



# 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., July 12, 2007

CHAIR  
Simon Housman  
Rancho Mirage

VICE CHAIRMAN  
Rod Ballance  
Riverside

COMMISSIONERS

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Riverside

Robin Lowe  
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Executive Director  
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John Guerin  
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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 **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.**

**MARCH AIR RESERVE BASE**

- 2.1 **ZAP1030MA07 – Mark Rubin (Regional Properties Inc.)/Tim Lewis (Tait and Associates Inc.)/Brinker International – City Case No. P07-0389 (Design Review).** A proposal to develop a 6,431 square foot Chili's Bar and Grill restaurant on a 1.26-acre lot, located southerly of Alessandro Boulevard, easterly of Mission Grove Parkway South and Trautwein Road, and westerly of Barton Street in the Mission Village Shopping Center, in the City of Riverside. Airport Area II. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

**Staff Recommendation:** CONSISTENT

**RIVERSIDE MUNICIPAL AIRPORT**

- 2.2 ZAP1020RI07 - Erin Madison Inc./Karish Architects – City Case No. P07-0664, P07-0665, P07-0666 (Design Review) – Development of five concrete tilt-up industrial buildings with a combined total floor area of 89,007 square feet, including 14,755 square feet of office space, 24,212 square feet of manufacturing, and 50,040 square feet of warehouse space, on 4.71-5.05 acres, located westerly of Doolittle Avenue, southerly of its intersection with Morris Street and northerly of its intersection with Van Buren Boulevard, in the City of Riverside. Airport Zones B2 and C. ALUC Staff Planner: Cecilia Lara, Ph: (951) 955-0549, or E-mail at [clara@rctlma.org](mailto:clara@rctlma.org).

Staff Recommendation: CONSISTENT

3.0 **PUBLIC HEARING: NORTH COUNTY AREA**

**MARCH AIR RESERVE BASE**

- 3.1 ZAP1031MA07 - Glen M. Rasmussen, for VSE Corp. – City Case No. P07-0591 (Conditional Use Permit). A proposal to hold on-site public auctions not more than four times per year at a warehouse building located at 6711 Sycamore Canyon Boulevard (westerly of Sycamore Canyon, southerly of Eastridge Avenue), in the City of Riverside. The site is 17.84 acres in area. Airport Areas I and II. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org)

Staff Recommendation: CONSISTENT (Auctions limited to Area II).

**RIVERSIDE MUNICIPAL AIRPORT**

- 3.2 ZAP1019RI07 - City of Riverside – Proposal to adopt the Magnolia Avenue Specific Plan, which would implement General Plan 2025 through the establishment of land use policies, regulations, development standards and design guidelines for the Magnolia Avenue corridor. The corridor focuses on Magnolia Avenue and extends from Ramona Drive on the northeast to the City limits (west of Buchanan Street) on the southwest and is of varying width, including properties up to 2,800 feet easterly/southerly and up to 2,100 feet northerly/westerly of Magnolia Avenue. [Southwesterly of Arlington Avenue, the corridor is bounded by California Avenue on the north and Highway 91 on the south. Northerly of Arlington Avenue, the corridor is bounded by Palm Avenue on the west and Riverside Avenue on the east.] Airport Zones C, D, and E, and areas outside. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: CONDITIONAL CONSISTENCY, subject to additional ALUC review until Airport Overlay zoning is established.

- 3.3 RI-05-130 (Reconsideration) - Friends of Riverside Airport, LLC and City of Riverside – City Case No. Tentative Tract Map No. 31541 – A proposal to divide 30.83 acres within a 58.68-59.33 acre area located both northerly and southerly (albeit predominantly northerly) of Jurupa Avenue, easterly of Crest Avenue, and westerly of Rutland Avenue in the City of Riverside into 58 single-family residential lots. Airport Zones C and B1. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: AUTHORIZE letter to the City of Riverside that the prior inconsistency determination letter dated October 17, 2005 should be treated as withdrawn and expressing concerns regarding project density.

**4.0 PUBLIC HEARING: SOUTH COUNTY AREA****FRENCH VALLEY AIRPORT**

- 4.1 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, March 8, 2007, April 12, 2007, May 10, 2007 and June 14, 2007). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: DISCUSS any available new information and CONTINUE to August 13, 2007.

