

# AIRPORT LAND USE COMMISSION

Riverside County Administration Center  
4080 Lemon St., Board Chambers (1<sup>st</sup> Floor)  
Riverside, California

**Thursday, February 9, 2006**  
**9:00 A.M.**

## MINUTES

A regular scheduled meeting of the Airport Land Use Commission was held on February 9, 2006 at the Riverside County Administration Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman  
Charles Washington  
Mark Lightsey  
Jon Goldenbaum  
Arthur Butler  
Rod Ballance  
Melanie Fesmire

COMMISSIONERS ABSENT:

STAFF PRESENT: Keith Downs, Executive Director  
B.T. Miller, Legal Counsel  
Barbara Santos

OTHERS PRESENT: John A. Corella, Royce International  
John Guerin, Riverside County Planning  
Ken Brody, Mead and Hunt

- I. CALL TO ORDER: The meeting was called to order at 9:00 a.m. by Chairman Housman.
- II. SALUTE TO THE FLAG
- III. ROLL CALL was taken
- IV. APPROVAL OF MINUTES FOR: December 8, 2006

**ACTION TAKEN:** Commissioner Rod Ballance motioned to approve minutes. Commissioner Arthur Butler seconded the motion. Approved unanimously.  
**Abstained:** Melanie Fesmire and Charles Washington.

V. OLD BUSINESS

**RIVERSIDE MUNICIPAL AIRPORT**

A. RI-05-127 – Riverside Commercial Investors’s Inc. – CUP P05-0922, 23, & 24 for an industrial office complex, north of Arlington Avenue, on both sides of Airport Dr., within the City of Riverside. **(Continued from January 12, 2006)**

**CASE NUMBER:** RI-05-127-Riverside Commercial Investor’s, Inc.  
**APPROVING JURISDICTION:** City of Riverside  
**JURISDICTION CASE NO:** Permit P05-0922, 23 and 24

**PROJECT DESCRIPTION:**

An industrial/office complex consisting of approximately 170,000 sq. ft. on 11.6 acres.

**PROJECT LOCATION:**

The site is located at the northeast and northwest corner of Arlington Avenue and Airport Drive within the City of Riverside, from approximately 300 to 800 ft. southeast of Runway 16-34 at Riverside Municipal Airport.

**LAND USE PLAN:**

Adjacent Airport: Riverside Municipal Airport  
a. Airport Influence Area: Zone C, D, B1 and B2  
b. Noise Levels: Inside 55CNEL

**MAJOR ISSUES:**

LAND USE: The proposed site is located from approximately 300 to 800 feet southeast of Runway 16-34 and 1,900 ft. south of Runway 9-27. The proposal is for an industrial office complex consisting of approximately 170,000 sq. ft. on 11.8 acres. The project site is within Zones C, D, B1 and **B2**. Based on the revised building layout and density information submitted by the applicant, Buildings 13, 14 and portions of Building 9, 10, 11 and 12 are within Zone B1. The applicant estimates the maximum occupancy of the buildings that fall within Zone B1 to be 98 persons on 4.9 acres, or 20 persons per acre. Two of the buildings (Building 13 and 14) are proposed for office use, and the remaining buildings are proposed for manufacturing. Based on the required number of parking spaces for the project (234), the estimated occupancy for the entire site is 351 persons, or 29 persons per acre. Based on the proposed number of parking spaces (492), the estimated occupancy is 738, or 64 persons per acre. The applicant estimates the maximum occupancy for the entire site is 500 persons, or 43 persons per acre. Zone B1 allows up to 70% lot coverage and an average density of up to 25 persons per acre, with

allowable clustering on a single acre of up to 50 persons. Zone B2 allows an average density of up to 100 persons per acre, with allowable clustering on a single acre of up to 200 persons. Zone C allows up to 80% lot coverage and an average density of up to 75 persons per acre, with allowable clustering on a single acre of up to 150 persons. Zone D allows up to 90% lot coverage and an average density of 100 persons per acre, with allowable clustering on a single acre of up to 300 persons. Based on the applicant's revised building layout and density estimates, the proposed use is an acceptable use subject to noise and height restrictions, provided the density limitations for Zones B1, B2, C and D are not exceeded. This review applies only to the permits/ City of Riverside case numbers listed in this staff report and the revised site plan submitted by the applicant dated September 27, 2005.

NOISE: The site will get significant overflight, and is inside 55CNEL.

