

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 13, 2015
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on August 13, 2015 at the Riverside County Administrative Center, Board Chambers.

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

COMMISSIONERS ABSENT: Greg Pettis

STAFF PRESENT: Ed Cooper, ALUC Director
John Guerin, Principal Planner
Eric Stopher, ALUC Counsel
Mary Stark, Planning Commission Secretary

OTHERS PRESENT: Scott Barone, Applicant's Representative
David Beshay, Other Interested Person
Louis Davis, Southern California Edison
Michele Hackbart, Investment Building Group
Anna Kadakia, Greens Group
Larry Markham, Applicant Representative
Dennis Morgan, IPA Commercial Real Estate
Mike Monteleone, Other Interested Person

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- I. **AGENDA ITEM 2.1:** ZAP1062FV15 – DMSD Property, LLC (Representative: Scott Barone, Senergy, Inc.) - County of Riverside Case No.: PP25793 (Plot Plan). A proposal to establish a 4,565 square foot dine-in restaurant (Denny's) and a 2,975 square foot fast food restaurant (El Pollo Loco) with drive-through on two contiguous properties (Assessor's Parcel Numbers 963-060-070 and 963-060-071) with a combined net area of 2.06 acres (2.11 gross acres) located along the easterly side of Winchester Road (State Highway Route 79), southerly of Benton Road, northerly of Magdas Coloradas Street, and westerly of an existing Farmer Boys restaurant in the unincorporated community of French Valley. (Airport Compatibility Zone B1 of the French Valley Airport Influence Area). Continued from June 11 and July 9, 2015.

II. **MAJOR ISSUES**

Restaurants are not considered to be "generally compatible" within Airport Compatibility Zone B1 unless they meet the specified intensity criteria of the zone. Within the French Valley Airport Influence Area, these criteria specify a maximum average intensity of 40 persons per acre and a maximum single-acre intensity of 80 persons (in the absence of bonuses). The proposed fast food restaurant (El Pollo Loco) and full service restaurant (Denny's) exceed both the average and single-acre intensity criteria for Zone B1 based on the Building Code Method. The project would also be inconsistent with the average intensity criteria utilizing the parking space method. The project would not qualify for consideration as Infill pursuant to Countywide Policy 3.3.1 since this Policy is not applicable to Compatibility Zone B1. Even if it were, less than 65% of the project's perimeter is bordered by developed area. There are, however, some intensive uses in the vicinity, including a shopping center, an existing fast food restaurant, an industrial building, and a fraternal lodge that serves as the interim meeting place for a church.

At the June 11, 2015 ALUC hearing, the project was continued to allow the applicant an opportunity to commission an empirical study of the number of persons at existing Denny's and El Pollo Loco restaurants in order to determine whether actual peak usage is considerably lower than the seating capacity. The Commission noted that they had no data that would support the applicant's assertion to this effect and would otherwise have to uphold staff's recommendation of inconsistency based on the available information provided to staff.

At the July 9th public hearing, information was provided on customer counts at Denny's and El Pollo Loco based on available information from actual Denny's and El Pollo Loco establishments. The information for Denny's (from a Santee location) was missing employee counts and the information from El Pollo Loco appeared to be for number of orders and not customers.

The applicant has provided some clarification on these counts as requested by staff. The counts indicate that a maximum of 63 customers in Denny's and 33 customers in El Pollo Loco would be expected and pursuant to the site plan 8 employees for Denny's and 6 employees for El Pollo Loco would be expected for a total site occupancy of 110. This would result in an average intensity of 29 people per acre, which would be consistent with the average acre criterion of 40.

The maximum single-acre area would include the Denny's and approximately 1/3 of the El Pollo Loco. This would result in an occupancy of 84 people (63 Denny's customers, 8 Denny's employees and 1/3 of 33 El Pollo Loco customers and 1/3 of 6 El Pollo Loco employees), which would not be consistent with the single-acre criterion of 80. The applicant also provided revised employee counts for Denny's and El Pollo Loco of 6 and 5, respectively. This would adjust the single-acre intensity to 82. However, given that the peak hours for these uses differ, during the maximum joint peak hour (11 a.m. to 12 p.m.) and assuming 1/3 of the El Pollo Loco occupancy in the single acre, the maximum single-acre intensity would be 75, which would be consistent with the single-acre criterion. Although this would be consistent with the single-acre criterion, it is based on

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an hour by hour occupancy of specific tenants analyzed and since in the long term restaurant tenants may turnover and their hour by hour occupancies may change, staff cannot fully rely on this analysis as a basis to recommend Consistency. However, the Commission may wish to consider the hour by hour analysis and potential for findings under Countywide Policy 3.3.6.

III. STAFF RECOMMENDATION

Staff must recommend a finding of INCONSISTENCY for the plot plan, based on the proposed project exceeding single-acre non-residential intensity criteria for Compatibility Zone B1, unless the Commission is willing to accept the applicant's estimates for occupancy relative to differing peak customer counts of the Denny's and the El Pollo Loco or make special circumstance findings pursuant to Countywide Policy 3.3.6 based on the project's location.

IV. PROJECT DESCRIPTION

PP25793 is a proposal to develop a 4,565 square foot restaurant (Denny's) and 2,975 square foot fast food restaurant (El Pollo Loco) on approximately 3.37 gross acres (including half-widths of adjacent rights-of-way) on two parcels.

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

The following spoke in favor of the project:

Scott Barone, Applicant's Representative, 29276 Gandolf Ct., Murrieta

David Beshay, Applicant, 38044 Augusta Drive, Murrieta

Mike Monteleone, Other Interested Person, 35245 Briggs Road, Murrieta

The following spoke neither for or against the project, but added information to the decision making process:

Louis Davis, Southern California Edison

No one spoke in opposition of the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission by a vote of 5-1 found the project INCONSISTENT. Commissioner Holmes dissenting; Absent: Commissioner 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 2.1: TIME 9:00 A.M.

