

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on February 9, 2012 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Rod Ballance, Vice Chairman
Arthur Butler
John Lyon
Richard Stewart

COMMISSIONERS ABSENT: Glen Holmes
Greg Pettis

STAFF PRESENT: Ed Cooper, Director
John Guerin, Principal Planner
Russell Brady, Contract Planner
Barbara Santos, ALUC Secretary
David Huff, ALUC Counsel

OTHERS PRESENT: Tim Fahl, Desert Storage Masters
Robert Eppers, Cal Pilots
Melisa Wightman, City of Palm Desert

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

- I. **AGENDA ITEM 2.1: ZAP1007BL11 – Gila Farm Land, LLC (Representative: Rupal Patel)** – County Case No.: Conditional Use Permit 3670, City Case No.: To Be Determined - A proposal to construct a 485 megawatt solar photovoltaic electric generating facility and associated facilities on 3,645 acres, including three electrical substations, two operations and maintenance buildings, inverters, transformers, 34.5 kV distribution lines, and associated switchgear located on either side of Interstate-10, generally located westerly of Neighbors Boulevard, northerly of 20th Avenue, and southerly of 10th Avenue within the land use jurisdictions of the County of Riverside and City of Blythe (Compatibility Zones B1, C, D, and E of the Blythe Municipal Airport Influence Area). Continued from December 8, 2011 and January 12, 2012.
- II. **MAJOR ISSUES**
1. Proposed distribution lines extending through Compatibility Zones C and D. The applicant will relocate the 230 kV transmission line out of Zone C. A portion of the 34.5 kV line continues to be proposed in Zone C;
 2. Reflectivity/glare. An issue has been raised as to whether the glare analysis would be applicable in the event that the traffic pattern is changed to enable development of Blythe II powerplant; and
 3. Cumulative impacts of multiple energy projects.
- III. **STAFF RECOMMENDATION**
- Staff recommends that the Commission consider the staff and applicant presentations and any public testimony at its February 9, 2012 public hearing, and subsequently CONTINUE this matter to its March 8, 2012 hearing calendar, pending submittal of Form 7460-1 to (and acceptance for processing by) the FAA for any poles that would be placed along the realigned segment of the 230 kV transmission line that would require review. In the event that the applicant is able to document such acceptance prior to the hearing, staff would recommend a finding of CONDITIONAL CONSISTENCY for the project, subject to receiving a Determination of No Hazard to Air Navigation from the FAA and the conditions specified herein, plus such additional conditions as may be required pursuant to FAA requirements.
- IV. **PROJECT DESCRIPTION**
- The project proposes to construct a 485 megawatt solar photovoltaic electric generating facility and associated facilities on 3,645 acres, including three electrical substations, two operations and maintenance buildings, inverters, transformers, 34.5 kV distribution lines, 230 kV transmission lines, and associated switchgear.
- V. **MEETING SUMMARY**
- The following staff presented the subject proposal:
ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.
- The following spoke in opposition to the project:
Robert Eppers, Cal Pilots, 36865 Hidden Trail CT, Winchester, CA
- No one spoke in favor or neutral to the project.
- VI. **ALUC COMMISSION ACTION**
- The ALUC Commission by a unanimous vote of 5-0 CONTINUED the project to March 8, 2012.
Absent: Commissioners Glen Holmes and Greg Pettis

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

VII. **CD**

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

ITEM 2.1: TIME IS 9:15 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

- I. **AGENDA ITEM 2.2:** ZAP1042BD11 – Dennis French (Representative: George Kramer) - City Case No.: CUP 11-1-961 (Conditional Use Permit). The Conditional Use Permit proposes to convert an existing mini storage facility to include 16,327 square feet of retail use in addition to the remaining 17,673 square feet of mini storage, RV/trailer storage, and caretaker's residence on 8.03 acres. The project also includes a City initiated Zoning Code Text amendment to remove swap meets as a prohibited use and add multi vendor retail facilities as an allowed use with approval of a Conditional Use Permit within the Industrial Park (IP) zone. The site is located westerly of Madison Street, southerly of Indio Boulevard, and northerly of Foxglove Lane, within the land use jurisdiction of the City of Indio. (Zones B1 and C within the Bermuda Dunes Airport Influence Area). Continued from January 12, 2012.

II. **MAJOR ISSUES**

Use of the Building Code Method with concentrations of people determined in accordance with Appendix C indicates an average intensity of 39 persons per acre and a single-acre intensity of 278 persons in the most intensely used acre area of the property. The average intensity is consistent, but the single-acre intensity exceeds the Compatibility Zone C criteria of 150 people. Staff determined that, if the Commission were to utilize alternative assumptions of population intensity for retail uses (i.e. one person per 115 square feet), the single-acre intensity would be consistent with the criteria. However, this alternative assumption has not been adopted as policy in the Bermuda Dunes Airport Land Use Compatibility Plan. Additionally, sufficient ~~Sufficient~~ clarity has yet to be provided on the operation of the proposed project to clearly indicate whether the one person per 115 square feet standard is appropriate to apply to this project.