PART 77. The highest elevation of any object or terrain on the site is 790 MSL and the highest structure height is approximately 31 ft. The runway elevation is 774 MSL. FAA 7460 review is required for structures exceeding 35 ft. in height or a 100:1 slope from the end of the runway. At a distance of 300 to 800 ft. from the runway, structures exceeding 777 MSL in elevation require FAA review.

Other: The ALUC continued this item in order to allow the applicant to submit the FAA 7460-1 determination. The FAA determination letter has not been received by staff.

**RECOMMENDATION:** Staff recommends continuance of the case until the next ALUC meeting or off calendar due to failure of the applicant to provide the FAA 7460-1 determination letter.

**CONDITIONS:** For the City to Utilize

1. Provide Avigation Easements to the operator of Riverside Municipal Airport prior to any permits being issued or sale to any entity exempt from the Subdivision Map Act.
2. Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky.
3. Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45-decibel levels.
4. Children's schools, hospitals, day care center, libraries and nursing homes are prohibited in Zones B1, B2 and C. Above ground bulk storage of hazardous materials is prohibited in Zone B1 and B2.

5. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
6. No obstruction of the “FAR Part 77 Conical Surface” shall be permitted. An FAA 7460-1 review shall be completed for any structure of a height that exceeds 777 MSL, or a 100:1 slope from the end of the runway and any conditions listed in the FAA determination letter shall be satisfied.
7. The attached notice shall be given to all prospective buyers and tenants.

Keith Downs recommends we take case RI-05-127 off calendar.

**ACTION TAKEN:** Commissioner Rod Ballance motioned to take RI-05-127 off calendar. Commissioner Charles Washington seconded the motion. Approved unanimously.

- B. RG-05-103 ALUC – An Amendment to the ALUCP – The proposed change would utilize net acreage rather than gross acreage as the basis on which compliance with the high density option in Zone “D” is measured. Riverside, Palm Springs and Jacqueline Airport. (Continued from December 8).

**CASE NUMBER:** RG-05-103 and RI-05-141, TH-05-103 and PS-100

**APPROVING JURISDICTION:** Riverside County Airport Land Use Commission

**PROJECT DESCRIPTION:**

An amendment to the 2004 Airport Land Use Compatibility Plan (ALUCP) for public use airports in and affecting Riverside County. Jurisdictions affected are: The cities of Rancho Mirage, Cathedral City, Coachella, and Palm Springs, Riverside and; the County of Riverside and any special district within those Influence Areas. This effort does not apply to March ARB, Hemet/ Ryan or Chino airports. The attached letter and notice has been sent to those airports and local jurisdictions affected by this proposal.

**PROJECT LOCATION:**

All areas within Zone D within the Adopted Airport Influence Areas. Affected Airports are: Jacqueline Cochran, Palm Springs and Riverside.

**BACKGROUND:** The ALUC contracted with the consulting firm of Mead and Hunt to prepare the ALUCP in June of 2002 and adopted the new plan for 8 airports in 2004 and 3 in 2005. Fairly immediately staff noticed that utilization of the gross density for the floor of the high density option was sometimes inappropriate for the uses intended.

**MAJOR ISSUE: Density in Zone D**

**RECOMMENDATION:** Staff recommends that; 1) The ALUC continue to take testimony from the jurisdictions and the public for Riverside, Jacqueline and Palm Springs airports, leave open and continue those airports until the next meeting of March 9, 2006.

**Addendum: January 12:** At the last meeting the Commission approved and adopted the changes to eight of the airports. If the Commission adopts this amendment for any of these airports this year there can be no further changes at these three airports until 2007.

**Addendum: February 9:** At the last meeting the County requested a continuation until this meeting in order to return with a more comprehensive proposal for the Jacqueline Cochran Regional Airport ALUCP. Since this case is only to adjust the Zone D density, plan, any other proposal will necessitate a separate and newly advertised item. These could then be joined prior to the end of the year for the singular allowed change. Any proposal from any airport or local jurisdiction must use the current Airport Land Use Planning Handbook for guidance.

Exhibit A: Amendment to ALUCP

Add to section 1.2 *Net Acreage*: For the purposes of this *Compatibility Plan*, the net acreage of a project equals the overall developable area of the project site exclusive of permanently dedicated open lands (as defined in Policy 4.2.4) or other open space required for environmental purposes. In most cases, particularly those involving relatively small project sites, the net acreage of a project will be the same as the size of the parcel or parcels to be developed.

