

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER AUGUST 11, 2016  
EMWD, PERRIS MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on August 11, 2016 at the Eastern Municipal Water District (EMWD) Board Chambers in Perris, CA.

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

**COMMISSIONERS ABSENT:**

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

**OTHERS PRESENT:** James Bach, MDMG Inc.  
Gary Hamro, Optimus

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I. **AGENDA ITEM 2.1: ZAP1070FV16 – RTN Development Inc. (Representative: Rick Neugebauer) – County of Riverside Planning Case Nos. CUP03744 (Conditional Use Permit) and CZ07909 (Change of Zone).** The applicant is proposing a microbrewery and a warehouse facility (primarily for storage of wine) on 3.68 acres (2.1 acres net) (Assessor's Parcel Numbers: 963-070-002, 963-070-003, 963-070-004), located westerly of Briggs Road, easterly of Winchester Road (Highway 79), southerly of the westerly extension of Magdas Coloradas Street, and northerly of the westerly extension of Cochise Circle. The project proposes a 36,278 square foot building which includes: 3,246 square foot microbrewery production area, 28,995 square foot warehouse/storage area, 2,713 square foot office area, and 699 square foot tasting and bar area. The project also has a 1,420 square foot outdoor seating and gaming area attached to the building. The building will be two stories and have a maximum height of 35 feet. The applicant also proposes to change the zoning of the proposed 3.68 acre parcel from Industrial Park (I-P) to Manufacturing-Service Commercial (M-SC). (Airport Compatibility Zones B1 and C of French Valley Airport Influence Area).

II. **MAJOR ISSUES**

The project was originally submitted as a 36,278 square foot building which included: 3,246 square foot microbrewery production area, 28,995 square foot warehouse/storage area, 2,713 square foot office area, and 699 square foot tasting and bar area, in addition to a 1,420 square foot outdoor seating and gaming area attached to the building. Using the Building Code method, staff determined that the project's single-acre intensity would exceed allowable levels within Compatibility Zone B1. The item was continued from ALUC's June meeting per the applicant's request so they could work on the project to be more consistent with the compatibility plan. The applicant has further requested a continuance to the August commission meeting in order to allow more time for them to make the project more consistent with the compatibility plan. The applicant has provided additional supporting documentation such as a request for an intensity bonus through risk reduction measures, a statement of project operations, and observations regarding occupancy numbers at similar established businesses, and requests that the Commission accept these documents as evidence supporting the proposition that the proposed use would result in a much lower occupancy level than what was previously calculated by staff using the Building Code method.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the Change of Zone and INCONSISTENCY for the Conditional Use Permit, based on the proposed project exceeding the single acre intensity criteria of Compatibility Zone B1 (using the Building Code method); however, in the event that the Commission, upon review of the applicant's supporting documents, agrees that the project would result in a much lower occupancy level than calculated using the Building Code method, it may find the Conditional Use Permit CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The applicant proposes a microbrewery facility on 3.68 acres. The project proposes a 36,278 square foot building which includes: 3,246 square foot microbrewery production area, 28,995 square foot warehouse/storage area, 2,713 square foot office area, and 699 square foot tasting and bar area. The project also has a 1,420 square foot outdoor seating and gaming area attached to the building. The building will be two stories and have a maximum height of 35 feet. The applicant also proposes to change the zoning of the property from Industrial Park (I-P) to Manufacturing-Service Commercial (M-SC).

**CONDITIONS (applicable to the proposed Conditional Use Permit):**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.

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2. The review of this Conditional Use Permit is based on the proposed uses and activities noted in the project description. The following uses/activities are not included in the proposed project and shall be prohibited at this site, in accordance with Note A on Table 4 of the Southwest Area Plan.
  - (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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. Prior to issuance of building permits, the landowner shall convey an aviation easement to the County of Riverside as owner of French Valley Airport, or provide evidence that such easement (applicable to all of the properties in the project) has been previously conveyed. Contact the Riverside County Economic Development Agency – Aviation Division at (951) 955-9722 for additional information.
4. The attached notice shall be provided to all prospective purchasers of the property and future tenants of the building.
5. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; construction and demolition debris facilities; wastewater management facilities; incinerators; children's schools; day care centers; libraries; hospitals; nursing homes and other skilled nursing and care facilities; places of worship or assemblies of people; noise-sensitive outdoor nonresidential uses; and hazards to flight.
6. No detention basins are shown on the site plan. Any proposed detention basins or facilities 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 basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
7. The proposed structures shall not exceed a height of 35 feet above ground level and a maximum elevation at top point (including all roof-mounted equipment, if any) of 1,381 feet above mean sea level.

