

**AIRPORT LAND USE COMMISSION
MINUTE ORDER OCTOBER 12, 2017
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on October 12, 2017 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Steve Manos, Acting Chairman
Arthur Butler
Glen Holmes
John Lyon
Steven Stewart
Richard Stewart, alternate for Rod Ballance
Jim Hyatt, alternate for Russell Betts

COMMISSIONERS ABSENT: Rod Ballance, Chairman
Russell Betts

STAFF PRESENT: Simon Housman, ALUC Director
John Guerin, Principal Planner
Paul Rull, Urban Regional Planner IV
Barbara Santos, ALUC Commission Secretary
Raymond Mistica, ALUC Counsel

OTHERS PRESENT: Jay Eastman, City of Riverside
Cesar Navappo, Other Interested Person

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I. **AGENDA ITEM 2.1:** ZAP1051PS17 – Sons of Italy (Representative: Doug Jones) – City of Palm Springs Planning Case No. 5.0707 (Conditional Use Permit) and 3.3883 (Minor Architectural). The applicant proposes to reinstitute permitted status for a continuously operating meeting hall and provide for an improved parking lot for the existing Dolly Sinatra Lodge facility. The physical proposal is for the addition of 23 parking spaces on the east half of the 0.68-acre parcel (Assessor's Parcel Number 501-352-015) located on the northerly side of Vista Chino, easterly of Sahara Road and westerly of Park View Drive. No change in use of the existing building or building expansion is being proposed. (Airport Compatibility Zone B1 of the Palm Springs International Airport Influence Area). Continued from 9-14-17.

II. **MAJOR ISSUES**

If this were a new land use being proposed (such as conversion of residence to a fraternal lodge capable of accommodating 122 to 129 persons), the use would be clearly inconsistent at a location so close to the end of the Runway Protection Zone at Palm Springs International Airport. It is the City's position that the applicant must obtain a new Conditional Use Permit, as the pre-existing one has expired. However, the activity authorized by the pre-existing use permit has not ceased except for a *customary* summer hiatus. Therefore, staff is of the opinion that the intensity limitations imposed by the 2005 Palm Springs International Airport Land Use Compatibility Plan should not be applicable to the ongoing use of the existing building and grounds. From a safety perspective, and in light of the Farrell's Sacramento 1972 tragedy *and other similar occurrences*, we would recommend that the Lodge look toward ultimate relocation to a less risky site, as resources permit.

III. **STAFF RECOMMENDATION**

Staff recommends the Commission find the Conditional Use Permit and Minor Architectural Application CONDITIONALLY CONSISTENT, subject to the conditions included herein and such additional conditions as may be necessary to meet the requirements of the Federal Aviation Administration Obstruction Evaluation Service.

STAFF RECOMMENDED AT HEARING
CONSISTENT (FAA received)

IV. **PROJECT DESCRIPTION**

The physical proposal is for the addition of 23 parking spaces on the east half of the 0.68-acre parcel. No change in use of the existing building or building expansion is being proposed. The applicant proposes to reinstitute permitted status for a continuously operating meeting hall and to provide for an improved parking lot for the existing Dolly Sinatra Lodge facility.

CONDITIONS:

1. Any new 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.

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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.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, highly noise-sensitive outdoor nonresidential uses, places of worship, aboveground bulk storage of 6,000 gallons or more of flammable or hazardous materials, and hazards to flight.
3. The attached notice shall be given to all prospective purchasers and/or lessees of the property.
4. Prior to issuance of a building permit, the property owner shall convey an avigation easement to Palm Springs International Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Palm Springs.
5. 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.
- Trees shall be spaced to avoid creation of a continuous canopy. Landscaping in and around any detention basin shall not include vegetation that produces seeds, fruits, or berries.
6. Any subsequent Design Review, Conditional Use Permit, Tenant Improvement, or other permitting that would alter the use and occupancy of the existing building shall require ALUC review.

