

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER AUGUST 14, 2008  
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on August 14, 2008 at the Riverside County Administration Center, Board Chambers.

COMMISSIONERS PRESENT:    Simon Housman, Chairman  
   Rod Ballance, Vice Chairman  
   Arthur Butler  
   John Lyon  
   James Downes (Alternate for Melanie Fesmire)  
   Robin Lowe  
   Glen Holmes

COMMISSIONERS ABSENT:    Melanie Fesmire

STAFF PRESENT:                Ed. Cooper, Director  
   John J. G. Guerin, Principal Planner  
   Barbara Santos, ALUC Secretary  
   B.T. Miller, Legal Counsel

OTHERS PRESENT:              Ricarda Bennett, Heliport Consultants  
   Dr. Allan Drusys, Chief Veterinarian – Dept. of Animal Services  
   Bob Mainiero, Applicant Representative  
   Abraham Mahgerefteh, Other Interested Person  
   Jorge Meza, Other Interested Person  
   Greg Pettis, Delson Group  
   Arnulfo Rodriguez, Other Interested Person  
   Kurt Schlyer, Applicant Representative  
   Chuck Tobin, Representing Cole Burr

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I. **AGENDA ITEM 2.1:** ZAP1005PS08 – Cathedral Hotel Group, Ltd. (Representative: Jon Berg/Dudek Engineering and Environmental) – City Case Nos. CUP 08-006 and GPA 08-004 – Conditional Use Permit No. 08-006 is a proposal to develop a 135,827 square foot, four-story extended-stay hotel with 162 units and 3,500 square feet of meeting space on 12.3 acres located southerly of 30<sup>th</sup> Avenue, westerly of Landau Boulevard, and easterly of the Whitewater River and Cimmaron Golf Course in the City of Cathedral City. General Plan Amendment No. 08-004 is a proposal to increase the maximum density in the Resort Residential General Plan land use designation from 6.5 dwelling units per acre to 10 dwelling units per acre. Additionally, the applicant proposes an amendment to the City’s zoning ordinance to allow for a 50-foot height limit in the Resort Residential zone. Airport Zone E.

II. **MAJOR ISSUES**  
None

III. **STAFF RECOMMENDATION**  
Staff recommends a finding of CONSISTENCY for the general plan amendment and the zoning ordinance amendment, and a finding of CONSISTENCY for the conditional use permit, subject to the conditions in this staff report.

IV. **PROJECT DESCRIPTION**  
The applicant proposes to develop a 135,827 square foot, four-story extended-stay hotel with 162 units and 3,500 square feet of meeting space on 12.3 acres. The associated general plan amendment would increase the maximum density in the Resort Residential General Plan land use designation from 6.5 dwelling units per acre to 10 dwelling units per acre. The applicant also proposes an amendment to the City’s zoning ordinance to allow for a 50-foot height limit in the Resort Residential zone.

**CONDITIONS:**

1. The following uses shall be prohibited:
  - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
  - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
  - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, composting

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operations, fly ash disposal, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.

- d. Any use which would generate electrical interference that may be detrimental to any operation of aircraft and/or aircraft instrumentation.
2. The attached notice shall be provided to all potential purchasers of real property interests and extended-stay tenants renting on a basis of periods longer than thirty (30) days.
3. The maximum elevation at the top of the proposed structure shall not exceed 451 feet above mean sea level.
4. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
5. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

The following spoke in opposition to the project:

Abraham Mahgerfteh, 3054 Country Club Drive, Costa Mesa, CA 92626

No one spoke in favor or neutral to the project.

**VI. ALUC COMMISSION ACTION**

The ALUC Commission, by a unanimous vote of 6-0 found the project **CONSISTENT**. Absent: Commissioner Robin Lowe.