- 4.2 ZAP1012FV07 – Pamela Barr/RCI Silverhawk 22 – County Case No. PP19437S4/PP19437S5 – A request for deletion or amendment of Condition No. 7 of ALUC Case No. FV-05-107, and to allow for any use permitted pursuant to the Specific Plan zoning for the applicable Planning Area, including places of worship, in the buildings of Parcel 22 of Silverhawk Business Park, located at 36388 Sky Canyon Drive, on the east side of Sky Canyon Drive, northerly of Technology Drive, in the unincorporated Riverside County community of French Valley. Such uses would include a church in Building 22-A. PP19437S5 proposes retail sales (thrift store) and pantry distribution center in Building 22-B. Suspended Plan. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at [jguerin@rctlma.org](mailto:jguerin@rctlma.org).

Staff Recommendation: Authorize TAKE NO ACTION letter (unless applicant is willing to accept a continuance).

**5.0 ADMINISTRATIVE ITEMS**

- 5.1 Notice of Presentation: Mitra Mehta, Principal Planner of the Riverside County Planning Department will be presenting the General Plan Amendment for the South County Implementation Program at the August 13<sup>th</sup> ALUC Commission Meeting.

5.2 Executive Director's Approvals

- 5.3 August ALUC Commission Meeting: The August 9, 2007 ALUC Commission Meeting has been rescheduled to August 13, 2007 at the Riverside County Board Chambers, 1<sup>st</sup> Floor, Time is 12-5pm. ALUC Commission Meeting starting at 1:00 p.m.

5.4 Muzzy v. Solano

5.5 ALUC Application Rate Increase

**6.0 APPROVAL OF MINUTES: June 14, 2007****7.0 VIEWING OF PERRIS VALLEY AIRPORT VIDEO**

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

9.0 **COMMISSIONER'S COMMENTS**

- 10.0 **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).

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**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION  
STAFF REPORT**

**AGENDA ITEM:** 2.1

**HEARING DATE:** July 12, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1030MA07-Mark Rubin (Regional Properties Inc.) Tim Lewis (Tait and Associates Inc.)/Brinker International

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO.:** P07-0389 (Design Review)

**MAJOR ISSUES:**

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

**PROJECT DESCRIPTION:**

A proposal to develop a 6,379 square foot Chili's Bar and Grill restaurant on a 1.26-acre lot.

**PROJECT LOCATION:**

The site is located southerly of Alessandro Boulevard, easterly of Mission Grove Parkway South and Trautwein Road, and westerly of Barton Street in the Mission Village Shopping Center, approximately 15,840 feet northwesterly of the northerly terminus of the runway at March Air Reserve Base, in the City of Riverside.

**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 II
- c. Noise: 55-60 CNEL

## **BACKGROUND:**

Land Use/Intensity: The proposed land use is for the development of a 6,379 square foot restaurant on 1.26 acres. The site is located in Area II, as depicted on the map at [www.rcaluc.org](http://www.rcaluc.org) Airport Area II allows for industrial and commercial uses with no restriction on most nonresidential uses.

While the site is located in Airport Area II, it is not located in an Accident Potential Zone as mapped in the 1998 and 2005 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) studies.

**Draft March Joint Land Use Study (November 2005):** The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts this property as being within Airport Zone C2, which would limit nonresidential average intensity to 150 persons per average acre and single-acre intensity to 375 persons per acre.

Utilizing the Building Code Method, with 4,183 square feet of serving area and 2,248 square feet of kitchen area, staff estimates an average intensity of 146 persons on site. Using the Parking Space Method, staff estimates an average intensity of 117 persons on site.

PART 77: The maximum elevation at this site is 1,617 feet above mean sea level (AMSL), and the proposed maximum structure height is 23 feet. The project as proposed shows the expected highest point of the building to be 1,640 feet AMSL. The runway elevation at its northerly end is 1,535 feet AMSL. At a distance of 15,840 feet from the runway, any structure above 1,693 feet top elevation would require FAA review. FAA review is not required in this case.

Noise: The site lies between the 55 CNEL and 60 CNEL contours. As commercial uses, restaurants are considered normally acceptable in these areas.