The following conditions were added at the ALUC hearing pursuant to the terms of the FAA Obstruction Evaluation Service letter issued on September 28, 2017 for Aeronautical Study No. 2017-AWP-9623-OE.

7. **The Federal Aviation Administration has conducted an aeronautical study of the proposed parking lot light pole (Aeronautical Study No. 2017-AWP-9623-OE) and has determined that neither marking nor lighting of the structure(s) 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 L Change 1 and shall be maintained in accordance therewith for the life of the project.**

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8. The proposed parking lot light pole shall not exceed a height of 18 feet above ground level and a maximum elevation at top point of 515 feet above mean sea level.
9. The maximum height and top point elevation specified above 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.
10. Temporary construction equipment used during actual construction of the parking lot light pole shall not exceed 18 feet in height and a maximum elevation of 515 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
11. Within five (5) days after construction 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 or a decision is made not to construct the parking lot light pole.
12. This determination is for a light pole. Any proposal to utilize this structure as a wireless communication antenna shall require further review by the Airport Land Use Commission and the Federal Aviation Administration.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

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

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a vote of 6-1 found the project **CONSISTENT**. Commissioner Steven Stewart 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@rivco.org.

ITEM 2.1: TIME: 9:02 A.M.

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I. **AGENDA ITEM 3.1:** ZAP1038TH17 – Thermal Operating Company, LLC/JTM Land Company, LLC (Representative: Fayres Hall, Albert A. Webb and Associates) – County of Riverside Planning Case No. PP24690R2 (Revised Plot Plan). The applicant is proposing to develop within the existing Thermal Club facility a new 7,040 square foot trackside garage with a second story viewing deck, a new members clubhouse facility including a 3,863 square foot recreational center with tennis and game courts, a 2,280 square foot adult pool and 3,578 square foot kids pool, a 1,700 square foot fitness center and 1,558 square foot locker room, and six residential suite buildings (2,320 square feet per building, and eight suites inside each building) totaling 13,920 square feet, located southerly of Avenue 60, westerly of Polk Street, northerly of Avenue 62, and easterly of Ascot Drive (Airport Compatibility Zones C and D of the Jacqueline Cochran Regional Airport Influence Area).

II. **MAJOR ISSUES**

Consistency with single-acre intensity limits depends on use of net or gross square footage.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the Revised Plot Plan CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The applicant is proposing to develop within the existing Thermal Motor Club facility a new two-story 7,040 square foot trackside garage with viewing deck on a 139.26 acre parcel, and a new member's club house facility including a 3,863 square foot recreational center with tennis and game courts, a 2,280 square foot adult pool and 3,578 square foot kids pool, a 1,700 square foot fitness center and 1,558 square foot locker room, and six commercial hotel suite buildings (2,320 square feet per building, and eight suites inside each building) totaling 13,920 square feet on a 5.39 acre parcel.

Thermal Motor Club includes a motorsports race track facility with adjacent lots established to allow club members to build garages for their vehicles with second floor office, kitchen, and entertainment space. The site was originally designated for Heavy Industrial uses on the Kohl Ranch Specific Plan, with no residential use or overnight stays. The project has since evolved. A chronological history of the Thermal Motor Club (as processed by ALUC) is provided in the background section of this report.

The following conditions apply specifically to the proposal for development of the trackside garage, members' club facility, and commercial hotel suite buildings. All development approved pursuant to earlier versions of Plot Plan No. 24690, including PP24690R1, shall remain subject to ALUC conditions applied to those projects.

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 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

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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.