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8. Noise attenuation measures shall be incorporated into the design of the office and tasting areas of the building, to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
9. ***The proposed building and floorplan includes 28,995 square foot warehouse storage area, 2713 square foot office area, 3,246 square foot brewery production area, 393 square foot tasting area, and 1,420 square foot outdoor seating (80 square foot) and floor gaming area (1,340 square foot). Any changes to these areas will require ALUC review and determination. The outdoor "gaming area" shall be restricted to floor games only.***
10. The analysis of the project's parking was based on the applicant providing a total of 72 parking spaces. Any additional parking spaces would increase the total occupancy and potentially exceed Compatibility Zone B1 average acre threshold of 40 people. Any increase in parking spaces or reconfiguration in floor layout will require ALUC review and determination.
11. ***The applicant is required to provide the following building design features in order to be eligible for an intensity bonus of twenty-five percent (25%), resulting in a single acre intensity allowance of 100 ~~104~~ people: use of concrete walls, limiting number and size of windows, upgrading strength of building roof, avoiding skylights, enhancing fire sprinkler system, increase number of emergency exits. Any changes to these features will require ALUC review and determination.***
12. ***The warehouse area is limited to cold storage use. Not more than five persons shall be regularly assigned to work in the warehouse area for the majority of their work shifts. Any use other than cold storage shall be subject to subsequent ALUC review and determination.***
13. The Federal Aviation Administration has conducted aeronautical studies of the proposed structure (Aeronautical Study Nos. 2015-AWP-11504-OE, 2015-AWP-11671-OE, 2015-AWP-11672-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 L and shall be maintained in accordance therewith for the life of the project.
14. 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 structure height or elevation shall not require further review by the Airport Land Use Commission.
15. 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.
16. 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 or a decision is made not to construct the structure.

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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@rctlma.org](mailto:prull@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 adopted staff recommendation for the intensity bonus based on the structure of the building; and accept the applicants calculations of occupancy finding the Change of Zone and CUP **CONSISTENT** subject to the conditions in the staff report.

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](mailto:basantos@rctlma.org).

ITEM 2.1: TIME: 9:00 A.M.

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I. **AGENDA ITEM 3.1:** ZAP1058FV14 – Justice Insurance Services c/o Melissa Lippert (Representative: MDMG, Inc. Larry Markham) – County of Riverside Planning Case No. PP26047 (Plot Plan). The applicant proposes to develop a one-story office building with 2,880 square feet of leasable space on a 0.71-acre site located at the southeasterly corner of Auld Road and Sky Canyon Drive in the unincorporated community of French Valley (Airport Compatibility Zone B2 of the French Valley Airport Influence Area).

II. **MAJOR ISSUES**  
None

III. **STAFF RECOMMENDATION**  
Staff recommends a finding of CONSISTENCY for the Plot Plan, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**  
The applicant proposes to develop a one-story office building with 2,880 square feet of leasable space on a 0.71-acre site. The building will have a maximum height of 15 feet.

**CONDITIONS:**

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The review of this Plot Plan is based on the proposed uses and activities noted in the project description. The following uses/activities are not included in the proposed project and shall be prohibited at this site, in accordance with Note A on Table 4 of the Southwest Area Plan.
  - (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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. Prior to issuance of building permits, the landowner shall convey an aviation easement to the County of Riverside as owner of French Valley Airport, or provide evidence that such easement has been previously conveyed. Contact the Riverside County Economic Development Agency – Aviation Division at (951) 955-9722 for additional information.
4. The attached notice shall be provided to all prospective purchasers of the property and future tenants of the building.

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5. The following uses/activities are specifically prohibited at this location: trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; construction and demolition debris facilities; wastewater management facilities; incinerators; children's schools; day care centers; libraries; hospitals; nursing homes and other skilled nursing and care facilities; places of worship or assemblies of people; noise-sensitive outdoor nonresidential uses; and hazards to flight.
6. No detention basins are shown on the site plan. Any proposed detention basins or facilities 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 so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
7. The proposed structure shall not exceed a maximum elevation at top point (including all roof-mounted equipment, if any) of 1,339 feet above mean sea level.
8. Noise attenuation measures shall be incorporated into the design of the building to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

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

The following spoke in favor of the project:

James Bach, MDMG Inc., 41635 Enterprise Circle N, Temecula, CA 92590

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](mailto:basantos@rctlma.org).

ITEM 3.1: TIME: 9:20 A.M.

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I. **AGENDA ITEM 3.2: ZAP1206MA16 – Optimus Building Corporation (Representative: Gary Hamro)** – City of Perris Case No. DPR 14-01-0015 (Development Plan Review). The applicant is proposing a revision to plans for a two-building warehousing project previously determined to be consistent pursuant to ALUC Case No. ZAP1102MA14, specifically to increase the office area in Building A (which is not located in an Accident Potential Zone) from 15,000 square feet to 45,000 square feet. As amended, Building A would provide 45,000 square feet of office area and 867,338 square feet of warehouse area. No changes are proposed for Building B. The overall floor areas of Buildings A (912,338 square feet) and B (125,437 square feet) would remain the same as originally proposed. The 53.56-acre (gross) project site is located easterly of Patterson Avenue, northerly of Markham Street, westerly of Webster Avenue, and southerly of Nance Street (Airport Compatibility Zones B1-APZ I, B2, and C1 of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**  
None

III. **STAFF RECOMMENDATION**  
Staff recommends that the revisions to the Development Plan Review be found CONSISTENT, subject to the revised conditions included herein.

