

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 8, 2015
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on January 8, 2015 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Rod Ballance, Vice Chairman
Arthur Butler
Glen Holmes
John Lyon
Steve Manos
Russell Betts, alternate for Greg Pettis

COMMISSIONERS ABSENT: 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: Billimek, Mary, Other Interested Person
Davis, Bruce, Albert A. Webb Associates
DeGrood, Andrew, Other Interested Person
Gieker, Vicki, Other Interested Person
Hann, Gregory, Empire Design Group
Johnson, Nick, Johnson Aviation
Lopez, Luis, Other Interested Person
Mungari, Tom, Other Interested Person
Perez, Melissa, Albert A. Webb Associates
Rogers, Tim, Thermal Race Track
Sigler, Joshua, Empire Design Group
Stoker, Jeff, Other Interested Person
Ugalde, James, Other Interested Person

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I. **2.0 ADMINISTRATIVE ITEMS**

2.1 Director's Approvals – Information Only

- I. **AGENDA ITEM 3.1:** ZAP1066R114 – Nova Homes, Inc. (Representative: Tom Mungari) – City of Jurupa Valley Major Action Case No. MA14143 (General Plan Amendment [GPA] No. 1408, Change of Zone [CZ] No. 1497, and Tentative Tract Map No. 36748). Tentative Tract Map No. 36748 is a proposal to divide 43.5 acres located northerly of Limonite Avenue and easterly of Pedley Drive into 177 single-family residential lots ranging from 3,420 to 7,899 square feet in area, plus five lettered lots. GPA No. 1408 proposes to amend the land use designation of the site from Rural Community-Low Density Residential (1-2 dwelling units per acre), Community Development – Low Density Residential (1-2 dwelling units per acre), Medium Density Residential (2-5 dwelling units per acre), and Commercial Retail to Medium High Density Residential (5-8 dwelling units per acre). CZ No. 1497 proposes to change the zoning of the site from R-A (Residential-Agricultural), A-1-1 (Light Agriculture, one acre minimum lot size), and C-1/C-P (General Commercial) to R-4 (Planned Residential). (Compatibility Zone E of the Riverside Municipal Airport Influence Area).

II. **MAJOR ISSUES**

None.

III. **STAFF RECOMMENDATION**

Staff recommends that the proposed General Plan Amendment and Change of Zone be found CONSISTENT with the Riverside Municipal Airport Land Use Compatibility Plan, and that Tentative Tract Map No. 36748 be found CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

Tentative Tract Map No. 36748 proposes to divide 43.5 acres into 177 single-family residential lots ranging from 3,420 to 7,899 square feet in area, plus five lettered lots. General Plan Amendment No. 1408 proposes to amend the land use designation of the site from Rural Community – Low Density Residential (1 to 2 dwelling units per acre), Community Development – Low Density Residential (1 to 2 dwelling units per acre), Medium Density Residential (2 to 5 dwelling units per acre), and Commercial Retail to Medium High Density Residential (5 to 8 dwelling units per acre). Change of Zone No. 1497 proposes to change the zoning of the site from R-A (Residential – Agricultural), A-1-1 (Light Agriculture, one acre minimum lot size), and C-1/C-P (General Commercial) to R-4 (Planned Residential).

CONDITIONS (to be applied to the Tentative Tract Map):

1. Any outdoor lighting installed shall be hooded or shielded 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.

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- (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, 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 given to all prospective purchasers and/or tenants of the property.
 - 4. Any new detention 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 detention 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.

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:

Tom Mungari, Other Interested Person, 245 Fischer Ave, Unit 8A, Costa Mesa, CA 92626

The following spoke in opposition to the project:

Mary Billimek, Other Interested Person, 8500 Yearling Way, Jurupa Valley, CA 92504

Andrew DeGroot, Other Interested Person, 8600 58th Street, Riverside, CA

James Ugalde, Other Interested Person, 8535 Yearling Way, Riverside, CA 92509

Vicki Gieker, Other Interested Person, 8617 58th Street, Jurupa Valley, CA

No one spoke in neutral of the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 7-0 found the project **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 3.1: TIME 9:00 A.M.