**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 IS 9:03 A.M.

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- I. **AGENDA ITEM 2.2** ZAP1041RI08 – City of Riverside - (Owner: Arlington Animal Hospital, c/o James F. Hicks) – City Case No. P06-1295 (Rezoning). A proposal to change the zoning of a 0.72-acre parcel [with an address of 4229 Van Buren Boulevard] located on the east side of Van Buren Boulevard, northerly of California Avenue, in the City of Riverside, from R-3-1500 (Multiple-Family Residential/High Density, 1,500 square foot minimum net lot area per dwelling unit) to CR (Commercial Retail). Airport Zone E.
- II. **MAJOR ISSUES**  
None
- III. **STAFF RECOMMENDATION**  
Staff recommends a finding of CONSISTENCY for the change of zone.
- IV. **PROJECT DESCRIPTION**  
A proposal to change the zoning of a 0.72-acre parcel from R-3-1500 (Multiple-Family Residential/High Density, 1,500 square foot minimum lot area per dwelling unit) to CR (Commercial Retail).
- V. **MEETING SUMMARY**  
The following staff presented the subject proposal:  
ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@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 6-0, found the project CONSISTENT. Absent: Commissioner Robin Lowe.
- 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 2.2: TIME IS 9:03 A.M.

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I. **AGENDA ITEM 3.1: ZAP1008FV07 – Wilshire Greenway I, LLC** (Representative: Ebru Ozdil/Advanced Development Solutions) – County Case Nos. PP23146 (Plot Plan), and PM29509 (Parcel Map No. 29509, Amended No. 2). Plot Plan No. 23146 proposes to establish a mixed use commercial/office/industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres) located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel. Airport Zones C, B1, and D. (Continued from March 13, May 8, June 12, and July 10, 2008).

II. **MAJOR ISSUES**

Single-acre intensities exceed Zone C criteria in portions of the site, most notably in the area of the two-story office buildings K and L. These intensities are up to 195 persons per acre. The problems appear to be surmountable through redesign or reallocation of land uses and structures and/or demonstration of eligibility for risk-reduction and/or open land bonuses. The applicant is requesting risk-reduction design bonuses of up to 30% for single-story buildings and up to 20% for two-story buildings. The project does meet the average intensity standard. FAA review has been completed. At the June 12 public hearing, the Commission raised the issue of whether the project meets the open area requirements of the airport zones in which it is located. Staff estimates that the project requires at least 6.72 acres of ALUC-qualified open area, unless the applicant provides verification that the open area requirement is met at the Specific Plan level for Specific Plan No. 284.

III. **STAFF RECOMMENDATION**

CONTINUANCE to September 11, 2008, pending receipt of information regarding the project's compliance with the open area requirements.

UPDATE: This item was continued without discussion from the December 13 agenda in order to allow for redesign or reallocation of uses or structures in the vicinity of Buildings K and L, and to allow for FAA review. Staff met with two project representatives on December 18 to discuss these concerns. Staff is awaiting further information from the applicant as of January 2, 2008. Staff has recommended the preparation of a site plan that depicts airport zone boundaries on the site.

UPDATE II: On January 24, 2008, staff met again with the two project representatives, the project architect, the applicant, and representatives of the County Planning Department and Economic Development Agency. It was indicated at that meeting that ALUC staff would be provided with (1) documentation regarding each building corner's maximum elevation and distance from runway (or, alternatively, verification of FAA submittal); (2) more precise information regarding building square footage within the single-acre areas of greatest concern; and (3) a request for use of the risk-reduction design bonus with appropriate documentation. As of January 30, this information has not been received.

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UPDATE III: The additional information has not been received as of February 28, 2008. The applicant's representative is attempting to satisfy County Planning staff concerns, as well as ALUC staff concerns regarding single-acre intensities, and has indicated that these changes may affect the locations of Buildings K and L, as well as building heights. Both the site plan and elevations may be modified as a result..

UPDATE IV: THE APPLICANT HAS REQUESTED AN ADDITIONAL ONE-MONTH CONTINUANCE.

UPDATE V: A NEW PACKET OF MATERIALS WAS SUBMITTED ON MAY 29, 2008. THE APPLICANT HAS MADE SOME CHANGES TO BUILDING LAYOUT AND LAND USES AND HAS SUBMITTED TO FAA FOR AERONAUTICAL REVIEW WHERE REQUIRED.

UPDATE VI: THE COMMISSION HAS REQUESTED A DETERMINATION AS TO WHETHER THE PROJECT MEETS THE APPLICABLE ALUCP OPEN AREA REQUIREMENTS. AT THIS TIME, STAFF DOES NOT HAVE SUFFICIENT INFORMATION TO VERIFY THAT THESE REQUIREMENTS ARE MET. THEREFORE, STAFF IS RECOMMENDING AN ADDITIONAL CONTINUANCE.