- (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, 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, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor non-residential uses, and hazards to flight.
3. The attached notice shall be provided to all prospective purchasers of the property and tenants of the buildings thereon, and shall be recorded as a deed notice.
 4. Any new detention basin(s) 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 detention 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 project evaluated consists of a trackside garage with 4,748 square feet of garage storage area and 2,292 square feet of track viewing area and a "members club facility" with 3,863 square foot recreational center and game courts, 2,280 square foot adult pool, 3,578 square foot kids pool, 1,700 square foot fitness center, 1,558 square foot locker room, and six commercial hotel suites buildings of 2,320 square feet each. Any increase in building area or change in use of the project will require an amended review by the Airport Land Use Commission.
 6. The proposed trackside garage second floor viewing area shall be designed and constructed per the submitted floor plan layout i.e. 1,502 square feet of viewing area. No other area on the second floor shall be allowed to have a designated use unless approved by the Airport Land Use Commission.
 7. The proposed commercial hotel suites buildings shall be designed, constructed and utilized as presented in this entitlement. They shall not be sold individually or converted into condominium dwelling units.

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V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

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

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a vote of 5-2 found the project **CONSISTENT**. Commissioners Arthur Butler and Steven Stewart 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@rivco.org.

ITEM 3.1: TIME: 9:08 A.M.

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- I. **AGENDA ITEM 3.2:** ZAP1024RG17 – City of Riverside (Representative: Doug Darnell – City Planning Case Nos. P17-0096 (General Plan Amendment), P17-0180 (Zoning Map Amendment), P17-0182 (Zoning Code Text Amendment), and P17-0521 (Specific Plan Amendment). The City proposes to implement its new 2014-2021 Housing Element by amending its General Plan, Zoning Map, Zoning Code, and the text of the University Avenue Specific Plan. Citywide, up to 303 parcels comprising 395 acres would be rezoned, including 103 acres within the Magnolia Avenue and University Avenue Specific Plans. Within the Riverside Municipal Airport Influence Area, P17-0096 would amend the General Plan land use designation of 46.67 acres to High Density Residential (HDR) or Very High Density Residential (VHDR), and P17-0180 would rezone these areas, plus an additional 15.56 acres, to R-3-1500, R-4, or MU-V. Within the March Air Reserve Base/Inland Port Airport Influence Area, P17-0096 would amend the General plan land use designation of 23.12 acres to HDR and VHDR and 17.37 acres to Mixed Use Village (MU-V), and P17-0180 would rezone these areas, plus an additional 13.28 acres, to R-3-1500, R-4, MU-U, or MU-V.

The proposed Zoning Code Amendments and Specific Plan text amendment are intended to accommodate housing needs and would allow for:

- Multi-family dwellings (apartments) as a “by-right” permitted use in the R-3, R-4, MU-U, and MU-V zones
- Supportive and transitional housing as a permitted use in all residential and mixed-use zones
- “Tiny home” communities with a Planned Residential Development permit in the R-1, RE, and RR zones and with a Conditional Use Permit (CUP) in the R-3 and R-4 zones
- Accessory dwelling units (formerly known as “second units”) and “tiny homes” as incidental uses in the R-1 and R-3 zones
- Dwelling units as an incidental use to assemblies of people with a CUP in the R-3, R-1, RE, RR, MU-N, MU-U, MU-V, O, CR, CP, and CRC zones
- Temporary emergency shelters incidental to assemblies of people with a Temporary Use Permit in the BMP, I, R-3, R-1, RE, RR, MU-N, MU-U, MU-V, O, CR, CP, and CRC zones
- Single-room occupancies with a CUP in the MU-U zone
- Drive-thru businesses with a CUP in the MU-U and MU-V zones

II. **MAJOR ISSUES**

The General Plan Amendment and Rezoning actions relate to sites that were previously reviewed, and the Specific Plan Amendment does not affect areas with density or intensity restrictions. The main concerns relate to the changes being proposed by the Zoning Code Amendment. However, the proposal includes a requirement that “by-right” multiple-family residential projects be consistent with any applicable Airport Land Use Compatibility Plan, and City staff has agreed to also add this requirement to the section addressing development standards for temporary emergency shelters.