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- I. **AGENDA ITEM 3.2:** ZAP1106MA14 – First Industrial, L.P. (Representative: Grant Henninger, T&B Planning, Inc. – City of Moreno Valley Case No. PA14-124 (Amended Plot Plan). The applicant proposes to increase the height of a previously entitled 1,450,000 square foot warehouse building (including 66,790 square feet of mezzanine area and 12,000 square feet of ground floor office space) on a 72.88 gross acre site located southerly of Nandina Avenue, westerly of Indian Street, and easterly of Heacock Street from 42 feet to 60 feet, and to increase the building's elevation at its highest point from 1,520 feet above mean sea level to 1,538 feet above mean sea level. A portion of the site is in the Clear Zone of March Air Reserve Base and would remain undeveloped. (Airport Compatibility Zones A, B2 and C1 of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, with Zone A remaining undeveloped.)
- II. **MAJOR ISSUES**
The applicant is requesting an increase in maximum allowable building height (from 42 feet to 60 feet) and maximum elevation at top point.
- III. **STAFF RECOMMENDATION**
Staff recommends that the project be found CONSISTENT with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, subject to the conditions included herein.
- IV. **PROJECT DESCRIPTION**
The Amended Plot Plan proposes an increased maximum building height from 42 feet to 60 feet (including roof mounted equipment) for the previously entitled 1,450,000 square foot industrial warehouse building (including 66,790 square feet of mezzanine area and 12,000 square feet of ground floor office space) on this 72.88 gross acre site. The actual proposed building height is 48 feet, but the applicant requests additional allowance for roof-mounted equipment, which is expected to be eight feet in height, but could be as much as 12 feet in height.

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, 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.)

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- (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, skilled nursing and care facilities, congregate care facilities, hotels/motels, places of assembly, noise sensitive outdoor nonresidential uses, and hazards to flight.
3. Prior to issuance of any building permits, the landowner shall convey and have recorded an avigation easement to the March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
 4. The attached notice shall be given to all prospective purchasers and/or tenants of the property.
 5. 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 not bear mast, shall be spaced so as to prevent large expanses of contiguous canopy, when mature, and shall not grow to an adequate size for roosting. Landscaping in and around the retention basin(s) shall not include trees that produce seeds, fruits, or berries.
 6. This project has been evaluated as a proposal for the establishment of a warehouse with ancillary office use. The City of Moreno Valley shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in this structure:

Commercial/service uses; civic uses; churches, chapels, and other places of worship; classrooms; day care centers; gymnasiums; theaters; conference or convention halls; auditoriums; fraternal lodges; bowling alleys; gaming; auction rooms.
 7. The number of Office Work Stations shall be limited to no more than 250 in any single acre (210' x 210' area) so as not to exceed the single-acre criteria for Compatibility Zones B2 and C1. For purposes of this condition, an Office Work Station shall be defined as any location within the building that is an individual's primary work location.
 8. The maximum elevation of the proposed structure at its top point (including any roof-mounted equipment) shall not exceed 1,538 feet above mean sea level.
 9. The Federal Aviation Administration has conducted an aeronautical study of the proposed building (Aeronautical Study No. 2014-AWP-8964-OE) and has determined that neither marking nor lighting of the structure is 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.
 10. The maximum height of the proposed structure, including all roof-mounted equipment (if any) shall not exceed 60 feet above ground level.

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11. 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.
12. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the structure, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
13. Within five (5) days after construction of the structure 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.
14. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.

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 unanimous vote of 7-0 found the project **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 3.2:

