

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 12, 2018
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on July 12, 2018 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Steve Manos, Chair
Russell Betts, Vice Chair
Arthur Butler
John Lyon
Steven Stewart
Richard Stewart

COMMISSIONERS ABSENT: Gary Youmans

STAFF PRESENT: Simon Housman, ALUC Director
John Guerin, Principal Planner
Paul Rull, Urban Regional Planner IV
Barbara Santos, ALUC Commission Secretary
Raymond Mistica, ALUC Counsel

OTHERS PRESENT: John Criste, Terra Nova Planning & Research, Inc.
John Dykes, FDC Construction

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I. **AGENDA ITEM 3.1:** ZAP1074BD18 – CCD Hotel and Resort, LLC (Representative: Caleb Ro) – City of La Quinta Planning Case Nos. SPA 2018-001 (Specific Plan Amendment) and SDP 2018-001 (Site Development Permit). SDP: The applicant proposes to construct a three-story 160 room hotel resort building totaling 68,021 square feet which includes swimming pools, spas, bars, and restaurants, and to convert the existing adjacent 28,893 square foot Fresh and Easy building into an indoor organic food and beverage market with dine-in facilities. The site includes 6.4 acres within the 10.79-acre Jefferson Square development located on the southwest corner of Jefferson Street and Fred Waring Drive. The applicant also proposes amending the 10.79-acre Jefferson Square Specific Plan to increase the allowable floor area ratio, amend the land uses to include the development of a 160-room hotel, a food market, and assorted retail and service-oriented shops, enhance circulation design, refine design guidelines and development standards, and provide new landscape design guidelines. (Airport Compatibility Zone E of the Bermuda Dunes Airport Influence Area).

II. **MAJOR ISSUES**

None

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Specific Plan Amendment CONSISTENT with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan, and find the Site Development Permit CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

The applicant proposes to construct a three-story 160 room hotel resort building totaling 68,021 square feet which includes swimming pools, spas, bars, and restaurants, and to convert the existing adjacent 28,893 square foot Fresh and Easy building into an indoor organic food and beverage market with dine-in facilities. The site includes 6.4 acres within the 10.79-acre Jefferson Square development. The applicant also proposes amending the 10.79-acre Jefferson Square Specific Plan to increase the allowable floor area ratio, amend the land uses to include the development of a 160-room hotel, food market, and assorted retail and service-oriented shops, enhance circulation design, refine design guidelines and development standards, and provide new landscape design guidelines.

CONDITIONS

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.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
 - (a) Any use or activity 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 or activity 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 or activity 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, composting operations, production of cereal grains, sunflower, and row crops, 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 project site, lessees, concessionaries, and long-term tenants (over 30 days).
 - 4. Any new 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 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.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org.

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

VI. **ALUC COMMISSION ACTION**

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

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@rivco.org.

ITEM 3.1: TIME: 9:31 A.M.

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I. **AGENDA ITEM 3.2:** ZAP1056HR18 – Bryan Clendenen – City of Hemet Planning Case No. SDR 18-003 (Site Development Review). The applicant proposes to construct two industrial buildings totaling 27,500 square feet in 2 phases on a 1.98 acre parcel located on the northwest corner of Wentworth Drive and Airway Place. A 15,400 square foot building is proposed in Phase I and a 12,100 square foot building in Phase II. (Airport Compatibility Zone C of the Hemet-Ryan Airport Influence Area).

II. **MAJOR ISSUES**
None

III. **STAFF RECOMMENDATION**
Staff recommends that the Commission find the Site Development Review CONDITIONALLY CONSISTENT with the 2017 Hemet-Ryan Airport Land Use Compatibility Plan, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

STAFF RECOMMENDED AT HEARING

CONSISTENT subject to updated conditions submitted at the meeting which includes FAA OES conditions.

IV. **PROJECT DESCRIPTION**
The applicant proposes to construct two industrial buildings totaling 27,500 square feet in two phases on a 1.98 acre parcel. A 15,400 square foot building is proposed in Phase 1 and a 12,100 square foot building in Phase II.

