

**AIRPORT LAND USE COMMISSION  
MINUTE ORDER DECEMBER 10, 2015  
CATHEDRAL CITY MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on December 10, 2015 at the Cathedral City, Council Chambers.

**COMMISSIONERS PRESENT:** Simon Housman, Chairman  
Rod Ballance, Vice Chairman  
Arthur Butler  
Glen Holmes  
Beth LaRock, Alternate for John Lyon  
Greg Pettis

**COMMISSIONERS ABSENT:** John Lyon  
Steve Manos

**STAFF PRESENT:** Ed Cooper, ALUC Director  
John Guerin, Principal Planner  
Russell Brady, Contract Planner  
Barbara Santos, ALUC Commission Secretary  
Raymond Mistica, ALUC Counsel

**OTHERS PRESENT:** Jolie Arthur, Other Interested Person  
Robert Berriman, KUDD Bermuda Dunes Airport  
Jack Carroll, Sperry Equities  
Roger Clarke, Other Interested Person  
Juana Cureno, Other Interested Person  
Lance Higgins, Ruhnau Ruhnau Clarke  
Charlie Karustis, Other Interested Person  
Matt Valerio, Applicant Representative

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- I. **AGENDA ITEM 2.1:** ZAP1158MA15 – Hillwood Investment (Representative: Kathy Hoffer) – City of Riverside Case Nos. P14-1082 (Minor Conditional Use Permit) and P14-1081 (Design Review). The applicant proposes to construct two industrial warehouse buildings with a total floor area of 1,433,599 square feet on 71.5 to 73.32 acres located along the westerly side of Lance Drive, northerly of its intersection with Sierra Ridge Drive. The southerly building will have a floor area of 1,012,995 square feet, and the northerly building will have a floor area of 420,604 square feet. Each building will include 10,000 square feet of office space. (Airport Compatibility Zones C1 and D 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 Design Review and Minor Conditional Use Permit, subject to the conditions included herein.

**STAFF RECOMMENDED AT HEARING**

CONTINUE to 1-14-16 per applicant agreement

IV. **PROJECT DESCRIPTION**

The Design Review proposes development of two industrial (predominantly warehouse) buildings totaling 1,433,599 square feet, on 71.50 net acres. Building 1 would be a total of 1,012,995 square feet gross floor area, including 10,000 square feet of office space and Building 2 would be 420,604 square feet gross floor area, including 10,000 square feet of office space. The Conditional Use Permit is required to approve warehouse buildings greater than 400,000 square feet in size.

**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

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operation of aircraft and/or aircraft instrumentation.

(e) In Building 1: Children's schools, day care centers, libraries, hospitals, skilled nursing and care facilities, congregate care facilities, places of assembly, noise sensitive outdoor nonresidential uses and hazards to flight.

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

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](mailto:rbrady@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 Manos

VII. **CD**

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

ITEM 2.1: TIME 9:44 A.M.

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- I. **AGENDA ITEM 2.2:** ZAP1072R115 – In-N-Out Burgers (Representative: Katie Sanchez) – City of Riverside Case No. P15-0490 (Rezoning). The applicant proposes to rezone a 0.12-acre parcel (to wit, Assessor’s Parcel No. 230-200-005) located on the northerly side of Indiana Avenue, easterly of Madison Avenue and the existing In-N-Out drive-thru facility, from Single Family Residential, 7,000 square foot minimum lot size (R-1-7,000) to Commercial General (CG) in order to allow for an expansion of the drive-thru onto this site and facilitate expansion of the easterly food preparation structure of the existing facility. (No new indoor seating is proposed.) The Commission may further recommend that the project site be rezoned to CG-AP-E (Commercial General, Airport Protection Overlay Zone E). (Airport Compatibility Zone E of the Riverside Municipal Airport Influence Area).

II. **MAJOR ISSUES**

None.

III. **STAFF RECOMMENDATION**

Staff recommends that the Rezoning be found CONSISTENT with the 2005 Riverside Municipal Airport Land Use Compatibility Plan, provided that the new zoning incorporates the appropriate Airport Protection Overlay Zone suffix (-AP-E), which refers to the site’s location within the Riverside Municipal Airport Influence Area.