**AIRPORT LAND USE COMMISSION
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- I. **AGENDA ITEM 3.3:** ZAP1105MA14 – Hagop Kofdarali (Representative: Empire Design Group, Greg Hann) – Riverside City Case Nos.: P14-0841 (General Plan Amendment), P14-0842 (Specific Plan Amendment), P14-0843 (Rezoning), P14-0844 (Conditional Use Permit), P14-0845 (Conditional Use Permit), P14-0846 (Conditional Use Permit), P14-0847 (Design Review). The Design Review is a proposal to develop a 3,500 square foot fast food restaurant building, 8,000 square foot retail building, 92,850 square foot industrial building, and diesel fueling pumps and canopy on 9.13 net acres located northerly of Alessandro Boulevard, easterly of Interstate-215, westerly of Old 215 Frontage Road, and southerly of Cottonwood Avenue in the City of Riverside. The Conditional Use Permits propose to revise the existing vehicle wash facility, establish the diesel fueling station, and establish the drive-thru restaurant. The General Plan Amendment proposes to change the land use designation of the site from (B/OP) to (C). The Specific Plan Amendment proposes a text change to allow for commercial uses on this property. The Rezoning proposes to change the zoning classification of the site from (BMP) to (CR). (Compatibility Zone B1-APZII of the March Air Reserve Base/Inland Port Airport Influence Area).
- II. **MAJOR ISSUES**
The proposed Design Review and Conditional Use Permit propose a restaurant use, which is a prohibited use within Compatibility Zone B1 APZ II and within Accident Potential Zones, pursuant to the 2005 Air Installation Compatible Use Zone (AICUZ) study as updated by Department of Defense Instruction (DODI) 4165.57. Even if a restaurant were to be allowed, its serving area would have to be limited to approximately 1/3 of the building area (1,309 square feet of 3,850 square feet) to comply with the single-acre criterion of 100 people (maximum) for Compatibility Zone B1. Similarly, the proposed industrial building would have to limit its office area to no more than 4,000 square feet and only allow for the remaining area to be used for warehouse use to comply with the single-acre criteria of 100 people for Compatibility Zone B1 as well. With these limitations on serving area for the restaurant use and office area and warehouse use for the industrial building, the average intensity would be approximately 41 people, which would comply with the average intensity criteria of 50 persons for Compatibility Zone B1. Since the associated General Plan Amendment, Specific Plan Amendment and Rezoning would allow for the restaurant use, these would also be inconsistent.
- III. **STAFF RECOMMENDATION**
Staff recommends a finding of INCONSISTENCY for the General Plan Amendment, Specific Plan Amendment, Rezoning, Conditional Use Permits, and Design Review based on the proposed project allowing for and proposing a restaurant use.
- IV. **PROJECT DESCRIPTION**
The Design Review is a proposal to develop a 3,500 square foot fast food restaurant building, 8,000 square foot retail building, 92,850 square foot industrial building, and diesel fueling pumps and canopy on 9.13 net acres. The Conditional Use Permits propose to revise the existing vehicle wash facility, establish the diesel fueling station, and establish the drive-thru restaurant. The General Plan Amendment proposes to change the land use designation of the site from (B/OP) to (C). The Specific Plan Amendment proposes a text change to allow for commercial uses on this property. The Rezoning proposes to change the zoning classification of the site from (BMP) to (CR).

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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.

The following spoke in favor of the project:

Gregory Hann, Empire Design Group

Joshua R. Sigler, Empire Design Group

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 7-0 found the project **INCONSISTENT**.

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 3.3:

**AIRPORT LAND USE COMMISSION
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- I. **AGENDA ITEM 3.4:** ZAP1027TH14 – City of Coachella (Luis Lopez, Development Services Director). A proposal by the City of Coachella to adopt a new General Plan emphasizing community designs that prioritize active transportation modes such as walking and bicycling, encourage social interactions, and create traditional neighborhoods, in order to become a healthier, more sustainable community. The General Plan includes the following elements: Land Use and Community Character, Mobility, Community Health and Wellness, Sustainability and the Natural Environment, Safety, Infrastructure and Public Services, Noise, Housing, and Implementation. The City includes land within Airport Compatibility Zones C, D, and E of the Jacqueline Cochran Regional Airport Influence Area, and the sphere of influence also includes land within Compatibility Zone B1.
- II. **MAJOR ISSUES**
The proposed General Plan text (and, possibly, maps) will require additions and possibly some revisions in order to enable a consistency determination. As of the date of preparation of this staff report (December 16, 2014), staff review of this project is ongoing. While we hope to be able to ultimately reach a finding of consistency with the 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan, subject to certain changes being made to the proposed General Plan, at this time, we must recommend a continuance. A continuance will also provide the Commission with additional time to review these documents.
- III. **STAFF RECOMMENDATION**
At this time, staff recommends that the Commission open the public hearing, consider testimony, and CONTINUE consideration of this matter to its February 5, 2015 public hearing agenda. ALUC staff hopes to be able to use the additional time to compile recommended text changes and work with City staff in the quest to find a path to consistency.
- IV. **PROJECT DESCRIPTION**
The City of Coachella proposes to adopt a new General Plan emphasizing community designs that prioritize active transportation modes such as walking and bicycling, encourage social interactions, and create traditional neighborhoods, in order to become a healthier, more sustainable community. The General Plan includes the following elements: Land Use and Community Character, Mobility, Community Health and Wellness, Sustainability and the Natural Environment, Safety, Infrastructure and Public Services, Noise, Housing, and Implementation. (The Housing Element is not proposed for change through the new General Plan process.) The City includes land within Airport Compatibility Zones C, D, and E of the Jacqueline Cochran Regional Airport Influence Area, and the sphere of influence also includes land within Compatibility Zone B1.
- 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:
Luis Lopez, Other Interested Person, 1515 6th Street, Coachella, CA 92236
- No one spoke in neutral or opposition to the project.