UPDATE VII: THE APPLICANT HAS REQUESTED AN ADDITIONAL ONE-MONTH CONTINUANCE.

**IV. PROJECT DESCRIPTION**

Plot Plan No. 23146 proposes to establish a mixed use commercial, office, and industrial project consisting of 12 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres). PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@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 6-0, **CONTINUED** the project to September 11, 2008. Absent: Commissioner Robin Lowe

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**VII. CD**

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at [basantos@rctlma.org](mailto:basantos@rctlma.org).

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

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I. **AGENDA ITEM 4.1:** ZAP1025FV08 – Cole and Tracy Burr/Heliport Consultants (Representative: Ricarda Bennett) – County Case No. CUP 03551 (Conditional Use Permit). A proposal to develop a private use, ground level helistop for the take off and landing of a helicopter on 28.58-29.34 acres of contiguously owned property located at 35550 and 35560 De Portola Road, on the northerly side of De Portola Road, easterly of Anza Road and westerly of Pauba Road in the “Valle De Los Caballos” Policy Area of unincorporated Riverside County. The County anticipates limiting usage to a maximum of two round trips per day, and to the hours of 7:00 a.m. to 7:00 p.m. daily. Not located within an existing Airport Influence Area. (Continued from June 12, and July 10, 2008).

II. **MAJOR ISSUES**

This case was continued from the June 12, 2008 hearing, with the consent of the applicant’s representatives present at the hearing, in order to allow time for the applicant to discuss the project with the owner of four adjacent parcels, who expressed concerns with, and objections to, the proposal. The adjacent land owner’s representative has informed staff that a meeting will be held prior to the hearing to discuss the issues. The project meets the “new airport or heliport” noise criteria set forth in the 2004 Riverside County Airport Land Use Compatibility Plan.

The applicant’s consultant has asked staff to consider alternatives to the requirement for parcel merger that staff added to the conditions following the initial hearing.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY, subject to the conditions specified herein.

*UPDATE II: The applicant is continuing to meet with the representative of a neighboring landowner, who has expressed opposition to the proposal, as submitted.*

IV. **PROJECT DESCRIPTION**

The applicant proposes to construct a 900 square foot private-use (non-commercial) helicopter landing pad on two contiguously owned parcels, totaling approximately 29.34 acres.

The helistop will be at an elevation of 1200 feet above mean sea level. The Touch Down and Lift Off Area (TLOF) will be 37 feet by 37 feet (1,369 square feet) in area. The proposed flight path will be within the property owner’s boundaries northerly of De Portola Road. (It is anticipated that the flight path will cross private property southerly of the road, but at that point, the helicopter would be operating at a greater height above ground level and would, therefore, result in a lesser noise level at residential locations.)

**CONDITIONS:**

1. The design, construction, and operation of the proposed facility shall comply with the recommendations and requirements of the Federal Aviation Administration letter dated January 17, 2007, a copy of which is attached hereto.
2. The applicant shall mark all wires and other objects within a buffer zone below the standard 8:1 approach/departure surface slope of helicopter facilities.



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3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655, if applicable.
4. Any new plans for structures or buildings within the edge of the final approach and takeoff area shall be required to be submitted to ALUC for review.
5. No operations (takeoffs or landings) shall be conducted until such time as the State of California Department of Transportation Division of Aeronautics has either: (a) issued a Site Approval Permit and subsequent Heliport Permit pursuant to Section 3525 through 3560 of Title 21 of the California Code of Regulations; or (b) determined in writing that Site Approval Permits and Heliport Permits are not required.
6. Operations shall be limited to the hours of 7:00 A.M. to 7:00 P.M.

**The following condition was added by the Airport Land Use Commission on August 14, 2008, because the noise study did not address noise impacts on the applicant's residence.**

7. In the event that the common ownership of the two parcels located at 35550 (heliport parcel) and 35560 De Portola Road (residence parcel) is severed in the future, the owner of the heliport parcel shall obtain a further noise and overflight study addressing the impacts of continued heliport operations on the residence parcel.

