

**AIRPORT LAND USE COMMISSION HEARING
REPORT OF ACTIONS
OCTOBER 12, 2017**

10-23-17

COMMISSIONERS PRESENT: Steve Manos, Arthur Butler, Glen Holmes, John Lyon, Steven Stewart, Richard Stewart, alternate for Rod Ballance, Jim Hyatt, alternate for Russell Betts

COMMISSIONERS ABSENT: Rod Ballance, Russell Betts

2.0 PUBLIC HEARING: CONTINUED ITEMS

- 2.1 Staff report recommended: **CONDITIONALLY CONSISTENT**
Staff recommended at hearing: **CONSISTENT (FAA received)**
ALUC Commission Action: **CONSISTENT (Vote 6-1; Steven Stewart dissenting)**
- ZAP1051PS17 – Sons of Italy (Representative: Doug Jones)** – City of Palm Springs Planning Case No. 5.0707 (Conditional Use Permit) and 3.3883 (Minor Architectural). The applicant proposes to reinstitute permitted status for a continuously operating meeting hall and provide for an improved parking lot for the existing Dolly Sinatra Lodge facility. The physical proposal is for the addition of 23 parking spaces on the east half of the 0.68-acre parcel (Assessor's Parcel Number 501-352-015) located on the northerly side of Vista Chino, easterly of Sahara Road and westerly of Park View Drive. No change in use of the existing building or building expansion is being proposed. (Airport Compatibility Zone B1 of the Palm Springs International Airport Influence Area). Continued from 9-14-17. ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

3.0 PUBLIC HEARING: NEW ITEMS

- 3.1 Staff report recommended: **CONSISTENT**
Staff recommended at hearing: **CONSISTENT**
ALUC Commission Action: **CONSISTENT (Vote 5-2; Art Butler, Steven Stewart dissenting)**
- ZAP1038TH17 – Thermal Operating Company, LLC/JTM Land Company, LLC (Representative: Fayres Hall, Albert A. Webb and Associates)** – County of Riverside Planning Case No. PP24690R2 (Revised Plot Plan). The applicant is proposing to develop within the existing Thermal Club facility a new 7,040 square foot trackside garage with a second story viewing deck, a new members clubhouse facility including a 3,863 square foot recreational center with tennis and game courts, a 2,280 square foot adult pool and 3,578 square foot kids pool, a 1,700 square foot fitness center and 1,558 square foot locker room, and six residential suite buildings (2,320 square feet per building, and eight suites inside each building) totaling 13,920 square feet, located southerly of Avenue 60, westerly of Polk Street, northerly of Avenue 62, and easterly of Ascot Drive (Airport Compatibility Zones C and D of the Jacqueline Cochran Regional Airport Influence Area). ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

CDS:

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The entire discussion of numbered agenda items can be found on CDs as indicated. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rivco.org

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3.2 Staff report recommended:
CONSISTENT

Staff recommended at hearing:
CONSISTENT

ALUC Commission Action:
CONSISTENT, subject to the City incorporating the changes proposed in City Planning staff's e-mail and with the direction that any subsequent changes to the proposal may be considered by the ALUC Director and would not necessarily require additional hearings by this Commission (see minutes) Vote 7-0

ZAP1024RG17 – City of Riverside (Representative: Doug Darnell

– City Planning Case Nos. P17-0096 (General Plan Amendment), P17-0180 (Zoning Map Amendment), P17-0182 (Zoning Code Text Amendment), and P17-0521 (Specific Plan Amendment). The City proposes to implement its new 2014-2021 Housing Element by amending its General Plan, Zoning Map, Zoning Code, and the text of the University Avenue Specific Plan. Citywide, up to 303 parcels comprising 395 acres would be rezoned, including 103 acres within the Magnolia Avenue and University Avenue Specific Plans. Within the Riverside Municipal Airport Influence Area, P17-0096 would amend the General Plan land use designation of 46.67 acres to High Density Residential (HDR) or Very High Density Residential (VHDR), and P17-0180 would rezone these areas, plus an additional 15.56 acres, to R-3-1500, R-4, or MU-V. Within the March Air Reserve Base/Inland Port Airport Influence Area, P17-0096 would amend the General plan land use designation of 23.12 acres to HDR and VHDR and 17.37 acres to Mixed Use Village (MU-V), and P17-0180 would rezone these areas, plus an additional 13.28 acres, to R-3-1500, R-4, MU-U, or MU-V.

