Permit/Design Review and Rezone. Subsequently, staff learned that the project also involves a general plan amendment. At this time, staff is still awaiting submittal of the review fee for the general plan amendment.

III. **STAFF RECOMMENDATION**

- (1) Staff recommends that consideration of the General Plan Amendment be CONTINUED to ALUC's May 9 hearing, pending submittal of the review fee for the general plan amendment.
- (2) Staff recommends a finding of CONSISTENCY for the Rezoning, provided that the new zoning incorporates the Airport Protection Overlay Zone suffix (-AP-D), which refers to the site's location within Compatibility Zone D of the Riverside Municipal Airport Influence Area.
- (3) Staff recommends a finding of CONSISTENCY for the Conditional Use Permit and Design Review, subject to the conditions included herein.

**STAFF RECOMMENDED AT HEARING
CONSISTENT**

IV. **PROJECT DESCRIPTION**

The Conditional Use Permit and Design Review is a proposal to construct and establish a towing and impoundment business on a 2.07-acre property. The Rezone is a proposal to change the zoning of the project site from Business and Manufacturing Park (BMP) to General Industrial (I). The General Plan Amendment is a proposal to amend the land use designation on the project site from Business Office Park (B/OP) to Industrial (I).

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.

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- (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, 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.
 - (e) Noise sensitive outdoor nonresidential uses and hazards to flight.
3. The attached notice shall be given to all prospective purchasers and/or tenants of the property, and shall be recorded as a deed notice.
 4. Any new retention or infiltration basins or ponds on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around such basin(s) or pond(s) 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 City of Riverside shall either prohibit the following uses, or shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses on the property or in any of the structures proposed through this conditional use permit and design review:

Auction rooms, assemblies of people (including places of worship, fraternal lodges, etc.), auditoriums, classrooms, conference rooms with a capacity of 200 or more persons, dance halls, exhibit rooms, gaming (including bingo), gymnasiums, homeless shelters with a capacity of 200 or more persons, lounges, reviewing stands, skating rinks, stages, swimming pools, vocational and technical schools, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.

The following temporary uses: circuses, fairs, concerts, and other events that could attract more than 200 persons to this location.

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 7-0 found the project **CONSISTENT for the GPA, Rezoning, CUP and Design Review.**

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VII. **CD**

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ITEM 3.1: TIME IS 9:12 A.M.

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I. **4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approvals – Information only

4.2 Resolution No. 2013-01 Establishing a Fee for Review of Non-Impact Legislative Proposals

The ALUC Commission by a unanimous vote of 7-0 adopted Resolution No. 2013-01.

II. **5.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 5-0 approved the March 14, 2013 minutes. Abstain: Glen Holmes and Russell Betts, alternate for Greg Pettis

III. **6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

None

IV. **7.0 COMMISSIONER'S COMMENTS**

Chairman Housman welcomed Commissioner Betts, new alternate for Greg Pettis, to the Airport Land Use Commission and thanked Commissioner Holmes (who had been absent for health reasons) for his presence and participation in the meeting.

Vice Chairman Rod Ballance indicated that he had attended a scholarly session regarding CEQA review hosted by Best Best & Krieger with Senior Partner Michelle Ouellette, CEQA lawyer. Mr. Ballance gave ALUC staff copies of Ms. Ouellette's Power Point presentation for their information. Ed Cooper, ALUC Director, advised of the potential for pending CEQA revisions to affect ALUC's processes.

V. **8.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 11:06 A.M.

VI. **CD**

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ITEM 4.0: TIME IS 10:58 A.M.