Change Footnote 16 on Table 2A to read: Two options are provided for residential densities in *Compatibility Zone D*. Option (1) has a density limit of 0.2 dwelling units per acre (i.e., an average parcel size of at least 5.0 gross acres). Option (2) requires that the density be *greater than 5.0* dwelling units per net acre (i.e., an average parcel size *less than 0.2* net acres). The choice between these two options is at the discretion of the local land use jurisdiction. See Table 2B for explanation of rationale. All other criteria for *Zone D* apply to both options.

The following page (Gross v. Net Acreage Examples): illustrates the difference that the proposal would make for a typical 40 acre residential project.

The attached diagram shows how the density of residential development would be calculated using the net acreage of the site versus gross acreage. The net acreage measurement would be applied to the high-density option in Zone D.

The current policy of using gross acreage makes it difficult for a project to achieve the required minimum of 5.0 dwelling units per acre under the Zone D high-density option, particularly when a portion of the site must be devoted to open land for environmental, flood control, or other reasons.

As shown in the two examples, both would meet the minimum density requirement of 5.0 dwelling units per acre if based upon net acreage. When measured on a gross acreage basis, however, Example 1 would still essentially meet the criterion, but Example 2 would clearly not comply.

Keith Downs recommends continuance. Due to incorrect advertisement, the public hearing for Chino Airport will be changed to April 13, 2006.

**ACTION TAKEN:** Commissioner Charles Washington made a motion to approve staff recommendations for continuance. Commissioner Rod Ballance seconded the motion. Approved unanimously.

## **BERMUDA DUNES AIRPORT**

- C. BD-05-118 – Mirasera – Specific Plan 338, EIR, General Plan Amendment, and Change of Zone for 545,300 square feet of commercial/office and 1,764 residential units on 189.8 acres, north of Varner Road, south of 38<sup>th</sup> Avenue within the County of Riverside. (Continued from January 12, 2006)

**CASE NUMBER:** BD-05-118 – Mirasera  
**APPROVING JURISDICTION:** County of Riverside  
**JURISDICTION CASE NO:** Notice of Preparation, Draft EIR, Specific Plan 338, General Plan Amendment and Change of Zone

### **PROJECT DESCRIPTION:**

A retail/office/hotel center consisting of approximately 545,000 sq. ft. and 1,764 dwelling units on 190 acres.

### **PROJECT LOCATION:**

The site is located north of Varner Road and south of 38<sup>th</sup> Avenue from approximately 10,000 to 14,000 feet northwest of the runway at Bermuda Dunes Airport.

### **LAND USE PLAN:**

Adjacent Airport: Bermuda Dunes Airport  
a. Airport Influence Area: Zone C, D and E  
b. Noise Levels: From Inside 55CNEL to less

### **MAJOR ISSUES:**

LAND USE AND DENSITY: The proposed site is located from approximately 10,000 to 14,000 feet northwest of the runways. The proposal is for a mixed use center consisting of approximately 545,000 sq. ft. of office, retail, hotel and 1,764 dwelling units of various types on 190 acres. According to the application there could be 10,569 people on site or an average density of over 56 people per acre gross or 61 per net acre.

Approximately half of the proposed site (the westerly and northerly portion) of the site with two large buildings and 4 smaller retail buildings are located within Zone E. Zones D and C are in the southeasterly sector of the plan. An analysis within the plan in section 4.1.8 pages 4.67-70. As the EIR states, the plan does not meet density for Zone C. Based on the proposed building layout within the safety zones, the proposed density and use is **inconsistent** subject to noise and height issues. Wildlife hazards attractant have not been discussed.

NOISE: The site will get significant over flight and the eastern portion of the project is inside of the current and near future 55 CNEL. The RNAV GPS 10 approach ( see exhibit B) for runway 10 brings aircraft approximately 400AGL at this location, but is not described in the text.

PART 77. The highest elevation of any structure or terrain on the site is 157 MSL and the near runway elevation is 73 MSL. FAA 7460 review is required by the plan for structures exceeding a height of 35 ft. in Zone B1, 70 ft. in Zones C and D, or a 100:1 slope from the end of the runway. An FAA 7460 analysis will likely be required for some structures, but none are proposed to exceed the Part 77 criteria for obstructions.

