



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

Riverside County Administration Center  
4080 Lemon St., Hearing Room (1st Floor)  
Riverside, California

Thursday, 9:00 a.m., April 12, 2007

CHAIR  
Simon Housman  
Rancho Mirage

VICE CHAIRMAN  
Rod Ballance  
Riverside

COMMISSIONERS  
Arthur Butler  
Riverside

Robin Lowe  
Hemet

John Lyon  
Riverside

Glen Holmes  
Hemet

Melanie Fesmire  
Indio

## STAFF

Interim  
Executive Director  
Ed Cooper

John Guerin  
Cecilia Lara  
Sophia Nolasco  
Barbara Santos

County Administrative Center  
4080 Lemon St., 9<sup>th</sup> Floor.  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

NOTE: If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Comments shall be limited to 5 minutes and to matters relevant to the Plan. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s).

In compliance with the Americans with Disabilities Act, if any accommodations are needed, please contact Barbara Santos at (951) 955-5132 or E-mail at [basantos@rctlma.org](mailto:basantos@rctlma.org). Request should be made at least 48 hours or as soon as possible prior to the scheduled meeting.

## 1.0 INTRODUCTIONS

### 1.1 CALL TO ORDER

### 1.2 SALUTE TO FLAG

### 1.3 ROLL CALL

2.0 **EXECUTIVE SESSION:** Conference with legal counsel with respect to every item of business to be discussed in closed session pursuant to Government Code Section 54956.9: Silverhawk Land & Acquisitions, LLC v. Riverside County Airport Land Use Commission et al. (Riverside Superior Court case no. RIC 431176).

3.0 **PUBLIC HEARING: 9:00 A.M.**  
**ITEMS FOR WHICH STAFF RECOMMENDS CONSISTENCY UNDER ONE MOTION UNLESS A COMMISSION MEMBER OR MEMBER OF THE PUBLIC DESIRES TO DISCUSS THE MATTER.**

## JACQUELINE COCHRAN REGIONAL AIRPORT

3.1 ZAP1001TH07 - Coca-Cola Bottling Co./Cadiz-Cadiz Architects- City Case No. 07-02 (Design Review) - Proposal to develop a warehouse distribution center with a combined total floor area of 61,512 square feet (including offices, mezzanines, and fleet maintenance areas), with future warehouse expansion of 26,000 square feet, on a 7.8-acre property located southerly of Industrial Way, easterly of Grapefruit Boulevard (State Highway Route 111) and westerly of Enterprise Way, in the City of Coachella. Airport Zone C. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

**JACQUELINE COCHRAN REGIONAL AIRPORT (CONTINUED)**

- 3.2 ZAP1002TH07 - Desert Highlands Associates/John Corella - City Case Nos. Tentative Tract Map No. 33955, CZ 06-13 (Change of Zone 06-13) - Proposal to divide approximately 203.5 acres located northerly of Airport Blvd. (56<sup>th</sup> Avenue), southerly of 54<sup>th</sup> Avenue, easterly of Filmore Street, and westerly of Pierce Street, into 807 residential dwelling units, and build the dwelling units; change of zone on 260 acres from 193 acres of R-S (Single Family Residential) and 67 acres of C-G (General Commercial) to 203.5 acres of R-S (including 23.1 acres of open space), 37.5 acres of CG, and 19 acres of R-M (Multi-Family). Airport Zone E. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org)

Staff Recommendation: CONSISTENT

**MARCH AIR RESERVE BASE**

- 3.3 ZAP1025MA07 – City of Riverside - City Case No. P06-1504 (ANX 113) - Proposal to annex approximately 45 acres into the City of Riverside located southerly of Van Buren Boulevard, and west and east of Barton Street. The establishment of General Plan land use designations of RLD (Low Density Residential), RES (Estate Residential), and PFI (Public Facilities and Institutions) along with the pre-zoning classifications of R-1-125-SP (Single-family Residential-Specific Plan), RA-SP (Residential Agriculture- Specific Plan), and O (Official) are also included in this action. Airport Areas II (east of Barton) and III (west of Barton). ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

**HEMET-RYAN AIRPORT**

- 3.4 ZAP1004HR07 - Paul Garrett/Suzy Scarborough- City Case No. SP 06-02 (Specific Plan). Proposal to establish a Specific Plan for 123.6 acres of regional commercial uses (with up to 1,236,084 square feet of floor area), up to 685 residential units, a 15.5-acre mixed use area with up to 160,000 square feet of office and retail uses, and 10.15 acres of parks and trails on a 204-acre site located north of Florida Avenue (State Highway 74), south of Celeste Avenue (Rose Avenue), west of Myers Street, and east of Old Warren Road in the City of Hemet. Airport Area III. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

**4.0 PUBLIC HEARING: 9:00 A.M.****HEMET-RYAN AIRPORT**

- 4.1 ZAP1003HR07- Herron & Rumansoff Architects, Inc.- City Case No. CUP 06-015 (Conditional Use Permit No. 06-015). A proposal to construct a 13,150 square foot, two-story Guaranty Bank Regional Office Building with a drive-thru on 1.19 gross acres located northerly of Acacia Avenue, southerly of Florida Avenue (State Highway 74), and westerly of Sanderson Avenue in the City of Hemet. Transition Area. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: INCONSISTENT due to building height.

**MARCH AIR RESERVE BASE**

- 4.2 ZAP1024MA07 - Investment Building Group- City of Perris Case No. P07-0056 (Design Review) - Proposal to construct a concrete tilt up industrial building consisting of 170,000 square feet on 9.17 acres, located northerly of Nance Street, southerly of Oleander Avenue, easterly of Webster Avenue, and westerly of Indian Street in the City of Perris. Airport Area I. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: INCONSISTENT due to lot coverage.

5.0 **PUBLIC HEARING: 9:30 A.M.**

**FRENCH VALLEY AIRPORT**

- 5.1 ZAPEA01FV06 - Environmental Assessment (E.A.) – Airport Land Use Commission Initiative – PROPOSAL: Adopt a Land Use Compatibility Plan for French Valley Airport. The project proposal is the adoption of the French Valley Airport Land Use Compatibility Plan as adopted by the Commission in December 2004 and amended in December 2005; however, the Commission will also consider Additional Compatibility Policies (amendments) proposed by ALUC staff, the County of Riverside, and the City of Murrieta. The ALUC will determine whether to adopt a De Minimis Finding and a Negative Declaration. (Continued from October 26, 2006, December 14, 2006, January 11, 2007, February 8, 2007 and March 8, 2007). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONTINUANCE to May 10, 2007.

- 5.2 ZAP1009FV07 - Ennio Schiappa/Pourroy Road LLC - County Case No.TR34689 (Tentative Tract Map No. 34689). Proposal to divide 4.84 acres located on the easterly side of Pourroy Road, northerly of Benton Road and southerly of Thompson Road in the community of French Valley, in unincorporated Riverside County, into 15 residential lots. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: RE-ADVERTISE for consideration in May.

6.0 **PUBLIC HEARING: 10:00 A.M.**

**NEW FACILITY PROPOSAL (CLOSEST AIRPORT: BANNING MUNICIPAL AIRPORT)**

- 6.1 ZAP1001BA07 – San Gorgonio Memorial Healthcare District and Heliplanners/Jeff Wright - City Case No. SP 06-201 (Specific Plan 06-201) - Proposal to construct a hospital helistop (helicopter departure and landing facility, primarily for patient transport and emergency use) on a 9.43-acre parcel located southerly of Wilson Street, northerly of Ramsey Street, and easterly of Highland Springs Avenue within the 24.24 acre campus of San Gorgonio Memorial Hospital, 600 North Highland Springs Avenue, in the City of Banning. Not in existing Airport Influence Area. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: INCONSISTENT due to surrounding land use, but consider for special circumstances due to the need for the helistop to be situated in proximity to the hospital.

**7.0 ADMINISTRATIVE ITEMS**

7.1 Wildlife Hazard Guidance Report

7.2 Request for Reconsideration – Northgate ZAP1010BD06

7.3 Executive Director's Approvals

7.4 County FY08 Budget Process Update

**8.0 APPROVAL OF MINUTES**

November 9, 2006, December 14, 2006 and March 8, 2007

**9.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

**10.0 COMMISSIONER'S COMMENTS**

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.1  
**HEARING DATE:** April 12, 2007  
**CASE NUMBER:** ZAP1001TH07 Cadiz-Cadiz Architects  
**APPROVING JURISDICTION:** City of Coachella  
**JURISDICTION CASE NO:** (07-02) Design Review  
**MAJOR ISSUES:** None

### RECOMMENDATION:

Staff recommends a finding of consistency for the proposed project, subject to the conditions specified herein.

### PROJECT DESCRIPTION:

Development of a warehouse distribution center consisting of 6,481 square feet of office space, 50,000 square feet of warehouse space, 2,986 square foot fleet maintenance building, 2,045 square feet of mezzanine space, and future warehouse expansion of 26,000 square feet, on 7.8 acres.

### PROJECT LOCATION:

The proposed project site is located southerly of Industrial Way, easterly of Grapefruit Boulevard (State Highway Route 111), and westerly of Enterprise Way, in the City of Coachella, approximately 8,928 feet northerly of the northerly terminus of Runway 17-35 at the Jacqueline Cochran Airport.

### LAND USE PLAN:

2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan

#### Adjacent Airport:

- a. Airport Influence Area: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Airport Zone C
- c. Noise Levels: Outside 55 CNEL Noise Contour

**BACKGROUND:**

Land Use-Intensity: Non-residential intensity in Zone C is restricted to 75 persons per acre and 150 persons per acre for any given acre. The applicant is proposing 6,481 square feet of office space, 76,000 square feet of warehouse space, and a fleet maintenance building consisting of 2,986 square feet, plus mezzanine area with a total of 2,045 square feet. Given the combined square footage of the project, the average intensity on site would not exceed 27 persons per acre, and single-acre intensity would not exceed 75 persons.

Noise: The site is located outside the 55 CNEL Noise Contour; therefore, no noise attenuation measures are necessary.

Part 77: The maximum elevation of the site is approximately -98 (98 feet below mean sea level). The elevation of the nearest runway at its closest point is -114 feet. At a distance of approximately 8,928 feet from the runway, FAA review is not required so long as top of structure does not exceed -25 (25 feet below mean sea level). Given the proposed height of 40 feet, FAA notice is not required.