**AIRPORT LAND USE COMMISSION
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I. **AGENDA ITEM 3.1: ZAP1126MA15 – Integrated Real Estate Services, LLC/Operating Engineers Trust Fund (Representative: Deirdre McCollister, MIG Hogle-Ireland) – City of Riverside Case Nos: P13-0956 (General Plan Amendment), P13-0959 (Specific Plan Amendment), P13-0964 (Design Review), P13-0965 (Conditional Use Permit), P13-0966 (Variance), and P13-0963 (Tentative Parcel Map No. 36638).** The applicant proposes to construct three industrial warehouse buildings with a total floor area of 1,461,449 square feet on 72.5 acres located southerly of Palmyrite Avenue and easterly of Michigan Avenue. The largest of these buildings would have a floor area of 1,000,620 square feet, requiring a Conditional Use Permit, and a height of 56 feet, requiring a Variance. The other two buildings are proposed through the Design Review case. Implementation of this proposal requires amendments to the exhibits in the Hunter Business Park Specific Plan (Figures II-4, II-6, II-9, and II-12 relating to Proposed Circulation, Pedestrian Network, Storm Drain Concept, and Open Space Concept) to reflect deletion of the “Columbia Loop” – the segment of Columbia Avenue extending easterly from Michigan Avenue and northerly to Palmyrita Avenue. The text of the Specific Plan would also be amended to require a striped Class 2 bike lane along the east side of Michigan Avenue. The City of Riverside General Plan would also be amended to reflect these changes. Tentative Parcel Map No. 36638 would divide the 72.5-acre site into three parcels, so that each building would be on a separate lot. (Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the General Plan Amendment, Specific Plan Amendment, and Variance, and a finding of CONSISTENCY for the Conditional Use Permit, Design Review, and Tentative Parcel Map, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The applicant proposes to construct three industrial warehouse buildings with a total floor area of 1,461,449 square feet on 72.5 acres. The largest of these buildings would have a floor area of 1,000,620 square feet, requiring a Conditional Use Permit, and a height of 56 feet, requiring a Variance. The other two buildings are proposed through the Design Review case. Implementation of this proposal requires amendments to the exhibits in the Hunter Business Park Specific Plan (Figures II-4, II-6, II-9, and II-12 relating to Proposed Circulation, Pedestrian Network, Storm Drain Concept, and Open Space Concept) to reflect deletion of the “Columbia Loop” – the segment of Columbia Avenue extending easterly from Michigan Avenue and northerly to Palmyrita Avenue. The text of the Specific Plan would also be amended to require a striped Class 2 bike lane along the east side of Michigan Avenue. The City of Riverside General Plan would also be amended to reflect these changes. Tentative Parcel Map No. 36638 would divide the 72.5-acre site into three parcels, so that each building would be on a separate lot.

CONDITIONS:

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

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approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. The attached notice shall be provided to all prospective purchasers of the property and tenants of the buildings thereon.
4. The proposed detention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.

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

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 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: 10:10 A.M.

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- I. **AGENDA ITEM 3.2:** ZAP1132MA15 – Core States Group for McDonald’s USA, LLC and Phelan Development Company/Iowa Spruce SR/JP, LLC (Representatives: Andrew Rappe and Adrienne Cord) – City of Riverside Case Nos. P15-0189 (Specific Plan Amendment), P15-0188 (Conditional Use Permit), and P15-0263 (Tentative Parcel Map No. 35889). The applicant proposes to establish and operate a 4,322 square foot McDonald’s restaurant with drive-thru on 1.21 acres of a 3.11-acre parcel (Assessor’s Parcel Number 249-140-029) partially developed with a building utilized as a Habitat for Humanity office located at the northeast corner of Iowa Avenue and Spruce Street in the City of Riverside. The Specific Plan Amendment is a proposal to amend the list of permissible land uses within the Business Support Retail Overlay District of the Hunter Business Park Specific Plan (Section III. F.) so as to allow for restaurants with drive-thru, with approval of a Conditional Use Permit. The Conditional Use Permit is a proposal to allow the specific drive-thru facility on this site. The Parcel Map is a proposal to divide the 3.11-acre parcel into two lots, so that the existing building and the proposed building will be on separate legal lots. (Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area).
- II. **MAJOR ISSUES**
None
- III. **STAFF RECOMMENDATION**
Staff recommends a finding of CONSISTENCY for the Specific Plan Amendment and a finding of CONSISTENCY for the Conditional Use Permit and Tentative Parcel Map, subject to the conditions included herein.
- IV. **PROJECT DESCRIPTION**
The applicant proposes to establish and operate a 4,322 square foot McDonald’s restaurant with drive-thru on 1.21 acres of a 3.11-acre parcel (Assessor’s Parcel Number 249-140-029) partially developed with a building utilized as a Habitat for Humanity office. The Specific Plan Amendment is a proposal to amend the list of permissible land uses within the Business Support Retail Overlay District of the Hunter Business Park Specific Plan so as to allow for restaurants with drive-thru facilities subject to approval of a Conditional Use Permit. (Presently, this Overlay District allows for restaurants without drive-thru facilities as permitted uses.) The Conditional Use Permit is a proposal to allow for the specific drive-thru facility proposed at this site. Tentative Parcel Map No. 35889 is a proposal to divide the 3.11-acre parcel into two lots, so that the existing building and the proposed building will be on separate legal lots.

