

**AIRPORT LAND USE COMMISSION
MINUTE ORDER APRIL 10, 2014
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on April 10, 2014 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Rod Ballance, Acting Chairman
Robert Pippin, Alternate for Simon Housman (Chairman)
Arthur Butler
Glen Holmes
John Lyon
Richard Stewart
Russell Betts, Alternate for Greg Pettis

COMMISSIONERS ABSENT: Simon Housman, Greg Pettis

STAFF PRESENT: Ed Cooper, ALUC Director
John Guerin, Principal Planner
Russell Brady, Contract Planner
Barbara Santos, ALUC Secretary
Anna Wang, ALUC Counsel

OTHERS PRESENT: None

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- I. **AGENDA ITEM 2.1:** ZAP1020PS14 – Spectrum Services, Inc. (Representative: Brett Smirl/Michael Hayes) City of Palm Springs Case Nos. CUP 5.1314 (Conditional Use Permit) and VAR 6.530 (Variance). CUP 5.1314 is a proposal to establish an unmanned telecommunications facility consisting of antennas on a 48-foot high monopalm tower, with associated equipment shelter, on a 900 square foot lease area within a 0.39-acre parcel located at the southeasterly corner of Sahara Road and (North) Cerritos Road in the City of Palm Springs. VAR 6.530 is a proposal to allow the 48-foot high structure in the P (Professional) Zone. Without a variance, the allowable height limit for antennas is 15 feet. (Zone B1 of the Palm Springs International Airport Influence Area).

II. **MAJOR ISSUES**

The Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, as carried forth into the 2005 Palm Springs International Airport Land Use Compatibility Plan, cite “critical community infrastructure facilities” as a prohibited use in Airport Compatibility Zone B1. These facilities are listed in Note 12 of Table 2A as including “public communications facilities.” Policy 4.2.3.(d) clarifies that such uses are “prohibited unless no other feasible alternative site exists and the facility is designed in a manner that minimizes its susceptibility to damage from an aircraft accident.”

City staff has indicated that, although the City does not have specific standards restricting cell towers on or near residential zoned properties, previous proposals to install cell towers near residential land uses have been denied. Two other monopalm cell towers currently exist on the site, and the proposed tower would be clustered with these existing towers within approximately 40 feet. The proposed tower is 48 feet in height, whereas the existing towers are approximately 53 feet and 57 feet in height. Therefore, due to the clustering and existing towers’ heights, the proposed tower would not “have a substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft,” as determined by the Federal Aviation Administration. The applicant and City staff have also indicated a preference to locate the proposed tower near the existing towers in order to avoid creating new visual impacts in other areas as a result of siting the tower either outside Zone B1 or further from the extended runway centerline within Zone B1.

Staff has received propagation maps showing the existing and proposed coverage to indicate the area where coverage is needed and thus where a tower should be located. ALUC staff’s review of aerial photos of the area within the radius provided by the applicant indicate that there are a few vacant or underdeveloped areas both within Compatibility Zone C and further from the extended runway centerline within Compatibility Zone B1 that may be feasible alternative sites. However, selection of an alternative site (whether within or outside Compatibility Zone B1) could potentially create a new hazard where one does not currently exist (in contrast to use of the current proposed site where obstruction impacts would not be significantly increased).

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission open the public hearing, consider testimony, and find the project CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

City of Palm Springs Case CUP 5.1314 is a proposal to establish an unmanned telecommunications facility consisting of antennas on a 48-foot high monopalm tower, with associated equipment shelter on a 900 square foot lease area within a 0.39-acre parcel. VAR 6.530 is a proposal to allow the 48 foot high structure in the P (Professional) Zone. Without a variance, the allowable height limit fo antennas is 15 feet.

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CONDITIONS: As amended on 4/10/14

1. Prior to issuance of a building permit for the proposed telecommunications facilities, the property owner shall convey an avigation easement to the City of Palm Springs as owner-operator of Palm Springs International Airport.
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, including landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, fly ash disposal, 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, buildings with greater than 2 aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, aboveground bulk storage of hazardous materials, and hazards to flight.
3. Any outdoor lighting that is installed other than FAA-required lighting shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky.
4. Any new retention basins 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 the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. In the event that a retention basin or detention basin is established on this site, on-site landscaping shall not include trees that produce seeds, fruits, or berries.
5. The Federal Aviation Administration (FAA) has conducted an aeronautical study of the proposed structure (Aeronautical Study No. 2013-AWP-7273-OE), and has determined that lighting of the structure in accordance with FAA Advisory Circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, red lights – Chapters 4, 5 (Red), and 12, will be necessary for aviation safety. Such lighting shall be installed and maintained in accordance

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therewith for the life of the project.