IV. **PROJECT DESCRIPTION**

The Rezoning proposes to change the zoning of a 0.12 acre parcel (to wit, Assessor’s Parcel No. 230-200-005) located easterly of an existing In-N-Out drive-thru facility from Single Family Residential, 7,000 square foot minimum lot size to (R-1-7,000) to Commercial General (CG) in order to allow for an expansion of the drive-thru onto this site and facilitate expansion of the easterly food preparation structure of the existing facility from 1,125 to 1,285 square feet in gross floor area, as proposed by the associated Design Review and Minor Conditional Use Permit.

Rezoning applications are not subject to conditions.

The associated Design Review and Minor Conditional Use Permit cases in Zone E do not constitute a major land use action and did not require an ALUC determination. However, the following conditions are recommended for those cases:

**RECOMMENDED CONDITIONS:**

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

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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. No new detention basins are depicted on the site plan. Any new 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 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.
- 4. Prior to issuance of a building permit, the City of Riverside shall apply zoning incorporating the Airport Protection Overlay Zone (CG-AP-E) to the site.

**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](mailto:rbrady@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 Manos

**VII. CD**

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

ITEM 2.2: TIME 9:48 A.M.

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I. **AGENDA ITEM 2.3:** ZAP1025FL15 – Secured Income Group. Inc. (Representative: Stefan Lanthier, Cornerstone Land Surveying) – City of Jurupa Valley Major Action Case No. 1432 (MA 1432) – Tentative Tract Map No. 36649 (Amended). The applicant proposes to divide 5.49 acres located northerly of 36<sup>th</sup> Street and westerly of Avalon Street (Assessor’s Parcel Number 179-060-027) into 24 single-family residential lots ranging from 6,207 square feet to 11,017 square feet in size and one 7,629 square foot lot for a detention basin. (Airport Compatibility Zones D and E of the Flabob Airport Influence Area).

II. **MAJOR ISSUES**

The proposed Tentative Tract Map is before this Commission due to a reduction in the number of lots. The previous design was reviewed by ALUC as ZAP1024FL15 and was determined Consistent pursuant to Policy 3.3.6 and special findings. The Tentative Tract Map design was subsequently required to be amended to incorporate an onsite detention and water quality basin pursuant to existing drainage requirements. The site is split between Compatibility Zones D and E. The amended project design results in a reduction of one residential lot (from 25 to 24) for an overall density of 4.57 dwelling units per acre (including the entire project net area, both Zones D and E, previously 4.76 dwelling units per acre) and a Zone D density of 4.42 dwelling units per acre (including just the net project area in Zone D, counting the whole lots and lots with majority of area in Zone D, previously 4.79 dwelling units per acre). The Zone D density does not comply with the Compatibility Zone D minimum density criteria of 5.0 dwelling units per acre. However, certain factors are apparent that may be considered under Countywide Policy 3.3.6 to find the normally incompatible density compatible, as presented in the following analysis. The Change of Zone request remains as previously reviewed, and, as such, the determination of consistency issued earlier this year remains valid.

III. **STAFF RECOMMENDATION**

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

IV. **PROJECT DESCRIPTION**

The Tentative Tract Map proposes to subdivide 5.49 acres into 24 single family residential lots ranging from 6,207 to 11,017 square feet in area and one 7,629 square foot lot for a detention basin. The Tentative Tract Map previously proposed 25 single family residential lots.