CONDITIONS:

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

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- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

- 3. The attached notice shall be provided to all prospective purchasers of the property and tenants of the buildings thereon.
- 4. Any proposed detention basin on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.

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

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 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 3.2: TIME: 10:10 A.M.

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I. **AGENDA ITEM 3.3:** ZAP1134MA15 – Emperor North/Stone Star Riverside, LLC (Representative: Frank Artiga, ACS Consulting, Inc.) – County Case Nos. SP 00260S1 (Substantial Conformance [Request] No. 1 to Specific Plan No. 260), CZ 07870 (Change of Zone), TR 31500 (Tentative Tract Map). The applicant proposes to adjust the boundaries between Planning Areas (PAs) 32 and 33B of Specific Plan No. 260 (Menifee North). The total number of dwelling units in the two Planning Areas would remain at 206, with the number in PA32 increasing from 98 to 152 and the number in PA33B decreasing from 108 to 54. The total acreage would increase from 42.5 to 45.7 acres, with overall density remaining within the 2-5 dwelling unit per acre range, as a result of a reduction of 3.2 acres in areas reserved for major community roadways. Additionally, the titles of the land use designations of the portions of the Specific Plan still within the unincorporated area would be amended to reflect County General Plan land use designations, and the curved roadway segment extending southerly and westerly from the intersection of State Highway Route 74 with Sultanas Road to the intersection of Emperor Road with McLaughlin Road would be renamed Norma Jean Road. Tentative Tract Map No. 31500 would subdivide 46.5 net acres located easterly of Emperor Road, northerly and westerly of Norma Jean Road, into 206 single-family residential lots, plus 13 other lots for drainage, water quality and inlet basins, trail, open space, and landscape features. CZ 07870 would amend the site’s Specific Plan zoning maps to reflect the proposed adjustment in Planning Area boundaries. (Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

No airport compatibility issues

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the Change of Zone and a finding of CONSISTENCY for the Tentative Tract Map and Specific Plan Substantial Conformance, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The Tentative Tract Map is a proposal to subdivide 46.5 net acres located easterly of Emperor Road, northerly and westerly of Norma Jean Road, into 206 single-family residential lots, plus 13 other lots for drainage, water quality and inlet basins, trail, open space, and landscape features. The Specific Plan Substantial Conformance is a proposal to adjust the boundaries between Planning Areas (PAs) 32 and 33B of Specific Plan No. 260 (Menifee North). The total number of dwelling units in the two Planning Areas would remain at 206, with the number in PA32 increasing from 98 to 152 and the number in PA33B decreasing from 108 to 54. The total acreage would increase from 42.5 to 45.7 acres, with overall density remaining within the 2-5 dwelling unit per acre range, as a result of a reduction of 3.2 acres in areas reserved for major community roadways. Additionally, the titles of the land use designations of the portions of the Specific Plan still within the unincorporated area would be amended to reflect County General Plan land use designations, and the curved roadway segment extending southerly and westerly from the intersection of State Highway Route 79 with Sultanas Road to the intersection of Emperor Road with McLaughlin Road would be renamed Norma Jean Road. The Change of Zone is a proposal to formalize the boundaries between Planning Areas 32 and 33B consistent with the adjusted acreages between the Planning Areas.

CONDITIONS:

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

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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.
- (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, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

3. The attached notice shall be provided to all potential purchasers of the proposed lots and to the tenants of the homes thereon.

4. Any proposed detention basin(s) on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

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

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** with the correction to the portions of the staff report package that had referenced Highway 79 rather than Highway 74. Absent: Commissioner 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 3.3: TIME: 10:10 A.M.

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- I. **AGENDA ITEM 4.1:** ZAP1127MA15 – Level 3 Communications/VYVX, LLC, c/o Robert DiOrio/Allen Holdings (Representative: Nicole Torstvet, Albert A. Webb and Associates) – County of Riverside Case Nos. CZ07868 (Change of Zone) and CUP 03726 (Conditional Use Permit). CUP03726 is a proposal to construct and operate eleven (11) additional satellite communications antennae and all other necessary and related supporting equipment within an existing satellite communications center on 4.7 acres of a 31.3-acre site located westerly of a southerly extension of Gilmer Road, southerly of a westerly extension of Olympia Avenue, easterly of a southerly extension of Reiss Road, and northerly of the City of Lake Elsinore boundaries, on Assessor's Parcel Numbers 343-040-012 and 343-040-013. The site has an address of 19993 Santa Rosa Mine Road, Perris, CA 92570. One antenna will have a height of 53 feet, seven will have heights of 30 feet, and 3 will have heights of 16 feet. CZ07868 is a proposal to change the zoning on those properties from R-A-5 (Residential Agricultural, 5 acre minimum lot size) to A-1-5 (Light Agriculture, 5 acre minimum lot size). (Airport Compatibility Zone E/High Terrain Zone of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the Change of Zone and a finding of CONDITIONAL CONSISTENCY for the Conditional Use Permit, subject to the conditions included herein and such additional conditions as may be required by the Federal Aviation Administration (FAA) Obstruction Evaluation Service.

IV. **PROJECT DESCRIPTION**

The Conditional Use Permit proposes to construct and operate eleven (11) satellite communication antennas and other supporting equipment within an existing satellite communications center. The Change of Zone proposes to change the zoning classification of the site from Residential Agricultural 5-acre minimum lot size (R-A-5) to Light Agriculture 5-acre minimum lot size (A-1-5).

CONDITIONS: (Conditions added pursuant to FAA letter subsequent to hearing shown in **bold type**).

