

**AIRPORT LAND USE COMMISSION HEARING
REPORT OF ACTIONS
MARCH 13, 2008**

4-3-08

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

COMMISSIONERS ABSENT: MELANIE FESMIRE

2.0 PUBLIC HEARING: OLD BUSINESS

- 2.1 Staff report recommended: **CONTINUE TO APRIL 10, 2008**
Staff recommended at hearing: **CONTINUE TO APRIL 10, 2008**
ALUC Commission Action: **CONTINUED TO APRIL 10, 2008 (VOTE 7-0)**
- ZAP1022BD07 – (Representative: Coachella Valley Engineers) – County Case No. PP22915 (Plot Plan)** – A proposal to develop a 19,388 square foot industrial/office building for multi-tenant use (7,388 square feet to be basement area, primarily underground parking) on 0.66-0.70 acres located on the south/southwesterly side of Country Club Drive, north/northeasterly of Bermuda Dunes Airport, easterly of Adams Street, and westerly of Jefferson Street in the unincorporated Riverside County community of Bermuda Dunes. Airport Zones A and B2. **Note: The applicant's engineer has agreed to a continuance.** ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.
- 2.2 Staff report recommended: **CONTINUE TO APRIL 10, 2008**
Staff recommended at hearing: **CONTINUE TO MAY 8, 2008, REQUESTED BY THE APPLICANT**
ALUC Commission Action: **CONTINUED TO MAY 8, 2008 (VOTE 7-0)**
- ZAP1008FV07 – Wilshire Greenway I, LLC (Representative: Ebru Ozdil/Advanced Development Solutions) – County Case Nos. SP00284A3 (Specific Plan Amendment), CZ07596 (Change of Zone), PP23146 (Plot Plan), and PM29509 (Parcel Map No. 29509, Amended No. 2).** Plot Plan No. 23146 proposes to establish a mixed use commercial/office/industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres) located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley. SP00284A3 proposes to change the Specific Plan designation of the site from Office/Industrial Park to Commercial/Office/Industrial Park, and from Industrial Park to Commercial/Industrial Park, CZ07596 proposes to amend the zoning ordinance for Specific Plan No. 284 to allow commercial uses in Planning Areas 1 and 2. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel. **Staff's recommendation may change if the applicant submits requested information prior to the hearing.** Airport Zones C, B1, and D. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

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- 2.3 Staff report recommended: **CONTINUE TO APRIL 10, 2008**
- Staff recommended at hearing: **CONTINUE TO APRIL 10, 2008**
- ALUC Commission Action: **CONTINUED TO APRIL 10, 2008 (VOTE 7-0)**
- ZAP1031RI07 – Riverside Auto Auction/Manheim Auto Auction (Representative: Kimley-Horn Associates, Inc.) – City Case No. P07-1121 (Conditional Use Permit). (Associated with Design Review Case No. P07-1123).** A proposal to add 4,740 square feet of additional floor space to an existing building located on an 8-acre parcel with an address of 6446 Fremont Street. The property is on the west side of Fremont Street, northerly of Central Avenue, in the City of Riverside. Airport Zones B2 and D. **Staff requests that the Commission direct staff as to evaluation of intensity for the lobby, vestibule, waiting room, and cafeteria.** ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