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VI. ALUC COMMISSION ACTION

The ALUC Commission by a unanimous vote of 7-0 **CONTINUED** the project to February 5, 2015.

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 3.4:

**AIRPORT LAND USE COMMISSION
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I. **AGENDA ITEM 3.5:** ZAP1026TH14 – English Congregation of Jehovah’s Witnesses (Representative: Mark J. Stoker, Stoker Construction, Inc.) – County Case No.: PP25688 (Plot Plan). The applicant proposes to develop a phased, multi-structure church (Kingdom Hall) complex, consisting of two 5,054 square foot church buildings, two 1,200 square foot caretaker units, and two 1,200 square foot maintenance buildings on a 4.71-acre (net) site located easterly of Hernandez Lane and southerly of Airport Boulevard in the unincorporated community of Thermal. Each church building would include an auditorium area with 177 fixed seats, plus 4 designated wheelchair spaces, for a congregation capacity of 181. Each church building would also include two library rooms, a literature area, one office, restrooms, and utility/mechanical areas. (Airport Compatibility Zone D of the Jacqueline Cochran Regional Airport Influence Area).

II. **MAJOR ISSUES**

The proposed church facility does not comply with the Compatibility Zone D single-acre criterion of 300 people based on the building code method, which indicates a maximum occupancy of 390 people within the most intense single-acre area. However, the project would include certain risk reduction measures that could be considered by the Commission and approved by the Riverside County Planning Department to potentially grant a maximum intensity bonus of 30% (390 people). With the maximum intensity bonus, the project would comply. Using the parking space method, staff calculates a maximum occupancy of 355 people (based on 2.5 people per vehicle and assuming all people would be located within the single-acre). The church facility would be consistent with the Compatibility Zone D single-acre criterion with at least a 20% bonus (360 people).

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the Plot Plan, with the acceptance of a maximum risk reduction bonus to allow a maximum of 390 people within a single-acre area, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The Plot Plan proposes to develop a church facility consisting of two 5,054 square foot church buildings, two 1,200 square foot caretaker buildings, and two 1,200 square foot maintenance buildings on 4.8 acres. Each church building includes an auditorium area with 177 fixed seats and 4 spaces designated for wheelchairs for a total of 181 seats. Also included in each church building are a library/literature area, office, and utility/mechanical areas.

CONDITIONS:

1. 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 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.)
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, or any type of strobe light, 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.

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- (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) Highly noise-sensitive outdoor nonresidential uses and hazards to flight.
3. The attached notice shall be provided to all potential purchasers and tenants and the contents of such notice language shall also be contained in a legally recordable instrument to be recorded at time of map recordation or building permit issuance.
4. 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.

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

The following spoke in favor of the project:

Jeff Stoker, Other Interested Person, 80228 Golden Horseshoe Drive, Indio, CA 92201

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission by a unanimous vote of 7-0 found the project **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 3.5: TIME IS 10:00 A.M.