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III. STAFF RECOMMENDATION

Staff recommends a finding of CONSISTENCY for the proposed General Plan Amendment, Rezoning, and Specific Plan Amendment. Staff also recommends a finding of CONSISTENCY for the proposed Zoning Code Amendment, provided that Section 19.150.020 (C) Temporary Uses Table and Section 19.740 Temporary Use Permits are amended in accordance with the provisions specified by City of Riverside planner Doug Darnell in the e-mail dated September 19, 2017, a copy of which is attached hereto and incorporated herein by reference.

IV. PROJECT DESCRIPTION

P17-0096, P17-0180, P17-0182, and P17-0521 are proposals by the City of Riverside to implement its new “2014-2021” Housing Element by amending its General Plan, Zoning Map, and Zoning Code, as well as the text of the University Avenue Specific Plan. The Housing Element identified existing and projected housing needs and articulated the City’s “official policies for the preservation, conservation, improvement, and production of housing within the City.” A series of actions was proposed in an Implementation Plan to address unmet needs for high density housing affordable for lower-income households and those with special housing needs. In order to fulfill housing needs as identified in the Regional Housing Needs Assessment (RHNA) as assigned by the Southern California Association of Governments (4,767 dwelling units for lower-income households alone), the City proposes to amend the General Plan designation and zoning of hundreds of properties City-wide so that these properties would then be available for the possibility of development of high density housing without requirements for discretionary action. A total of 69 candidate sites were identified, comprising 303 parcels totaling 395 acres, including 103 acres within the Magnolia Avenue and University Avenue Specific Plans. Up to 41 sites totaling 198 acres would be rezoned to R-3-1500 or R-4 and up to 28 sites would be rezoned to MU-U or MU-V. Within the Riverside Municipal Airport Influence Area, 46.67 acres would be re-designated as High Density Residential (HDR) or Very High Density Residential (VHDR), and these areas, plus an additional 15.56 acres, would be rezoned to R-3-1500, R-4, or MU-V. (Some of these sites are located within the Magnolia Avenue Specific Plan.) Within the March Air Reserve Base/Inland Port Airport Influence Area, 23.12 acres would be re-designated as HDR or VHDR and 17.37 acres would be re-designated as Mixed Use – Village (MU-V), and these areas, plus an additional 13.28 acres, would be rezoned to R-3-1500, R-4, MU-U, or MU-V. (Some of these sites are located within the University Avenue Specific Plan.)

The proposed General Plan designations and zoning for these properties would allow for densities at or above 25 dwelling units per acre. Each site would potentially accommodate at least 16 units, and at least 50 percent of the unfulfilled housing need would be accommodated on sites zoned exclusively for residential uses, in accordance with California Department of Housing and Community Development directives.

At one point, this project was to include two sites that were partially located within Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area. The City agreed to withdraw these sites from the proposal in the process of ALUC review of the proposed Housing Element in August. At this point, the proposed sites that are within an Airport Influence Area are located within Compatibility Zones D and E of the Riverside Municipal Airport Influence Area and Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area. High density and very high density housing are not prohibited within Compatibility Zones D and E.

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The proposed Zoning Code Amendments are intended to accommodate housing needs and promote diverse housing types. Multiple changes to the Permitted Uses and Incidental Uses Tables in Chapter 19.150 of the City's Zoning Code are proposed.

Perhaps the farthest reaching element (also specified in Chapter 19.100, *Residential Zones*, a selection from Article V, *Base Zones and Related Use and Development Provisions*) would be the amendment that would allow for multiple-family dwellings as a "by right" permitted use in the R-3, R-4, MU-U, and MU-V zones. (This is also the purpose of the text amendment to the University Avenue Specific Plan.) They would be subject to Design Review by the City's Community and Economic Development Director, but would not be subject to the discretionary Site Plan Review Permit process that is currently applicable to multiple-family projects with 10 or more dwelling units. Additionally, Chapter 19.100 would be amended to reduce the minimum lot size for multiple-family developments from one acre to 30,000 square feet.