NOTICE OF PREPARATION: We received the NOP from the county after the document was filed by the applicant. The document does not recognize the 2004 adoption of the current ALUCP and only refers to the old document on page 23 and 28. On page 28 it also fails to include the noise contours from the 2004 plan.

**RECOMMENDATION:** Staff recommends a CONTINUANCE to the next hearing date (March 9, 2006) in order to: 1) obtain a corrected the text of the Change of Zone, 2) obtain comments from the airport manager, 3) obtain comments from Caltrans Aeronautics, 4) have the specific plan address the RNAV GPS 10 approach, 5) obtain a more complete Specific Plan document including more detailed mitigation measures and direct staff.

SECTIONS TO READ: Comment

Introduction and Summary: ALL

- |                     |  |
|---------------------|--|
| Section 1.4         | ALUC review not an approval  |
| Section 3.0         | Absent   |
| Section 4.2         | Development Standards  |
| Section 4.6         | Open Space does it meet standards of 4.2.4 of ALUCP  |
| Section 4.1.8       | RCALUC compatibility. Attempts to meet Special Condition of ALUCP 3.3.6 (see attached Exhibit C) |
| Section 5.3.10      | Noise  |
| Section 5..1.11.2.3 | Page 5.257 at 6,550 people differs from application page number of 10,569                        |
| Section 5.3.14.2    | Page 5.290-307 Existing Condition relating to airport ( Good Description)                        |



Section 6.0 RCALUCP not referenced

Section 8.399 RCALUC not referenced

ADDENDUM: February 9, 2006: We have since the hearing received a response from Caltrans Aeronautics and it is attached. Staff met with the project proponent on January 24 and as of February 1 has not received any additional information.

ADDENDUM: February 8, additional material was received February 2 and sent to the Commissioners. These are portion supplementing the original document that was distributed for the January meeting. Staff has discussions with Bermuda Dunes Airport and their letter is attached. Staff attempted in the little time available to put together some findings regarding the proposal, but a fully assembled document from the applicant is not available at this time.

Staff has discussed with the applicant that any document such as an avigation easement/and deed notice be recorded at the time that the local jurisdiction receives approval for the specific plan and not at later times when the project may be sold or fractured.

**RECOMMNDATION:** That the Commission should duly consider all the factors in the proposal and if it decides to find the normally incompatible use acceptable then make specific findings regarding the project.

Keith Downs came forward presenting exhibits and findings.

1. The existing residential land uses to the east (RV Park) and south of the site are similar in density to much of the proposal.
2. Approximately 30 to 40% of the surrounding property adjacent or near adjacent to the site include residential development.
3. The proposed site is outside of the current and near future 65 CNEL noise contour for the airport.
4. The average net density proposed is 56 people/acre for the entire development.
5. The proposed project as submitted will not create an undue safety hazard to people on the ground or aircraft in flight, and is not expected to result in excessive additional noise exposure.
6. Expanded buyer awareness measures have been included in the conditions of approval for the project to further ensure that prospective buyers or renters are informed about the presence of aircraft overflights.

7. A portion (16.8%) of the Specific Plan area within is being set aside as permanent open space/drainage.
8. The project is impacted by noise from rail and highway noise for much of the site, particularly along the southwest border.
9. The occasional over flight from the RNAV approach will generally be at 400AGL.
10. The site is from 10,000 to 14,000 from the airport runway and normal takeoff has aircraft at pattern altitude prior to reaching this site.
11. The airport manager has not expressed any concerns with the project after consultation with the applicant.
12. The highest structure will be 55AGL which will not be an obstruction as per PART 77.
13. The document as proposed with the attached supplements will accurately describe the relationships of the project to the ALUCP and the airport.
14. There will be between 6,550 to 10,569 people on the site at build out.
15. The roadway on the north (38<sup>th</sup> avenue) and south (Varner Road) will not have streetlights on the outer side or medians which may facilitate utilization for emergency landings.
16. There are no usable open spaces as defined in section 4.2.4 within the interior of the parcel.
17. There are no sizable waterfowl attractants within the project.

Major concerns are on larger projects (Avigation Easements) would like to see future projects right up front.

John Corella from Mirasera came forward presenting exhibits. Proposed flood control channels are being met for approval. Mr. Corella has no objections for meeting conditions of approval for the project with the county, and also has no problem preparing an avigation easement. Concerns are the 3.3.6 findings (Zone C) mix-use. Mr. Corella requested continuance.

Chairman Housman closes hearing.