**AIRPORT LAND USE COMMISSION
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- I. **AGENDA ITEM 3.6:** ZAP1024TH14 – Thermal Operating Company, LLC (Representative: Melissa Perez, Albert A. Webb and Associates – County Case Nos. SP00303A3 (Amendment No. 3 to Specific Plan No. 303 [Kohl Ranch]), CZ 07852 (Change of Zone), TR36851 (Tentative Tract Map). SP00303A3 is a proposal to amend the Specific Plan land use designation of 252.47 acres located northerly of 62nd Avenue, westerly of Polk Street, and easterly of Harrison Street from 249.68 acres of Heavy Industrial and 2.79 acres of Commercial Retail to Mixed Use (Most of this area is within the Thermal Club.) The change from Heavy Industrial and Commercial Retail is a mandatory prerequisite to allowance for 15 live/work units, and for 158 dwelling units on up to 139 of the “Founders’ lots.” In order to maintain the current allowable number of residential units for the Specific Plan (7,171), the applicant proposes to reduce the number of residential units in the area south of 62nd Avenue and north of 64th Avenue by 173 (from 2,604 to 2,431 units). CZ07852 is a proposal to modify the existing Specific Plan (SP) zoning ordinance for SP00303 to reflect the proposed designations and boundaries of the Planning Areas, as amended, and to establish the list of permissible land uses and design standards for each of the Planning areas. TR36851 is a proposal to subdivide 19 non-contiguous “Founder’s lots” to establish condominium duplexes on each of the 19 lots for a total of 38 units. (Airport Compatibility Zones B1, C, and D of the Jacqueline Cochran Regional Airport Influence Area).

II. **MAJOR ISSUES**

The Specific Plan Amendment proposes to designate much of the Thermal Club project site as Mixed Use, and to allow for up to 173 dwellings/overnight stay units, including 15 live/work units, within the Thermal Club project. Although the applicant proposes to designate all of the Founder’s Lots as Mixed Use through this Specific Plan Amendment, staff believes that these units do not meet ALUC’s definition of Mixed Use as defined by 3.1.3(d), which states, “mixed use development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or adjoining buildings on the same site shall be treated as nonresidential development”.

Given the above, staff is evaluating the overnight stay units (excluding the 15 proposed live-work units that would meet the definition of Mixed Use pursuant to Policy 3.1.3(d)) as residential dwelling units. The applicant originally proposed 39 overnight stay units within Zone C and 120 overnight stay units within Zone D, and believed these numbers to be consistent based on a calculation of 198.2 acres within Zone C and 24 acres within Zone D. However, the applicant had included the acreage of the BMW facility in the Zone C calculation and had included only the Founders’ lots and adjacent roadways in the Zone D calculation, thereby overestimating Zone C acreage and underestimating Zone D acreage. As the BMW facility would be operated separately from the Thermal Club, it is staff’s position that this acreage should not be included when determining a residential unit allowance within Zone C.

The applicant has provided revised Zone C and D acreage calculations in conformance with staff directives. Zone C (excluding the BMW facility) would consist of 155 acres, and Zone D (excluding qualifying open area and the “amenity” area easterly of the Founders’ Lots) would consist of 30.43 acres. Based on these acreages, the project would be limited to a maximum of 31 residential units in Zone C, and the project is being amended so as to limit the number of residential units in Zone C to 31. However, the net density of the portion of the project within Zone D is within the prohibited intermediate density range, being greater than one dwelling unit per five acres, but less than five dwelling units per acre. The number of residential units in Zone D would have to be increased to at least 153 in order to meet the five dwelling unit per acre minimum density.

Additionally, the Specific Plan Amendment proposes to reduce the number of dwelling units in the central portion of the Specific Plan, but the reduction is diffused, rather than concentrated, such that the inconsistent densities in that portion of the Specific Plan are not remedied by this action.

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III. STAFF RECOMMENDATION

Staff must recommend a finding of INCONSISTENCY for the Specific Plan Amendment, Change of Zone, and Tentative Tract Map based on the proposed number of units within Compatibility Zone D not complying with the Compatibility Zone D residential criteria. However, if the Commission is willing to consider and accept the applicant's proposed categorization of the proposed overnight stay units as Mixed Use pursuant to Countywide Policy 3.1.3(d), or if the Commission is willing to consider application of Countywide Policy 3.3.6, it may find the Specific Plan Amendment, Change of Zone, and Tentative Tract Map CONSISTENT, subject to the conditions included herein.