The ALUC further recommends that the conditional use permit (CUP), if approved by the County of Riverside, be subject to a condition that a review of the noise impacts upon adjoining properties be conducted five years after the granting of the CUP.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

The following spoke in favor of the project:

Ricarda Bennett, Heliport Consultants, 148 Gazania CT, Thousand Oaks, CA 91362

Chuck Tobin, representing Cole Burr, 9890 Cherry Ave., Fontana, CA

The following spoke in neutral./opposition to the project:

Greg Pettis, Delson Group, Cathedral City

**VI. ALUC COMMISSION ACTION**

The ALUC Commission, by a unanimous vote of 7-0, found the helipad **CONSISTENT** as long as the properties have common ownership.

**The Commission amended Condition No. 7** to read as follows: In the event that the common ownership of the two parcels located at 35550 (heliport parcel) and 35560 De Portola Road (residence parcel) is severed in the future, the owner of the heliport parcel shall obtain a further

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noise and overflight study addressing the impacts of continued heliport operations on the residence parcel. (Vote 7-0, carried unanimously).

**Letter to the Planning Dept.**

Have staff include a recommendation to the Planning Department that the Conditional Use Permit be subject to a condition that a review of the noise impacts upon adjoining properties be conducted five years after the granting of the CUP. (Vote 6-1, Commissioner Lowe opposed).

**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 4.1: TIME IS 9:25 P.M.

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I. **AGENDA ITEM 4.2: ZAP1049MA08 – Oakmont Ramona Expressway, LLC/Oakmont Industrial Group, LLC** (Representative: Kurt Schlyer) – City Case No. DPR 07-0029 – Development of five industrial buildings with a total building area of up to 1,611,000 square feet (including 90,907 square feet of office area) and 1,417 parking spaces on 81.92 – 87 acres located northerly of Ramona Expressway, southerly of Markham Street, easterly of Brennan Avenue, and westerly of Barrett Avenue in the City of Perris. Most of the project site is located westerly of Indian Street. Airport Area I (Accident Potential Zones I and II). (Continued from May 8, June 12, and July 10, 2008).

II. **MAJOR ISSUES**

One major issue is whether the Commission has the authority to make its determination of consistency based on the U.S. Air Force Air Installation Compatible Use Zone (AICUZ) studies, or whether it must confine its determination to consistency with the 1984 Riverside County Airport Land Use Plan. A corollary issue is the intent of the lot coverage maximum in the AICUZ Appendix. Lot coverage is 45.98% of net site area. The property is located largely within Accident Potential Zone I (APZ I), with the remaining area in Accident Potential Zone II (APZ II). The 1998 and 2005 AICUZ studies state “For most nonresidential usage [in Accident Potential Zones], buildings should be limited to one story and the lot coverage should not exceed 20 percent.” Staff has interpreted this as being applicable to both APZ I and APZ II. The applicant has submitted a statement that the context of this criterion within the AICUZ is intended to apply to land uses permissible in APZ II, but not in APZ I. The applicant notes that industrial and warehousing uses are listed as being among the permissible uses in APZ I. The site is located within Airport Area I on the March Air Reserve Base Airport Influence Area map. The 1984 Riverside County Airport Land Use Plan does not restrict commercial or industrial land use intensities in Area I, other than by prohibiting “high risk” land uses, including those characterized by “high concentrations of people”. The Draft March Joint Land Use Study proposes to apply the 20% coverage limit in APZ I and a 40% coverage limit in APZ II, in addition to person-intensity limits. The City of Perris Planning Director has advised that the City is willing to accept the person-intensity limits, but that the lot coverage limitations on warehousing and distribution would render such projects economically infeasible.

III. **STAFF RECOMMENDATION**

Staff recommends that *this item be CONTINUED to SEPTEMBER 11, 2008, to allow time for the March Joint Powers Authority to receive a reply from the United States Air Force to its request for a clarification of the intent of the lot coverage reference in the AICUZ Appendix. If the Commission wishes to make its determination based on staff’s interpretation of the provisions of the AICUZ study, a determination of INCONSISTENCY should be made, on the basis of the lot coverage exceeding 20 percent of lot area.*

(In the event that the Commission wishes to act solely pursuant to the 1984 Riverside County Airport Land Use Plan, staff would note that the project is consistent with that Plan, considered alone. The project is not consistent with the Draft March Joint Land Use Study criteria, as presently proposed.)