**CONDITIONS:**

1. 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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Any outdoor lighting installed should be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

3. Additional Airport Land Use Commission review shall be required at the tentative map, plot plan, or use permit stage for any structure whose top of roof exceeds an elevation of -25 feet (25 feet below mean sea level) or whose height exceeds 70 feet.
4. The attached notice shall be provided to all potential purchasers and tenants.
5. The facility shall not be converted to any of the following uses: children's schools, day care centers, libraries, hospitals, and nursing homes.
6. Any other change in use that would establish a retail sales facility or a place of assembly shall be submitted to the Airport Land Use Commission for review.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.2

**HEARING DATE:** April 12, 2007

**CASE NUMBER:** ZAP1002TH07-Desert Highland Associates/  
John Corella

**APPROVING JURISDICTION:** City of Coachella

**JURISDICTION CASE NO:** Tract Map 33995 & Change of Zone 06-13

**MAJOR ISSUES:** **None**

### RECOMMENDATION:

Staff recommends a finding of consistency for the proposed project, subject to the conditions specified herein.

### PROJECT DESCRIPTION:

Tentative Tract Map No. 33995 proposes to divide 180.4 acres into 807 residential units. Change of Zone 06-13 proposes to change the zoning of 260 acres from 193 acres of R-S (Single Family Residential) and 67 acres of C-G (General Commercial) to 203.5 acres of R-S (including 23.1 acres of open space), 37.5 acres of C-G, and 19 acres of R-M (Multi-Family).

### PROJECT LOCATION:

The project site is located northerly of Airport Boulevard, southerly of 54<sup>th</sup> Avenue, easterly of Fillmore Street, and westerly of Pierce Street, in the City of Coachella, approximately 11,250 feet northeasterly of the northerly terminus of Runway 17-35 at the Jacqueline Cochran Airport.

### LAND USE PLAN:

2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan

#### Adjacent Airport:

- a. Airport Influence Area: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Airport Zone E
- c. Noise Levels: Outside the 55 CNEL Noise Contour

### BACKGROUND:

Land Use-Density: There are no density limits in Airport Zone E.



Noise: The site is located outside the 55 CNEL contour; therefore, no noise attenuation measures are necessary.

Part 77: The maximum elevation of the site is approximately -98 feet (98 feet below mean sea level). The elevation of the nearest runway at its closest point is -114 feet (114 feet below sea level). At a distance of 11,250 feet from the runway, FAA review would only be required for structures with a maximum elevation greater than -2 feet.

**CONDITIONS:**

1. 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.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Any outdoor lighting installed should be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
3. The attached notice shall be provided to all potential purchasers and tenants.
4. Airspace review is required for any structures whose elevation at top point exceeds -2 feet (2 feet below mean sea level).

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.3

**HEARING DATE:** April 12, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1025MA07-City of Riverside-Patti Nahill

**APPROVING JURISDICTION:** City of Riverside and Riverside County Local Agency Formation Commission

**JURISDICTION CASE NO.:** (P06-1504) Annexation 113 and pre-zoning as R-1-125-SP (Single-Family Residential Specific Plan), RA-SP (Residential Agricultural-Specific Plan), and O (Official).

**MAJOR ISSUES:** **NONE**

**RECOMMENDATION:**

Staff recommends a finding of Consistency, subject to the conditions specified herein.

**PROJECT DESCRIPTION:**

Proposal to annex approximately 45 acres into the City of Riverside with pre-zoning of R-1-125-SP (Single Family Residential Specific Plan), RA-SP (Residential Agricultural-Specific Plan), and O (Official).

**PROJECT LOCATION:**

The affected parcels are located southerly of Van Buren Boulevard and constitute two discontinuous areas northerly of Mariposa Avenue, easterly and westerly of Barton Street, in unincorporated Riverside County, approximately 14,400 feet from the Runway at March Air Reserve Base. The portion of the affected parcel located westerly of Barton Street is approximately 13,100 feet from the Runway at March Air Reserve Base.

**LAND USE PLAN:** 1984 Riverside County Airport Land Use Plan, applied to March Air Base

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/March Inland Port
- b. Land Use Policy: Airport Area II/III
- c. Noise Levels: Outside the 55 CNEL contour, with a portion of an affected parcel subject to 55-60 CNEL.

## **BACKGROUND:**

Land Use- Density/Intensity: The City of Riverside proposes to annex 10.7 acres on the east side of Barton Street with the intent to develop a proposed 45,000 square foot Policing Center and 12,000 square foot joint fire/police Communications and Dispatch Center. The site will be designated as PFI- Public Facilities and Institutions under the City of Riverside General Plan and as O-Official under the pre-zoning. The site is located in Area II where agricultural, industrial, and commercial uses are acceptable.

The remaining land includes approximately 30.4 acres of residential land. Approximately 4.6 acres of the residential property fronting Mariposa Avenue will be designated Estate Residential (RES) on the City's General Plan and be identified with the pre-zoning of RA-SP (Residential Agricultural-Specific Plan), and approximately 25.8 acres fronting Lurin Avenue will be designated Low Density Residential (RLD) with pre-zoning of R-1-125-SP (Single Family Residential and Specific Plan). The site is located in Area III where there are no restrictions on residential uses.

Part 77: The highest elevation of any object or terrain is 1,788 feet above mean sea level (AMSL). The runway elevation at its closest point is 1535 feet AMSL. At a distance of 14,400 feet from the runway, a structure would have to exceed an elevation of 1,679 feet AMSL to merit FAA review. At a distance of 13,100 feet from the runway, a structure would have to exceed 1,665 feet AMSL to merit FAA review.

On March 6, 2007, ALUC staff reviewed Tentative Tract Map No. 33480 (ALUC Case No. ZAP1010MA06) in which Assessor Parcel Number (s): 266-160-006; 266-160-008; 266-160-018 were submitted for review to the FAA by way of the 7460-1 application and was found not to be an obstruction to air navigation.

Noise: The portion of the affected property located westerly of Barton Street is subject to noise levels of 55-60 CNEL. The parcels located easterly of Barton Street are outside the 55 CNEL. The proposed zoning is compatible with such noise levels.

## **CONDITIONS:**

The following conditions specified herein are applicable to future new development within the annexation area:

1. Prior to recordation of a final map, issuance of new building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an aviation easement to the MARB/MIP Airport. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)
2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
3. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. The attached notice shall be given to all prospective buyers and/or tenants.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.4

**HEARING DATE:** April 12, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1004HR07-Paul Garrett/Suzy Scarborough  
**APPROVING JURISDICTION:** City of Hemet  
**JURISDICTION CASE NO.:** SP 06-02 (Specific Plan 06-02)

**MAJOR ISSUES:** None.

**RECOMMENDATION:** Staff recommends a finding of consistency for the proposed Specific Plan subject to the conditions specified herein.

**PROJECT DESCRIPTION:**

Proposal to establish a Specific Plan for 123.6 acres of regional commercial uses (with up to 1,236,084 square feet of floor area), up to 685 residential units, a 15.5-acre mixed use area with up to 160,000 square feet of office and retail uses, and 10.15 acres of parks and trails on a 204-acre site.

**PROJECT LOCATION:**

The site is located north of Florida Avenue (State Highway 74), south of Celeste Avenue (Rose Avenue), west of Myers Street, and east of Old Warren Road in the City of Hemet.

**LAND USE PLAN:** 1992 Hemet-Ryan Airport Comprehensive Airport Land Use Plan

- a. Airport Influence Area: Hemet-Ryan Airport
- b. Land Use Policy: Area III
- c. Noise Levels: Outside the 55 CNEL Contour

**BACKGROUND:**

The Hemet-Ryan Airport Comprehensive Airport Land Use Plan (HRACALUP) was adopted in 1992. The Plan defines areas of extreme risk (Area I), high risk (Area II), and moderate risk (Area III), as well as a Transition Area between areas of high and moderate risk. The Transition Area includes the outer 330 feet of Area II and the inner 660 feet of Area III adjacent to the outer boundary of Area II.

Land Use-Intensity: It has been determined that the site is in Area III, Area of Moderate Risk of the Hemet-Ryan Airport Influence Area. Land Use Compatibility Policies for the Hemet-Ryan Airport Influence Area include a wide range of uses.

Discretionary uses include: structures over 35 feet or two stories, whichever is greater, institutional uses and places of assembly.

Policy 6 states: Any Institutional uses, places of assembly, and public and private schools shall require discretionary review as to its location and relative risk area. However, it should be noted that the definition of “places of assembly” in the HRACALUP is broader than in some other ALUCPs. It includes “any structure, public or private, or premise, or portion thereof with a capacity for occupancy of over 50 persons which is designed or used for entertainment, amusement, instruction, education, worship, deliberation, display, meeting, awaiting transportation or for the consumption of food and drink.” The examples given include shopping malls, major retail outlets, restaurants, motels, banks, bowling alleys, and even professional office buildings and funeral homes, as well as auditoriums, theaters, recreation/entertainment facilities, churches, clubhouses, arenas, and stadiums.

Part 77: The maximum elevation on site is 1,512 feet above mean sea level (AMSL). The runway elevation at its easterly terminus is 1,517 feet AMSL. At a distance of 3,500 feet from the runway, any structure with a top elevation greater than 1,552 feet AMSL would require FAA review.

Noise: The site is outside the 55 CNEL contour.

#### **CONDITIONS:**

1. Prior to issuance of building permits, the landowner shall record Aviation Easements covering the entire parcel proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
2. All structures at this location with an elevation above 1,552 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
3. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager prior to approval.
4. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The attached notice shall be given to all prospective buyers and tenants.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 4.1  
**HEARING DATE:** April 12, 2007

### CASE SUMMARY:

**CASE NUMBER:** ZAP1003HR07-Herron+Rumansoff Architects  
**APPROVING JURISDICTION:** City of Hemet  
**JURISDICTION CASE NO.:** CUP 06-015 (Conditional Use Permit)

**MAJOR ISSUES:** Height of proposed structure in the Transition Zone exceeds 35 feet.

**RECOMMENDATION:** Staff recommends a finding of inconsistency based on Policy 5 restricting the height of structures in the Transition Zone to 35 feet. In the event the applicant agrees to reduce the height to 35 feet, or in the event that the Commission determines that mitigating circumstances exist that would allow a greater height, consideration of this proposal should be continued pending FAA review.

### PROJECT DESCRIPTION:

A proposal to develop a 13,150 square foot, two-story Guaranty Bank Regional Office building with a drive-thru on 1.19 gross acres.