Chairman Housman concerns were the Zone C boundary issue, whether to move line perpendicular to runway and conformity issues.

Commissioner Washington stated that he could find the two areas to the west to be compatible, but that he could not find the third planning area in Zone C to be consistent as presented. If the applicant requested to continue the case to modify the proposal he would be interested.

Chairman Housman motions to continue to give staff an opportunity to develop appropriate specific findings regarding the exceptions discussed. Commissioner Charles Washington seconded the motion.

Ken Brody from Mead and Hunt addressed issues on noise, safety and height limits. Special conditions are easier than changing the plan.

Chairman Housman makes two choices either 1)Continue to the next hearing and give the applicant and staff an opportunity to come back with either a bases for exceptions on the 6.1 acre parcel or indifferent use for the 6.1 acre parcel, or 2) Vote as it stands.

**ACTION TAKEN:** Chairman Housman motioned to continue case. Mr. Housman would like staff to present specific findings regarding the 16.0 acre parcel and the 9.3 acre parcel and to give the proponent an opportunity to provide additional evidence for an alternative use for the 6.1 acre parcel. Seconded by Commissioner Charles Washington and Melanie Fesmire.

Keith Downs informed commission that the hearing was closed, and we need to re-open hearing in order take additional information and testimony. Chairman Housman made a motion to re-open public hearing and continue to next meeting. Seconded by Melanie Fesmire. Approved unanimously.

## VI. NEW BUSINESS

### **FRENCH VALLEY AIRPORT**

- A. FV-06-100 MAG MILO Architecture Group – 80,000 square feet of office buildings on 7.7 acres at Sky Canyon Road, within the County of Riverside.

**CASE NUMBER:** FV-06-100 –MAG-Milo Architecture Group  
**APPROVING JURISDICTION:** County of Riverside  
**JURISDICTION CASE NO:** Plot Plan 21337

**PROJECT DESCRIPTION:**

A proposal to build 80,000 sq. ft. of office buildings on 7.7 acres.

**PROJECT LOCATION:**

The site is located at Sky Canyon Drive within the County of Riverside, approximately 3,600-4,400 feet south of the runway at French Valley Airport.

**LAND USE PLAN:**

Adjacent Airport: French Valley Airport  
a. Airport Influence Area: Zone C  
b. Noise Levels: Outside 55CNEL

**MAJOR ISSUES:**

LAND USE AND DENSITY: The proposed site is approximately 4,500-5,400 feet south of the runway. The proposal is for 80,000 sq. ft. of two story office buildings on 7.7 acres.

The proposed buildings are located within Zone C. Zone C allows up to 80% lot coverage and an average non-residential density of up to 75 persons per acre, with allowable clustering on a single acre of up to 150 persons. Based on the occupancy information submitted by the applicant, the estimated density for the project is approximately 45-68 persons per acre. The proposed average density is consistent with the non-residential density standards for Zone C1. The highest single acre density is 172 per acre which exceeds the 150 per acre, but is less than the 195 per acre if the Bonus is utilized. The applicant has designed the site and structure incorporating features that mitigate some of the potential hazards of the higher density. These are explained on attachment 1.

NOISE: The site will get some over flight, but is outside of the current and near future 55CNEL.

PART 77. The highest elevation of any object or terrain on the site is 1,161 MSL and the runway elevation is 1347 MSL. The tallest proposed building on the site is 35.5 ft. An FAA 7460 review is required for

structures exceeding a height of 70 ft., or a 100:1 slope from the end of the runway. Part 77 is not a problem.

**RECOMMENDATION:** Staff recommends a finding of Consistency for the project, based on the consistency of the proposed density with the standards for Zone C with the mitigations in the design.

**CONDITIONS:**

1. Provide Avigation Easements to the operator of French Valley Airport prior to any permits being issued or sale to any entity exempt from the Subdivision Map Act.
2. Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky.
3. Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45-decibel levels.
4. Children's schools, day care centers, libraries, hospitals, nursing homes and above ground storage of hazardous materials are prohibited in Zone C.
5. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

6. Structures exceeding a height of 35 feet, or a 100:1 slope from the end of the runway require FAA 7460 review.
7. The attached notice shall be given to all prospective buyers and tenants.

Keith Downs recommends a finding of consistency for consent item FV-06-100.

**ACTION TAKEN:** Commissioner Charles Washington made a motion to approve staff recommendations. Commissioner Jon Goldenbaum seconded the motion. Approved unanimously.