UPDATE: Since the May 8 public hearing, Michael Johnson, Vice President of Oakmont Industrial Group, has submitted an e-mail with attached memorandum to staff and the members of the Commission in support of the position that: (a) the 20% lot coverage limit should only apply to

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buildings with high densities of people in APZ II; (b) the land use compatibility guidelines are intended to be “sufficiently flexible to allow reasonable economic use of the land, such as industrial/manufacturing...[and]...wholesale trade”; and (c) the 20% lot coverage limit would render light industrial and manufacturing uses infeasible, thereby either prohibiting the economic use of the land or resulting in the establishment of higher occupancy buildings within a concentrated area. Mr. Johnson also notes in his e-mail that the AICUZ study does not reference the words “emergency landing.” Mr. Johnson concludes that the proposed project is “exactly what is called for in the AICUZ document” and “completely compatible...with the intent of the AICUZ study when properly interpreted.” This is consistent with previous oral and written communications from the applicant’s consultant, Kurt Schlyer of Golder Associates, Inc.

In order to attempt to resolve this issue, which has been an ongoing point of contention both in the review of individual development projects and in the crafting of the March Joint Land Use Study, March Joint Powers Authority submitted a letter to Lynn Engelman, Air Force Civil Engineer, requesting assistance in the interpretation of the land use compatibility provisions identified in Table 3-1 and Appendix A of the AICUZ.

ALUC staff supports the course of action taken by the March Joint Powers Authority requesting that the interpretation of AICUZ be made by the entity responsible for its preparation. Unless the applicant insists on final action at this meeting, it may be prudent for the Commission to continue this matter pending receipt of the clarification/interpretation by the author.

*UPDATE II: In response to a follow-up inquiry from Dan Fairbanks of March Joint Powers Authority, Lynn Engelman advised on June 12 that she hoped to address the concern shortly. However, as of June 30, ALUC staff had not been advised of any further progress.*

*Staff has been advised by outside legal consultant Gatzke Dillon Ballance of a State court decision that upheld the authority of an ALUC to establish restrictions that extend beyond AICUZ requirements.*

*UPDATE III: The 20 percent lot coverage limit referenced in the Appendix to the 2005 AICUZ is not unique to March, but is a verbatim restatement of a provision in the AICUZ Handbook (Air Force Handbook 32-7084, which is available on the Internet). A copy of relevant portions of the AICUZ Handbook is included herewith.*

**IV. PROJECT DESCRIPTION**

City Case No. DPR07-0029 proposes the development of five industrial buildings with a total building area of up to 1,611,000 square feet (including 90,907 square feet of office area) and 1,417 parking spaces on 81.92-87 acres.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

The following spoke in favor of the project:

Kurt Schlyer, Applicant Representative, Lake Elsinore

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No one spoke in 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 11, 2008.

**VII. CD**

The entire discussion of this agenda item can be found on CD and referenced quickly 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 4.2: TIME IS 10:17 A.M.

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I. **AGENDA ITEM 5.1:** ZAP1010TH08 – Robert J. Mainiero, for Arnulfo and Teresa Rodriguez, and Jose and Maria Meza - County Case No. CZ07495 (Change of Zone). A proposal to change the zoning of a 10.16-acre parcel located westerly of Fillmore Street and Desert Cactus Drive, northerly of 57<sup>th</sup> Avenue, and easterly of the Coachella Valley Water District Flood Control Channel, in the portion of the unincorporated Riverside County community of Thermal located east of the railroad, from R-A-20 (Residential Agricultural, 20 acre minimum lot size) to R-A-2 (Residential Agricultural, 2 acre minimum lot size), in order to allow division of the property into three parcels. Airport Zones D and E.

II. **MAJOR ISSUES**

The change of zone would establish two acre minimum lot size zoning on a site that is predominantly located in Airport Zone D, where policies limit densities to either the high density option of five or more dwelling units per acre (net) or the low density option of one dwelling unit per five or more acres.

III. **STAFF RECOMMENDATION**

Staff must recommend a finding of INCONSISTENCY with the Airport Land Use Compatibility Plan, unless the Commission is willing to make a special conditions finding (pursuant to Section 3.3.6 of the Countywide Policies), based on the adjacency of the wash.