3.0 PUBLIC HEARING: NEW BUSINESS

- 3.1 Staff report recommended: **CONDITIONAL CONSISTENCY**
- Staff recommended at hearing: **CONTINUE TO MAY 8, 2008, REQUESTED BY THE APPLICANT**
- ALUC Commission Action: **CONTINUED TO MAY 8, 2008 (VOTE 7-0)**
- ZAP1018FV07 – Excel Engineering for Abbott Vascular (Representative: Matthew Fagan Consulting Services) – County Case No. PP12246 R1 (Plot Plan - Revised Permit).** A proposal to add an additional 293 parking spaces, with associated lighting fixtures up to 31 feet in height, on the 17.47-acre property with an address of 30690 Cochise Circle, located easterly of Winchester Road (State Highway Route 79) and Briggs Road, southerly of Benton Road, and northerly of Auld Road, in the unincorporated Riverside County community of French Valley. Airport Zones B1 and A. ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873 or E-mail at brramire@rctlma.org., or John Guerin, Ph: (951) 955-0982 or E-mail at jguerin@rctlma.org.
- 3.2 Staff report recommended: **INCONSISTENT**
- Staff recommended at hearing: **INCONSISTENT**
- ALUC Commission Action: **INCONSISTENT (VOTE 6-1), OPPOSED BY COMMISSIONER ROBIN LOWE**
- ZAP1012HR08-Stetson Crossing Partners, LLC/City of Hemet (Representative: David Leonard Associates) – City Case Nos. GPA 07-003 and SP07-004 (“Stetson Crossing”)** – Specific Plan for a proposed shopping center with 189,500 square feet of retail and commercial development (including restaurants, bank, convenience store, and service station) on a 19.33-acre site located northerly of Stetson Avenue, southerly of Tanya Avenue and westerly of Sanderson Avenue in the City of Hemet. General Plan Amendment from Industrial to Commercial. Airport Area II (partially in Transition Area). ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873 or E-mail at brramire@rctlma.org.

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4.0 ADMINISTRATIVE ITEMS

4.1 Director's Approvals – Information only

4.2 Vista Santa Rosa Presentation – Jerry Jolliffe - Deputy Planning Director, Jerry Jolliffe made a presentation to the Airport Land Use Commission regarding the Vista Santa Rosa Land Use Concept Plan. Commissioner Glen Holmes advised that the policies for Planning Areas 3 and 4 did not seem compatible with Airport Zone D and suggested that this be discussed in a subcommittee. Commissioner Robin Lowe questioned the timing of the Planning Commission and Board of Supervisors hearings as indicated in the cover letter. Jerry Jolliffe indicated that he could support a continuance to the next ALUC Commission Meeting on April 10, 2008 before bringing the project to the Board of Supervisors. Commissioner Lowe asked if any portion of the Vista Santa Rosa area was included in the Coachella Valley Multiple Species Habitat Conservation Plan. Mr. Jolliffe responded that there are no lands targeted for habitat conservation except in the far southwest corner, which is not in the Airport Influence Area. Commissioner Holmes noted that Harrison Street has a 152-foot right-of-way and asked whether there would be an additional setback of 150 feet, which could potentially provide for an open area up to 300-400 feet in width. Mr. Jolliffe advised that Harrison Street presents a challenge, and that he did not know whether a clear area along Harrison would be possible. Commissioner John Lyon suggested a one month continuance to allow for review. He advised that it is his impression that the principal issue is the residential density in Airport Zone D. He requested that staff provide an analysis of the inconsistencies and that staff also review the proposal relative to the Handbook guidelines. Chairman Simon Housman expressed concern about the discussion of Airport Zones B1 and C, and indicated that designating land as High Density Residential in Airport Zone C and then prohibiting buildings in that portion of the property would be misleading. John Guerin advised that, at one point, there was a proposal for residential use in Airport Zones B1 and C, but that these areas are now proposed for Commercial Retail and Business Park uses. Chairman Housman advised that this written Concept Plan, which features densities of one to three dwelling units per acre in Zone D, is inherently inconsistent with Zone D compatibility criteria in the Jacqueline Cochran ALUCP. However, he indicated that the overall vision of open space, agriculture, and wide roads is conceptually very compatible with the airport. He understands that the community does not want to increase the area projected for densities greater than five dwelling units per acre. Commissioner Lyon indicated that, at this time, the Commission would have to find this plan inconsistent, but that an amendment to the ALUCP could perhaps be considered. Chairman Housman expressed concern that such an amendment could require an EIR. Commissioner Lyon noted that the County is planning to prepare an EIR for its General Plan update. Commissioner Lowe asked about concurrence in the Concept Plan from the Vista Santa Rosa Community Council and the Office of the Fourth District Supervisor. Mr. John Powell of Peter Rabbit Farms asked that the discrepancies between the Concept Plan and the ALUCP be resolved. He advised that his family owns much of the land in Zone D and its inclusion in Zone D is attributable to the lesser-used runway, Runway 12-30. He indicated willingness to attend a subcommittee meeting. Commissioner Holmes agreed that he would like to find a way to solve the problem in a manner that is beneficial to both the community and the airport. Ellen Trover, area resident, requested that the Plan move forward. She noted that the Concept Plan has been worked out through years of compromise, and would like the Commission to modify its Plan to provide for consistency so that residents and property owners will know what they can build, and where. Commissioner Lowe stated that, in its deliberations, the Commission should be aware that the community has worked diligently on the Plan, and that the Plan has community support. Chairman Housman suggested formation of a subcommittee. Commissioner Lyon pointed out that the issues fall into the domain of the Residential Densities Subcommittee. Chairman Housman agreed, and asked staff to arrange two subcommittee meetings: a study session with Mr. Jolliffe and ALUC staff, followed by a meeting in the Coachella Valley, to