### PROJECT LOCATION:

The site is located northerly of Acacia Avenue, southerly of State Highway 74, easterly of Cawston Avenue, and westerly of Sanderson Avenue in the City of Hemet, approximately 2,925 feet northeasterly of the easterly terminus of Runway 5-23 at the Hemet-Ryan Airport.

**LAND USE PLAN:** 1992 Hemet-Ryan Airport Comprehensive Airport Land Use Plan

- a. Airport Influence Area: Hemet-Ryan Airport
- b. Land Use Policy: Transition Area (inner 660 feet of Area III)
- c. Noise Levels: Outside the 55 CNEL Contour

### BACKGROUND:

The Hemet-Ryan Airport Comprehensive Airport Land Use Plan (HRACALUP) was adopted in 1992. The Plan defines areas of extreme risk (Area I), high risk (Area II), and moderate risk (Area III), as well as a Transition Area between areas of high and moderate risk. The Transition Area includes the outer 330 feet of Area II and the inner 660 feet of Area III adjacent to the outer boundary of Area II.



Land Use-Intensity: The site is located in the Transition Area located between Area II and Area III, 660 feet outside the Area II boundary. This area is designated as such due to aircraft turning, applying and reducing power (HRACALUP pages 27-29). Policy 5 for the Transition Area indicates that all structures shall be limited to 35 feet in height or two stories, whichever is less. The proposed structure at top of roof is 49 feet with 11 inches. Based on the aforementioned Policy, the project is inconsistent.

Policy 6 states: Any Institutional uses, places of assembly, and public and private schools shall require discretionary review as to its location and relative risk area. However, it should be noted that the definition of “places of assembly” in the HRACALUP is broader than in some other ALUCPs. It includes “any structure, public or private, or premise, or portion thereof with a capacity for occupancy of over 50 persons which is designed or used for entertainment, amusement, instruction, education, worship, deliberation, display, meeting, awaiting transportation or for the consumption of food and drink.” The examples given include shopping malls, major retail outlets, restaurants, motels, banks, bowling alleys, and even professional office buildings and funeral homes, as well as auditoriums, theaters, recreation/entertainment facilities, churches, clubhouses, arenas, and stadiums. Based on the square footage and considering banks as “office” uses, an occupancy of 66 persons is projected. (Use of the parking space method would indicate an occupancy of 77.)

Part 77: The maximum elevation on site is 1,509 feet above mean sea level (AMSL). The proposed structure height is 49 feet, 11 inches, so the elevation at top of structure could be as high as 1,559 feet AMSL. The elevation of the runway at its easterly terminus is 1,517 feet AMSL. At a distance of 2,925 feet from the runway, any structure with a top elevation greater than 1,546 feet AMSL would require FAA review. FAA review is required.

Noise: The site is outside the 55 CNEL contour.

The following conditions should be applied by the City of Hemet in the event of an overrule of an inconsistency determination based on building height:

**CONDITIONS:**

1. Prior to issuance of building permits, the landowner shall record Avigation Easements covering the entire parcel proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
2. All structures at this location with an elevation above 1,546 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
3. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager prior to approval.

4. 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.
  - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The attached notice shall be given to all prospective buyers and tenants.
6. In the event that the applicant agrees to reduce the height to thirty-five (35) feet, the following condition should be added by the Commission in conjunction with a determination of Consistency or Conditional Consistency:
7. The proposed structure shall not exceed a maximum height of thirty-five (35) feet.

# County of Riverside Airport Land Use Commission

## STAFF REPORT

**AGENDA ITEM:** 4.2

**HEARING DATE:** April 12, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1024MA07-Investment Building Group

**APPROVING JURISDICTION:** City of Perris

**JURISDICTION CASE NO:** P-07-0056 (Design Review)

**MAJOR ISSUES:** Lot coverage exceeds the AICUZ recommendation of 20% coverage maximum in Accident Potential Zone I.

**RECOMMENDATION:** Staff recommends a finding of inconsistency due to lot coverage exceeding 20%.

**PROJECT DESCRIPTION:**

Development of a concrete tilt-up industrial building consisting of 170,000 square feet on 9.17 acres.

**PROJECT LOCATION:**

The proposed project is located northerly of Nance Street, southerly of Oleander Avenue, easterly of Webster Avenue, and westerly of Indian Street, approximately 3,700 feet southeasterly of the runway at March Air Reserve Base in the City of Perris.

**LAND USE PLAN:** 1984 Riverside County Airport Land Use Plan, as applied to March Air Reserve Base

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/ March Inland Port
- b. Land Use Policy: Airport Area I
- c. Noise Levels: Over 60 to 70 dB

**ADDITIONAL DOCUMENT REVIEWED:**

Airport Installation Compatibility Use Zone Reports, U.S. Air Force, 1998 and 2005.

**BACKGROUND:**

Land Use-Intensity: The proposed land use is for a single industrial building with a total floor area of 170,000 square feet on 9.17 acres. The site is in Airport Area I as depicted on the map at [www.rcaluc.org](http://www.rcaluc.org). Airport Area I allows a variety of industrial/manufacturing uses. However, pursuant to the AICUZ reports, for most nonresidential uses, buildings should be limited to one story and the lot coverage should not exceed 20%.

Part 77: The maximum elevation at this site is 1,470 feet above mean sea level (AMSL), and the proposed maximum structure height is 42 feet. The runway elevation at its southerly end is 1,488 feet AMSL. At a distance of 3,700 feet, in order to be an obstruction a structure would have to exceed 1525 feet AMSL in elevation. FAA is not a concern for this project.

Noise: The 1998 AICUZ indicates the site to be over 60 to 80 dB.

In the event that a Commission finding of inconsistency is overruled by the City of Perris, staff would recommend that the following conditions be applied:

**CONDITIONS:**

1. Prior to recordation of a final map, issuance of building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an aviation easement to the MARB/MIP Airport. (Contact March Joint Powers Authority at (951) 656-7000 for additional information.)
2. Any outdoor lighting shall be hooded or shielded to assure that no lights are above the horizontal plane.
3. 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.
  - 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, hospitals, nursing homes, churches and chapels.
  - f. Auditoriums, restaurants, theaters, bowling alleys, motels, banks, department stores, supermarkets, drug stores, amphitheaters, and other public assembly uses.
4. The City of Perris shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following facilities on this property:

The manufacturing of: apparel; chemicals; rubber and plastic products; professional, scientific and controlling instruments; photographic and optical goods; watches and clocks.

Auction rooms, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, drinking establishments, gymnasiums, lounges, stages, gaming, congregate residences, swimming pools, and any other uses that would be considered to have an occupancy level greater than one person per 100 square feet pursuant to California Building Code (1998) Table 10-A.

- 5. Noise attenuation measures shall be incorporated into the building construction as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL in office areas of the building.
- 6. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall be prohibited.
- 7. The above ground storage of explosive or flammable materials is prohibited.
- 8. The attached notice shall be given to all prospective buyers and tenants.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

AGENDA ITEM: 5.1 4.14.34.24.4 3.4

HEARING DATE: APRIL 12 ~~March~~ February 8, 2007 ~~January 11, 2007~~ ~~December 14, 2006~~ (continued from MARCH 8, February 8, January 11, 2007, December 14, 2006 and October 26, 2006)

### CASE SUMMARY:

CASE NUMBER: ZAPEA01FV06 – Airport Land Use Commission  
LEAD AGENCY: Riverside County Airport Land Use Commission (ALUC)  
JURISDICTION CASE NO: Not Applicable

MAJOR ISSUES: Whether to approve the 2004 French Valley Airport Land Use Compatibility Plan as originally adopted in 2004 and amended in 2005 or with additional amendments, including all or portions of the amendments proposed jointly by the County of Riverside and City of Murrieta earlier this year. *Appropriate methods for estimating displacement of commercial and industrial development. How to address the impacts on traffic, air quality, and other issues that may occur as a result of “displacement”.*

### RECOMMENDATION:

Staff recommends that the ALUC *consider additional testimony in open public hearing, discuss, provide direction to staff as appropriate, and continue its consideration of this matter to the MAY 10 APRIL 12 MARCH February 8 January 11 public hearing agenda, with realization that recirculation of the Environmental Assessment Initial Study will be required and that a tentative action on the Plan will not be possible until a later date, possibly February March 8, 2007 APRIL OR MAY, JUNE OR JULY 2007. Staff continues to support Alternative Four as amended.*

~~ADOPT a De Minimis Finding and ADOPT the Negative Declaration for Environmental Assessment No. ZAPEA01FV06 (a finding that the adoption of the French Valley Airport Land Use Compatibility Plan, with or without Additional Compatibility Policies, will not have a significant effect on the environment).~~

~~Staff further recommends that the ALUC then proceed to APPROVE (REINSTATE) the French Valley Airport Land Use Compatibility Plan (FVALUCP), as modified to incorporate the Additional Compatibility Policies identified as “Alternative Four”, as~~

~~amended by the deletion specified on page 11 of this report. This will be a tentative action; the ALUC should then DIRECT staff to return with a resolution of adoption at the next meeting.~~

#### **DECEMBER UPDATE:**

The Riverside County Airport Land Use Commission opened the public hearing on October 26, 2006 and considered public testimony from Larry Markham, Micah Spano, Barbara Lichman, and Gary Levinski. Letters were received from Chevalier, Allen and Lichman representing The Garrett Group, Pacific Pointe Partners, and Silverhawk Land and Acquisitions, LLC, from Reising Enterprises, and from the State of California Native American Heritage Commission. A subsequent letter was received from Howard Rice Nemerovski Canady Falk & Rabkin, on behalf of Lender Security Services, Inc.

Based on the substantive concerns raised in the Chevalier, Allen and Lichman letters, staff believes that additional analysis of the potential land use “displacement” is required in order to determine whether the land use and housing impacts are potentially significant, and the extent to which the Additional Compatibility Policies of each “alternative” mitigate these impacts. Staff is in the process of analyzing this data and may be able to present some of this information relative to residential land use impacts at the hearing; however, additional analysis will be required to address nonresidential “displacement”. Once the analysis is completed, the document will need to be amended and recirculated for a thirty-day period, if the Commission decides to move forward with the Mitigated Negative Declaration process.