Supportive and transitional housing would be a permitted use in all residential and mixed use zones. "Tiny home" communities would be allowed with a Planned Residential Development permit in the R-1, RE, and RR zones, and with a Conditional Use Permit in the R-3 and R-4 zones. Single-room occupancies would be allowed with a CUP in the MU-U zone. Accessory dwelling units (formerly known as "second units") would be permitted as incidental uses in the R-1 and RE zones, as would "tiny homes." Dwelling units as an incidental use to assemblies of people would be permitted with a CUP in the R-3, R-1, RE, RR, MU-N, MU-U, MU-V, O, CR, CG, and CRC zones, and temporary emergency shelters would be allowed in those zones, plus the BMP and I zones, with a Temporary Use Permit. Finally, drive-thru businesses, which had been prohibited uses in the MU-U and MU-V zones, would now be permitted with a Conditional Use Permit in those zones, subject to on-site restrictions on the locations of drive-thru lanes and pick-up windows and requirements for visual screening of drive-thru lanes.

These changes to the Permitted Uses, Incidental Uses, and Temporary Uses Table expand the scope of the overall project, in that they would apply Citywide, not just to those parcels (the "candidate sites") proposed for upgrades from existing General Plan designations and zoning.

Related changes include amendments to Chapters 19.710, *Design Review*, and 19.770, *Site Plan Review Permit*, to be consistent with the change to the process for evaluation and permitting of multiple-family residential projects. Chapters 19.205, *Emergency Shelter Overlay*, 19.400, *Shelters – Drop-In, Permanent Emergency, Homeless or Transitional*, and 19.580, *Parking and Loading*, are proposed to be amended so as to separate supportive and transitional housing (being permitted by right) from emergency shelters (which would still require a Conditional Use Permit or a Temporary Use Permit, except in the Emergency Shelter Overlay Zone).

The proposed amendment to Chapter 19.080, *Nonconformities*, deletes a provision that prohibits development of multiple-family residential units on nonconforming parcels in multiple-family residential zones, extends the period within which a discontinued non-conforming use can be legally re-established from 180 days to one year from the date of discontinuance, amends and extends the allowance for continued use of non-conforming single-family residences to non-conforming multiple-family residences (changing the procedure from a Minor Conditional Use Permit to the granting of a Nonconforming Status Determination by the Director), and allows non-residential uses discontinued

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for more than one, but less than three, years to be reinstated with a Conditional Use Permit, among other changes.

The City proposes to add a new chapter, Chapter 19.401, to its Zoning Code to address Single Room Occupancies (SROs). Chapter 19.401 would provide development standards for SROs, which would be allowed within the Mixed Use – Urban Zone with a Conditional Use Permit.

The State of California has changed the law relating to second dwelling units and now refers to them as accessory dwelling units. Accordingly, the City proposes to rename Chapter 19.525, *Second Dwelling Units*, as Chapter 19.525, *Accessory Dwelling Units*. In order to increase placement of accessory dwelling units, Chapter 19.525 is also being amended to delete the requirement for a minimum lot size of 10,000 square feet where not required by the underlying zoning. The floor area of the accessory dwelling unit would be limited to a maximum of 1,200 square feet. In an effort to decrease construction costs, the requirement for a separate covered parking space for the accessory dwelling unit is being deleted.

The additional requirements for drive-thru businesses in the MU-U and MU-V zones would be added to Chapter 19.475, *Drive-Thru Businesses*.

As one might expect, given all these changes, Article X, *Definitions*, will be changed. For example, a definition of “accessory dwelling unit” will be added, while a definition of “second dwelling unit” will be deleted. In conjunction with this, a definition of “accessory living quarters” is also being added. An “accessory living quarters” differs from an “accessory dwelling unit” in that an “accessory living quarters” (also known as a “guest house” in other jurisdictions) has no kitchen and is not rented or otherwise used as a separate dwelling unit. A definition would also be added for Single Room Occupancy units: “A multi-unit housing development for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area.”