On January 18th, a conference call was held between ALUC staff, the project applicant, and City of Indio staff to discuss the project's issues and potential solutions. It was requested that the applicant provide formal notification of the adjustment from a retail/market type use to a home improvement provider showroom and storage type use. It was concluded that the applicant would seek to reduce the total square footage of the proposed "retail" area and/or spread out the location of the "retail" area, if possible, to not be located entirely within a single acre. City staff indicated that they would confirm the total amount of parking required once a revised plan/description is received as well as adjust the proposed zoning code text change as appropriate to clarify the allowed use. The applicant also indicated that data may be available from similar mini storage conversions that would provide a sample calculation of intensity. At the time of the writing of this staff report, the applicant has confirmed the intended change to home improvement provider uses, but has not provided an updated site plan or floor plans.

Analysis included in this staff report has been updated based on the estimates provided by the applicant and assumptions made by staff. Until the time that the applicant provides specific project materials that are consistent with the calculations made, a determination of consistency for the project cannot be made without this documentation and confirmation.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission consider the staff and applicant presentations, any public testimony, and subsequently CONTINUE this matter to its March 8, 2012 hearing calendar, pending submittal of the requested information noted in the January 18th conference call. In the event that the applicant is able to submit such information prior to the hearing, and staff can confirm intensity calculations based on this information that meet the applicable intensity criteria, staff would recommend a finding of CONSISTENCY for the project, subject to the conditions specified herein.

STAFF RECOMMENDED AT HEARING

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

CONSISTENT subject to the revised conditions.

IV. PROJECT DESCRIPTION

CUP 11-1-961 is a proposal to convert an existing mini storage facility to include 16,000 square feet of retail/home improvement provider use in addition to the remaining 18,000 square feet of mini storage, parking area, and caretaker's residence on 8.03 acres. The project also includes a City initiated Zoning Code Text amendment to remove swap meets as a prohibited use and add multi vendor facilities as an allowed use with approval of a Conditional Use Permit within the Industrial Park (IP) zone. The overall site area is 8.03 acres in size.

CONDITIONS: (as modified at the February 9, 2012 hearing):

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, visual approach slope indicator, or FAA-approved obstruction lighting.
 - (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.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, highly noise-sensitive outdoor nonresidential uses, and hazards to flight.
2. The attached notice shall be provided to all potential purchasers of the property and tenants of the buildings, and shall be recorded as a deed notice.
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. All outdoor lighting shall be downward facing.
4. Retail sales and display areas shall be limited to Buildings F and G as shown on the site plan dated February 2, 2012. While the site plan indicates a total of 4,800 square feet in Building F and a total of 4,950 square feet in Building G would be allocated to retail sales and display, up to 5,400 square feet of such uses may be allocated within each of these two buildings without need for further review by the Airport Land Use Commission. The ALUC finding of consistency for this conditional use permit is contingent upon limitation of retail sales and display areas to Buildings F and G. Any additional expansion of retail use, or any proposal to transfer such retail allocation to any other building, shall be subject to further Airport Land Use Commission review.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

5. Prior to the issuance of building permits, the landowner shall convey an avigation easement to Bermuda Dunes Airport, which shall be recorded, or shall provide evidence that such an easement covering the property has already been recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the City of Indio Planning Department and to the Riverside County Airport Land Use Commission.
6. Any building permit or tenant improvement permit issued pursuant to this project for retail/home improvement provider tenants shall be consistent with the location and the total square feet indicated on the site plan dated 2/2/12, subject to the clarification provided in Condition No. 4 above.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.

The following spoke in favor of the project:

Tim Fahl, Desert Storage Masters, Indio, CA

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 5-0 found the project **CONSISTENT** subject to the revised conditions. Absent: Commissioners Glen Holmes and Greg Pettis

VII. **CD**

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

ITEM 2.2: TIME IS 9:16 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.1:** ZAP1043BD11 – Palm Desert Redevelopment Agency/City of Palm Desert (Representative: Heather Buck) – City Case Nos.: GPA, CZ, PP 11-200 (General Plan Amendment, Change of Zone, Precise Plan). The applicant proposes: (1) to amend the City of Palm Desert's land use designation on a 3.88-acre site located westerly of Washington Street and southerly of Avenue of the States from Community Commercial (C-C), Residential Low Density (R-L), and Office Professional (C-OP) to Residential High Density (R-H); (2) to change the zoning of the site from Planned Commercial (District) (P.C.-(2)), Residential Single Family, 9,000 square foot minimum lot size (R-1-9000), and Office Professional (O.P.) to Planned Residential (P.R.16) 16 units per gross acre; and (3) to construct Carlos Ortega Villas, consisting of 11 buildings with 72 senior affordable housing dwelling units, a recreation/community building with manager's unit, and a maintenance building. The Plan site would constitute Parcel 3 of proposed Parcel Map No. 36363, which would subdivide 5.54 acres (in four Assessor's parcels) into three lots. (Zone E of Bermuda Dunes Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONDITIONAL CONSISTENCY for the project, subject to the conditions specified herein for the precise plan and such additional conditions as may be required pursuant to the FAA determination.