**STAFF RECOMMENDED AT HEARING:**  
CONTINUE to 9-8-16 per applicant's request at the meeting

IV. **PROJECT DESCRIPTION**  
The applicant is proposing a revision to plans for a two-building warehousing project previously determined to be consistent pursuant to ALUC Case No. ZAP1102MA14, specifically to increase the office area in Building A (which is not located in an Accident Potential Zone) from 15,000 square feet to 45,000 square feet. As amended, Building A would provide 45,000 square feet of office area and 867,338 square feet of warehouse area. No changes are proposed for Building B. The overall floor areas of Buildings A (912,338 square feet) and B (125,437 square feet) would remain the same as originally proposed.

V. **MEETING SUMMARY**  
The following staff presented the subject proposal:  
ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rctlma.org](mailto:prull@rctlma.org)

The following spoke in favor of the project:  
Gary Hamro, Optimus, 5318 E. 2<sup>nd</sup> Street #677, Long Beach, CA 90803

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**  
The ALUC Commission by a vote of 6-0 CONTINUED the project to September 8, 2016 with the consent of the applicant. Absent: Commissioner Manos

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](mailto:basantos@rctlma.org).

ITEM 3.2: TIME: 9: 00 A.M.



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- I. **AGENDA ITEM 3.3:** ZAP1204MA16 – Duke Realty, Adam Schmid (Representative: Albert A. Webb Associates, Nicole Torstvet) – City of Perris Case No. PLN 16-00008 (Development Plan Review). The applicant is proposing to develop a 668,381 square foot warehouse/distribution center on 30.7 acres. The building floor plan consists of 649,481 square feet of warehouse area and 19,200 square feet of office area. The project site is located southerly of Markham Street, westerly of Indian Avenue, easterly of Barrett Avenue and northerly of Perry Street. (Airport Compatibility Zones B1-APZ I, B2, and C1 of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

The applicant is proposing to construct a warehouse/distribution center on a site located predominately within the portion of Airport Compatibility Zone B1 that lies within Accident Potential Zone I (APZ I), as delineated by the United States Air Force in the 2005 Air Installation Compatible Use Zone (AICUZ) study. March Air Reserve Base officials contend that the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan is not consistent with current Air Force guidance found in Air Force Instruction 32-7063 dated December 18, 2015, which addresses Air Force policies on Land Use Compatibility in accordance with Department of Defense Instruction (DoDI) No. 4165.57. These inconsistencies include conflicts with regard to lot coverage, intensity, and permitted use definitions. The Air Force understands the DoDI as limiting intensity in APZ I to 25 people per acre (in any given acre), rather than an average intensity of 25 persons per acre of land area. The project results in a single-acre intensity of 56 or 66 people in Zone B1-APZ I, which is consistent with the ALUCP, but not with the Air Force DoDI interpretation.

III. **STAFF RECOMMENDATION**

The applicant is requesting additional time to address issues raised by the Air Force with City staff, therefore staff recommends that the Commission CONTINUE consideration of the matter to its September 8, 2016, public hearing agenda.

**STAFF RECOMMENDED AT HEARING:**

CONTINUE to 9-8-16 per applicant's request

IV. **PROJECT DESCRIPTION**

The Development Plan Review is a proposal to develop a 668,681 square foot warehouse/distribution center on 30.7 net acres. The building floor plan consists of 649,481 square feet of warehouse area and 19,200 square feet of office area.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at [prull@rctlma.org](mailto:prull@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 CONTINUED the project to September 8, 2016.

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](mailto:basantos@rctlma.org).

ITEM 3.3: TIME: 9:20 A.M.

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I. **4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approvals – Information Only

4.2 Election of Commission Officers

The ALUC Commission by a vote of 5-0 re-elected the current officers, Chairman Simon Housman and Vice Chairman Rod Ballance, for the Chair and Vice Chairman. Abstained: Chairman Housman and Vice Chairman Ballance

II. **5.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 5-0 approved the July 1, 2016 minutes. Abstained: Commissioner Ballance and Lyon

The ALUC Commission by a vote of 7-0 approved the July 14, 2016 minutes.

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

John Guerin, ALUC staff advised the Commission that Paul Rull, ALUC Planner will be directing the Commission meeting on September 8, 2016, due to the absence of staff John Guerin and Ed Cooper, ALUC Director that day.

IV. **7.0 COMMISSIONER'S COMMENTS**

Chairman Housman informed the Commission that the current Resolution 2015-01 of the ALUC authorizing the ALUC Director to take action on legislative items in Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area is expiring at the end of August 2016. For next month's ALUC meeting, the Commission agreed to extend the Resolution timeframe of the Sunset Provision to two years (instead of one year).

Commissioner Lyon informed the Commission that the City of Jurupa Valley and Flabob Airport have once again applied to the FAA for grant of funds under the FAA's pilot program for purchase of airport development rights. Commissioner Lyon expressed that this could have an effect on airport funding.

V. **8.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 9:40 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@rctlma.org](mailto:basantos@rctlma.org).

ITEM 4.0: TIME IS: 9:20 A.M.