**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 proposed land use will not create a safety hazard to people on the ground or aircraft in flight, nor result in excessive noise exposure for the proposed use.
2. The proposed average residential lot size of 7,119 square feet equates to 6.12 dwelling units per acre, and all but four of the residential lots are smaller than 0.2 acre in net area.
3. Although the project’s net density does not strictly comply with the Compatibility Zone D 5.0 dwelling units per acre minimum criteria, the project’s net density is relatively close to the criteria, such that the variance from the ALUC standard of 5.0 dwelling units per acre is insignificant. A subdivision with four (4) additional lots would meet the criteria.
4. The project is not located beneath or near the extended centerline of the runway or within the general traffic pattern envelope, wherein approximately 80% of aircraft overflights are expected to occur.
5. The size and shape of the existing parcel require two on-site cul-de-sacs, thus decreasing the

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- potential to maximize density.
6. The City of Jurupa Valley has guidelines requiring a minimum lot width of sixty (60) feet, thus limiting the ability for the project to increase the number of lots beyond the number proposed in the existing design, which generally proposes sixty (60) foot wide lots.
  7. Existing topography on the project site and the proposed grading limit the ability to increase the number of lots while maintaining a reasonable lot and usable pad area for each lot.
  8. The reduction in density of the amended Tentative Tract Map from 25 single family residential lots to 24 single family residential lots is a result of existing water quality requirements that reduce the achievable density on the project site.

**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.
  - (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 shall be recorded as a deed notice.
4. Any ground-level or aboveground water retention or 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.

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5. Buildings on all lots shall be no greater than 32 feet in height unless: (a) a building exceeding this height is submitted for FAA Obstruction Evaluation and a Determination of No Hazard to Air Navigation is issued, or (b) a Building Permit Review application is submitted to ALUC and staff determines that FAA review is not required.
6. Proposed building pad elevations for Lots 4 through 9 shall not be increased above those elevations noted on the Tentative Tract Map conceptual grading plan exhibit with revisions dated October 27, 2015 and as indicated in the table titled "Flabob Airport Height Analysis" without further ALUC staff review to determine whether FAA Obstruction Evaluation is required. Proposed building pad elevations for all other lots shall not be increased to more than 818 feet above mean sea level without further ALUC staff review to determine whether FAA Obstruction Evaluation is required.

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](mailto:rbrady@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 Manos

VII. **CD**

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

ITEM 2.3: TIME 9:51 A.M.



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I. **AGENDA ITEM 2.4:** ZAP1033PS15 – The Altum Group, for WSW Cat-Ramon, LLC (Representative: Audrey Nickerson) – City of Cathedral City Case Nos. GPA 14-004 (General Plan Amendment), CZ 14-003 (Change of Zone), PUD 14-002 (Planned Unit Development), and TTM 36819 (Tentative Tract Map). Tentative Tract Map No. 36819 is a proposal to divide 14.13 acres (Assessor’s Parcel Number 673-020-043) located southerly of (and obtaining access from) Ramon Road and easterly of Date Palm Drive into 84 single-family residential lots, 4 open space lots with a total area of 2.875 acres, and 2.217 acres of private streets. PUD 14-002 would provide for a minimum lot size of 3,220 square feet and for the development of 63 two-story dwellings, 21 one-story dwellings, 1.83 acres of recreational areas, including a clubhouse, swimming pool with spa, playground, and open space area, and a 0.97-acre retention basin. GPA 14-004 would amend the land use designation of the site on the City’s General Plan Land Use Map from General Commercial [CG] to Medium Density Residential (4.5-10 dwelling units per acre) [RM], while CZ 14-003 would change the site’s zoning from Planned Community Commercial [PCC] to R2 Multiple-Family Residential District [R2]. (Airport Compatibility Zone E of the Palm Springs International Airport Influence Area).

II. **MAJOR ISSUES**  
None

III. **STAFF RECOMMENDATION**  
Staff recommends that the Commission find the proposed General Plan Amendment and Change of Zone CONSISTENT with the 2005 Palm Springs International Airport Land Use Compatibility Plan, and find the proposed Tentative Tract Map CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**  
Tentative Tract Map No. 36819 is a proposal to divide 14.13 acres (Assessor’s Parcel Number 673-020-043) into 84 single-family residential lots, 4 open space lots with a total area of 2.875 acres, and 2.217 acres of private streets. PUD 14-002 would provide for a minimum lot size of 3,220 square feet and for the development of 63 two-story dwellings, 21 one-story dwellings, 1.83 acres of recreational areas, including a clubhouse, swimming pool with spa, playground, and open space area, and a 0.97-acre retention basin. GPA No. 14-004 would amend the land use designation of the site on the City’s General Plan Land Use Map from General Commercial (GC) to Medium Density Residential (4.5 to 10 dwelling units per acre) [RM]. CZ No. 14-003 would change the site’s zoning from Planned Community Commercial [PCC] to R2 Multiple Family Residential [R2].