IV. **PROJECT DESCRIPTION**

Change of Zone Case No. 7495 (CZ07495) is a proposal to change the zoning of 10.16 acres from R-A-20 (Residential Agricultural, 20 acre minimum lot size) to R-A-2 (Residential Agricultural, 2 acre minimum lot size), in order to allow for the division of the property into three lots.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

The following spoke in favor of the project:

Bob Mainiero, Applicant Representative, 1445 N. Sunrise Way, Palm Springs, CA 92262

Jorge Meza, Applicant, 56-850 Desert Cactus Drive, Thermal, CA 92274

Arnulfo Rodriguez, Applicant, 56-840 Desert Cactus Drive, thermal, CA 92274

No one spoke in 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 11, 2008 to give staff an opportunity to prepare special findings regarding Policy 3.3.6 exception.

VII. **CD**

The entire discussion of this agenda item can be found on CD and referenced quickly 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 5.1: TIME IS 10:28 P.M.

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- I. **AGENDA ITEM 5.2: ZAP1004BA08 – Liberty XXIII Biofuels Power, LLC** (Representative: Michael Bracken/Development Management Group, Inc.) – City Case Nos. CUP 07-806, GPA 07-2501, and ZC 08-3502. A proposal to construct and operate a new biomass power plant including three power generation units with a combined generation capacity of 17.4 megawatts (gross) on 20.3 acres located at the eastern terminus of Westward Avenue in the southeastern portion of the City of Banning. The site is located southerly of Westward Avenue and Banning Airport, easterly of Scott Street and Hathaway Street, northerly of Smith Creek, and southwesterly of Morongo Tribal lands. The general plan amendment and zone change would change the designation and zoning of an 8-acre portion of the project site from Rural Residential to Industrial. The remainder of the site is already designated and zoned Industrial. Airport Zone E.
- II. **MAJOR ISSUES**  
The effects of visual plumes and turbulence produced by invisible plumes during plant operations are major concerns. FAA evaluation of obstruction potential is also required.
- III. **STAFF RECOMMENDATION**  
Staff recommends that the Commission open the public hearing, consider testimony (if any), and CONTINUE this matter to its October meeting date (October 9 or such alternative date as may be advertised), to allow further study.
- IV. **PROJECT DESCRIPTION**  
The applicant proposes to construct and operate a new biomass power plant, including three power generation units with a combined generation capacity of 17.4 megawatts (gross) on 20.3 acres. The general plan amendment and zone change would change the designation and zoning of an 8-acre portion of the project site from Rural Residential to Industrial.
- V. **MEETING SUMMARY**  
The following staff presented the subject proposal:  
ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@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 **November 13, 2008** (Chairman Housman will not be available on October 9<sup>th</sup>, so the motion was amended to November 13th).
- VII. **CD**  
The entire discussion of this agenda item can be found on CD and referenced quickly 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 5.2: TIME IS 10:50 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER AUGUST 14, 2008  
RIVERSIDE MEETING**

I. **AGENDA ITEM 5.3:** ZAP1039RI08 – County of Riverside Building Services for County of Riverside Animal Services ( Representatives: Riverside County Economic Development Agency and STK Architecture, Inc.) – West Riverside Animal Shelter – A proposal to establish a new animal shelter facility consisting of 12 structures with a combined area of 65,000 square feet, including a two-story staff headquarters building, facilities for housing dogs and cats, a barn, a horse corral, and a feed storage area and freezer, on a 12.56-acre site located westerly and southwesterly of Van Buren Boulevard, southerly and easterly of its intersection with Pedley Road, northerly and northeasterly of the Santa Ana River, and opposite the intersection of Van Buren Boulevard and Clay Street in the unincorporated Riverside County community of Pedley. Airport Zone D.

II. **MAJOR ISSUES**

A room-by-room intensity analysis of the main structure undertaken by staff indicated a single-acre intensity approaching 400 persons. However, it is highly unlikely that all rooms would be in use at capacity at the same time. The applicant is willing to accept a condition limiting the total occupancy of the main structure to 300 persons.

III. **STAFF RECOMMENDATION**

Provided that the Commission is willing to accept the applicant's offer to agree to a limit on building occupancy, staff recommends a finding of CONDITIONAL CONSISTENCY, subject to the conditions included in this staff report, including the special condition limiting the building occupancy.