## **REGIONAL**

- B. CH-06-101, RG-06-100, Chino Airport – Airport Land Use (ALU) Compatibility Plan - The Airport Land Use (ALU) Compatibility Plan will update and revise noise and safety compatibility criteria used by the ALUC in reviewing proposed land use actions near airports in Riverside County as indicated on the attached map, including areas within incorporated cities. These criteria may include restrictions on the heights of structures, limitations on the intensity of new land use development, requirements for sound insulation in new buildings, and establishment of real estate disclosure policies addressing aircraft over flights. The (ALU) Compatibility Plan is concerned only with proposed new development. The ALUC has no authority over existing land uses in Riverside County only.

**CASE NUMBER:** CH-06-101 and RG-06-100 and Chino Airport

**APPROVING JURISDICTION:** Riverside County Airport Land Use Commission

### **PROJECT DESCRIPTION:**

An update to the 2004 Airport Land Use Compatibility Plan (ALUCP) for Chino Airport. Jurisdictions affected are: the County of Riverside and any special districts within that Influence Area.

### **PROJECT LOCATION:**

All areas within the Draft Airport Influence Area (see Map Attached) within Riverside County

**BACKGROUND:** The ALUC contracted with the consulting firm of Mead and Hunt to prepare the ALUCP in June of 2002. The consultants has met with the affected airport and land use jurisdictions and obtained each of their general plan and zoning ordinances. Our consultant has reviewed the proposal against each of those plans and the review is attached and was sent to the County in early January.

**MAJOR ISSUES: Noise Element, Community Plans and Land Use Element Area Plans**

The plan as proposed includes three of the zones (C, D and E) to the area within the Proposed Influence Area. This is a similar pattern to the 1990 CLUP adopted by the San Bernardino ALUC.

**RECOMMENDATION:** Staff recommends that; the ALUC take testimony from the jurisdictions and the public, close the hearing or continue to hold the hearing open, and continue the proposal until the next meeting of March 9, 2005, direct staff and the consultant to review any responses and respond to those comments, and prepare a Resolution for Adoption.

**ACTION TAKEN:** Chairman Housman addressed that CH-06-101 is off calendar and is rescheduled to April 13, 2006.

C. Overrule Notice MA-05-145

**CASE NUMBER:** MA 05-145 David DeGennaro  
**APPROVING JURISDICTION:** City of Riverside  
**JURISDICTION CASE NO.:** Design Review and Permits

**PROJECT DESCRIPTION:** Office and Commercial Center

**PROJECT LOCATION:**

The site is located at the northeast corner of Alessandro Blvd. and Barton Road, within the City of Riverside, approximately 14,500 ft. northwest of March Air Reserve Base.

Adjacent Airport: March Air Reserve Base/March Inland Port

a. Airport Influence Area: Within Area of Influence Study Area  
b. Land Use Policy: Influence Area II  
c. Noise Levels: See Below

**BACKGROUND:**

Staff utilized four resources for our review:

1. The RCALUP: 1984 with Interim boundaries for March Air Force Base: 1986
2. The current Caltrans Airport Land Use Planning Handbook: 2002
3. Noise Data from the AICUZ Study: 1998 and 2005 March Air Reserve Base
4. ALUCP for Riverside County: 2004

**MAJOR ISSUES:**

Land Use: The proposed site is located approximately 14,500 feet northwest of north end of Runway 14-32. The project is a commercial /office/retail restaurant on a 6.26 acre site. The proposed property area for the restaurant is .639 acres. The proposal is under or near the major approach and departure track and within the horizontal surface.

The 1984 Plan places an emphasis upon the type of airport, the type of aircraft using the airport, planned and existing approach profiles, actual flight tracks, noise levels, or a combination of these factors. The site is located in Area II, which allows commercial and agricultural uses.

Density and Coverage: The proposed property area is 6.26 net acres. The structural coverage of the site is less than 20% of the total acreage. Using the provided parking the site would have 84 people per acre. Using building code it would have 196 people per net acre or approximately 152 per gross acre.

Part 77: The elevation at this site is approximately 1,621 MSL and the maximum building height is 26 feet. The runway elevation is 1535 MSL. In order to be an obstruction, a structure would need to exceed 1,838 MSL feet in elevation. Part 77 obstruction criteria are not a concern with this project.