**CONDITIONS (applicable to the proposed Tentative Tract Map/Planned Unit Development):**

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 are not included in the proposed project and shall be prohibited at this site:
  - 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, including landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, wastewater management 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 disclosure notice shall be provided to all potential purchasers of the proposed lots and to tenants of the homes thereon.
  - 4. The proposed water detention/retention basin or facilities shall be designed so as to provide for a detention period that does not exceed 48 hours following the conclusion of the storm event for the design storm 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.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

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

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 Manos

**VII. CD**

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

ITEM 2.4: TIME 9:56 A.M.

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I. **AGENDA ITEM 2.5 and 2.6:** ZAP1031PS15 and ZAP1032PS15 – Dudek, for New Dimension Energy Company (Representative: Matt Valerio) – County Case Nos. WCS00011R2 and WCS00012R2 (WECS – Wind Energy Conversion System-Permits No. 11 [Revised No. 2] and 12 [Revised No. 2]). WCS00011R2 is a proposal to install and operate 26 Ogin 100kw (kilowatt) wind turbines up to 150 feet in height and 2 Vestas 3.3 MW (megawatt) wind turbines up to 456 feet in height on a 133-acre parcel (to wit, Assessor’s Parcel Number 668-270-012) located northerly of Dillon Road and westerly of a northerly extension of Karen Road, approximately 2,900 feet easterly of the easterly boundary of the community of Valley View Village. WECS 00012R2 is a proposal to install and operate 94 Ogin 100kw wind turbines up to 150 feet in height and 3 Vestas 3.3 MW wind turbines up to 456 feet in height on 243.11 acres (Assessor’s Parcel Numbers 668-120-018, -020, and -021, and 668-130-023, -024, and -025) located northerly of the transmission lines northerly of and parallel to Dillon Road, southerly of a westerly extension of Two Bunch Palms Trail, approximately 1400 feet easterly of Devers Substation and one-half mile easterly of Diablo Road. ALUC review is required due to the proposal for structures greater than 200 feet in height. (Not in an Airport Influence Area. Closest airport: Palm Springs International Airport).

II. **MAJOR ISSUES**

None. The Federal Aviation Administration Obstruction Evaluation Service has issued Determinations of No Hazard to Air Navigation for these projects; however, lighting requirements for specific wind turbines may change depending on which turbines are actually constructed. The FAA has prepared special instructions for this project, as a result.

III. **STAFF RECOMMENDATION**

Staff recommends that both of these projects be determined to be CONSISTENT with the 2004 Riverside County Airport Land Use Compatibility Plan, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

WCS00011R2 is a proposal to install and operate 26 Ogin 100 kilowatt wind turbines up to 150 feet in height and 2 Vestas 3.3 megawatt wind turbines up to 456 feet in height on a 132-acre parcel (to wit, Assessor’s Parcel Number 668-270-012). WCS00012R2 is a proposal to install and operate 94 Ogin 100 kilowatt wind turbines up to 150 feet in height and 3 Vestas 3.3 megawatt wind turbines up to 456 feet in height on 243.11 acres (to wit, Assessor’s Parcel Numbers 668-120-018, -020, and -021, and 668-130-023, -024, and -025). Wind turbine heights are measured at top of blade in the “twelve o’clock position”.

**CONDITIONS:** [Bold type indicates clarifications to conditions after the hearing]:

1. Each of the proposed Vestas WECS (and any other WECS with a height [at 12 o’clock position] of 200 feet or more above the grade elevation) shall be marked and lighted in accordance with FAA Advisory Circular 70/7460-1 K, Change 2, Obstruction Marking and Lighting, white paint/synchronized red lights – Chapters 4, 12, & 13 (Turbines).