CONDITIONS

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.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
 - (a) Any use or activity 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 or activity 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 or activity 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, composting operations, production of cereal grains, sunflower, and row crops, trash transfer stations that are open on one or more sides, recycling centers containing

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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, nursing homes, theaters, meeting halls and other assembly facilities, stadiums, and highly noise-sensitive outdoor nonresidential uses.
 - (f) Commercial or utility ground-mounted solar energy systems.
3. The attached notice shall be given to all prospective purchasers and/or tenants of the property, and shall be recorded as a deed notice.
 4. Any new 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 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 around the basin(s) shall not form a contiguous canopy and shall not produce fruit, seeds, or berries.
 5. This finding of consistency is based on the use of the proposed industrial building for office, manufacturing, storage, and warehousing uses. The zoning of the property allows for additional uses that would require subsequent evaluation as to compliance with intensity limits prior to their being permitted at this location. These uses requiring such evaluation are as follows:

General retail uses (other than sale of products manufactured on-site); plant nurseries and greenhouses; commercial recreation facilities (indoor and/or outdoor); commercial trade schools; showroom design centers; ambulance services; adult businesses; animal services; business support services; health and fitness centers; mortuaries; service stations; auto repair shops; recycling processing facilities; scrap and dismantling yards; swap meets.
 6. Noise attenuation measures shall be incorporated into the design of office areas of the buildings to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
 7. **The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study No. 2018-AWP-10560-OE) and has determined that neither marking nor lighting of the structure(s) is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 1 and shall be maintained in accordance therewith for the life of the project.**

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8. The proposed buildings shall not exceed a height of 24 feet above ground level and a maximum elevation at top point of 1,544 feet above mean sea level.
9. The maximum height and top point elevation specified above 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.
10. Temporary construction equipment used during actual construction of the structure(s) shall not exceed 24 feet in height and a maximum elevation of 1,544 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
11. Within five (5) days after construction of any individual building 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 applicable structures(s).

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

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

VI. **ALUC COMMISSION ACTION**

The ALUC by a vote of 6-0 found the project **CONSISTENT** subject to updated conditions submitted at the meeting which includes FAA OES conditions.

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@rivco.org.

ITEM 3.2: TIME: 9:34 A.M.

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- I. **AGENDA ITEM 3.3:** ZAP1051HR18 – FDC Commercial Construction (Representative: John Dykes) – City of Hemet Planning Case No. SDR18-006 (Site Development Review). The applicant is proposing to develop a construction storage yard facility with a 2,100 square foot single story office building on a 4.6-acre parcel located at 814 Airway Place, northerly of Wentworth Drive (Airport Compatibility Zones A and C of the Hemet-Ryan Airport Influence Area).
- II. **MAJOR ISSUES**
None
- III. **STAFF RECOMMENDATION**
Staff recommends that the Commission find the Site Development Review CONSISTENT with the 2017 Hemet-Ryan Airport Land Use Compatibility Plan, subject to the conditions included herein.
- IV. **PROJECT DESCRIPTION**
The applicant is proposing to develop a construction storage yard facility with a 2,100 square foot single story office building on a 4.6-acre parcel.

CONDITIONS:

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.
2. The following uses/activities are not included in the proposed project and shall be prohibited at this site:
 - (a) Any use or activity 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 or activity 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 or activity 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, composting operations, production of cereal grains, sunflower, and row crops, 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, nursing homes, theaters, meeting halls and other assembly facilities, stadiums, and highly noise-sensitive outdoor nonresidential uses.
 - (f) Commercial or utility ground-mounted solar energy systems.

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3. Prior to the issuance of building permits, the landowners shall convey an aviation easement to the County of Riverside as owner of Hemet-Ryan Airport. Contact the Riverside County Economic Development Agency-Aviation Division at (951) 955-9722 for additional information.
4. The attached notice shall be given to all prospective purchasers and/or tenants of the property, and shall be recorded as a deed notice.
5. Any new 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 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 around the basin(s) shall not form a contiguous canopy and shall not produce seeds, fruit, or berries.
6. This finding of consistency is based on the use of the proposed building for office, manufacturing, storage, and warehousing uses. The zoning of the property allows for additional uses that would require subsequent evaluation as to compliance with intensity limits prior to their being permitted at this location. These uses requiring such evaluation are as follows:

General retail uses (other than sale of products manufactured on-site); plant nurseries and greenhouses; commercial recreation facilities (indoor and/or outdoor); commercial trade schools; showroom design centers; ambulance services; adult businesses; animal services; business support services; health and fitness centers; mortuaries; service stations; auto repair shops; recycling processing facilities; scrap and dismantling yards; swap meets.
7. Noise attenuation measures shall be incorporated into the design of the building to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
8. The Federal Aviation Administration has conducted an aeronautical study of the proposed building/structure (Aeronautical Study Nos. 2018-AWP-4974-OE and 2018-AWP-4975-OE) and has determined that neither marking nor lighting of the structure(s) is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 L Change 1 and shall be maintained in accordance therewith for the life of the project.
9. The proposed building shall not exceed a height of 17 feet above ground level and a maximum elevation at top point of 1,533 feet above mean sea level.
10. The maximum height and top point elevation specified above 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.
11. Temporary construction equipment used during actual construction of the building shall not exceed 17 feet in height and a maximum elevation of 1,533 feet above mean sea level, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
12. At least ten (10) days prior to start of construction, FAA Form 7460-2 (Part I) shall be completed by the

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project proponent or his/her designee and e-filed with the Federal Aviation Administration.