Noise: The site has been shown to have some noise over the property with each of the AICUZ reports. The 1998 AICUZ indicated the property to have over 60 CNEL the 2005 shows less than 60CNEL.

**RECOMMENDATION:** Staff recommends a finding of Consistency of the project, subject to the conditions outlined below.

**CONDITIONS:**

1. Provide Avigation Easements to March ARB/MIP prior to any permits being issued or sale to any entity exempt from the Subdivision Map Act. (Tel. 951- 656-7000)



2. Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45-decibel levels.
3. Install hooded or shielded outdoor lighting measures to assure that no lights are above the horizontal plane.
4. 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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The above ground storage of explosives or flammable materials shall be prohibited.
6. The attached Notice regarding Proximity to the airport shall be given to each potential purchaser or lessee.
7. The uses in the attached exhibit B shall not be allowed in this project.

**Addendum: February 9, 2006** this case was heard in December and found consistent with the condition that none of the use in Appendix B be allowed. The City of Riverside has notified the ALUC as required per PUC21676 that they intend to overrule the ALUC. That statute requires that any local agency that wished to overrule an ALUC must notify the ALUC and Caltrans Aeronautics 45 days prior to that action and to include

the findings that they are proposing. Those findings must implement the intent of PUC 21670.

Alternatives to the Commission are:

1. Make no comment
2. Comment to the findings or facts

The applicant has provided a listing of nearby uses along Alessandro Blvd. Approximately 80% of these were never reviewed by the ALUC. Of the balance approximately two thirds were found consistent by the ALUC and 2 or 3 were found inconsistent and eventually overruled by the City. Review of the proposed overrule does not explain the *nexus* between the action and ‘minimizing the public’s exposure to excessive noise and safety hazards.’

Keith Downs indicated that the commission had a finding of consistency with an attached Appendix B added to the list of inappropriate usages. Applicant has appealed listing. Our recommendations are that we put a letter together regarding the appeal procedure.

**ACTION TAKEN:** Chairman Housman made a motion to respond indicating they have not addressed the statutory requirements. Seconded by Melanie Fesmire. Approved unanimously.

## VII. ADMINISTRATIVE ITEMS

### A. Procedural Review: ALUC Processes

**SUMMARY:** Procedural update: At the last meeting two of the commissioners requested that brief session be included to familiarize the Commission with the purpose, mission, operation, funding, procedures and policies of the Commission.

**BACKGROUND:** While the law and purpose have not **changed**, over the last 16 months the Commission has adopted 10 new plans, new bylaws and a set of policies that have changed. Staff will go over these with the attached information at this meeting. **Members should ask that their alternates attend if they think this is of value.**

### B. MARB STATUS

**SUMMARY:** March Operations Assurance Task Force and Joint Land Use Study (JLUS)/ALUCP

**PROJECT DESCRIPTION:** Task force to assist Continuing Operations at March Air Reserve Base (MOATF)

**BACKGROUND:** As approved at the May 2003 ALUC meeting, your staff has attended the meetings of the March Operations Assurance Task Force (MOATF) an effort to retain the airfield during the Base Realignment process.

To that end the JPA obtained funding from the Office of Economic Assistance to develop a Joint Land Use Study JLUS and update the CLUP. The March JPA has applied for and received the grant. Staff is participating in that effort on the Technical Subcommittee. The contract was approved by the March JPA on October 20<sup>th</sup>, 2004.

Meetings of the MOATF were held on November 1, 2004, December 13<sup>th</sup>, February 14<sup>th</sup> and April 4<sup>th</sup>. As of January 29, 2006 no meeting has been scheduled for the MOATF.

The effort is dependant upon noise contours being developed by the Air Force as part of a new AICUZ, which was released September 20<sup>th</sup>. An internal Draft of the plan was given out in April and the planning staff (TAC) of the affected jurisdictions met on April 26<sup>th</sup> and as recently of January 26<sup>th</sup>. The attached April letter was sent to the March JPA regarding that draft. No additional flight radar paths have been obtained, but controversy has ensued regarding a displayed flight track. Staff gave a summary of the current status of the plan at this meeting along with some illustrations and questions about the plan.

**RECOMMENDATION:** Continue to follow the progress with updates at each meeting.

Keith Downs received an update from the March Operational Task Force. Propose schedule should come to us in June.

C. Commissions Stipend

**SUMMARY:** Stipend for Commissioners

**BACKGROUND:** In the distant past (pre-1995) the Commissioners received a stipend for services at the Commission. During the economic turndown of the early 90's it was eliminated. Typically these are a set amount for the day or half day.