#### **JANUARY UPDATE:**

*The December 14 public hearing had been advertised in the Californian newspaper, and a press release was issued, but only one person, Barbara Lichman, commented on this project at the December 14 public hearing. Ms. Lichman asked the Commission to consider allowing nonresidential land use intensities at the upper end of the ranges recommended in the State Airport Land Use Planning Handbook.*

*Unfortunately, due to the complexity of other cases on the Commission’s January calendar, the limited number of work days since the December 14 hearing date, and other priorities as assigned by the Planning Director, staff was not able to make significant progress toward the completion of the residential housing displacement analysis over the course of the preceding four weeks.*

#### **FEBRUARY UPDATE:**

**No new public comments regarding the environmental assessment itself were**

received at the January 11 public hearing. Staff has received a letter and telephone calls from residents of a neighborhood easterly of Calistoga Drive and northerly of Murrieta Hot Springs Road in Zone C in opposition to noise from overflying aircraft, especially during nighttime hours. A copy of the letter from Myra Ferrante is attached, for the Commission's information. Riverside County EDA –Aviation Division has asked for mapping that would illustrate the differences among the alternatives.

Staff is making progress on the residential housing displacement analysis and hopes to have preliminary findings available by the date of the hearing.

### MARCH UPDATE:

THE ECONOMIC DEVELOPMENT AGENCY – AVIATION DIVISION HAS SUBMITTED COMMENTS INDICATING THAT IT DOES NOT SUPPORT AMENDMENTS THAT WOULD RELAX THE RESTRICTIONS IMPOSED BY THE 2004 PLAN ON RESIDENTIAL DEVELOPMENT. STAFF HAS RECEIVED A LETTER FROM THE CENTRAL PARK COMMUNITY ASSOCIATION EXPRESSING CONCERNS REGARDING FLIGHT PATTERNS FROM FRENCH VALLEY AIRPORT. THE ASSOCIATION REPRESENTS PROPERTY OWNERS WITHIN TRACT 29570, AN AREA OF THE SILVERHAWK SPECIFIC PLAN (SPECIFIC PLAN NO. 213) IN AIRPORT ZONE D.

THERE HAS NOT BEEN EXTENSIVE PROGRESS ON THIS MATTER SINCE THE LAST COMMISSION HEARING, AS ISSUES RELATING TO THE REVIEW OF A PROPOSED SITE PLAN FOR A PROJECT IN THE MIXED USE PLANNING AREA OF SPECIFIC PLAN NO. 213 DIVERTED TIME THAT OTHERWISE WOULD HAVE BEEN SPENT ON THE RESIDENTIAL “DISPLACEMENT” ANALYSIS.

STAFF DID MEET WITH CITY OF MURRIETA PLANNING DEPARTMENT STAFF TO REVIEW PROJECTS WITHIN THE CITY PORTION OF THE AIRPORT INFLUENCE AREA. CITY OFFICIALS ALSO ADVISED THAT LAND IN THE CITY IS NOT SUBJECT TO THE RESTRICTIONS OF THE HIGHWAY 79 POLICY AREA, ALTHOUGH THERE ARE OTHER CONSTRAINTS THAT COULD AFFECT DEVELOPMENT WITHIN CITY LIMITS, NOTABLY HABITAT CONSERVATION REQUIREMENTS.

### APRIL UPDATE:

BASICALLY, WE ARE IN THE SAME SITUATION AS IN MARCH, BUT STAFF IS HOPING TO BE ABLE TO DEVOTE TIME TO THIS MATTER DURING THE WEEK OF APRIL 2-6, SO AS TO PROVIDE ADDITIONAL INFORMATION TO THE COMMISSION AT THE APRIL 12 HEARING.



### **PROJECT DESCRIPTION:**

Adoption of a Land Use Compatibility Plan for French Valley Airport establishing criteria for the determination of consistency of development projects with the objectives of the State Aeronautics Act regarding the protection of public health, safety, and welfare in Airport Influence Areas.

### **PROJECT LOCATION:**

The French Valley Airport Influence Area, last modified in 2004, generally in the vicinity of Winchester Road, southwesterly of its intersection with Keller Road and northeasterly of Promenade Mall, easterly of Interstate 215 and westerly of Washington Street. Major east-west roads in the area include Los Alamos, Clinton Keith, Thompson, Benton, Auld, Murrieta Hot Springs, and Nicholas Roads.

### **ADDITIONAL COMPATIBILITY POLICY ALTERNATIVES:**

Staff has prepared several options for additional compatibility policies that the Airport Land Use Commission could potentially apply in conjunction with the adoption of the French Valley Airport Land Use Compatibility Plan. The Airport Land Use Commission may choose to adopt any one of these “additional compatibility policies” texts or none of them. Staff recommends that the Commission ~~adopt~~ **support** Alternative Four.

Alternative One would provide for additional compatibility policies that would allow a higher intensity range of 1-3 dwelling units per acre in the portion of Zone C located westerly of Winchester Road and would eliminate restrictions on residential densities in Zone D areas outside the 55 CNEL contour. It would also allow nonresidential intensities of 40 persons per acre average and 80 persons per single acre with clustering in Zone B1 (rather than 25 and 50, respectively) and nonresidential intensities of 80 persons per acre average and 160 persons per single acre with clustering in Zone C (rather than 75 and 150, respectively). Both zones would allow additional intensities provided that the amount of qualifying open land is increased. Alternative One is the proposal submitted by the County of Riverside last year. The City of Murrieta is on record in support of this proposal as of March, 2006. The other alternatives are either less sweeping versions of Alternative One or represent minor modifications to the proposed project.

Alternative Two includes the same nonresidential intensity provisions as Alternative One, as well as the elimination of residential density restrictions in Zone D, but does not include the changes to residential density in Zone C.

Alternative Three includes the same nonresidential intensity provisions as Alternative One, but does not include the changes to residential density in Zone C and does not eliminate residential density restrictions in Zone D. It does include the Countywide provision allowing residential densities in Zone D to be calculated on a net basis.

Alternative 3A includes only the Countywide provision allowing residential densities in Zone D to be calculated on a net basis – the amendment adopted for this airport in December 2005. It does not include any changes in nonresidential intensity.

Alternative Four is similar to Alternative One, but, in order to address issues of consistency with the Airport Land Use Planning Handbook standard safety zone diagrams, restricts the allowance for higher residential densities in Zone C to those portions of Zone C located not less than 6,000 feet from the northerly end of the runway and not less than 500 feet from the extended runway centerline, i.e., areas that would be considered to be in the Traffic Pattern Zone pursuant to these State guidelines.

## **BACKGROUND:**

In order to comply with the requirements of the Airport Land Use Commission section of the California Aeronautics Act (California Public Utilities Code Section 21670 et seq.), the Riverside County Airport Land Use Commission prepared and (in 2004) adopted new Countywide Policies and new Airport Land Use Compatibility Plans for several airports within the County, including French Valley Airport. These Plans are available online at [www.rcaluc.org](http://www.rcaluc.org). The new Airport Land Use Compatibility Plans were prepared pursuant to the latest edition of the California Airport Land Use Planning Handbook, published in January 2002 by the State of California Department of Transportation Division of Aeronautics. This document is the guidebook for land use planning in Airport Influence Areas throughout the State of California, which must be used by all agencies (not just the Airport Land Use Commission) in such planning.

The French Valley Airport Land Use Compatibility Plan (FVALUCP) was adopted on December 9, 2004, but its use by the Airport Land Use Commission was suspended in conformance with the Riverside Superior Court's judgment issued in *Silverhawk Land and Acquisitions, LLC v. Riverside County Airport Land Use Commission, et al.* (Case No. RIC 431176) pending completion and adoption or certification of an adequate environmental analysis pursuant to the California Environmental Quality Act. As the Commission declined to reinstate the previously adopted French Valley Airport Comprehensive Land Use Plan during the suspension period, there is presently no Plan in effect that can be utilized in the project review process. Staff has prepared an initial study and draft Negative Declaration to allow for the adoption of the proposed project, with or without additional compatibility policies as outlined above.

The FVALUCP increased restrictions on development in some areas relative to the previously adopted French Valley Airport Comprehensive Land Use Plan (prepared in the 1990s prior to the most recent version of the Airport Land Use Planning Handbook), and in many areas provides for a reduced allowable residential density or a restriction in density range to either higher or lower densities than permitted by the adopted plans of local jurisdictions. Additionally, in compliance with an opinion issued by the Office of the Attorney General of the State of California, the exemption of land within adopted specific

plans from the density and intensity restrictions of the previous Plan was not included in the FVALUCP. This exemption was not common to most of the pre-existing Plans, but had been included in the old French Valley Comprehensive Land Use Plan.

Both the ALUC consultant (Mead & Hunt) and County Planning Department staff (including this writer) identified a number of conflicts between FVALUCP compatibility criteria and land use designations on the Southwest Area Plan, which had just been adopted in October 2003. While the adoption of an Airport Land Use Compatibility Plan does not establish land use designations, as do City and County General Plans, the provisions of State law requiring consistency between the General Plan of the local jurisdiction and the Airport Land Use Compatibility Plan (in the absence of an overrule by the local jurisdiction) convey the State's interest in furthering the goals specified in the legislation authorizing this special planning for land in Airport Influence Areas. The ALUC must recognize that its actions have a primary effect on land use within the areas subject to its jurisdiction.

Until such time as the Airport Land Use Commission finds that the local jurisdiction's General Plan or Specific Plan is consistent with the ALUCP or such time as the local jurisdiction has overruled the ALUC's determination of inconsistency, State law provides that the ALUC may require all actions, regulations, and permits involving land within an airport influence area be referred to the ALUC for review. (Pursuant to the ALUCP, these would be the "major land use actions" cited in Section 1.5.3 of the Countywide Policies.)

The General Plan of the City of Temecula was reviewed by the ALUC in early 2005 and determined to be consistent with the 2004 FVALUCP. Therefore, the re-adoption or reinstatement of the FVALUCP would not substantially affect land use designations or housing in the City of Temecula. However, there are inconsistencies between the FVALUCP and land use designations in the unincorporated areas of Riverside County and, to a lesser extent, in the City of Murrieta.

#### **AIRPORT LAND USE COMPATIBILITY ZONES:**

As with all of the other Airport Land Use Compatibility Plans adopted in 2004 and 2005, the FVALUCP delineates six airport land use compatibility zones: A, B1, B2, C, D, and E. Safety hazards and noise are greatest in Zone A, and decline as one moves farther from the runway and its extended centerline. Each zone has criteria limiting densities and intensities; however, Airport Land Use Compatibility Zone ("Airport Zone") E, located farthest from the runway and primary flight paths, has no residential density or land use intensity restrictions (other than restrictions on large assemblages of people and prohibition of uses that are hazards to flight).