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which Mr. Powell, Ms. Trover, EDA, planning consultant, and Mead and Hunt would be invited. Commissioner Rod Ballance moved a continuance to the April 10 meeting. The motion was seconded by Commissioner Holmes and passed unanimously.

- 4.3 Use of Rights of Way toward Open Space Requirements and Bonuses - John Guerin, ALUC Principal Planner, requested that the Commission provide guidance as to whether land within road rights-of-way could be credited toward open space requirements and bonuses. Chairman Housman inquired as to the overall impact on the average project. Staff responded that inclusion of rights-of-way would increase the proportion of projects meeting the open area requirement and would allow more projects to take advantage of the bonus and have a higher intensity of operation. More projects would qualify for a consistency determination. Commissioner Lyon commented that most roads are unsuitable as emergency landing places. He stated that the road area should not be counted as open area unless there is a "no stopping, parking, or standing" restriction. Cars and trucks are hard objects; if parking is permitted, the parking area is the functional equivalent of a wall. Commissioner Lowe suggested that the issue continue to be addressed on a case-by-case basis. She questioned the appropriateness of a standard policy that would not take into account such factors as median landscaping, signals or stop signs, and the developer's contribution to the road's existence. Chairman Housman invited Mr. Kassen Klein to testify. Mr. Klein indicated that continuing on a case-by-case basis would be acceptable. Chairman Housman expressed reservations as to whether the Commission would have any assurance that the qualities that allow a road right-of-way to qualify as an open area would not change in the future.
- 4.4 Allowable Non-Structural Uses in Zone A - John Guerin, ALUC Principal Planner, requested Commission direction and guidance as to allowable nonstructural uses in Zone A. Commissioner Lyon stated that the Runway Protection Zone should be clear of all objects. The FAA will not allow parking lots in the Runway Protection Zone, and the Commission should not allow parking lots in Zone A. Commissioner Art Butler endorsed Commissioner Lyon's comments. Chairman Housman agreed, and indicated that light poles, cars, and trucks should not be in Zone A. There's a high risk that anything in Zone A will be hit by an aircraft. Director Ed Cooper inquired as to whether an open, paved dedicated road right-of-way without parking would be acceptable. Commissioner Lowe expressed concern about existing roads and planned roadway extensions. Mr. Guerin agreed that the critical issue is whether realignment could occur. Chairman Housman advised that widening of a road that already exists would be a separate situation, but that placement of a road in the A zone should be a last resort. Commissioner Lyon advised that roads should be moved out of the A zone, if possible. Guidance should be based on the Handbook and FAA's advisory design circulars, in the occasional circumstances where a roadway may be acceptable. The Commission generally agreed with the Chairman's comments. Mr. Klein advised that he was considering moving Cochise Circle into the A zone, but the Commission has clearly stated its policy.
- 4.5 Follow-up on Possible ALUC Commission Meetings in the Desert – John Guerin advised that the April meeting will be at the Riverside CAC. Commissioner Lowe suggested meeting in the desert when a preponderance of items are in that area. Staff agreed that scheduling of Desert meetings would depend on the geographic distribution of cases. Ed Cooper, Director, reiterated that the challenges include limited availability of meeting venues on Thursday mornings that have the technical capability of recording the meeting on CDs.