13. Within five (5) days after construction 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 applicable building.
14. Any roof-top equipment or change in height that exceeds a total height of 17 feet will require Form 7460-1 submittal, review, and issuance of a new "Determination of No Hazard to Air Navigation" by the Federal Aviation Administration Obstruction Evaluation Service.

The following condition was amended at the July 12, 2018 ALUC hearing.

15. No development, **objects**, structures, or poles are permitted within the Zone A portion of the property. **A 6 foot tall chain link fence shall be provided by the applicant delineating the boundaries between Zone A and Zone C.**

V. MEETING SUMMARY

The following staff presented the subject proposal:

Staff Planner: Paul Rull at (951) 955-6893, or e-mail at prull@rivco.org

The following spoke in favor of the project:

John Dykes, FDC Construction

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC by a vote of 6-0 found the project **CONSISTENT** subject to amended Condition #15.

Absent: Commissioner Youmans

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@rivco.org.

ITEM 3.3: TIME: 9:38 A.M.

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I. **4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approvals – Information Only

4.2 Speculative Nonresidential Multiple Buildings Policy

Paul Rull, ALUC Planner presented Power Point slides to the Commission regarding a proposal to adopt (or not adopt) a Speculative Nonresidential Multiple Buildings Project policy and/or fee that will adjust for the extra time needed by staff to review these type of complex cases.

The Commission combined Policy Options #2 and #3 giving the applicant options. Option 2). No changes to the fee schedule with a general retail intensity applied. Option 3). Create an additional Project Specific fee for speculative nonresidential cases in Zones B, C, and D in the amount of \$8,210.00.

(Vote 5-0; Absent: Youmans and Richard Stewart)

4.3 ALUC Director's Report: The Path Forward Following the Release of the 2018 Air Installation Compatible Use Zones Report for March Air Reserve Base/Inland Port Airport

Simon Housman, ALUC Director presented Power Point slides regarding the 2018 AICUZ study, also asking guidance from the Commissioners as to what message they would like him to convey at the next March Joint Powers Authority meeting on July 25. The Commissioners intentions are in favor of going forward with a full JLUS process to address all the issues that the Air Force has raised, but to consider an interim immediate amendment to just the plan, on just the APZ's to basically make the plan consistent with the language the JPA has already adopted i.e. proceed with a Mitigated Negative Declaration and if there is a challenge, the application will be withdrawn and will have to wait for the entire JLUS process to be completed.

4.4 Approval of the New ALUC Logo

The ALUC by a vote of 5-0 accepted new ALUC Logo #3 to replace the old logo. Absent: Youmans and Richard Stewart

II. **5.0 Request for Specific Delegation of Authority** – Specific Plan Amendment (Deletion of

Parcels) in Zone E of Palm Springs International Airport Influence Area. ZAP1066PS18. Request from John Criste and Pilar Lopez of Terra Nova Planning & Research, Inc. This proposal would qualify as a non-impact legislative amendment if it were proposed by a local jurisdiction, but, since it is being proposed by an applicant/landowner, the provisions of Resolution No. 2011-02 authorizing action by the ALUC Director do not apply. Therefore, this proposal is tentatively scheduled for ALUC Commission review at its August 9 meeting. The applicant's representatives request a specific delegation of authority to the ALUC Director to render a no impact consistency finding for this amendment prior to the August 9, 2018 hearing.

The ALUC by a vote of 6-0 delegated authority to the ALUC Director to make a determination of consistency with respect to this project. Absent: Youmans

III. **6.0 APPROVAL OF MINUTES**

The ALUC by a vote of 5-0 approved the June 14, 2018 minutes. Absent: Youmans and Richard Stewart

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- IV. **7.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**
None

- V. **8.0 COMMISSIONER'S COMMENTS**
None

- VI. **9.0 ADJOURNMENT**
Steve Manos, Chair adjourned the meeting at 11:08 A.M.

- 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@rivco.org.

ITEM 4.0: TIME IS: 9:48 A.M.