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.
 - (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

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grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 3. Prior to issuance of any building permits or authorization to operate the proposed facilities, the landowner shall convey and have recorded an avigation easement to March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
- 4. Any proposed detention basin(s) on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
- 5. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
- 6. The attached notice shall be provided to all potential purchasers of the property and lessees of the facilities thereon.
- 7. Prior to issuance of any building permits or authorization to operate the proposed facilities, a "Determination of No Hazard to Air Navigation" shall be issued by the Federal Aviation Administration.

[This condition shall be considered to have been MET.]

The following conditions have been added subsequent to the ALUC hearing pursuant to the terms of the FAA Obstruction Evaluation Service letter issued on August 4, 2015 for Aeronautical Study No. 2015-AWP-7129-OE.

- 8. **The Federal Aviation Administration has conducted an aeronautical study of the proposed antenna with the greatest height and elevation above mean sea level (Aeronautical Study No. 2015-AWP-7129-OE) and has determined that neither marking nor lighting of the antenna structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.**
- 9. **The maximum height of any of the proposed antenna structures shall not exceed 52 feet above ground level, and the maximum elevation of the proposed antenna structures shall not exceed 2,070 feet above mean sea level.**

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10. The specific coordinates, height, and top point elevation of the proposed antenna structures shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in the proposed height or elevation of the antenna structures shall not require further review by the Airport Land Use Commission.
11. Temporary construction equipment used during actual installation of the antenna structures shall not exceed 52 feet in height, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
12. Within five (5) days after the antenna structures have been installed at their maximum height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to install the proposed antenna structures.

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

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

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a vote of 5-0 found the project **CONSISTENT** (Change of Zone); **CONDITIONALLY CONSISTENT** (Conditional Use Permit). Absent: Commissioners Pettis and Holmes

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 4.1: TIME: 10:30 A.M.

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I. **AGENDA ITEM 4.2:** ZAP1129MA15 – JM Realty/LNR Riverside LLC (Representative: Adam Corral, Kimley-Horn and Associates) – March Joint Powers Authority Case Nos.: PP15-01 (Plot Plan) and VAR 15-01 (Variance). The applicant proposes to construct two industrial warehouse buildings with a total floor area of 192,468 square feet on 9.9 acres located along the easterly side of Opportunity Way, northerly of Van Buren Boulevard and westerly of Interstate 215 within the land use jurisdiction of the March Joint Powers Authority. The southerly building will have a floor area of 99,743 square feet, and the northerly building will have a floor area of 92,725 square feet. Each building will include 6,000 square feet of first floor office space and 3,600 square feet of second floor office space. The Variance is required in that the building heights at 38 feet above ground level exceed both the Specific Plan standard of 35 feet (Table III-2 of Specific Plan No. 5) and the rear yard setback. (A Variance would not have been required had all setbacks been at least 38 feet.) (Airport Compatibility Zone B2 of the March Air Reserve Base/Inland Port Airport Influence Area, within the March Business Center/Meridian Exception Site 1).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

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

IV. **PROJECT DESCRIPTION**

The Plot Plan is a proposal to construct a 99,743 square foot industrial warehouse building and a 92,725 square foot industrial warehouse building (each including 6,000 square feet of first floor office space and 3,600 square feet of second floor office space) on 9.9 net acres. The Variance proposes to allow building heights of 38 feet, which exceeds both the standard of 35 feet and the proposed minimum setback of 35 feet from the rear property line.

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting 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.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)

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- (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, skilled nursing and care facilities, congregate care facilities, hotels/motels, places of assembly (including churches and places of worship), noise sensitive outdoor nonresidential uses and hazards to flight.
3. Prior to issuance of any building permits, the landowner shall convey and have recorded an avigation easement to the March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
 4. The attached notice shall be given to all prospective purchasers of the property and tenants of the buildings. While not required, the applicant and its successors-in-interest are encouraged to provide a copy of said notice to employees who would regularly be working therein.
 5. The proposed detention basin(s) on the site (including bioswales) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
 6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
 7. This project has been evaluated as a proposal for the establishment of warehouse buildings with ancillary office uses. Prior to the establishment of any of the following uses in these structures, March Joint Powers Authority shall either prepare an occupancy analysis to verify that single-acre intensity limits of Airport Compatibility Zone B2 will not be exceeded, or shall require additional review by the Airport Land Use Commission:

Medical clinics, retail sales, veterinary clinics, animal hospitals, animal care/pet hotels, instructional services, trade schools, laundry services, social service institutions, and mortuaries.
 8. Office space must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than CNEL 45 dB. The City of Riverside shall require an acoustical study to ensure compliance with this requirement.
 9. The Federal Aviation Administration has conducted aeronautical studies of the proposed buildings (Aeronautical Study Nos. 2015-AWP-6757-OE and 2015-AWP-6758-OE) and has determined that neither marking nor lighting of the buildings 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.

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10. The maximum height of the proposed buildings shall not exceed 38 feet above ground level for either building, and the maximum elevation of proposed building 1 shall not exceed 1,593 feet above mean sea level and the maximum elevation of proposed building 2 shall not exceed 1,594 feet above mean sea level.
11. The specific coordinates, height, and top point elevation of the proposed buildings shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
12. Temporary construction equipment used during actual construction of the pylon sign shall not exceed 38 feet in height, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
13. Within five (5) days after construction of the buildings reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the buildings.

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

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

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 5-0 found the project **CONSISTENT**. Absent: Commissioners Pettis and Holmes

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 4.2: TIME: 10:34 A.M.