**RECOMMENDATION:** The Commission request staff including counsel to investigate the possibilities of reinstating the stipend.

**ACTION TAKEN:** Commissioner Melanie Fesmire made a motion to reinstate stipend. Seconded by Rod Ballance. Approved unanimously.

D. Letter to Jurisdictions

**SUMMARY:** Letter to all cities

**BACKGROUND:** We have adopted 10 of the 13 and have informed the planning departments of the new maps and the requirements of ALUC review. Some of the jurisdiction are not following are seemingly not aware of the procedure and law. The attached letter was sent by the Chairman of the ALUC in 2001. We are recommending and some airports are requesting that a new letter be sent to all affected jurisdictions.

**RECOMMENDATION:** Direct the Chairman to sign the letter and forward it to all cities.

**ACTION TAKEN:** Chairman Housman made a motion to send letter. Commissioner Melanie Fesmire seconded the motion. Approved unanimously.

E. ALUCP Update

**SUMMARY:** ALUCP Update

**BACKGROUND:** Chino Airport Master Plan: The San Bernardino airport staff has approved a contract for additional environmental work at the airport and it was completed and copies of the plan were given to the commissioner's at the November meeting. Your staff has asked that additional information be supplied and a response from the San Bernardino ALUC is available prior to any hearing of the Master Plan by the Riverside County ALUC. A draft of the relevant factors has been prepared

and staff met with the San Bernardino County airport's staff (July 27, 2005) for review and comment. Comments were received on October 3<sup>rd</sup> and the consultant has finished the plan at this time. It has been placed on the website at this time and is scheduled for public hearing on February 9, 2006.

Hemet/Ryan Airport: The status is unchanged. A draft Master Plan has been completed and the initial study was sent out by the airport sponsor for comments and ultimate scheduling for the ALUC review after the comment period ended (September 15, 2004) and prior to any Board of Supervisor's hearing. The County has indicated that some individuals and the City of Hemet and RCTC have requested that an EIR be prepared for the Hemet Master Plan. The County and City of Hemet have had discussion regarding adding the street replacements to the effort and a Notice of Preparation will be completed soon. After adoption of the Master Plan by the Board of Supervisors the update for this airport could go to hearing. A new alternative of an addition to the original plan of an extension to 6,000 feet may be added to the plan. The background information for the airport is now on the website and is included in your staff report and should be placed in your plan binder.

**RECOMMENDATION:** Information only

F. Vice Chairman Position

**SUMMARY:** Vice Chair Position

**BACKGROUND:** At the last meeting is pointed out that the Vice Chairman is an alternate and would not necessarily be here when needed and that either another regular member be appointed or a third person be appointed.

**RECOMMENDATION:** The Commission appoints a Vice Chairman from the appointed members. That person would serve until the terms are up in May.

**ACTION TAKEN:** Rod Ballance nominates Commissioner Charles Washington to be Vice Chairman. Seconded by Melanie Fesmire. Approved unanimously.

H. Letter from County Planning Department

Keith addressed that this was added to the agenda regarding French Valley Airport.

John Guerin Riverside Planning Department came forward indicating he will have maps available at the next meeting. Jacqueline Cochran Airport is a major concern, a pacific amendment is being submitted to staff and a new project is coming in adjacent to Flabob Airport.

VIII. ORAL COMMUNICATION FROM THE PUBLIC ON ANY ITEM ON THE AGENDA

NONE

IX. COMMISIONER'S COMMENTS

Rod Ballance has information on Harvest Church who was found inconsistent. They will be filing an appeal with the City of Riverside to move forward.

Melanie Fesmire introduced her alternate, Jim Downes, a former employee of the FAA. A letter will follow.

X. EXECUTIVE SESSION: Conference with legal counsel regarding existing litigation (Government Code section 54956.9): Silverhawk Land & Acquistions, LLC v. Riverside County Airport Land Use Commission et al. (Riverside Superior Court case no. RIC 431176).

Continue to the next hearing date on March 9, 2006

XI. ADJOURNMENT: Commissioner Rod Ballance adjourned the meeting at 11:55 a.m., seconded by Commissioner Mark Lightsey. Approved unanimously.  
NEXT REGULARLY SCHEDULED MEETING: March 9, 2006 at 9:00 a.m., Riverside.