IV. PROJECT DESCRIPTION

The Specific Plan Amendment proposes to primarily alter the land uses allowed and the Planning Area boundaries within the northern part of the Specific Plan (generally bounded by Avenue 62 to the south, Tyler Street to the west, Polk Street to the east, and Avenue 60 to the north). This would adjust land use designations from Heavy Industrial (HI) to Mixed-Use (MU) to allow for flexibility in development associated with the Thermal Motorsports Park and to allow for overnight stays by providing for a maximum of 166 dwelling units (including 15 live/work units) and an "amenity" area that would allow for a hotel, motel, or bed and breakfast facility with up to 32 guest rooms. In order to avoid increasing the total number of units allowable within the Specific Plan, the applicant, with the consent of Kohl Ranch, proposes to reduce the number of units that could be developed in the central portion of the Specific Plan (generally bounded by Avenue 62 to the north, Tyler Street to the west, Polk Street to the east, and Avenue 64 to the south) by 166 dwelling units.

The Change of Zone proposes to revise the Specific Plan zoning ordinance text in accordance with the land use changes proposed by the Specific Plan Amendment. The Tentative Tract Map proposes to subdivide 20 non-contiguous Founders' Lots parcels for condominium purposes so as to allow for each of those lots to accommodate a duplex (two dwelling units). No changes to the existing Plot Plan or any other existing permits for the Thermal Motorsports Park are proposed at this time to implement the changes proposed by the Specific Plan Amendment, Change of Zone and Tentative Tract Map.

CONDITIONS: Amended conditions (#12, #13, and #33)

The following conditions are from the latest ALUC review for the overall Thermal Motorsports Project (ZAP1020TH13 for PP24690R1 and PM36293M1). Although no revision to the Plot Plan or Parcel Map are being proposed at this time for review, the following conditions are intended to be a guide for the Planning Department to adjust the existing conditions of approval on the Plot Plan related to overnight stays.

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 and to the Riverside County Airport Land Use Commission.

[This condition shall be considered as "MET."]

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 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

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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, or any type of strobe light, 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. (Amended 2013)
 - (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 and the contents of such notice language shall also be contained in a legally recordable instrument to be recorded at time of map recordation or building permit issuance.
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. No portion of any roadway or track shall be located within the Runway Protection Zone.
8. No use of the automobile racetrack for the purpose of spectator sports, in which guests pay for admission to an event or series of events, or to which the general public is invited, is included in this determination of consistency.

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9. Development of the area addressed through Plot Plan No. 24690 Revised Permit No. 1 shall comply with all nonresidential intensity criteria and open area requirements of the applicable airport compatibility zones.
10. All structures shall maintain a minimum perpendicular distance of 750 feet from any point along the centerline of Runway 17-35 of Jacqueline Cochran Regional Airport, as the runway is depicted on the Airport's Master Plan (including any point on the centerline of the runway as extended to the southerly boundary of Airport Compatibility Zone A).
11. Occupancy of the 3rd floor of the Control Tower shall be limited to track control officials only or their designees.
12. ***Prior to building permit issuance on any of the Founders' Lots not allowing overnight stays within Planning Area E-2 and with a net area of 7,540 square feet or less, County Plan Check officials shall verify that either: (1) the proposed buildings does not exceed the "Standard Garage" plan or (2) the larger building has been submitted to the Riverside County Airport Land Use Commission staff and determined to be consistent. The "Standard Garage" shall be defined as having a total square footage not exceeding 7,150 square feet, with office, entertainment, and kitchen areas, as applicable not exceeding 4,320 square feet, and the remainder of the building devoted to storage, garage, and warehousing uses, and a height not exceeding two stories or 42 feet. Any building on such lots proposing either (1) a total square footage exceeding 7,150 square feet or (2) more than 4,320 square feet of uses other than storage, garage, and warehousing uses, or with a height exceeding two stories or 42 feet, shall be submitted to the Riverside County Airport Land Use Commission for review.***

(Amended by ZAP1020TH13 and ZAP1024TH14)

13. ***Development on Founders' Lots not allowing overnight stays within Planning Area E-2 shall comply with the following standards: (1) the floor area ratio shall not exceed 0.95; (2) lot coverage shall not exceed 0.5; (3) the proportion of the building allocated to uses other than storage, garage, and warehousing uses shall not exceed 0.6; (4) no uses more intense than office uses and no assembly uses are permitted; (5) no residential uses or overnight occupancy (occupancy between the hours of 10:00 P.M. and 6:00 A.M. – between 2200 hours and 600 hours military time) is permitted; (6) the building does not exceed 42 feet in height; (7) no parking spaces are provided outside of the garage; and (8) garages contain a minimum space for two automobiles. If any of these criteria are not met, the building shall be submitted to the Riverside County Airport Land Use Commission for review.***

(Amended by ZAP1020TH13 and ZAP1024TH14)

14. The following special occupancy load restrictions shall be posted:
 - a) The maximum number of persons permitted in the tower building at any given time shall not exceed one hundred fifty (150) persons.
 - b) The maximum number of persons permitted in the members' storage garage in the village area at any given time shall not exceed seventy-five (75) persons.