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I. **AGENDA ITEM 4.3:** ZAP1130MA15 – Investment Building Group/56 Sycamore Partnership, L.P. (Representative: Brian Bargemann) – City of Riverside Case No. P14-0517 (Design Review). The applicant proposes to construct a 311,977 square foot industrial high-cube warehouse building (including 10,400 square feet of first floor office space and 10,400 square feet of second floor office space) on 30.21 acres located along the westerly side of Sycamore Canyon Boulevard, northerly of its intersection with Cottonwood Avenue (to wit, on Assessor’s Parcel Number 263-050-074), in the City of Riverside. (Airport Compatibility Zone B1-APZ II of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

The use of the building, excluding office areas, will need to be limited to high-cube warehousing to comply with single-acre intensity limits. Conversion to any other use, such as a fulfillment center, would require reduction in areas proposed to be utilized as office areas, or would have to be limited to portions of the structure more than 210 feet from the office areas.

III. **STAFF RECOMMENDATION**

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

IV. **PROJECT DESCRIPTION**

The Design Review proposes to construct a 311,977 square foot industrial high-cube warehouse building (including 10,400 square feet of first floor office space and 10,400 square feet of second floor office space) on 30.21 gross acres.

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting 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.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area. (Such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children’s schools, day care centers, libraries, hospitals, skilled nursing and care

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facilities, congregate care facilities, hotels/motels, places of assembly, restaurants, hazardous materials manufacturing/storage (excluding storage of quantities of less than 6,000 gallons of flammable materials), noise sensitive outdoor nonresidential uses and hazards to flight.

- (f) Medical services, child development centers, nurseries, and educational services
 - (g) Commercial/service uses: civic uses; churches, chapels, and other places of worship or religious activities; classrooms; gymnasiums; eating and drinking establishments; theaters; auditoriums; bowling alleys; conference or convention halls; fraternal lodges; auction rooms; gaming.
 - (h) Manufacture of: apparel; products made from fabrics or leather; chemicals and allied products; rubber and plastic products; professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks.
3. Prior to issuance of any building permits, the landowner shall convey and have recorded an avigation easement to the March Inland Port Airport Authority. Contact March Joint Powers Authority at (951) 656-7000 for additional information.
 4. The attached notice shall be given to all prospective purchasers of the property and tenants of the building. While not required, the applicant and its successors-in-interest are encouraged to provide a copy of said notice to employees who would regularly be working at this location.
 5. The proposed detention basin(s) on the site (including bioswales) shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the detention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
 6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
 7. The proposed project shall comply with the Compatibility Zone B1 Accident Potential Zone II single-acre criterion of 100 people (i.e. no more than 100 people in any single-acre [210' x 210'] area). Pursuant to the currently proposed building design and uses, to comply with this criterion, the warehouse area (excluding 7,400 square feet of primary ground floor office areas, 7,400 square feet of mezzanine office area, 3,000 square feet of ground floor receiving office area, and 3,000 square feet of mezzanine receiving office area) shall be exclusively used for high-cube warehouse and not otherwise increase its occupant density above such standard. Any conversion to more occupant-intensive uses such as manufacturing or an e-commerce or fulfillment center shall be subject to subsequent ALUC review of the specific tenant improvements/floor plans to determine consistency with the applicable intensity criterion.

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8. To comply with the Compatibility Zone B1 Accident Potential Zone II single-acre criterion of 100 people, the City of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of office uses exceeding a cumulative total of 14,800 square feet in the eastern portion of the proposed building.
9. Receiving office area shall be located in the western portion of the building.
10. Zoned fire sprinkler systems shall be required throughout the building.
11. Office space must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than CNEL 45 dB. The City of Riverside shall require an acoustical study to ensure compliance with this requirement.
12. In order to ensure proper functioning of the project drain system to avoid potential hazards to March Air Reserve Base flights, an additional Best Management Practice (BMP) shall be added to the project Water Quality Management Plan (WQMP). The applicant shall enter into a covenant and agreement with the City of Riverside similar to the Water Quality Management Plan and Urban Runoff BMP Transfer, Access and Maintenance Agreement between March Joint Powers Authority and Sun Life Assurance Company of Canada (Document No. 2014-0030862), which shall be recorded prior to issuance of a certificate of occupancy. A copy of the recorded agreement and BMP shall be provided to the Riverside County Airport Land Use Commission. The BMP shall include the following program:
 - a. The property owner (56 Sycamore Partnership L.P. or its successor(s)-in-interest, hereinafter "Owner") or its designated representative shall monitor the conditions of the new detention basins and promptly inspect such basins following the completion of each "significant" rain event and the 48-hour period thereafter.
 - b. If any standing water remains in a new basin that is not beneath a rock, gravel, or other layer following the completion of the "significant" rain event and the 48 hour period thereafter, Owner or its designated representative shall arrange to have such standing water either removed or covered within the next two business days following the conclusion of the 48 hour period.
 - c. In the event that the standing water situation recurs on a regular basis following the 48-hour detention period, the new detention basin may no longer be draining as originally designed to prevent standing water from rising above a rock, gravel or other layer (for example, due to a rise in groundwater levels or other circumstance beyond Owner's ability to control). In that situation, Owner or its designated representative shall promptly engage a licensed civil engineer to prepare a design plan to assure that such condition does not persist for more than 48 hours following the conclusion of a "significant" rain event. The required engineering design solution shall be implemented promptly, but no later than 180 days following its approval by all applicable authorities, providing that, until such time as the engineered design solution is implemented, Owner or its designated representative will maintain water levels below the rock, gravel, or other layer.

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

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The following spoke in favor of the project:

Michele Hackbart, Investment Building Group, 5100 Campus Drive, Newport Beach, CA 92660

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**. Absent: Commissioners Pettis and Holmes

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 4.3: TIME: 10:37 A.M.