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- 4.6 BT Miller Model Letter – Continued Discussion – B. T. Miller provided the Commission with a newly revised model format for letters advising a jurisdiction that ALUC had issued a determination of inconsistency. Commissioner Lyon expressed satisfaction with the draft letter, but suggesting adding a sentence in the letter calling the reader's attention to the provisions of the Public Utilities Code relating to liability. He believes that it would be a service to the community to note the effect of an overrule on the liability of the airport owner/operator. Commissioner Ballance agreed with Commissioner Lyon. He noted that the highly visible recent accidents in Riverside and Corona create "teachable moments" and indicated that the decision-makers may not be focused on the effects of the overrule on liability unless they are specifically informed. He believes that the situation is better if everyone is on notice and the safety issue is addressed. Commissioner Lowe also expressed support for the addition suggested by Commissioner Lyon. She stressed that there needs to be emphasis on pilot safety and training. She stated that the perception of ALUC by jurisdictions has changed as a result of the current staff's efforts to increase outreach and communicate with City and County Planning staff. Chairman Housman asked that the paragraph regarding benefits of airports be moved forward in the letter and suggested that the letter also state that the letter is not a waiver of the airport's immunity from liability. However, he also supports the outreach process and is concerned that the content of the letter not be so aggressive as to undermine the Commission's outreach efforts. Ed Cooper, Director, stated that he has major concerns regarding signing any letter that includes a written discussion of liability. Some previous letters of this type were perceived negatively by City Managers and City Planning staff. He suggested that discussion of this issue be continued on a staff-to-staff level. Commissioner Lyon advised that he wanted to be sure that the decision-makers-the City Council and Board of Supervisors-are aware of how an overrule would affect the airport owner's liability. Chairman Housman stated that he wants to clarify in the letter that the recommendations for conditions to be applied in the event of an overrule is not intended to be a waiver of the statutory protections for the airport. Commissioner Lyon noted that ALUC does not have the power to waive such provision. B. T. Miller suggested that reference to the applicable Public Utilities Code section be included, but not a reference to the word "liability." Chairman Housman agreed to use of a reference to the Code section. B. T. Miller noted that the law is not clear as to who assumes the liability when the airport becomes immune from liability as a result of the overrule. Commissioner Lyon agreed that a reference to the Code section would be sufficient. Commissioner Lowe agreed with Chairman Housman's proposed changes to the letter. Ed Cooper noted that this would be a letter that jurisdictions will receive whenever an inconsistency finding is made. Some jurisdictions will see this letter many times. He asked that the Commission consider that the letter will be seen repeatedly. Chairman Housman indicated that the consensus of the Commission would be to include a reference to the applicable Code section, without further explanation or commentary regarding the legal impact. He believed that the reference will be important in the event of an accident.
- 4.7 SB1118 – BT Miller, County Counsel will e-mail further amendment of bill (SB1118) to the Commissioners for further discussion at the next ALUC Commission meeting on April 10th. Commissioner Lowe requested information regarding the status of the bill. Commissioner Ballance announced that the Greater Riverside Chamber of Commerce is also monitoring the bill.

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4.8 Clarification of Density in Specific Plan – Reports from Subcommittee – John Guerin summarized the subcommittee recommendations in a Power Point presentation. Chairman Simon Housman announced that the Residential Density Subcommittee met with ALUC staff and Mr. Joel Morse of T&B Planning Consultants. The purpose of the meeting was to provide assistance to staff in evaluating density within Specific Plans in Airport Zone D in the context of the existing Airport Land Use Compatibility Plan. The intent was to clarify the treatment of Specific Plans, Amendments to Specific Plans and tracts within Specific Plans, so as to provide certainty, while avoiding the need for amendments to the density criteria of the D zone, which would require CEQA review. Vice Chairman Rod Ballance made a motion receiving the report. Seconded by Commissioner Robin Lowe.

5.0 APPROVAL OF MINUTES: February 14, 2008

Commissioner Robin Lowe motioned to approve the February 14, 2008 minutes. Seconded by Commissioner Arthur Butler. **ABSTAIN:** Commissioner James Downes (Alternate). **Absent:** Glen Holmes. (Vote 5-0)

6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

Commissioner John Lyon announced that he and alternate Jon Goldenbaum will not be able to attend the April 10, 2008 ALUC Commission meeting; they will be in Florida.

7.0 COMMISSIONER'S COMMENTS

None

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