## **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 or provide documentation to the City of Riverside and the Airport Land Use Commission that such conveyance has previously been recorded. (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 tenants.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 2.2

**HEARING DATE:** July 12, 2007

**CASE NUMBER:** ZAP1020RI07- Erin Madison Inc./Karish Architects

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO.:** P07-0664, 0665, 0666 (Design Review)

**MAJOR ISSUES:** NONE

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY for the above referenced project, subject to the conditions specified herein.

**PROJECT DESCRIPTION:**

Development of five concrete tilt-up industrial buildings with a combined total floor area of 89,007 square feet, including 14,755 square feet of office space, 24,212 square feet of manufacturing, and 50,040 square feet of warehouse space, on 4.71-5.05 acres.

**PROJECT LOCATION:**

The project site is located on the westerly side of Doolittle Avenue, southerly of its intersection with Morris Street and northerly of its intersection with Van Buren Boulevard, in the City of Riverside, approximately 1,320 feet southerly of the westerly terminus of the westerly extension of Runway 9-27 at Riverside Municipal Airport, and 1,650 feet southwesterly of the existing westerly terminus.

**LAND USE PLAN:** 2005 Riverside Municipal Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Airport Zones B2 and C
- c. Noise Level: 60-65 CNEL



**BACKGROUND:**

Land Use/Intensity: The site is located in Airport Zone B2 and partially in C. Land use compatibility criteria for Airport Zone B2 permit an average of 100 people per acre and 200 people per single-acre. Zone C permits an average of 75 people per acre and 150 people per single acre.

The applicant is proposing a total building area of 89,007 square feet on 4.71 - 5.05 acres. Given the total square footage of the office, manufacturing, and warehouse space, the project will result in a total occupancy of 185 persons on site with an average intensity of 40 persons per acre and a single acre intensity of 74 persons. Utilizing the Parking Space Method, staff estimates a total occupancy of 300 persons and an average intensity of 64 persons per acre.

Part 77: The highest proposed finished floor elevation is 735 feet above mean sea level (AMSL), and the proposed structure height is 35 feet. Thus, the expected highest point of the building would be 770 feet AMSL. The runway elevation at its closest point to the project is 757.6 feet AMSL. At a distance of 1,320 feet from the runway, any structure above 771 feet top elevation would require FAA aeronautical review. FAA review is not required for the project, provided that no building, structure, or vegetation exceeds 35 feet in height or 771 feet AMSL.

Noise: The project site lies between the 60 and 65 CNEL noise contours. The proposed use requires noise attenuation in the office portion of the buildings.

Distance from Runway: Countywide Policies (Table 2A) indicate the need to locate the structures a maximum distance from the runway centerline. Staff would note that the lateral distance is one-quarter mile or more throughout the site.

**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.
  - (e) Children's schools, hospitals, nursing homes, day care centers, libraries, places of worship, and highly noise-sensitive outdoor nonresidential uses.
  - (f) Aboveground bulk storage of hazardous or flammable materials, excepting storage of not more than 6,000 gallons of flammable materials in conjunction with an approved use
2. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
  3. The attached notice shall be provided to all potential purchasers and tenants and shall be recorded as a deed notice.
  4. Additional review by the Airport Land Use Commission shall be recorded prior to the establishment of any of the following facilities on this property:  
Retail sales facilities, dormitories, courtrooms, community care facilities, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms with capacities of 33 or more persons, dining rooms, exhibit rooms, restaurants, drinking establishments, lounges, stages, gaming, bowling alleys, swimming pools, classrooms, locker rooms, exercising rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A.
  5. Noise attenuation measures shall be incorporated into the office areas of the buildings to ensure a minimum noise level reduction of 25 dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.