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- c) The maximum number of persons permitted in the tuning shop building at any given time shall not exceed one hundred fifty (150) persons.

(Amended by ZAP1020TH13)

15. A notice to potential purchasers of lots **not allowing overnight stays within Planning Area E-2**, indicating that no residential uses or overnight occupancy (between 10:00 P.M. and 6:00 A.M. – between 2200 and 600 hours military time) shall be permitted, shall be provided in the form of a legally recordable instrument to ALUC staff for review and approval regarding content of the notice. Said instrument shall be recorded at the time of map recordation for each unit of Parcel Map No. 36293. Prior to sale of any individual lot, this notice shall be provided to potential purchasers. This restriction shall also be included within CC&Rs. This restriction does not apply to the nonresidential use of the tuning shop and members' storage garage in the village area for purposes of vehicle repair and maintenance during those hours, under the supervision of Club officials.

(Amended ZAP1020TH13 and ZAP1024TH14)

16. No trees, light poles, utility poles, or any other object greater than four feet in height and thicker than four inches shall be allowed within designated open areas.

(Amended by ZAP1020TH13)

17. Per the applicant's comment, racing on the track shall be limited to the hours of 7:00 A.M. to 7:00 P.M.

(Amended by ZAP1020TH13 and ZAP1024TH14)

18. No pole affixed lighting shall be allowed on interior private streets.

19. The control tower shall be limited to a maximum 3 above ground habitable floors.

20. Development on Founders' Lots shall be reviewed for determination of whether FAA review is required for Obstruction Evaluation. The Exhibit titled Buildings Summary Table and dated March 27, 2012 shall be used as a guide for determining whether a building is required to be reviewed based on the pad elevation, building height, distance to the ultimate end of the runway, elevation of the ultimate end of the runway, and a relevant slope ratio of 1:100. ALUC staff shall be consulted if there is any issue with this determination at time of building permit application. If FAA review is deemed to be required, the development shall comply with any subsequent determination and conditions from the FAA.

21. Any future revisions to the Plot Plan or any specific proposal for grading or pad elevations for Phase II as identified on the Substantial Conformance Exhibit for Plot Plan No. 24690 dated 3/20/12 shall be transmitted to ALUC staff for review to determine whether submittal to ALUC is required. This review is intended to confirm any changes in intensities proposed and to determine whether FAA review for Obstruction Evaluation may be required.

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22. The Federal Aviation Administration has conducted an aeronautical study of the control tower building (Aeronautical Study Nos. 2012-AWP-2704-OE through 2012-AWP-2707-OE) and has determined that neither marking nor lighting of the structure is 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.
23. The maximum height of the structure, including all roof-mounted appurtenances (if any) shall not exceed 61 feet above ground level, and the maximum elevation at the top of the structure shall not exceed 82 feet below mean sea level.
24. The specific coordinates, height, and top point elevation of the control tower 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.
25. Temporary construction equipment used during actual construction of the structural improvements shall not exceed the height of the building (61 feet above ground level), unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
26. Within five (5) days after construction of the control tower reaches its greatest height, FAA Form 7460-2, Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and submitted to the Federal Aviation Administration Southwest Regional Office Obstruction Evaluation Group, 2601 Meacham Boulevard, Fort Worth TX 76137. This requirement is also applicable in the event the project is abandoned.
27. The irrigation reservoir shall be completely covered at all times from top, sides, and bottom so as to prevent access by birds and other wildlife. The cover shall consist of 1" x 1" UV-protected polypropylene mesh secured at ground level around the edges and suspended four feet above the edge elevation, on steel cables spaced not greater than 30 feet apart, as depicted on the attached exhibits. The suspension design is intended to allow for the sagging of the netting material without touching the surface of the waters, so that the material stays dry. The cables and netting material shall be maintained in operable condition (no gaps or tears) throughout the life of the permit, as long as the reservoir holds water or other liquid.