The biggest change in Article X, however, is the addition of a definition of a “tiny home.” It is defined as a self-contained unit with at least 100 square feet of first floor interior living space that “includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry.” It is not a recreational vehicle as defined in the Zoning Code and cannot be able to (or be designed to) move under its own power, but it cannot be larger than allowed by State law for movement on public highways. If on wheels, the wheels and undercarriage are to be skirted when sited on a parcel, and it must be designed and built to look like a conventional building structure; however, if not placed on a permanent foundation, the tiny home shall be licensed and registered with the California Department of Motor Vehicles. A definition is also added for a “tiny home community”: “A group of Tiny Homes, typically smaller than 1,200 square feet per unit, that are arranged in common relationship to one another, usually surrounding a shared landscaping area. Also known as a ‘pocket neighborhood.’”

Any other changes (either additions or deletions) to the proposed Zoning Code Amendment occurring subsequent to the determination by the Airport Land Use Commission shall be forwarded to the Airport Land Use Commission for evaluation, which may require additional consideration at an ALUC meeting.

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Any additional parcels added to the General Plan Amendment and rezoning proposals located within Airport Influence Areas and any additional changes to the University Avenue Specific Plan text shall be subject to additional ALUC review. If located in Zone E of the March Air Reserve Base/Inland Port Airport Influence Area, such additional review may be accomplished by the ALUC Director.

V. MEETING SUMMARY

The following staff presented the subject proposal:

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

The following spoke in favor of the project:

Jay Eastman, City of Riverside, 3900 Main Street, Riverside, CA

The following spoke in opposition to the project:

Cesar Navappo, Other Interested Person, Riverside, 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**, subject to the City incorporating the changes proposed in City Planning staff's e-mail and with the direction that any subsequent changes to the proposal may be considered by the ALUC Director and would not necessarily require additional hearings by this Commission.

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@rivco.org.

ITEM 3.2: TIME: 9:20 A.M.

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I. **AGENDA ITEM 3.3:** ZAP1071BD17 – City of Indio – City of Indio Planning Case No. SP 17-7-37 (Specific Plan). The City proposes a new Specific Plan (the Plan), the Indio Downtown/Old Town Specific Plan, to supersede their 1997 Old Town Indio Specific Plan, covering 117 acres, including 21.87 acres within the Bermuda Dunes Airport Influence Area. The goal of the Plan is to encourage and promote economic development and revitalization, enhance the City's attractiveness in the local and regional marketplace through adaptive reuse of existing structures, promote infill development, and encourage residential mixed-use commercial/retail and transit supportive development. Properties within the Plan area will be designated as Specific Plan Area, and may be further designated as Light Industrial Subarea, Non-Residential Subarea and Height Restriction Subarea. The Plan is located southerly of Indio Boulevard, westerly of Flower Street, easterly of Deglet Noor Street, and northerly of State Route 111. Only those portions of the Plan westerly of Oasis Street are located within the Airport Influence Area (Airport Compatibility Zones D and E of the Bermuda Dunes Airport Influence Area).

II. **MAJOR ISSUES**

The proposed Specific Plan's density and intensity standards could potentially allow uses that would be inconsistent with Compatibility Zone D residential density (below 0.2 dwelling units per acre minimum and above 5.0 dwelling units per acre) and non-residential intensity (100 people average acre, 300 people per single acre) criteria.

III. **STAFF RECOMMENDATION**

Staff recommends that the Specific Plan be found INCONSISTENT with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan (ALUCP), due to the Plan's density/intensity standards exceeding Compatibility Zone D non-residential intensity criteria and potential allowance for intermediate residential densities, unless the City provides a revised Specific Plan document that is consistent with the ALUCP criteria.