Airport Zone A is the Runway Protection Zone, prohibiting all structures except those with locations set by their aeronautical function, assemblages of people, objects exceeding FAR Part 77 height limits, storage of hazardous materials, and hazards to flight. These restrictions are easily linked to safety concerns and Federal Aviation Regulations.

Airport Zone A in the vicinity of French Valley Airport is confined to properties in unincorporated Riverside County. Given the requirement for prohibition of structures, it is fortunate that the number of properties wholly in Airport Zone A is very limited. In most cases, Airport Zone A is confined to properties on airport grounds. Where this is not the case, the County Facilities Management Department or Economic Development Agency may wish to consider purchasing this land (or a conservation easement over such land) to assure that safety is not compromised by the development of structures in such areas.

Airport Zone B1 is the Inner Approach/Departure Zone. New residential development in Airport Zone B1 is limited to 0.05 dwelling units per acre – an average density of one dwelling unit per twenty (20) acres. Nonresidential development may maintain a maximum intensity of twenty-five (25) persons per acre (averaged over a site), with a maximum of fifty (50) persons within any given acre. (An intensity bonus of 30% over the maximum number of persons within any given acre may be allowed if the building design includes features intended to reduce risks to occupants in the event of an aircraft collision with the building.) Prohibited uses in Airport Zone B1 include “children’s schools, day care centers, libraries, nursing homes, hospitals, places of worship, buildings with more than two aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, aboveground bulk storage of hazardous materials, critical community infrastructure facilities, and hazards to flight.” Additionally, structures must be located a maximum distance from the extended runway centerline, and a minimum noise level reduction of 25dB must be achieved in residences (including mobile homes) and office buildings, and airspace review is required for objects greater than 35 feet in height. Overall, 30% of the entire acreage within Zone B1 must be set aside as open land.

Airport Zone B2 is the Adjacent to Runway Zone. This is land parallel to the runway, rather than the areas regularly overflowed by arriving or departing aircraft. New residential development in Airport Zone B2 is limited to 0.1 dwelling units per acre – an average density of one dwelling unit per ten (10) acres. Nonresidential development may maintain a maximum intensity of one hundred (100) persons per acre (averaged over the site), with a maximum of two hundred (200) persons within any given acre and eligibility for the 30% intensity bonus. Prohibited uses in Airport Zone B2 are the same as those in Airport Zone B1, and the requirements for airspace review and noise level reduction are also the same. Structures in Airport Zone B2 must be located a maximum distance from the runway. However, Airport Zone B2 does not have an open land requirement.

Dedication of aviation easements is required for all development in Airport Zones A, B1, and B2.

Airport Land Use Compatibility Zone C is the Extended Approach/Departure Zone. This area extends out from Airport Zones A and B1 as one moves farther out from the runway ends. New residential development in Airport Zone C is limited to 0.2 dwelling units per acre – an average density of one dwelling unit per five (5) acres. Nonresidential development may maintain a maximum intensity of seventy-five (75) persons per acre (averaged over a site), with a maximum of one hundred fifty (150) persons within any given

acre and eligibility for the 30% intensity bonus. Prohibited uses in Zone C include “children’s schools, day care centers, libraries, nursing homes, hospitals, buildings with more than three aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, and hazards to flight.” A minimum noise level reduction of 20 dB must be achieved in residences (including mobile homes) and office buildings, and airspace review is required for objects greater than 70 feet in height. Overall, 20% of the entire acreage within Airport Zone C must be set aside as open land.

Airport Land Use Compatibility Zone D is the Primary Traffic Patterns and Runway Buffer Area. New residential development in Airport Zone D is limited to either a maximum density of 0.2 dwelling units per acre (average density of one dwelling unit per five (5) acres) or a minimum density of not less than five (5) dwelling units per acre. Intermediate density levels greater than 0.2, but less than 5.0, dwelling units per acre are prohibited. Nonresidential development may maintain a maximum intensity of one hundred (100) persons per acre (averaged over a site), with a maximum of three hundred (300) persons within any given acre and eligibility for the 30% intensity bonus. Children’s schools, hospitals, and nursing homes are “discouraged” in Airport Zone D, while highly noise-sensitive outdoor nonresidential uses and hazards to flight are prohibited. Airspace review is required for objects greater than 70 feet in height, and 10% of the entire acreage within Zone D must be set aside as open land.

## **FUNDAMENTALS:**

The fundamental purpose of an Airport Land Use Commission is to promote land use compatibility around airports. The introduction to Riverside County’s Airport Land Use Compatibility Plan states that its purpose is “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

The Airport Land Use Commission’s concerns relate to potential impacts associated with exposure to aircraft noise, protection of public safety with respect both to people on the ground and the occupants of aircraft, protection of airport airspace, and general concerns with aircraft overflight. The Airport Land Use Compatibility Plan is based on the principles in the State of California Airport Land Use Planning Handbook.

It should be noted, however, that the density and intensity ranges incorporated in the Countywide land use compatibility criteria are not specifically mandated by State law and, therefore, may be amended or modified by the Riverside County Airport Land Use Commission through the ALUCP amendment process. The need for the consideration of the effect of the adoption of the French Valley ALUCP on the environment (including analysis of its effects on the implementation of County and City General Plans and on housing) provides the Commission with an opportunity to consider whether to adopt amendments proposed earlier this year by the County of Riverside and the City of Murrieta, or amended versions of such proposals as appropriate.

The task of the Riverside County Airport Land Use Commission is to adopt a Plan that provides for the continued operation and orderly growth of aviation-related activities at the French Valley Airport, while at the same time protecting the public health, safety, and welfare from aircraft noise and hazards from potential aircraft accidents. This task is to be met in a cooperative effort with the local jurisdictions and with an understanding of the needs of the surrounding community. It is in the interests of all parties that an appropriate balance be achieved in this effort.

The FVALUCP, as adopted in 2004, was prepared in accordance with the 2002 Airport Land Use Planning Handbook, but in some cases utilizes stricter criteria than the Handbook would recommend. For example, the Handbook does not require limitations of residential density in the Traffic Pattern Zone, which translates as Airport Zones D and E, and would even include some areas within Airport Zone C. Additionally, the Handbook would allow higher nonresidential intensities than permitted by the FVALUCP in the Inner and Outer Approach/Departure Zones.

#### **EFFECTS ON LAND USE DESIGNATIONS:**

The adoption of the FVALUCP in 2004 rendered the pre-existing County and City land use plans inconsistent with the Airport Land Use Compatibility Plan. The provisions of State law give a kind of precedence to the ALUCP in that, if there is a conflict, the responsibility is placed on the local jurisdiction to amend its General Plan to conform to the ALUCP or to overrule the adoption of the ALUCP as applied to that jurisdiction.

In considering this matter, it is important to note that the overrule of an entire ALUCP for an airport by a jurisdiction would have the effect of eliminating ALUC review of any development within the airport influence area within that jurisdiction. It is staff's position that such an overrule would not be in the best interests of the health, safety, and welfare of the people who live or work in Riverside County and the cities therein. As noted on page 2-12 of the Airport Land Use Planning Handbook, while "ALUCs and local jurisdictions have different objectives with respect to planning for land uses around airports...achieving a mutually acceptable compatibility plan is a desirable goal. Often this means seeking a compromise set of compatibility policies which will adequately protect the airports from incompatible land uses, yet reasonably respond to communities' development needs. *When ALUC adoption of compatibility policies and criteria results in local agency overruling actions, little is accomplished to promote airport land use compatibility objectives.*" [emphasis added]

#### **Unincorporated Riverside County**

ALUC staff has analyzed the effect of the adoption of the proposed French Valley Airport Land Use Compatibility Plan on land use designations in the unincorporated area, and the actions that the County would need to take to bring land use designations into consistency with the FVALUCP as originally adopted in 2004. Clearly an amendment to the Area Plan

would be required to recognize the new boundaries of the Airport Influence Area. The Board of Supervisors does not have jurisdiction to overrule the boundaries of the Airport Influence Areas established by the FVALUCP, pursuant to State law.

Unless the Board of Supervisors overrules the Airport Land Use Commission or the FVALUCP is amended pursuant to Alternative One, land use designation changes will be required in the vicinity of French Valley Airport, in that the designations of properties on the Southwest Area Plan map are in conflict with the land use density and intensity restrictions in the FVALUCP. Simple replacement of the existing references to the previous FVALUCP with reference to the new FVALUCP would create an internally inconsistent Land Use Element and General Plan.

Land Use Element Policy LU 14.3 of the County's General Plan requires that the County "review subsequent amendments to any airport land use compatibility plan and either adopt the plan as amended or overrule the Airport Land Use Commission as provided by law." State law requires that city and county jurisdictions either bring their General Plans into conformity with Airport Land Use Compatibility Plans or overrule the Airport Land Use Commission. At a minimum, "direct conflicts" must be eliminated. "Direct conflict" exists when the General Plan provides for development at a range of residential densities that exceeds the maximum permissible density in the applicable Airport Zone, or includes densities that are not permitted in the Airport Zone, or when the General Plan provides for nonresidential land uses that characteristically would result in land use intensities in persons per acre exceeding the maximum permissible intensity in that Airport Zone.

It should be noted that land use designations for properties with existing or approved uses (tentative maps for residential development, approved use permits and plot plans) need not be changed for the General Plan and the ALUCP to be consistent with each other; however, adoption of a specific plan is not considered to be a sufficient "entitlement" for this provision to apply, pursuant to an Opinion of the Attorney General of the State of California issued in response to an inquiry from the Office of Riverside County Counsel.

The Airport Land Use Compatibility Zones for French Valley Airport are elongated along the north-northeast to south-southwest runway axis. The vision of the County in establishing this airport was that it would serve as the hub of an area devoted to industrial, commercial, and institutional uses. Unlike the situation with some other airports, most of the properties in Land Use Compatibility Zones A, B1, and B2 are already designated for commercial, industrial, or public uses. Except within Zone A, the changes for most of these parcels would involve the application of the height, intensity, and usage limitations of Zones B1 and B2, rather than changes in land use designations.

Much of Airport Zone A is located within the French Valley Airport grounds and is designated Public Facilities. However, Zone A also extends off the airport site into areas designated Light Industrial, Business Park, and Open Space – Conservation. Thirty (30) parcels are located partially or wholly within Airport Zone A, including eight (8) parcels entirely within Airport Zone A.