Obstruction marking and lighting requirements are based on the scheme for the entire project. Determinations of No Hazard to Air Navigation have been issued for a total of twelve turbines at a height of 456 feet (Aeronautical Study Nos. 2015-WTW-4268-OE through 2015-WTW-4279-OE, of which **2015-WTW-4274-OE through 2015-WTW-4279-OE apply specifically to this property**); however, the applicant is only proposing to install turbines **greater than 200 feet in height at two of these locations on this property. The remaining four locations studied on this property are alternate locations.** The removal of previously planned or built turbines/turbine locations will often result in a change in the marking/lighting

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recommendations for the turbines within the project. It is the proponent's responsibility to contact the FAA to discuss the process for developing a revised obstruction marking and lighting plan should this occur. If not all of the turbines will be built, a re-evaluation of the lighting plan would be available from FAA once a decision on the final layout has been made and the determinations for any unused turbine locations terminated.

Notwithstanding the first paragraph above, the requirement that each of the WECS with a height of 200 feet or more be marked and lighted may be modified by the FAA upon its approval of a revised obstruction marking and lighting plan without further review by the Airport Land Use Commission.

2. An FAA Type L-810 steady red light fixture shall be used to light each structure 200 feet or greater in height during the construction phase. During construction, all turbines should be lit with temporary lighting once they reach a height of 200 feet or greater until such time as the permanent lighting configuration is turned on. If practical, permanent obstruction lights should be included and operated at each level as construction progresses. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level. As the height of the structure continues to increase, the temporary lighting should be relocated to the uppermost part of the structure. (The temporary lighting may be turned off for periods when they would interfere with the duties of construction personnel.) If power is not available during the construction phase, turbines shall be lit with self-contained, solar powered LED steady red light fixtures that meet the photometric requirements of an FAA Type L-810 lighting system.
3. Within five (5) days after the construction reaches its greatest height, FAA Form 7460-2, Notice of Actual Construction or Alteration, shall be e-filed with the Federal Aviation Administration Obstruction Evaluation Group at <https://oeaaa.faa.gov>. **This requirement is also applicable in the event that the turbine studied in the specific aeronautical study is not constructed or in the event that the project is abandoned.**
4. The specific coordinates, heights, and power shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in height shall not require further review by the Airport Land Use Commission.
5. Each wind turbine shall be painted in a bright white color for daytime conspicuity.
6. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, shall be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.
7. The maximum height of any WECS and tower shall not exceed 456 feet to top of blade at 12 o'clock position. The maximum elevation at that point for any WECS and tower within the boundary of WECS00011R2 shall not exceed 1,458 feet above mean sea level.
8. Temporary construction equipment used during actual construction of the facilities shall not

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exceed the height of the proposed facilities, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

9. The proposed WECS shall not generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
10. Other than FAA-approved lighting and marking as specified above, no lighting shall be installed that would direct a steady light or flashing light of red, white, green, or amber colors associated with aircraft operations toward an aircraft engaged in an initial straight climb during takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport.
11. Rotor blades shall utilize a flat or matte (non-glossy) finish so as to minimize the reflection of sunlight towards an aircraft engaged in an initial straight climb during takeoff or towards an aircraft engaged in a straight final approach toward a landing at an airport.
12. The WECS and any accessory uses shall not generate smoke or water vapor and shall be designed so as not to attract large concentrations of birds.

**V. MEETING SUMMARY**

The following staff presented the subject proposal:

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

The following spoke in favor of the project:

Matt Valerio, applicant representative

The following spoke on the project:

Charlie Karustis, Other Interested Person, 221 Crescent St. Suite 103A, Waltham, MA

The following spoke in opposition to the project.

Juana Cureno, Other Interest Person

**VI. ALUC COMMISSION ACTION**

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

**VII. CD**

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

ITEM 2.5 and 2.6: TIME 10:01 A.M.