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- I. **AGENDA ITEM 4.4:** ZAP1133MA15 – Nuevo Meadows Land Company, LLC (Representative: Beau Cooper, United Engineering Group, Inc.) – County of Riverside Case Nos. CZ 07804 (Change of Zone), TR 36635 (Tentative Tract Map), and PM 36895 (Tentative Parcel Map). CZ 07804 is a proposal to change the zoning of 78.95 acres located northerly of San Jacinto Avenue, westerly of Pico Avenue, southeasterly of Ski Land Lake, and southwesterly of the intersection of Pico Avenue and Central Avenue from R-R (Rural Residential) to R-4 (Planned Residential). The change of zone would apply to Assessor's Parcel Numbers 309-020-005 and 309-020-036, -037, -038, and -039. TR 36635 is a proposal to subdivide the site into 283 single-family residential lots with a minimum lot size of 4,000 square feet (plus 4 lots for water quality basins, 9 for landscape features, a community playground, and trail, and a 15.75-acre area to be maintained by the Regional Conservation Authority as permanent open space.) PM 36895 is a proposal to divide the same site into three parcels (each at least 20 acres in size) for phasing and/or financing purposes. (Airport Compatibility Zones D and E of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Change of Zone CONSISTENT with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and find the proposed Tentative Tract Map and Tentative Parcel Map CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

Change of Zone No. 7804 is a proposal to change the zoning classification of 78.95 acres from R-R (Rural Residential) to R-4 (Planned Residential). Tentative Tract Map No. 36635 is a proposal to subdivide the site into 283 single-family residential lots with a minimum lot size of 4,000 square feet (plus 4 lots for water quality basins, 9 for landscape features, a community playground, and trail, and a 15.75-acre area to be maintained by the Regional Conservation Authority as permanent open space). Tentative Parcel Map No. 36895 is a proposal to divide the same site into three parcels (each at least 20 acres in size) for phasing and/or financing purposes.

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The determination of consistency for the proposed Tentative Tract Map and Tentative Parcel Map is based on the permissible uses within the proposed R-4 zone. The following uses/activities are not included in the proposed project and shall be prohibited at this site, in accordance with Note 1 on Table 4 of the Lakeview/Nuevo Area Plan:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

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(c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.

(d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

3. The attached notice shall be provided to all potential purchasers of the proposed lots and to tenants of the homes thereon, and shall be recorded as a deed notice.

4. The proposed water detention basins or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.

5. The following uses/activities are specifically prohibited: wastewater management facilities; trash transfer stations that are open on one or more sides; recycling centers containing putrescible wastes; incinerators.

6. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.

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

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

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 5-0 found the project **CONSISTENT** with amendment to condition 3 and addition of condition 6. Absent: Commissioners Pettis and Holmes

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 4.4: TIME: 10:50 A.M.

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- I. **AGENDA ITEM 4.5:** ZAP1022CH15 – SC Limonite, LLC/Stratham Homes (Representative: Pat Potts) - City of Eastvale Case No. 14-1398 (Portion): Tentative Tract Map (TTM) No. 36775 (Revised) and Master Development Plan (Amended). This project, known as the Sendero Planned Residential Development, provides for development of 312 detached condominium dwellings. ALUC found the design consistent, but Southern California Edison (SCE) and the City of Eastvale objected to utilization of the SCE easement bisecting the property and the use of perimeter public roadways, respectively, toward meeting ALUC's open area requirements. Therefore, the applicant has prepared a revised open area exhibit not relying on either the easement or public roads to meet the minimum requirements.

II. **MAJOR ISSUES**

The proposed project is before this Commission due to a change in the location of open areas. The previous design was reviewed by ALUC as ZAP1019CH14 and was determined Consistent pursuant to Policy 3.3.6 and special findings, primarily that the Southern California Edison (SCE) easement on the site encumbers the potential for the project to comply with the 10% open space requirement for Compatibility Zone D. Part of the open space designated under ZAP1019CH14 was located within the SCE easement. Since ALUC's determination, SCE has specified that no area within its easement may be credited as open area.

The applicant has subsequently redesigned this project to relocate the open area outside the SCE easement area as well as outside the Limonite Avenue right-of-way. The proposed project does not strictly comply with the open area requirements of Compatibility Zone D for 10% open area based on the total gross acreage of 44.73 acres. However, pursuant to ALUC's prior utilization of Policy 3.3.6 for this project, excluding the SCE easement area would result in an adjusted gross acreage of 33.69 acres. Based on this adjusted gross acreage, the project would comply with the minimum 10% open area requirement.

While the applicant has not specifically requested deletion of Condition No. 6 as applied by ALUC in its review of ZAP1019CH14, the Commission may wish to reevaluate its necessity in light of the relocation of open areas.

III. **STAFF RECOMMENDATION**

Based on the Commission's prior determination that this project is consistent with application of Countywide Policy 3.3.6, staff recommends a finding of CONSISTENCY for the amended Tentative Tract Map and Master Development Plan with application of Countywide Policy 3.3.6, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The Master Development Plan (MDP) proposes the development of 312 condominium units with clubhouse and recreation amenities. The Tentative Tract Map proposes to subdivide the 44.73-acre (gross) property for development of 312 condominium units.

CONDITIONS: AMENDED AT HEARING

FINDINGS FOR A DETERMINATION OF CONSISTENCY PURSUANT TO POLICY 3.3.6 OF THE COUNTYWIDE POLICIES OF THE 2004 RIVERSIDE COUNTY AIRPORT LAND USE COMPATIBILITY PLAN:

1. **The project does not specifically meet the open area criteria of 10% based on strict calculation of required open area based on gross project size.** In this particular instance, the required open space area is 4.473 acres. **The revised plan provides 3.4**

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acres of open area. The difference between the open area being provided and the open area that would normally be required for the project based on the total gross acreage of the property **is slightly more** than one acre.