Airport Zone B1 extends northerly and southerly from French Valley Airport, encompassing properties designated Light Industrial, Business Park, Commercial Retail, Mixed Use Planning Area, and Open Space – Conservation. Fortunately, none of these parcels are designated for residential use. Thirty-three (33) parcels are located entirely in Airport Zone B1, and an additional twenty-one (21) parcels are located partially in Airport Zone B1 and partially in less restrictive zones.

Airport Zone B2 is located along the sideline of the runways, encompassing properties designated Commercial Retail, Commercial Office, Light Industrial, and Open Space – Conservation. One parcel is located entirely in Airport Zone B2, while seven (7) parcels are split between Airport Zones B2 and D.

Airport Zone C is the Extended Approach/Departure Zone, encompassing properties designated Business Park, Mixed Use Planning Area, Commercial Retail, Light Industrial, Public Facilities, Open Space – Conservation, Open Space – Recreation, Medium Density Residential, and Medium High Density Residential. Fifty-one (51) parcels are located entirely within Airport Zone C, and an additional twenty-seven (27) parcels are located partially in Airport Zone C and partially in Airport Zone D, including one parcel that is split among Zones B2, C, and D. Six (6) parcels located entirely in Airport Zone C and nine parcels located partially within Airport Zone C are designated wholly or partially for residential development. All but two of these parcels are within Specific Plan No. 312 (French Valley/Spencer's Crossings).

Airport Zone D is the area outside the above safety zones that experiences overflight on a regular basis, being under regular flight paths but either removed from the extended runway centerline or at a greater distance from the runway along the extended runway centerline. Excluding lots smaller than 0.4 acre in size within recorded residential subdivisions, there are 218 parcels located wholly or partially within Airport Zone D. 34 of these parcels are designated for consistent residential densities, 51 are designated for non-residential uses, and 133 of these parcels are designated for residential development at intermediate densities (greater than one dwelling unit per five acres, less than five dwelling units per acre). However, of these 133, 27 are included in approved tentative tract maps and 35 would not be eligible for division pursuant to their 2003 General Plan designations. This leaves 71 parcels for which an amendment to the General Plan designation would be required in order to achieve consistency. 45 of these parcels are designated Medium Density Residential in their entirety, while an additional 21 are split between Medium Density Residential and other designations.

Land use designation changes would not be required in Airport Zone E.

### **City of Murrieta**

Portions of Airport Zones B1 and C, and a large area of Airport Zone D, are located within the corporate boundaries of the City of Murrieta. Almost all of the area in the City in Airport



Zone B1 is designated Business Park. The area in Airport Zone C includes lands designated Business Park and Rural Residential. However, it should be noted that the City designation/zone of Rural Residential provides for a density of 0.4 dwelling units per acre, twice the density allowed in Zone C. Fortunately, it appears that portions of only five parcels are in this category.

The larger concern for the City of Murrieta relating to residential development intensity is that the Plan, as adopted in 2004, prohibits intermediate residential densities in Zone D. Most of the undeveloped residentially designated land in the City of Murrieta portion of Zone D is either designated Rural Residential 0.4 dwelling units per acre or Single Family - 1 Residential, which provides for a density of 2.1 – 5.0 dwelling units per acre. Much of the vacant land designated Single Family -1 Residential is located within Murrieta Hills **SPRINGS**, an adopted Specific Plan (originally Specific Plan No. 309 as processed by the County of Riverside; the site was annexed to the City following the County's tentative approval of the project but prior to any final action on the general plan amendment by the County.)

#### **COMMENTS ON THE ENVIRONMENTAL DOCUMENT:**

The State of California Native American Heritage Commission (NAHC) has issued a letter stating that the “lead agency is required to assess whether the project will have an adverse effect on [historic and archaeological] resources within the area of potential effect, and, if so, to mitigate that effect.” In this regard, the NAHC recommends a series of actions, including a records search through the California Historic Resources Information Center, a Sacred Lands File search, the preparation of a professional archaeological report, and provisions in the event of accidental discovery of archaeological resources or artifacts, unmarked Native American cemeteries or human remains, and avoidance of areas with significant cultural resources.

As the adoption of the French Valley Airport Land Use Compatibility Plan, with or without additional compatibility policies, does not involve or authorize the disturbance of any land or have any other direct physical environmental impact, there is no direct effect on archaeological resources. However, this area is known to be archaeologically sensitive. The measures indicated in the letter should be incorporated into the development review process by the County of Riverside and the Cities of Murrieta and Temecula. The implementation of these measures is beyond the legal authority or scope of the activities of the Airport Land Use Commission.

#### **EVALUATION OF ADDITIONAL COMPATIBILITY POLICIES:**

As a naming convention, these additional compatibility policies are listed as “alternatives”, but all of these are actually options for additional compatibility policies. All assume the adoption of an Airport Land Use Compatibility Plan, the current boundaries of the Airport Influence Area, and the current boundaries of Airport Zones.

The Countywide land use compatibility criteria adopted by the ALUC in 2004 generated considerable concern in the development community over the course of the following months, most of which was directed in comments to County officials and Planning Department staff. The decision not to include the exemption for adopted Specific Plans in the French Valley Plan was of particular concern to the Building Industry Association (which lobbied for the Board of Supervisors to overrule the ALUC) and also to legal counsel representing the County's Executive Office in its role as financial caretaker for the County's Community Facilities ("Mello-Roos") Districts. Concerns were raised that the nonresidential intensity limitations in Zones B1 and C were so restrictive that the properties would be competitively disadvantaged, and that, as a result, landowners might choose to abandon their properties rather than pay the CFD fees. (These concerns may not have arisen until after the adoption of the FVALUCP, and may not have been presented to the ALUC.) The County opted not to overrule, but decided to pursue an amendment to the FVALUCP prior to initiating any amendments to its General Plan or Specific Plans. The first version of the amendment as submitted in the spring of 2005 was reviewed by the previous Executive Director and found to be too close to a Specific Plan exemption in nature. The County then submitted a revamped version, but consideration of the amendment proposal was placed on hold due to the ongoing litigation and the need for resources to enable the preparation of an environmental document.

### **Alternative One**

Alternative One is the County/City proposal submitted for the Commission's consideration earlier this year. Proposed Section 2.2 addresses residential densities in Zone C and proposes to allow residential densities in the range of one to three (1.0-3.0) dwelling units per acre in the portion of Zone C located westerly of Winchester Road (in addition to the allowance for rural densities not exceeding one dwelling unit per five acres). Projects with densities in the 1.0-3.0 dwelling unit per acre range would be subject to a condition requiring an interior noise level reflecting a noise level reduction of not less than 20dB from exterior noise levels. The proposal noted that the residential density limit for the Extended Runway Centerline zone on the previous CLUP was 3 dwelling units per acre. This change would eliminate the need for the County to initiate Foundation Component General Plan Amendments changing the designations of properties from Community Development densities such as Medium Density Residential (2 to 5 dwelling units per acre) to Rural densities such as one dwelling unit per five acres and a corresponding amendment to adopted Specific Plan No. 312 (French Valley/Spencer's Crossing).

Section 2.3 addresses residential densities in Zone D and proposes to allow residential densities between 0.2 and 5.0 dwelling units per acre within those portions of Zone D located outside the boundaries of the ultimate 55 CNEL contour. These are areas that would not be considered to be noise-impacted pursuant to CEQA (the California Environmental Quality Act). The effect of Section 2.3 would be to eliminate residential density restrictions in the portion of Zone D located outside the 55 CNEL contour – almost all of Zone D in this area. This proposal is similar to the provision applied to a small area of

Zone D westerly of Tyler Street in the City of Riverside, where the Airport Land Use Commission has an adopted policy that “no restriction on residential densities shall apply”; however, the County proposal would apply to a much larger geographic area.

Section 2.4 addresses nonresidential intensities in Airport Zones B1 and C. Basically, it proposes to increase allowable average nonresidential intensities from 25 persons per acre to 40 persons per acre in Zone B1 and from 75 persons per acre to 80 persons per acre in Zone C. Single-acre maximum intensities would continue to be twice the average intensities, raising these levels from 50 to 80 persons in Zone B1 and from 150 to 160 persons in Zone C. Additionally, bonuses for extra open land would be available that could increase intensities by up to 20%, similar to those approved by the Commission for properties in the vicinity of Palm Springs International Airport.

Staff would note that the nonresidential provisions in Alternatives One, Two, Three, and Four relate the higher intensities to areas specified with a (1) and a (2) on a map, but there was no map with the environmental document identifying these areas. In fact, the reference to a (1) and a (2) is a leftover from the initial County proposal, in which (1) was confined to areas within Community Facilities District No. 88-4 and (2) was confined to areas within adopted Specific Plans designated for commercial and industrial development. It is staff’s current proposal that the increased allowable intensity for nonresidential development, if recommended by the Commission, apply across-the-board to nonresidential development (whether or not in a Community Facilities District or a Specific Plan, and whether in the City of Murrieta, the City of Temecula, or unincorporated Riverside County); therefore, the words “by a (1) and a (2)” in the introduction of the nonresidential amendment proposal should be deleted.

Section 2.5 proposes to apply the expanded buyer awareness measures applicable in the vicinities of the Palm Springs International Airport and Riverside Municipal Airport to the French Valley Airport Influence Area, excluding Compatibility Zone E. However, these measures are only proposed if the Commission were to approve either Section 2.2, Section 2.3, or both.

The major issue that has been raised regarding the County/City proposal concerns the portions of the proposal that would allow higher residential densities in Airport Zone C. To the extent that the areas within Zone C coincide with areas in the Outer Approach/Departure Zone as delineated in the standard safety zone diagrams of the Airport Land Use Planning Handbook, this portion of the proposal is inconsistent with the guidelines in the Handbook. Table 9C on page 9-47 of the Handbook (“Safety Compatibility Criteria Guidelines”) indicates that for rural/suburban settings, residential densities within the Outer Approach/Departure Zone should be one dwelling unit per two to five acres. Therefore, staff would recommend selection of a different alternative.

### **Alternative Two**

Alternative Two is basically Alternative One with the amendment to residential density in

Zone C deleted. Section 2.3 above is renumbered Section 2.2, Section 2.4 is renumbered Section 2.3, and Section 2.5 is renumbered Section 2.4.

