

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on August 9, 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: Larry Markham, MDMG

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

- I. **AGENDA ITEM 3.1:** ZAP1031RG18 – 17 Acres Heme, LLC (Representative: MDMG, Larry Markham) – Riverside County Planning Case No. GPA180003 (General Plan Amendment). A proposal to amend Policy LU 14.4 of the Land Use Element of the Riverside County General Plan, which requires new development in unincorporated areas adjacent to Designated and Eligible State and County Scenic Highways to maintain at least a 50 foot setback from the edge of the right-of-way of such highways. The proposal seeks to amend the required building setback distance for projects adjacent to scenic highways to “an appropriate setback” based on the local surrounding development, topography, and other conditions. (Airport Compatibility Zones: Countywide).
- II. **MAJOR ISSUES**
None
- III. **STAFF RECOMMENDATION**
Staff recommends a finding of CONSISTENCY for the proposed General Plan Amendment.
- IV. **PROJECT DESCRIPTION**
A proposal to amend Policy LU 14.4 of the Land Use Element of the Riverside County General Plan, which requires new development in unincorporated areas adjacent to Designated and Eligible State and County Scenic Highways to maintain at least a 50 foot setback from the edge of the right-of-way of such highways. The proposal seeks to amend the required building setback distance for projects adjacent to scenic highways to “an appropriate setback,” based on the local surrounding development, topography, and other conditions.
- 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:
Larry Markham, MDMG, 41635 Enterprise Circle N, Temecula, CA
- No one spoke in neutral or opposition to the project.
- VI. **ALUC COMMISSION ACTION**
The ALUC by a unanimous vote of 6-0 found the project CONSISTENT. Absent: 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.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.2:** ZAP1065PS18 – Identity Mutual, LLC (Representative: Michael Clark) – City of Palm Springs Planning Case No. 5.1445 CUP (Conditional Use Permit) and 3.4090 MAJ (Major Architectural Application). The applicant proposes to construct a 2,942 square foot automatic car wash building including a car wash tunnel, cashier booth, office, and storage and mechanical room, on a 0.56 acre pad-parcel within the Palm Springs Marketplace Shopping Center located southerly of Vista Chino, westerly of Cerritos Drive, easterly of Sunrise Way, and northerly of Sandalwood Drive (Airport Compatibility Zone B1 of the Palm Springs International Airport Influence Area).

II. **MAJOR ISSUES**
None

III. **STAFF RECOMMENDATION**
Staff recommends that the Commission find the Conditional Use Permit and Major Architectural Application CONDITIONALLY CONSISTENT, 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**
A proposal to construct a 2,942 square foot automatic car wash building including a car wash tunnel, cashier booth, office, and storage and mechanical room, on a 0.56 acre pad-parcel within the Palm Springs Marketplace Shopping Center.

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.
 - (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

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

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, highly noise-sensitive outdoor nonresidential uses, places of worship, aboveground bulk storage of 6,000 gallons or more of flammable or hazardous materials, and hazards to flight.
3. The attached notice shall be given to all prospective purchasers and/or lessees of the property.
 4. Prior to issuance of a building permit, the property owner shall convey an avigation easement to Palm Springs International Airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Palm Springs.
 5. 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.

Trees shall be spaced to avoid creation of a continuous canopy. Landscaping in and around any detention basin shall not include vegetation that produces seeds, fruits, or berries.
 6. Any subsequent Design Review, Conditional Use Permit, Tenant Improvement, or other permitting that would alter the use and occupancy of the proposed building shall require ALUC review.
 7. **The Federal Aviation Administration has conducted an aeronautical study of the proposed project (Aeronautical Study No. 2018-AWP-11831-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.**
 8. **The proposed buildings shall not exceed a height of 28 feet above ground level and a maximum elevation at top point of 527 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 28 feet in height and a maximum elevation of 527 feet above mean sea**

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

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 unanimous vote of 6-0 found the project **CONSISTENT** subject to updated conditions submitted at the meeting which includes FAA OES conditions. Absent: 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 3.2: TIME: 9:39 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.3:** ZAP1320MA18 – MS Van Buren II, LLC, (Representative: SDH & Associates, Rob Van Zanten) – March Joint Powers Authority Case Nos. SP17-01 (Specific Plan Amendment), PP17-05 (Plot Plan). This proposal seeks to revise ZAP1286MA17 case that was previously reviewed by ALUC. Plot Plan No. PP17-05 is a proposal to construct eleven (11) “shell” buildings ranging from 7,180 square feet to 32,628 square feet accommodating office, industrial, and commercial uses for a cumulative building area total of 160,608 square feet on 13.60 acres located on the northwest corner of Van Buren Boulevard and Meridian Parkway. The applicant proposes to change the mix of uses in Buildings 1, 7, and 8, to provide for retail and restaurant components in buildings previously envisioned strictly for industrial and office uses. SP17-01 proposes amending the designation of most of the 13.6-acre area (Unit 4, Lots 8, 10, and 11, as delineated on the March JPA General Plan and Meridian Specific Plan SP-5) from Office to Mixed Use (Unit 4, Lot 9 to remain designated as Office) and amending the Specific Plan Land Use Table to allow additional uses such as microbreweries, business supply/equipment sales/rentals, and laundry services. Additional changes include requiring conditional use permits for instructional studios, adding parking requirements for the additional uses, modifying the designated truck routes, and providing updated definitions. (Airport Compatibility Zone C1 of the March Air Reserve Base/Inland Port Airport Influence Area).