2. The project site is encumbered by an existing utility easement of high powered lines, which appears to be permanent, or at least for the foreseeable future, making that portion of the property unusable for any other development. **The existing SCE easement may represent an “extraordinary factor or circumstance” that limits or unduly burdens the project’s capability to provide the required open area within the reduced developable acreage compared to the gross acreage of the property.**
3. **Based on the reduced project acreage excluding the SCE easement, the open area provided would comply with the 10% requirement. If the portion of the property within the utility easement is excluded from the gross acreage of the property, the acreage available to the landowner within which open area can be set aside is reduced to 33.69 acres, and more than 10 percent of that net area is being reserved as open area.**
4. The project is located within an area below 55 CNEL from aircraft noise impacts.
5. The proposed land use **(and the provision of less open area than would typically be required)** would not create a safety hazard to people on the ground or aircraft in flight, nor result in excessive noise exposure for the residents of the proposed project.

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting 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.
 - (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, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

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- (e) Highly noise-sensitive outdoor nonresidential uses, children's schools, hospitals, and nursing homes.
- 3. The attached notice shall be provided to all potential purchasers of the property and tenants of the dwellings thereon, and shall be recorded as a deed notice.
- 4. Any ground-level or aboveground water detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
- 5. All open space areas as indicated on the exhibit titled Conceptual Site Plan, dated **7/30/2015** shall be kept free of structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground), and overhead wires. Small trees and shrubs that exceed 4 feet in height and/or thickness of 4 inches may be allowed along the edge of open space areas where the area abuts a wall or other similar feature, provided that they are planted within 4 feet of the wall.

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

The following spoke neither for or against the project, but added information to the decision making process:

Louis Davis, Southern California Edison

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 5-0 found the project **CONSISTENT** as amended deleting Condition 6. Absent: Commissioners Pettis and Holmes

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 4.5: TIME: 10:56 A.M.

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- I. **AGENDA ITEM 4.6:** ZAP1064FV15 – Murrieta KLC Holdings 130, LLC – (Representative: Larry Markham/MDMG, Inc.) – City of Murrieta Case Nos.: General Plan Amendment (GPA) 2014-290; Zone Change (ZC) 2014-289; Specific Plan (SP) 2015-615; Development Plan (DP) 2015-616; Tentative Tract Map 36779/TTM 2015-518; Tentative Parcel Map 36733/TPM 2014-410. The applicant proposes to develop a 287-unit planned residential development within 36.77 acres of a 122.31-acre parcel (to wit, Assessor’s Parcel No. 963-070-051) located westerly of Winchester Road, northerly of its intersection with Auld Road/Via Mira Mosa and southerly of its intersection with Benton Road, and easterly of a straight-line southerly extension of Liberty Road, in the City of Murrieta. Tentative Parcel Map No. 36733 is a proposal to divide the entire 122.31-acre parcel into four parcels, plus two lettered lots and a remainder. Pursuant to Zone Change ZC 2014-289, Parcel 1 (36.51 acres) would be zoned SFR-2, Parcels 2-4 along Winchester Road (16.61 acres) would be zoned Business Park, and the remainder parcel (64.82 acres) would be zoned Parks/Open Space. GPA 2014-290 would amend the site’s land use designation from Large Lot Residential and Business Park to Parks/Open Space, Single Family Residential, and Business Park. Specific Plan No. 2015-615 (“Adobe Springs”) proposes development of 287 detached single-family residences on small lots within a 36.2-acre area, 16.4 acres of Business Park uses, and 64.8 acres of open space for conservation. (Airport Compatibility Zones B2, C, and D of the French Valley Airport Influence Area).

II. **MAJOR ISSUES**

The proposed Specific Plan land use tables for Business Park Planning Areas require some revisions in order to enable a consistency determination. In the absence of clarification, this issue can be addressed either by establishing an Airport Compatibility Overlay zone or by requiring ALUC review of subsequent projects within the Business Park Planning Areas.

III. **STAFF RECOMMENDATION**

Staff recommends that ALUC open the public hearing, discuss the proposal, and CONTINUE this item to its September 10, 2015 hearing, pending revisions to the Specific Plan document. However, staff is working with the applicant team to resolve these issues and is confident that there is a reasonable probability that a finding of consistency can be recommended by the hearing date.

STAFF RECOMMENDATION AT HEARING

CONSISTENT with the amendment to land use tables.

IV. **PROJECT DESCRIPTION**

The applicant proposes a 122.31-acre Specific Plan (“Adobe Springs”, City of Murrieta Case No. SP 2015-615) that would include a 287-unit planned residential development within 36.77 acres, 16.4 acres of Business Park uses, and 64.8 acres of open space for conservation. The residential portion of the project, as proposed by Development Plan 2015-616 and associated Tentative Tract Map No. 36779 (City of Murrieta Case No. TTM 2015-518), would consist of detached single-family residences on small lots. GPA 2014-290 would amend the land use designation of the site (to wit, Assessor’s Parcel Number 963-070-051) from Large Lot Residential and Business Park to Parks/Open Space, Single Family Residential, and Business Park. Tentative Parcel Map No. 36733 (TPM 2014-410) is a proposal to divide the site into four parcels, plus two lettered lots and a remainder. Pursuant to Zone Change ZC 2014-289, Parcel 1 (36.51 acres) would be zoned SFR-2, Parcels 2 through 4 along Winchester Road (16.61 acres) would be zoned Business Park, and the remainder parcel (64.82 acres) would be zoned Parks/Open Space.