(Added by ZAP1020TH13)

28. Prior to issuance of a letter of consistency for this project, the applicant team shall submit to the Riverside County Airport Land Use Commission a letter from a qualified airport wildlife biologist (as specified in FAA Advisory Circular 150/5200-36) stating that he/she has reviewed the proposed reservoir design and finds that the proposed measures will be effective in mitigating wildlife attraction to the facility.

(Added by ZAP1020TH13)

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29. In the event that any incidence of wildlife hazard affecting the safety of air navigation occurs as a result of the presence of the irrigation reservoir on-site, upon notification to the airport operator (currently the Riverside County Economic Development Agency) of an incidence, the airport operator shall notify Thermal Operating Company, LLC (or its successor(s)-in-interest) (hereafter referred to as "owner") in writing. Within 15 days of written notice, the owner shall be required to promptly take all measures necessary to eliminate such wildlife hazard, including, if necessary, the emptying of the reservoir and replacement of the netting material. 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 owner shall work with the airport operator to prevent recurrence of the incidence. Suggested measures may include providing for scheduled joint inspections of the reservoir by representatives of the owner and the airport to assure that the cables and netting material continue to prevent access to the waters. For each such incidence made known to the owner, 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 owner's satisfaction.

(Added by ZAP1020TH13)

30. The covenants, conditions, and restrictions established for this project shall specify that any splash pools or other water features associated with individual member garage units shall be equipped with electronic covers. The water shall not be allowed to stagnate and shall be completely covered at all times when the individual member garage unit is not in immediate use.

(Added by ZAP1020TH13)

31. This finding of consistency does not pertain to the following notes listed on the PP24690R1 exhibit plotted on July 22, 2013:
- (a) Note that Occupancy Type for the Members' Private Garages is R/S2.
 - (b) Note that overnight stays are permitted in the D zone.

The project is located within an area designated for industrial use within Specific Plan No. 303. Prior to issuance of a letter of consistency for this project, the applicant team shall submit an amended exhibit that excises these references.

(Added by ZAP1020TH13)

32. Prior to issuance of building permits for garage units on Lots 156 through 201, a block wall shall be constructed along the property line separating the easterly boundary of the airport property and the private street providing access to these properties.

(Added by ZAP1020TH13)

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33. ***Prior to building permit issuance on any of the Founders' Lots allowing overnight stays within Planning Areas E-5, E-6, E-7, E-8 and with a net area of 7,540 square feet or less, County Plan Check officials shall verify that either: (1) the proposed building does not exceed the "Standard Unit" plan or (2) the larger building has been submitted to the Riverside County Airport Land Use Commission staff and determined to be consistent. The "Standard Unit" shall be defined as having a total square footage not exceeding 7,150 square feet and a height not exceeding two stories or 42 feet. Any building on such lots proposing either (1) a total square footage exceeding 7,150 square feet or (2) more than a height exceeding two stories or 42 feet, shall be submitted to the Riverside County Airport Land Use Commission for review.***

(Amended by ZAP1020TH13 and ZAP1024TH14)

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

The following spoke in favor of the project:

Tim Rogers, Thermal Race Track

Nick Johnson, Johnson Aviation, 6524 Deerbrook Rd., Oak Park, CA 91377

Melissa Perez, Albert A. Webb Associates, 3788 McCray Street, Riverside, CA 92506

Bruce Davis, Albert A. Webb Associates, 36951 Cook Street, Suite 103, Palm Desert, CA 92211

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission by a unanimous vote of 7-0 found the project **CONSISTENT with amended conditions.**

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 3.6: TIME IS 10:06 A.M.

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I. **4.0 APPROVAL OF MINUTES**

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

The ALUC Commission by a vote of 5-0 approved the December 11, 2014 minutes. Abstain: Ballance and Holmes

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

None

III. **6.0 COMMISSIONER'S COMMENTS**

Chairman Housman thanked Commission and staff for their hard work.

IV. **7.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 12:38 P.M.

V. **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 4.0: TIME IS 12:37 P.M.