6. The maximum elevation at the top of the proposed structure shall not exceed 552 feet above mean sea level.
7. The specific coordinates, height, top point elevation, of the proposed structure, frequencies, and power specified in the Federal Aviation Administration letter dated February 13, 2014, shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
8. Temporary construction equipment (such as cranes) used during actual construction of the structure shall not exceed the height of the structure or be stationed at coordinates that are closer to the runway than the coordinates specified in the Federal Aviation Administration letter dated February 13, 2014, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
9. *Within five (5) days after construction of structures 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.
10. The telecommunications facility shall be designed in such a manner as to ensure that spurious emissions signal levels from the proposed transmitter(s) will be less than -104 dBm in the 108-137 and 225-400 MHz frequency bands at a distance of 4,100 feet from the transmitter site, in accordance with the requirements of the Federal Aviation Administration Obstruction Evaluation Service letter dated February 13, 2014, a copy of which is attached hereto and incorporated herein by reference.
11. The proposed monopalm tower shall be located within **fifty-five feet (55')** of the existing monopalm towers on the site to accommodate the clustering of the towers to minimize obstruction hazard. (as amended by ALUC on April 10, 2014)

[*Please note that the Federal Aviation Administration letter also requires e-filing of FAA Form 7460-2 (Part I) at least 10 days prior to the start of construction, in order to facilitate inclusion of a note in the *Take-off Minimums and (Obstacle) Departure Procedures* section in the U.S. Terminal Procedures publication.]

V. MEETING SUMMARY

The following staff presented the subject proposal:

ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.

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

VI. ALUC COMMISSION ACTION

The ALUC Commission by a vote of 6-0 found the project **CONSISTENT** as amended. Recuse: Commissioner Robert Pippin, alternate

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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 9:14 A.M.

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I. 3.0 ADMINISTRATIVE ITEMS

3.1 Director's Approvals – Hearing that one of the cases approved by the Director involved approval of interim facilities at Thermal Club, Commissioner Holmes inquired as to the nature of the interim facilities. Director Ed Cooper provided clarification and noted that a Specific Plan Amendment is proposed in the future.

3.2 Compatibility Plan Status Update

Hemet Ryan Airport – John Guerin, ALUC staff, advised that staff had invited an EDA representative to provide an update to the Commission on the possible Airport Layout Plan options for the Hemet Ryan Airport, but, unfortunately, he was unable to attend due to jury duty and respectfully requested that the matter be considered at a later date. Vice Chairman Ballance, acting Chairman requested an update from EDA regarding the Hemet Ryan Airport at the next ALUC Commission meeting in May.

Banning Municipal – The Banning City Council has decided not to move forward with providing an allocation for the preparation of an amendment to the non-residential intensity criteria of Zone D. A more comprehensive amendment is still in the planning stages and will likely have to wait until the completion of the March and Hemet projects.

March ARB - Staff anticipates that the Final EIR would be completed in August, so as to allow for the 10-day Final EIR public notice to be issued in sufficient time for the Commission to take final action to certify the EIR and adopt the Plan at its September hearing.

3.3 2014 California Airport Land Use Consortium Conference

Commissioner Lyon commented that he had found the exchange of data among the various Airport Land Use Commissions around the state very useful. He noted that the Consortium will be more active between conferences. Commissioner Holmes asked whether the proliferation of solar energy projects around airports was raised as an issue at the Conference. Anna Wang, ALUC Counsel, and Commissioner Lyon replied that solar projects were not a major topic of discussion. Commissioner Pippin indicated that a solar energy project was approved next to the runway at Brown Field in San Diego County.

II. 4.0 APPROVAL OF MINUTES

The ALUC Commission by a vote of 5-0 approved the March 13, 2014 minutes. Abstain: Betts and Pippin

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

John Guerin, ALUC staff, advised in regards to the scheduling of the March EIR Project that, if milestones can be met earlier, there is a possibility that a Final EIR could be completed at an earlier date, which could allow possible adoption at a special meeting in August. He proceeded to inquire as to whether the Commission would be available in August for a special meeting. The Commission advised they would be available on August 21. John Guerin indicated that, if all goes well, the special meeting to take final action to certify the EIR and adopt the Plan may be held on August 21 at the March JPA facility, or the Commission may take such actions at its September hearing.

IV. 6.0 COMMISSIONER'S COMMENTS

Vice Chairman Ballance reminded the Commissioners to submit their Form 700s to the Clerk of the Board if they have not already done so.

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V. **7.0 ADJOURNMENT**

Acting Chairman, Rod Ballance adjourned the meeting at 9:33 a.m.

VI. **CD**

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ITEM 3.0: TIME IS 9:15 A.M.