The primary focus here is on residential densities in Zone D, with Alternative Two proposing that the prohibition on intermediate densities in Zone D areas outside the 55 CNEL contour be eliminated. Table 2B on page 2-23 of the Riverside County Airport Land Use Compatibility Plan (Supporting Compatibility Criteria: Noise) indicates that single-family residences, condominiums, apartments, and mobile homes would all be considered “clearly acceptable” within the 50-55 CNEL range. Furthermore, developments with densities less than five dwelling units per acre clearly present a lesser safety hazard than developments with densities greater than five dwelling units per acre.

The provisions of Airport Zone D are based on two concepts: (1) that persons living in higher density developments are subject to a greater level of ambient noise and would be less likely to be annoyed by aircraft noise as a result and (2) that persons living in intermediate density housing (0.2 to 5.0 dwelling units per acre) and enjoying a quiet living environment are the most likely to register complaints regarding aircraft and aircraft operations. However, this “high or low but not in between” approach is also counterintuitive in that higher density housing would accommodate more persons per acre than intermediate density housing and thereby expose more persons to such hazards as noise and accident potential relative to intermediate density housing. This approach is not mandated by the Handbook. The compatibility of development relative to safety concerns is determined based on occupancy or intensity levels.

The Airport Land Use Commission has previously reviewed and rejected a similar proposal to relax residential density restrictions in Zone D in the vicinity of Jacqueline Cochran Regional Airport. However, in that area, the Commission was addressing a situation where most of the surrounding area was vacant or in agricultural use. In contrast, much of Zone D in the French Valley Airport Influence Area is already developed with intermediate density residential uses.

A secondary reason for allowing the higher density housing, but not the intermediate density housing, in Zone D was as an incentive to induce clustering that would enable the reservation of unused area as open space suitable for emergency landing. However, the provisions of Zone D already require that 10% of the land area in projects 10 acres or larger be set aside as open area. From the perspective of open area preservation, as long as the open area requirement is met, it really should not matter whether the densities in the development area in Zone D are two units per acre, six units per acre, or one unit per two acres, as long as there are no safety or noise issues of concern.

### **Alternative Three**

Alternative Three includes the same nonresidential intensity amendments as Alternatives One and Two, as Section 2.3, and additionally reinstates the year 2005 amendment regarding net density as Section 2.2. Alternative Three has been prepared to allow the

Commission an opportunity to forward its vision of the French Valley Airport as the hub of an employment/job center for Southwestern Riverside County. A number of property owners and their representatives have indicated that the allowable occupancy levels, especially in Zones B1 and C, are too restrictive to enable the properties to be developed in an economic manner, especially for commercial uses. The Countywide compatibility criteria of 25 and 75 persons per acre, respectively, were generally based on the lowest end of the persons per acre range found in the Statewide safety compatibility criteria guidelines (Table 9C on page 9-47 of the State Handbook). The proposed occupancy levels of 40 and 80 persons per acre, respectively, do not exceed the maximum nonresidential intensities for the Inner and Outer Approach/Departure zones derived from that table. Alternative Three does not change any residential density provisions of the FVALUCP in effect as of the date that the FVALUCP was suspended.

### **Alternative 3A**

Alternative 3A would simply reinstate the 2005 amendment regarding calculation of residential densities in Zone D on a net acreage basis, excluding open areas.

### **Alternative Four**

Alternative Four reflects staff's attempt to bring Alternative One into compliance with the Airport Land Use Planning Handbook. Sections 2.3 through 2.5 of Alternative Four are identical to those sections of Alternative One, including the same changes to residential densities in Zone D and nonresidential intensities in Zones B1 and C. The difference is in the amendment to residential densities in Zone C. Pursuant to Alternative Four, the "higher intensity range" of 1.0 to 3.0 dwelling units per acre would only be permitted in the portion of Zone C westerly of Winchester Road at distances more than 6,000 feet from the northerly end of the runway and more than 500 feet from the extended runway centerline. These are areas that would be considered to be in the Traffic Pattern Zone, rather than the Outer Approach/Departure Zone, pursuant to the State Handbook. Additionally, this additional compatibility policy would not be applicable to any areas designated for commercial, industrial, or other non-residential uses, or for a residential density of no more than 0.2 dwelling units per acre as of October 7, 2003 and would not be applicable to any areas within the boundaries of the ultimate 60 CNEL contour as depicted on Map FV-3, Noise Compatibility Contours.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 5.2

**HEARING DATE:** April 12, 2007

**CASE NUMBER:** ZAP1009FV07-Ennio Schiappa

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** Tentative Tract Map No. 34689

**MAJOR ISSUES:** The use of the 2004 French Valley Airport Land Use Compatibility Plan has been suspended pursuant to Court action; as a result, there is no Plan against which projects may be evaluated for consistency. There is a possibility of reinstatement in the near future once an environmental document is adopted. Until such time as such a document is adopted, the Commission is legally unable to make a determination of consistency or inconsistency.

This project would normally have been a staff review if the French Valley Plan were in effect. As such, it was submitted without labels for surrounding property owners. While the project was advertised in the newspaper, surrounding property owners did not receive notice, as the labels were not provided to staff in sufficient time to permit property owners to receive ten-day notice.

**RECOMMENDATION:** Staff recommends that this item be re-advertised for consideration in May.

**PROJECT DESCRIPTION:**

Divide 4.84 acres into 15 residential lots.

**PROJECT LOCATION:**

The site is located at 36220 Pourroy Road, on the east side of Pourroy Road, northerly of Benton Road and southerly of Thompson Road, in the community of French Valley, in unincorporated Riverside County, approximately 8,923 feet from Runway 18-36 at French Valley Airport.

**LAND USE PLAN: Suspended** French Valley Airport Land Use Compatibility Plan (FVALUCP)

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: **Suspended**
- c. Noise Levels: Outside the 55 CNEL contour

**BACKGROUND:**

Land Use Density: Tentative Tract Map No. 34689 proposes to divide 4.84 acres into 15 residential lots.

Noise: The site lies outside the 55 CNEL contour; no special acoustical mitigation measures for aircraft noise are required.

PART 77: The maximum elevation of the site is approximately 1,368 feet above mean sea level (AMSL). The runway elevation at its closest point is 1,347 feet AMSL. At a distance of 8,923 feet from the runway, FAA notice and review would be required for new structures exceeding a maximum elevation of 1,436 feet AMSL at top of roof. Proposed pad elevations do not exceed 1,370.8 feet AMSL, and structures will not exceed 40 feet in height. Therefore, FAA review is not required.

Attachment: Regardless of the status of the Compatibility Plan, State law requires notification that the property is located in an Airport Influence Area in the course of real estate transactions. A sample notice is attached for the applicant's use.

Summary: If the 2004 French Valley Land Use Compatibility Plan were in effect, staff would recommend a finding of consistency, given that the residential lot areas would be within Zone E.

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 6.1  
**HEARING DATE:** April 12, 2007

### CASE SUMMARY

**CASE NUMBER:** ZAP1001BA07 – San Gorgonio Memorial Healthcare District/Heliplanners (Jeffrey Wright)  
**APPROVING JURISDICTION:** State of California Department of Transportation Division of Aeronautics (State Airport Permit); City of Banning (Specific Plan)  
**JURISDICTION CASE NO.:** Specific Plan No. 06-201

**MAJOR ISSUES:** The noise study does not specifically indicate the level of increase in CNEL resulting from operation of the facility. Residential uses, including existing mobile homes in a mobile home park, and health-related uses including convalescent facilities with vulnerable occupants, would be subject to high levels of helicopter noise during operations (peak noise levels as high as 104 dB(A)), and the mobile home park would be directly in the flight path. As such, this would not be an appropriate location for a conventional airport or heliport or for a private-use heliport. However, as a hospital heliport, siting in an area with vulnerable occupants is unavoidable. The acoustical study indicates that the peak noise level at existing residences would exceed City of Banning noise ordinance criteria by exceeding the “base ambient noise level” by 20 dB(A) or more. However, due to the low projected number of operations (not exceeding five per month), the average noise level from the operation of helicopters departing from or landing at the site is not projected to exceed 55 dB(A) CNEL at any sensitive receptor locations.

**RECOMMENDATION:** A regular commercial heliport or a private-use heliport would be clearly incompatible at this location. Open the public hearing, consider testimony, and provide direction as to whether findings of special circumstances pursuant to Section 3.3.6 of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan (allowing a determination of conditional consistency) may be appropriate in this case. The primary special circumstance would be the need for a hospital heliport to be sited in proximity to the hospital. Circumstances to consider may include the health and safety benefits of the project, the limited activity contemplated under non-emergency situations, and the fact that the average noise level would not exceed 60 dB(A) CNEL at neighboring properties. Alternatively, the Commission may make a determination of inconsistency due to the siting of the facility at a location that is not appropriate for general aviation activities and due to the individual event exceedance of community noise standards as specified in City of Banning noise ordinances.



## **PROJECT DESCRIPTION:**

Establishment of a special-use heliport (hospital helistop – a helicopter departure and landing facility, primarily for patient transport and emergency use), on a 9.43-acre parcel within the 24.24-acre campus of San Gorgonio Memorial Hospital in the City of Banning. The helipad will be at an elevation of 2595.5 feet above mean sea level (AMSL). It is projected that there would be approximately five departures and five arrivals per month.

The Touchdown and Liftoff Area (TLOF) will be a circular area with a 48-foot diameter. The Final Approach and Takeoff Area (FATO) will be 86 feet by 86 feet (7,396 square feet) in area centered on the TLOF, and will be surrounded by a safety area with a width of 16 feet.

The acoustical study was based on use of the Bell 212 helicopter, with a maximum overall length of 57.3 feet and a maximum main rotor diameter of 48 feet. The California Department of Transportation Aeronautics Division requires a new heliport permit application for special-use heliports, which in turn triggered the requirement for Airport Land Use Commission review.

## **PROJECT LOCATION:**

The site is located southerly of Wilson Street, northerly of Ramsey Street, and easterly of Highland Springs Avenue in the south-southeast portion of the campus of San Gorgonio Memorial Hospital, in the City of Banning. The hospital itself is located at 600 North Highland Springs Drive in the City of Banning, across the street from the City of Beaumont. The property is not located within an existing Airport Influence Area.

## **INTRODUCTION – BASIS FOR REVIEW**

As stated in Section 1.5.1 of the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan, any “proposal for a new airport or heliport whether for public use or private use (Public Utilities Code Section 21661.5)” requires referral to the Airport Land Use Commission for a determination of consistency with the Commission’s Plan prior to approval by the local jurisdiction “if the facility requires a state airport permit.” The Riverside County Airport Land Use Compatibility Plan (RCALUCP) Policy Document, adopted on October 14, 2004, articulates “procedures and criteria” that the Airport Land Use Commission (ALUC) “shall utilize when evaluating certain types of airport development proposals that...are subject to ALUC review and are addressed by the Compatibility Plan.” In the case of a new airport or heliport, the proposal may be approved if it is consistent with the specific review policies listed in Section 5.2 of the Countywide Policies.