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**CONDITIONS FOR SPECIFIC PLAN 2015-615, TENTATIVE TRACT MAP NO. 36779,
DEVELOPMENT PLAN 2015-616, and TENTATIVE PARCEL MAP NO. 36733:**

1. 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. Lights must 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.
 - (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 landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, fly ash disposal, and wastewater management facilities.
 - (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, hospitals, and nursing homes.
3. The attached notice shall be provided to all potential purchasers of the properties and tenants of the homes or buildings thereon, and shall be recorded as a deed notice.
4. Any ground-level or aboveground water detention basin or facilities shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours and to remain totally dry between rainfalls. Vegetation in and around such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.

**ADDITIONAL CONDITIONS FOR SPECIFIC PLAN NO. 2015-615 and TENTATIVE PARCEL
MAP NO. 36733:**

CONDITIONS:

5. Prior to approval of any non-residential entitlement project, each such project shall be transmitted to ALUC for preliminary review and determination as to whether submittal for ALUC review is required.
6. Any implementing non-residential project of the Specific Plan shall comply with the applicable land use intensity limitations for the applicable Compatibility Zone.

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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

The following spoke in favor of the project:

Larry Markham, Representative, 41635 Enterprise Circle N. STE B, Temecula, CA 92590-5614

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** with amendment to land use tables. Absent: Commissioners Pettis and Holmes

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 4.6: TIME: 11:07 A.M.

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I. **5.0 ADMINISTRATIVE ITEMS**

5.1 Director's Approvals – Information Only

5.2 Resolution No. 2015-01 Authorizing the ALUC Director to Take Action on Legislative Items in Zone E of the March Air Reserve Base/Inland Port Airport Influence Area

Chairman Housman reminded the Commission that he had previously expressed concern regarding unrestricted future delegation of its duty to act on legislative items as specified pursuant to the California Public Utilities Code and was pleased that the proposed resolution authorizing the ALUC Director to act on legislative items in Zone E of the March Air Reserve Base/Inland Port Airport Influence Area includes a one-year sunset provision with renewability. This will allow the Commission an opportunity to evaluate the impact and effectiveness of the authorized delegation next year in order to make an informed decision as to whether to renew such authorization. With that, the Chairman moved to approve Resolution No. 2015-01.

The ALUC Commission by a vote of 5-0 approved Resolution No. 2015-01. Absent: Pettis and Holmes

5.3 Specific Delegation of Authority: Change of Zone Case No. 7843

Chairman Housman indicated that the requested specific delegation is moot, since it is now authorized pursuant to Resolution No. 2015-01.

5.4 December 2015 ALUC Meeting Location

The ALUC Commission by a vote of 5-0 formally acknowledged that its December 10, 2015 meeting will be held at Cathedral City's Council Chambers and authorized staff to amend its online submission schedule accordingly.

II. **6.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 4-0 approved the July 9, 2015 minutes. Abstain: Manos; Absent: Pettis and Holmes

III. **7.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

Mr. Atman Kadakia, Greens Group, came forward to request that the Commission delegate to the ALUC Director the ability to render a consistency determination for his project, a proposal to reopen a service station and convert a fast food restaurant to a convenience store on a property in Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area, in the Mission Grove area of the City of Riverside. He was accompanied by Mr. Dennis Morgan of IPA Commercial Real Estate, representing the ownership of the shopping center within which the property is located. Vice Chairman Ballance inquired as to the reasons why the service station was closed for an extended period of time. Mr. Morgan advised that there were a number of violations that had to be corrected after the previous station owner closed business. Chairman Housman noted that it would not be appropriate for the Commission to take action on a non-agendized item. John Guerin, ALUC staff, clarified that the ALUC Director is authorized to act on such projects in Zone D and Zone E, but that staff was seeking guidance from the Commission, since this project is in Zone C2. He reminded the Commission of a similar situation recently where an applicant requested delegation for the establishment of a liquor store in an existing commercial building in Zone C of the Bermuda Dunes Airport Influence Area. Commissioner Manos expressed concerns regarding providing direction on any matter not on the agenda. Director Ed Cooper advised that the Countywide Policies give the Director authority to render consistency

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determinations for projects that clearly have no impact, but that he normally makes such determinations only for projects in Zone D or E, or Area III for Hemet-Ryan. Commissioner Lyon noted that Policy 1.5.2(d) authorizes the Director to approve proposed projects having no apparent compatibility issues of significance. Vice Chairman Ballance stated that he concurred with Commissioner Lyon's comments. Chairman Housman noted that members of the public should be able to rely on written policies and believes that it is reasonable for the Director to act on projects where there are no apparent compatibility issues of significance. Mr. Cooper advised that he will instruct staff to avoid suggesting that applicants make direct requests for delegation to the Commission in the future. Staff may continue to consult with the Commission via the agendaized Administrative Items calendar in similar situations in the future.

IV. **8.0 COMMISSIONER'S COMMENTS**

Chairman Housman indicated that the Board of Supervisors has established a policy that any group including Board appointees that wishes to meet in the Board Room must agree that its meetings held therein will be live-streamed for the public. This constitutes a change in the public record. The Commission will vote on this at the next ALUC Commission meeting on September 10th. Live-streaming may begin with the October meeting. In response to a question from Vice-Chairman Ballance, Director Ed Cooper advised that Board of Supervisors meetings are live-streamed. This allows persons who are not able to attend the meeting the opportunity to view the proceedings in real time. Vice-Chairman Ballance asked if there are any special guidelines for live-streamed meetings. Director Cooper noted that ALUC meetings are already recorded on audio CDs. The difference is that a visual record will be available live.

V. **9.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 11:44 A.M.

VI. **CD**

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

ITEM 5.0: TIME IS 11:21 A.M.