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I. **AGENDA ITEM 2.7:** ZAP1034PS15 – Ruhnau Ruhnau Clarke and Associates, for Palm Springs Unified School District (Representative: Lance Higgins). Palm Springs Unified School District proposes to establish a new District Administration Center on a 19.32-acre District-owned property located along the easterly side of District Center Drive, easterly of Gene Autry Trail, westerly of San Joaquin Drive, and southeasterly of the existing District Operations Center building. The new Administration Center building is proposed to be a two-story, 62,336 square foot building, with a 2,341 square foot Board Room for District Board of Education meetings. (Airport Compatibility Zones C and D of the Palm Springs International Airport Influence Area).

II. **MAJOR ISSUES**

The capacity of the proposed school district administrative building exceeds the maximum allowable single-acre criterion of 150 people for Compatibility Zone C based on the Building Code Method. The applicant has submitted occupancy calculations for the four existing school district administrative buildings noting that the same amount of occupancy would be anticipated within the new building. The new building is approximately 17,000 square feet larger than the existing buildings, which would indicate greater occupancy compared to the existing. However, the existing buildings have smaller work areas compared to the new building that would have larger work areas on average per employee.

Additionally, the open areas previously determined to be acceptable through ALUC's review of the existing facilities on the project site would not be determined to be adequate, as the roadway is less than 75 feet in width, and staff would normally allow for only the adjacent half width of right-of-way. However, rather than overturn ALUC's prior determination of acceptability of these open areas, it is recommended that ALUC continue to determine these open areas acceptable.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of INCONSISTENCY, based on the proposed project exceeding single-acre non-residential intensity criteria for Compatibility Zone C based on the Building Code Method, unless the Commission is willing to accept the applicant's estimates for occupancy or make special circumstance findings pursuant to Countywide Policy 3.3.6.

IV. **PROJECT DESCRIPTION**

The applicant proposes to establish a 62,336 square foot two-story school district administrative building on a 19.32-acre (net) parcel.

**CONDITIONS:**

1. Any new 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.
  - (e) Children's schools, day care centers, libraries, hospitals, skilled nursing and care facilities, noise sensitive outdoor nonresidential uses and hazards to flight.
3. Prior to issuance of a building permit, the property owner shall convey an avigation easement to the City of Palm Springs as owner-operator of Palm Springs International Airport.
  4. The attached notice shall be given to all prospective purchasers of the property and tenants of the building.
  5. No detention basins are depicted on the site plan. Any new 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. Any additional landscaping in and around the detention basin(s) shall not include trees that produce seeds, fruits, or berries.
  6. The Federal Aviation Administration has conducted an aeronautical study of the proposed structure (Aeronautical Study No. 2015-AWP-10813-OE) and has determined that neither marking nor lighting of the structure is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.
  7. The maximum height of the proposed structure shall not exceed 38 feet above ground level, and the maximum elevation of the proposed structure (including all roof-mounted equipment, if any) at top point shall not exceed 434 feet above mean sea level.
  8. The specific coordinates, height, and top point elevation of the proposed structure shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.
  9. Temporary construction equipment used during actual construction of the structure shall not exceed the height of the structure, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
  10. Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to

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<https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the structure.

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](mailto:rbrady@rctlma.org)

The following spoke in favor of the project:

Jolie Arthur, Other Interested Person, 980 E. Tahquitz Canyon, Palm Springs, CA 92262

Roger Clarke, Other Interested Person, 3775 Tenth Street, Riverside, CA 92506

Lance Higgins, Ruhnau Ruhnau Clarke, 3775 10<sup>th</sup> Street, Riverside, CA 92501

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by vote of 4-2 found the project **CONSISTENT**, accepting the applicant's calculations of intensity of use (that based on the specific governmental use of this building and nature of its activity, building occupancy would remain at or below 150 persons at all times.)

Opposed: Commissioners Holmes and Housman. Absent: Commissioner Manos

VII. **CD**

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

ITEM 2.7: TIME 10:14 A.M.