The ALUCP further states that, in its review of an Airport Master Plan or Airport Layout Plan, the Commission shall focus on the noise, safety, airspace protection, and overflight impacts on the surrounding land uses and must base its review on the proposed airfield design. In this regard, one of the critical issues is whether existing and/or approved land uses in the surrounding area would be considered incompatible with the heliport if the heliport were already in existence. Another critical issue is whether the proposal includes measures to mitigate the noise, safety, airspace protection, and overflight impacts on surrounding land uses. (Such measures could potentially include the siting of

flight tracks so as to minimize impacts, selection of operational procedures to minimize impacts, installation of noise barriers or structural noise insulation, and/or acquisition of property interests on the impacted land.) With regard to noise, any proposed construction or alteration “that would result in a significant increase in cumulative noise exposure (measured in terms of CNEL) shall include measures to reduce the exposure to a less-than-significant level.” “In locations having an existing ambient noise level of less than 55 dB CNEL, a project that would increase the noise level by 5.0 dB or more” would be considered to result in a significant noise increase. However, in areas with existing ambient noise levels of 55-60 CNEL, a project that would increase the noise level by 3.0 dB or more would be considered to result in a significant noise increase. In areas with existing ambient noise levels greater than 60 CNEL, a project that would increase the noise level by 1.5 dB or more would be considered to result in a significant noise increase.

### **SURROUNDING LAND USE:**

The land uses surrounding the helistop site represent a combination of uses that is least appropriate for uses surrounding airports; in addition to the hospital, these surrounding land uses include a mobile home park (Cherry Valley Mobile Home Park) to the east (and directly under a flight track), convalescent hospitals/extended care facilities to the south (Beaver Medical Group Extended Care Facility) and north (Cherry Valley Care Facility), and a church (Latter Day Saints) to the north. The nearest mobile home is located approximately 435 feet from the edge of the FATO. If this were not a hospital-related heliport, this would be a clearly inconsistent location for an aviation facility due to the associated land use incompatibilities (both safety and noise). However, in this case, the safety and noise hazards must be balanced against the health and safety benefits of the facility. It is expected that the primary situation in which the helistop would be used would be for the transport of critically ill and injured patients (when warranted) from San Gorgonio Memorial Hospital to other hospitals with more intensive care facilities.

### **NOISE STUDY:**

A noise study was prepared by Alliance Acoustical Consultants and submitted to ALUC staff. The noise study did not include new measurements of ambient noise levels at the locations of sensitive receptors, instead relying on “data ... presented in the San Gorgonio Hospital Initial Study” of 2005, which indicated ambient noise levels as high as 71 dB(A) CNEL at a distance of 50 feet from the Wilson Street centerline at the Cherry Valley Mobile Home Park and 60-62 dB(A) CNEL at the Latter Day Saints Church parking lot at a distance of 200 feet from the Wilson Street centerline. It was also noted that future traffic noise levels would continue to result in average sound levels exceeding 65 dB(A) CNEL at a distance of 50 feet from the centerline of either Highland Springs Avenue, Wilson Street, or Ramsey Street.

The noise study utilized the Federal Aviation Administration’s Helistop Noise Model Version 2.2 to determine the future noise levels from the proposed helistop operations. The model projects that, even if there were one departure and one arrival per day, the average noise level at the sensitive receptors on adjacent properties would not exceed 57 dB(A) CNEL at the extended care facility and 55 dB(A) CNEL at the closest residence within the mobile home park. The noise study states that the helistop generated CNEL will be below the ambient background CNEL generated by future traffic. (ALUC staff cannot confirm this, in that the sensitive receptor locations for the aircraft noise

– the most affected areas - are not the same locations as the areas most affected by the traffic noise [where ambient noise levels were measured in the “San Gorgonio Hospital Initial Study” as cited in the noise study]. Mobile home residents who dislike noise may have anticipated traffic noise along Wilson Street and, therefore, selected interior units or spaces in anticipation of a quiet environment – only to find that they would now be underlying the flight track of emergency medical helicopters.)

The noise study does not specifically indicate the increase in average noise levels generated by the project at each of the sensitive receptor locations.

The noise study does go a step beyond projecting the average noise level to address single-event peak noise levels and notes that single event noise will be “noticeable” at these receptor locations. When one considers only the average noise level, this project clearly meets ALUC criteria in terms of permissible noise levels in residential areas. However, it is the single-event or peak noise level that is acknowledged to be a major factor in the degree of annoyance generated by aircraft operations. As stated on page 2 of the noise study, the factors of importance in this matter would include the “magnitude of the event sound level with respect to the background; duration of the sound event; number of event occurrences and their repetitiveness; and time of day that the event occurs.” The study determined that the peak noise level, although extremely short in duration, may be expected to be as high as 104 dB(A) at the nearest mobile home underlying the flight track within the mobile home park and at the Beaver Medical Group extended care facility, and as high as 100 dB(A) at the church and at the Cherry Valley Care Facility.

The noise study also included excerpts from the City of Banning Noise Ordinance (Ordinance No. 1138, as modified by Ordinance No. 1234 and codified in Section 11D of the City’s Municipal Code). That ordinance indicates that, in residential zones, noise of any duration at levels greater than 20 dB(A) above the “base ambient noise level” (defined as 55 dB(A) from 7:00 A.M. to 10:00 P.M. and as 45 dB(A) from 10:00 P.M. to 7:00 A.M.) is prohibited. Therefore, unless this ordinance is not applicable to aircraft operations, it would appear that each operation would result in a violation of the ordinance if the helistop is in a residential zone. (The “base ambient noise level” in industrial and commercial zones is 75 dB(A), so if the helistop is in a commercial or industrial zone, peak noise levels may be as high as 95 dB(A).)

The study recommends the following noise reduction measures:

- “1. Helistop operations should not exceed 5 landings per month.
2. Helicopter idle time should be minimized as much as possible.”

#### **FAA AIRSPACE DETERMINATION:**

On December 14, 2006, Mr. Brian Q. Armstrong, Manager of the Los Angeles Airports District Office of the Federal Aviation Administration, Western-Pacific Region, sent the project consultant a letter stating that:

“The Federal Aviation Administration has completed an airspace study of the proposed facility submitted...on Form 7480-1, *Notice of Landing Area Proposal*. Our analysis determined that the proposal is acceptable from an airspace utilization standpoint. Therefore, the FAA does not object to

the establishment of the proposed landing area provided, the following conditions are met:”

The FAA conditions are included in the attached letter.

**AIRPORT LAND USE COMMISSION STAFF RECOMMENDED CONDITIONS:**

**CONDITIONS:**

1. No operations (takeoffs or landings) shall be conducted until such time as the State of California Department of Transportation Division of Aeronautics has issued a Site Approval Permit and subsequent Heliport Permit pursuant to Sections 3525 through 3560 of Title 21 of the California Code of Regulations.
2. The heliport shall be designed and constructed in accordance with FAA Advisory Circular 150/5390-2B, *Heliport Design*.
3. Establishment and operations shall comply with the recommendations and requirements of the Federal Aviation Administration letter dated December 14, 2006, a copy of which is attached hereto.
4. Helicopter idle time shall be minimized as much as possible.

**ADDITIONALLY, THE CITY MAY WISH TO CONSIDER THE FOLLOWING OR SIMILAR MEASURES TO ADDRESS HELIPORT USAGE IN CONJUNCTION WITH ITS CONSIDERATION OF THE SPECIFIC PLAN AND ANY USE PERMITS FOR THE FACILITY:**

- A. Heliport usage shall be monitored by San Gorgonio Memorial Healthcare District so as to limit operations to an average of five arrivals and five departures per month, except in community disaster situations, as recognized by City, State or Federal authorities.
- B. The applicant shall maintain records of heliport usage identifying the number of helicopter arrivals and departures per month, time of day of each operation, and whether such operation was an emergency situation. An “emergency situation” is not confined to community disasters or emergencies and represents any situation where failure to use air transport would imperil a patient’s life or health. Such records shall not include any confidential information and shall be made available to the City of Banning upon request.
- C. Helicopter operations not associated with emergency situations shall be scheduled between the hours of 7:00 A.M. and 10:00 P.M., to the extent reasonably possible.

# **RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

## **STAFF REPORT**

### **ADMINISTRATIVE ITEMS**

- 7.1** The Riverside County Economic Development Agency – Aviation Division has provided ALUC staff with a copy of the Wildlife Hazard Guidance Report for the Bermuda Dunes Airport and Jacqueline Cochran Regional Airport. Electronic versions are being provided to each Commissioner with this agenda packet. The report does not require formal action by the Commission, but its recommendations should be considered in conditions of approval, as applicable.
- 7.2** Mr. John Corella is requesting reconsideration of the conditions of approval in the event of overrule for the Northgate project in the City of Indio (ZAP1010BD06). See attachment. Specifically, he objects to the inclusion of “multi-family residential structures” among the prohibited uses in the portions of the project within Airport Zones B1, B2, and C, on the basis that these uses are not listed as “prohibited uses” in these zones in Table 2A of the 2004 ALUCP.

While it is correct that the uses are not strictly prohibited in these zones, the density limits of these zones (one dwelling unit per 20 acres, 10 acres, and 5 acres for Zones B1, B2, and C, respectively) are so restrictive as to render a new multi-family residential structure inconsistent unless located on a very large lot. Staff is amenable to addressing the residential density restrictions in a separately numbered condition in the event of reconsideration.

As this was a public hearing item, it is staff’s recommendation that any change in conditions occur in conjunction with a new public hearing. Therefore, in the event that the Commission determines that an amendment to conditions is appropriate, staff would recommend that the Commission place this matter on the May agenda as an advertised public hearing, with no additional fees charged to the applicant. The applicant shall be responsible for assuring that all materials necessary for advertisement to surrounding property owners have been provided not later than April 24, 2007.

- 7.3** Executive Director’s Approvals. Copies of administrative “staff review” approvals issued on or before April 11 will be provided at the hearing for your Commission’s information.
- 7.4** Interim Executive Director Edward C. Cooper will provide an oral update regarding the County FY08 Budget Process at the April 12 meeting.