STAFF RECOMMENDED AT HEARING

CONSISTENT (Revised document was submitted by the City)

IV. **PROJECT DESCRIPTION**

The City proposes a new Specific Plan, the Indio Downtown/Old Town Specific Plan, to supersede their 1997 Old Town Indio Specific Plan, covering 117 acres, including 21.87 acres within Zones D and E of the Bermuda Dunes Airport Influence Area. The goal of the Plan is to encourage and promote economic development and revitalization, enhance the City's attractiveness in the local and regional marketplace through adaptive reuse of existing structures, promote infill development, and encourage residential mixed-use commercial/retail and transit supportive development. Properties within the Specific Plan area will be designated as Specific Plan Area, and may be further designated as Light Industrial Subarea, Non-Residential Subarea and Height Restriction Subarea.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.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.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER OCTOBER 12, 2017
RIVERSIDE MEETING**

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@rivco.org.

ITEM 3.3: TIME: 9:42 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER OCTOBER 12, 2017
RIVERSIDE MEETING**

I. **4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approvals – Information only

4.2 Correspondence to Caltrans regarding adoption of 2017 Hemet-Ryan ALUCP

Simon Housman, ALUC Director, informed the Commission that included in their package was a copy of the letter sent from the Commission to Caltrans regarding the discussions of the 2017 Hemet-Ryan Airport Land Use Plan. He noted that the prior correspondence was provided at the previous meeting, with no formal written response from Caltrans since then. He noted that staff has received correspondence from Caltrans asking us to confirm that we will not be drawing against the Jacqueline Cochran grant for \$135,000. Mr. Housman advised that he plans to confirm in writing that we are going forward with our Countywide Plan and the Jacqueline Cochran Amendment, but we will not be using any of the State's grant funds, based on our recent experience with Caltrans.

II. **5.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 5-0 approved the September 14, 2017 minutes. Abstained: Commissioners Jim Hyatt and Richard Stewart

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

Simon Housman, ALUC Director, informed the Commission that staff received correspondence from our outside counsel regarding a recent decision from the 4th District Court of Appeals Division One issued on September 26, 2017 in a case called Dryden Oaks, LLC vs San Diego Regional Airport Authority relating to ALUC concerns. He asked Ray Mistica, ALUC Counsel, to provide more details. Mr. Mistica noted that our outside Counsel, Gatzke, Dillon & Ballance, represented San Diego Regional Airport Authority in this matter. He provided information regarding the circumstances that led to the litigation. The Authority had found a project inconsistent, the local jurisdiction declined to overrule, and the applicant sued the Authority and San Diego County. The trial court granted a motion for summary judgement, which the applicant appealed. The Court of Appeal upheld the trial court's action, finding that the Authority was acting in an advisory role and did not have final decision-making power; therefore, its actions did not result in a "taking" or inverse condemnation. Datzke, Dillon & Ballance suggested that interested parties could request publication of the opinion. Mr. Housman had asked Mr. Mistica to submit a letter requesting certification of publication. Mr. Mistica advised that, at this time, the decision in this case is an unpublished opinion that cannot be cited as law. Mr. Housman further advised that the Court resolves cases as to effects on the involved parties, but normally only publishes its opinions if a broader policy issue is perceived. Mr. Housman advised that Mr. Mistica has sent the letter requesting certification of publication, and thanked Mr. Mistica for an outstanding job in crafting the letter and pointing out the policy issues. Commissioner Holmes asked about the Court's process in deciding on whether to publish an opinion. Mr. Mistica noted that there is not any sort of record vote.

IV. **7.0 COMMISSIONER'S COMMENTS**

Steve Manos, Acting Chairman, thanked both alternates (Commissioners Hyatt and Richard Stewart) for attending the Commission meeting on behalf of Commissioners Betts and Ballance. He also thanked ALUC staff and our legal team for all their good work. Commissioner Hyatt advised that Commissioner Betts' absence was due to a family member's health crisis and that he would otherwise have been present.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER OCTOBER 12, 2017
RIVERSIDE MEETING**

V. **8.0 ADJOURNMENT**

Steven Manos, Acting Chairman, adjourned the meeting at 10:02 a.m.

VI. **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@rivco.org.

ITEM 4.0: TIME IS: 9:52 A.M.