IV. **PROJECT DESCRIPTION**

The County of Riverside proposes to establish a new animal shelter facility consisting of twelve (12) structures with a combined area of 65,000 square feet, including a two-story staff headquarters building, facilities for housing dogs and cats, a barn, a horse corral, and a feed storage area and freezer on a 12.56-acre site.

**CONDITIONS:**

1. The maximum number of persons permitted in the structure at any given time shall not exceed 300 persons.
2. Noise attenuation measures shall be incorporated into the office areas of the building, as necessary to ensure that interior noise levels from aircraft operations will not exceed 45 CNEL.
3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
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



**AIRPORT LAND USE COMMISSION  
MINUTE ORDER AUGUST 14, 2008  
RIVERSIDE MEETING**

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 County of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses on the site or in the structure:
- Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, swimming pools, skating rinks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.
6. The attached notice shall be provided to all potential purchasers of the property and tenants of the building, and shall be recorded as a deed notice.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

The following spoke in favor of the project:

Dr. Allen Drusys, Chief Veterinarian, Department of Animal Services, 5950 Wilderness Ave., Riverside, CA 92504

**VI. ALUC COMMISSION ACTION**

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

**VII. CD**

The entire discussion of this agenda item can be found on CD and referenced quickly 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 5.3: TIME IS 10:55 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER AUGUST 14, 2008  
RIVERSIDE MEETING**

I. **AGENDA ITEM 5.4: ZAP1011FL08 – Riverside County Economic Development Agency, for Riverside County Regional Park and Open-Space District** - (Representative: Jill Efron/RHA Landscape Architects Planners Inc.) – Rancho Jurupa Sports Park – A park with soccer fields, including lighted soccer fields, picnic shelters, playground, and restroom/concession building, on a 36.54-acre site located northerly of Crestmore Road and 46<sup>th</sup> Street, westerly of Loring Ranch Road, and southerly of Flabob Airport in the unincorporated Riverside County community of Rubidoux. Airport Zone B2 and D.

II. **MAJOR ISSUES**

Major issues include the intensity of site use during sporting events and the need for FAA obstruction evaluation for structures and light fixtures. The site plan submitted with the application did not depict all proposed field locations.

III. **STAFF RECOMMENDATION**

Staff recommends that this item be CONTINUED to September 11, 2008, to allow for review of the site plan depicting the location of all proposed fields.

IV. **PROJECT DESCRIPTION**

The County is proposing to establish a park with soccer fields, including lighted soccer fields, picnic shelters, playground, and restroom/concession building, on a 36.54-acre site.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@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 6-0, CONTINUED the project to September 11, 2008. Commissioner Lyon recused and left the room prior to consideration.

VII. **CD**

The entire discussion of this agenda item can be found on CD and referenced quickly 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 5.4: TIME IS 11:11 A.M.

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER AUGUST 14, 2008  
RIVERSIDE MEETING**

**I. AGENDA ITEM 6.0: ADMINISTRATIVE ITEMS**

- 6.1 Hemet Ryan Subcommittee Meeting Scheduled at 1:00 p.m.  
Announcement Only
- 6.2 Director's Approvals  
Information Only

**II. AGENDA ITEM 7.0: APPROVAL OF MINUTES:**

The ALUC Commission by a vote of 5-0 approved the July 10, 2008 minutes. Abstain: Chairman Simon Housman and Commissioner Glen Holmes.

**III. AGENDA ITEM 8.0: ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

Ed Cooper, ALUC Director, advised the Commission that the proposed Airport Land Use Compatibility Plan for Chino Airport is scheduled for the September 11, 2008 Commission Hearing. The proposed Plan documents, along with the Chino Airport Initial Study and Mitigated Negative Declaration, were provided to the Commissioners to facilitate their review in advance of the hearing.

**IV. AGENDA ITEM 9.0: COMMISSIONER'S COMMENTS**

None

**V. EXECUTIVE SESSION/ADJOURNMENT**

The meeting was adjourned to closed session at 11:23 am to discuss potential exposure to litigation. BT Miller, County Counsel, reported back that no action was taken at the closed session. The meeting was adjourned at 12:08 p.m.

**VI. CD**

The entire discussion of this agenda item can be found on CD and referenced quickly 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 6.0: TIME IS 11:20 A.M.