**AIRPORT LAND USE COMMISSION  
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- I. **AGENDA ITEM 2.8:** ZAP1061BD15 – Sperry Equities, LLC (Representative: Daniel Grandy, AECOM) – City of Indio Administrative Design Review - A proposal to establish a single-story 30,450 square foot special purpose (orthopedic/joint replacement) hospital, including a surgical suite with three operating rooms, 12 single-occupant inpatient rooms for overnight stays, outpatient clinic, and physicians' offices, on a 4.48-acre site (Assessor's Parcel Number 606-060-028) with an address of 42-505 Burr Street, located on the westerly side of Burr Street, extending from Indio Boulevard on the north to Avenue 42 (42<sup>nd</sup> Street) on the south, within the Northgate Crossing Specific Plan. (Airport Compatibility Zones B1 and C of the Bermuda Dunes Airport Influence Area).

II. **MAJOR ISSUES**

The property is located within Airport Compatibility Zone B1, where hospitals (human occupancy – overnight stays) are a prohibited use, pursuant to the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan. The project lies within the Northgate Crossing Specific Plan. ALUC determined that this Specific Plan was inconsistent with the Bermuda Dunes Airport Land Use Compatibility Plan in 2007, but the City of Indio overruled this determination and adopted the Specific Plan. However, in adopting the Specific Plan despite the densities and intensities exceeding those permitted in the applicable Compatibility Zones, the City included conditions that appropriately reflected the fact that certain land uses (regardless of intensity) were prohibited in certain Compatibility Zones. Thus, the approval of the project proposed herein was not in conformance with the provisions of the Specific Plan, as adopted.

In order to address this situation, the applicant is proposing to bring this forward to ALUC for a determination. If found to be inconsistent, the City of Indio is expected to issue a project-specific overrule.

III. **STAFF RECOMMENDATION**

Staff must recommend a finding of INCONSISTENCY for the Administrative Design Review as proposed due to the prohibition of hospitals within Airport Compatibility Zone B1.

IV. **PROJECT DESCRIPTION**

The applicant proposes to establish a single-story 30,450 square foot special purpose (orthopedic/joint replacement) hospital, including a surgical suite with three operating rooms, 12 single-occupant inpatient rooms for overnight stays, outpatient clinic, and physicians' offices on a 4.48-acre site (Assessor's Parcel Number 606-060-028) with an address of 42-505 Burr Street.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

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

The following spoke in favor of the project:

Jack Carroll, Sperry Equities, 18881 Von Karman Ave, STE 800, Irvine, CA

No one spoke in neutral of the project.

The following spoke in opposition to the project:

Robert Berriman, KUDD Bermuda Dunes Airport, 79880 Ave 42, Bermuda Dunes, CA 92203

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 6-0 found the project **INCONSISTENT**. Absent: Commissioner Manos

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VII. **CD**

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ITEM 2.8: TIME 10:44 A.M.

**AIRPORT LAND USE COMMISSION  
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I. **3.0 ADMINISTRATIVE ITEMS**

3.1 Director's Approvals – Information Only

3.2 Resolution No. 2015-02

Chairman Housman offered a correction to line 8 on page 2, changing the word “are” to the words “may be”. The ALUC Commission by a vote of 6-0 approved Resolution No. 2015-02 as modified. Absent: Manos

II. **4.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 4-0 approved the November 12, 2015 minutes. Abstain: Pettis and LaRock; Absent: Manos

III. **5.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

John Guerin, ALUC staff, informed the Commission that the City of Banning has agreed to provide funding towards the Commission taking an early action regarding allowances for non-residential intensities in Compatibility Zone D, so that amendment to the Banning ALUCP will be coming forward to the Commission in the next few months. Also, the State Division of Aeronautics has approved the Scope of Work for the Countywide Policies Amendment including the Jacqueline Cochran Policies for Vista Santa Rosa, so that we can move forward over the course of the next 12-18 months.

IV. **6.0 COMMISSIONER'S COMMENTS**

None

V. **7.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 10:55 a.m.

VI. **CD**

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

ITEM 3.0: TIME IS 10:58 A.M.