STAFF RECOMMENDED AT HEARING

CONSISTENT subject to the revised conditions

IV. **PROJECT DESCRIPTION**

The applicant proposes: (1) to amend the City of Palm Desert's land use designation on the 3.88 acre project site, from Community Commercial (C-C), Residential Low Density (R-L), and Office Professional (C-OP) to Residential High Density (R-H); (2) to change the zoning of the site from Planned Commercial (District) (P.C.-(2)), Residential Single Family, 9,000 square foot minimum lot size (R-1-9000), and Office Professional (O.P.) to Planned Residential (P.R.16) 16 units per gross acre; and (3) to construct Carlos Ortega Villas, consisting of 11 buildings with 72 senior affordable housing dwelling units, a recreation/community building with manager's unit, and a maintenance building. The Plan site would constitute Parcel 3 of proposed Parcel Map No. 36363, which would subdivide 5.54 acres (in four Assessor's parcels) into three lots.

CONDITIONS (as modified at the February 9, 2012 hearing):

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, recycling centers containing putrescible wastes, and construction and demolition debris facilities.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation
3. The attached "Notice of Airport in Vicinity" shall be provided to all potential tenants and purchasers.
 4. The Federal Aviation Administration has conducted an aeronautical study of the Carlos Ortega Villas (Aeronautical Study No. 2012-AWP-384-OE) and has determined that neither marking nor lighting of the structure(s) is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.
 5. The maximum height of the structure, including all roof-mounted appurtenances (if any), shall not exceed 23 feet above ground level, and the maximum elevation at the top of the structure shall not exceed 154 feet above mean sea level.
 6. The specific coordinates, height, and top point elevation of the Carlos Ortega Villas structures shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height or elevation shall not require further review by the Airport Land Use Commission.
 7. Temporary construction equipment used during actual construction of the structural improvements shall not exceed the height of the building (23 feet above ground level), unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
 8. Within five (5) days after the construction reaches its greatest height, FAA Form 7460-2, Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and submitted to the Federal Aviation Administration Southwest Regional Office Obstruction Evaluation Group, 2601 Meacham Blvd., Fort Worth, TX 76137. This requirement is also applicable in the event the project is abandoned. See Determination of No Hazard to Air Navigation letter dated January 25, 2012.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.

The following spoke in favor of the project:

Melisa Wightman, City of Palm Desert (Power Point Presentation)

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 5-0 found the project **CONSISTENT** subject to the revised conditions. Absent: Commissioners Glen Holmes and Greg Pettis

VII. **CD**

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

ITEM 3.1: TIME IS 9:27 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

I. **4.0 ADMINISTRATIVE ITEMS**

4.1 **Hemet-Ryan Subcommittee Reappointment of Commissioners**

The ALUC Commission by a unanimous vote of 5-0 formed a subcommittee for the Hemet Ryan Airport Plan. The subcommittee would consist of: Commissioners John Lyon, Glen Holmes, Arthur Butler and alternate Rod Ballance.

4.2 **Letter from ALUC Director in Response to California Energy Commission's Request for Comments Regarding the Rio Mesa Solar Energy Project**

Chairman Housman commented although the project is not in the Airport Influence Area, it involves three 750 foot towers and raises serious problems of aviation hazards:

- The main substation at Blythe is near the Blythe Airport.
- Transmission lines location.
- Adds burden to an already impacted airport.
- The least compatible type of solar power.

Chairman Housman indicated he would support further communication with the California Energy Commission to let them know we would very much like to be involved with the project. Ed Cooper, ALUC Director, indicated we have been granted intervenor status. There is a webpage which shows all the applicant's and the intervenor's comments on the project. The County of Riverside has made comments, and several other agencies and entities, including the Center for Biological Diversity, have already posted comments on the Rio Mesa Project. Mr. Cooper receives regular updates on postings to the site; and through him, the ALUC will be noticed in terms of any future hearings.

4.3 **May 2012 Term Expirations**

ALUC Commissioners Richard Stewart, Rod Ballance and Arthur Butler expressed their interest to be re-appointed.

II. **5.0 APPROVAL OF MINUTES**

ALUC Commission by a vote of 4-0 **APPROVED** the January 12, 2012 minutes. Abstain: Rod Ballance; Absent: Greg Pettis, Glen Holmes

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

John Guerin, ALUC staff, informed the Commission that the Hemet Ryan Airport Master Plan has been submitted for review and will be coming to the Commission for consideration in March. [Note to reader: Riverside County EDA subsequently requested postponement to ALUC's April agenda.] The Riverside County EDA has established a webpage for the Hemet Ryan Airport that includes the Master Plan [www.rchmtra.com].

IV. **7.0 COMMISSIONER'S COMMENTS**

None

V. **8.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 9:55 a.m.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER FEBRUARY 9, 2012
RIVERSIDE MEETING**

VI. **CD**

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ITEM 4.0: TIME IS 9:45 A.M.