II. **MAJOR ISSUES**

The original project was found consistent on January 11, 2018. Since then, the applicant has proposed revisions to the usage of the floor area for Buildings 1, 7 and 8 to include restaurant and retail components, and the subsequent increase in intensity required the project to come back to ALUC for review.

III. **STAFF RECOMMENDATION**

Staff recommends that the Commission find the proposed Specific Plan Amendment CONSISTENT with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, and find the proposed Plot Plan CONSISTENT, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

This proposal seeks to revise ZAP1286MA17 case that was previously found consistent by the Airport Land Use Commission. Plot Plan No. PP17-05 is a proposal to construct eleven (11) “shell” buildings ranging from 7,180 square feet to 32,628 square feet accommodating office, industrial, and commercial uses, for a cumulative building area total of 160,608 square feet on 13.60 acres located on the northwest corner of Van Buren Boulevard and Meridian Parkway. SP17-01 proposes amending the designation of most of the 13.6-acre area (Unit 4, Lots 8, 10, and 11, as delineated on the March JPA General Plan and Meridian Specific Plan SP-5) from Office to Mixed Use (Unit 4, Lot 9 to remain designated as Office) and amending the Specific Plan Land Use Table to allow additional uses such as microbreweries, business supply/equipment sales/rentals, and laundry services uses. Additional changes to the Specific Plan include requiring conditional use permits for instructional studios, adding parking requirements for the additional uses, modifying the designated truck routes, and providing updated definitions.

There are no increases in the quantity, height, total floor area, or configuration of the 11 buildings, as identified in ZAP1286MA17. However, the applicant proposes to change the mix of uses in Buildings 1, 7, and 8, to provide for retail and restaurant components in buildings previously envisioned for industrial uses.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

CONDITIONS:

1. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses/activities 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.
 - (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, congregate care facilities, places of assembly (including churches and theaters), noise sensitive outdoor nonresidential uses, and hazards to flight.
3. The attached notice shall be provided to all prospective purchasers of the property and tenants or lessees 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.
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.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

6. Noise attenuation measures shall be incorporated into the design of the office areas of the proposed 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 buildings (Aeronautical Study Nos. 2017-AWP-8057 through 8067-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.
8. The proposed buildings shall not exceed a height of 36 feet above ground level and a maximum elevation at top point of 1,607 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 building shall not exceed 36 feet in height and a maximum elevation of 1,607 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 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.
12. Any roof-top equipment or change in height that exceeds a total height of 36 feet will require Form 7460-1 submittal, review, and issuance of a “Determination of No Hazard to Air Navigation” by the Federal Aviation Administration Obstruction Evaluation Service.
13. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission and March Air Reserve Base.
14. The maximum square footage of restaurant dining area permitted within the Retail Building is 1,235 square feet. No other Type A occupancies shall be permitted within the retail building without subsequent evaluation as to consistency with the applicable ALUCP.
15. The maximum square footage permitted within Building 1 is 19,845 square feet of industrial

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

manufacturing, 4,000 square feet of retail, 1,400 square feet of restaurant dining area, and 700 square feet of kitchen area. No other Type A occupancies shall be permitted within the building without subsequent evaluation as to consistency with the applicable ALUCP.

16. The maximum square footage permitted within Buildings 7 and 8 (each) are 8,000 square feet of industrial manufacturing, 1,200 square feet of retail area, 1,900 square feet of dining area, and 900 square feet of kitchen area. No other Type A occupancies shall be permitted within the building without subsequent evaluation as to consistency with the applicable ALUCP.
17. This project has been evaluated for 32,628 square feet of standalone office area, 92,206 square feet of industrial manufacturing area with 12,620 square feet of associated office area, 6,435 square feet of restaurant area with 2,500 square feet of associated commercial kitchen area, and 14,219 square feet of retail area. Any increase in building area or change in use will require review by the Airport Land Use Commission.
18. For the purpose of these conditions, a microbrewery providing for on-site dining, tasting, or beverage consumption shall be considered as the equivalent of a restaurant, and any portion of the microbrewery that is available for public use (beverage consumption, dining, and/or tasting) shall be considered to be "restaurant dining area". Areas restricted to employees shall be considered to be "commercial kitchen area". A microbrewery with no on-site beverage consumption, tasting, or dining shall be considered as the equivalent of a retail use.

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 unanimous vote of 6-0 found the project **CONSISTENT**. Absent: 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: 9:43 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER AUGUST 9, 2018
RIVERSIDE MEETING**

I. **4.0 ALUC Resolution No. 2018-04**

ALUC Resolution No. 2018-04 Concerning Airport Land Use Commission Development Review Fees (establishing a new Project Specific Fee for Speculative Nonresidential Multiple Buildings projects)

Staff Recommendation: Adoption

Russell Betts, Vice Chair motioned to adopt ALUC Resolution No. 2018-04 (establishing a new Project Specific Fee for Speculative Nonresidential Multiple Buildings projects), Commissioner Steven Stewart seconded the motion. (Vote 6-0; Absent: Youmans)

II. **5.0 ADMINISTRATIVE ITEMS**

5.1 Director's Approvals – Information Only

5.2 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 updated the Commission regarding the future timeline and cost to complete the update to the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUCP).

III. **6.0 APPROVAL OF MINUTES**

The ALUC by a unanimous vote of 6-0 approved the July 12, 2018 minutes. Absent: Youmans

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, Chairman adjourned the meeting at 10:10 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: 9:54 A.M.