The proposed Zoning Code Amendments and Specific Plan text amendment are intended to accommodate housing needs and would allow for:

- Multi-family dwellings (apartments) as a “by-right” permitted use in the R-3, R-4, MU-U, and MU-V zones
- Supportive and transitional housing as a permitted use in all residential and mixed-use zones
- “Tiny home” communities with a Planned Residential Development permit in the R-1, RE, and RR zones and with a Conditional Use Permit (CUP) in the R-3 and R-4 zones
- Accessory dwelling units (formerly known as “second units”) and “tiny homes” as incidental uses in the R-1 and R-3 zones
- Dwelling units as an incidental use to assemblies of people with a CUP in the R-3, R-1, RE, RR, MU-N, MU-U, MU-V, O, CR, CP, and CRC zones
- Temporary emergency shelters incidental to assemblies of people with a Temporary Use Permit in the BMP, I, R-3, R-1, RE, RR, MU-N, MU-U, MU-V, O, CR, CP, and CRC zones
- Single-room occupancies with a CUP in the MU-U zone
- Drive-thru businesses with a CUP in the MU-U and MU-V zones

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

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- 3.3 Staff report recommended: **INCONSISTENT**
- Staff recommended at hearing: **CONSISTENT (Revised document was submitted by the City)**
- ALUC Commission Action: **CONSISTENT (Vote 7-0)**
- ZAP1071BD17 – City of Indio** – City of Indio Planning Case No. SP 17-7-37 (Specific Plan). The City proposes a new Specific Plan (the Plan), the Indio Downtown/Old Town Specific Plan, to supersede their 1997 Old Town Indio Specific Plan, covering 117 acres, including 21.87 acres within the Bermuda Dunes Airport Influence Area. The goal of the Plan is to encourage and promote economic development and revitalization, enhance the City’s attractiveness in the local and regional marketplace through adaptive reuse of existing structures, promote infill development, and encourage residential mixed-use commercial/retail and transit supportive development. Properties within the Plan area will be designated as Specific Plan Area, and may be further designated as Light Industrial Subarea, Non-Residential Subarea and Height Restriction Subarea. The Plan is located southerly of Indio Boulevard, westerly of Flower Street, easterly of Deglet Noor Street, and northerly of State Route 111. Only those portions of the Plan westerly of Oasis Street are located within the Airport Influence Area (Airport Compatibility Zones D and E of the Bermuda Dunes Airport Influence Area). ALUC Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

4.0 **ADMINISTRATIVE ITEMS**

4.1 **Director’s Approvals** – Information only

4.2 **Correspondence to Caltrans regarding adoption of 2017 Hemet-Ryan ALUCP**

Simon Housman, ALUC Director, informed the Commission that included in their package was a copy of the letter sent from the Commission to Caltrans regarding the discussions of the 2017 Hemet-Ryan Airport Land Use Plan. He noted that the prior correspondence was provided at the previous meeting, with no formal written response from Caltrans since then. He noted that staff has received correspondence from Caltrans asking us to confirm that we will not be drawing against the Jacqueline Cochran grant for \$135,000. Mr. Housman advised that he plans to confirm in writing that we are going forward with our Countywide Plan and the Jacqueline Cochran Amendment, but we will not be using any of the State’s grant funds, based on our recent experience with Caltrans.

5.0 **APPROVAL OF MINUTES**

The ALUC Commission by a vote of 5-0 approved the September 14, 2017 minutes. Abstained: Commissioners Jim Hyatt and Richard Stewart

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6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

Simon Housman, ALUC Director, informed the Commission that staff received correspondence from our outside counsel regarding a recent decision from the 4th District Court of Appeals Division One issued on September 26, 2017 in a case called Dryden Oaks, LLC vs San Diego Regional Airport Authority relating to ALUC concerns. He asked Ray Mistica, ALUC Counsel, to provide more details. Mr. Mistica noted that our outside Counsel, Gatzke, Dillon & Ballance, represented San Diego Regional Airport Authority in this matter. He provided information regarding the circumstances that led to the litigation. The Authority had found a project inconsistent, the local jurisdiction declined to overrule, and the applicant sued the Authority and San Diego County. The trial court granted a motion for summary judgement, which the applicant appealed. The Court of Appeal upheld the trial court's action, finding that the Authority was acting in an advisory role and did not have final decision-making power; therefore, its actions did not result in a "taking" or inverse condemnation. Datzke, Dillon & Ballance suggested that interested parties could request publication of the opinion. Mr. Housman had asked Mr. Mistica to submit a letter requesting certification of publication. Mr. Mistica advised that, at this time, the decision in this case is an unpublished opinion that cannot be cited as law. Mr. Housman further advised that the Court resolves cases as to effects on the involved parties, but normally only publishes its opinions if a broader policy issue is perceived. Mr. Housman advised that Mr. Mistica has sent the letter requesting certification of publication, and thanked Mr. Mistica for an outstanding job in crafting the letter and pointing out the policy issues. Commissioner Holmes asked about the Court's process in deciding on whether to publish an opinion. Mr. Mistica noted that there is not any sort of record vote.

7.0 COMMISSIONER'S COMMENTS

Steve Manos, Acting Chairman, thanked both alternates (Commissioners Hyatt and Richard Stewart) for attending the Commission meeting on behalf of Commissioners Betts and Ballance. He also thanked ALUC staff and our legal team for all their good work. Commissioner Hyatt advised that Commissioner Betts' absence was due to a family member's health crisis and that he would otherwise have been present.

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