6. 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 Riverside Municipal Airport.
7. The maximum structure height for any structure or addition thereto constructed pursuant to this project shall not exceed 35 feet, and the highest point (top of roof) shall not exceed an elevation of 771 feet above mean sea level

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.1  
**HEARING DATE:** July 12, 2007

**CASE SUMMARY:**

**CASE NUMBER:** ZAP1031MA07 – Glen M. Rasmussen, for VSE Corporation  
**APPROVING JURISDICTION:** City of Riverside  
**JURISDICTION CASE NO:** P07-0591 (Conditional Use Permit)

**MAJOR ISSUES:** The major issue was that the site is split between Airport Areas I and II. While commercial and industrial uses are acceptable in Area II, Area I must be kept free of all “high-risk” land uses, including uses characterized by a high concentration of people, places of assembly, and high patronage services. The easterly 2/3 of the parcel is also within Accident Potential Zone II pursuant to U.S. Air Force Airport Installation Compatible Use Zone (AICUZ) studies. A public auction would be a “high-risk” land use. The applicant has resolved this issue by clarifying that the auction assembly area would be limited to an area of approximately 10,000 square feet at the westerly end of the westerly building, which is clearly within Airport Area II, where intensities are not restricted pursuant to the 1984 Riverside County Airport Land Use Plan.

**RECOMMENDATION:** Staff recommends a finding of CONSISTENCY with the 1984 Riverside County Airport Land Use Plan, subject to the conditions included herein, including the requirement that the auction assembly area be restricted to the westerly 350 feet of the property.

**PROJECT DESCRIPTION:**

The requested conditional use permit would allow the applicant to hold on-site public auctions up to four times per year at the more westerly of two warehouse buildings located on a 17.84-acre site. The buildings were initially reviewed by ALUC in April 2005 through ALUC Case No. MA-05-108 and were determined to be consistent.

**PROJECT LOCATION:**

The structures are located at 6711 and 6721 Sycamore Canyon Boulevard (on the west side of Sycamore Canyon Boulevard), southerly of Eastridge Avenue, in the City of Riverside, approximately 13,120 feet northwesterly of the northerly terminus of the runway at March Air Reserve Base. The westerly building is at 6711 Sycamore Canyon.

**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: Areas I and II
- c. Noise Levels: 60-70 CNEL (The site is crossed by the 65 CNEL contour.)

## **BACKGROUND:**

Land Use – Safety Considerations: The proposed project site is located partially within Airport Area I and partially within Airport Area II, as depicted on the map illustrated at [www.rcaluc.org](http://www.rcaluc.org), and is located partially within Accident Potential Zone II as mapped in the 1998 and 2005 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) studies. The 1984 Riverside County Airport Land Use Plan (1984 RCALUP) states that the boundaries of Area I are based on the “imaginary approach surface defined by FAR Part 77, Objects Affecting Navigable Airspace, as the approach surface for the size and type of runways at each airport. These areas are always centered on the runway centerlines extended.”

Policy 1 in Chapter III of the 1984 RCALUP states that Area I shall be kept free of all “high risk land uses.” This policy is based on the following analysis included therein:

“The approach surfaces are specifically defined by Federal Aviation Regulations. These areas carry the highest volume of air traffic due to the fact that all aircraft have to align with these areas to land or take-off on the runways. Aircraft have a higher tendency to have problems within these zones due to changing power settings to take-off or land. The convergence of all aircraft landing and taking-off within these narrow zones also means that the noise levels are highest in these zones. Due to these factors and the accepted Federal definition of the boundary of these surfaces, the area was deemed inappropriate for housing and high risk land uses.”

High risk land uses are conceptually defined in Appendix B of the 1984 RCALUP titled HIGH RISK LAND USE EXAMPLES. Appendix B (a copy of which is attached) states that high risk land uses have one or more of the following characteristics:

- (1) high concentration of people,
- (2) critical facilities, and
- (3) flammable or explosive materials.

Type (1) includes “high patronage services”. These uses are listed as including “bowling alleys, restaurants, theaters, motels, banks, etc.”

The 1984 Riverside County Airport Land Use Plan allows commercial and industrial development, other than high risk land uses, in Area I. The restriction of high risk land uses is not applicable in Airport Area II.

The 2005 AICUZ study is based on a forecast of 69,600 annual operations (44,860 military, 21,000

civilian, and 3,740 California Department of Forestry) at March Air Reserve Base. The property is depicted as being partially within Accident Potential Zone II – an area located a distance of 8,000 to 15,000 feet from the runway threshold and within 1,500 feet from the extended runway centerline. The Air Force recommends that buildings in this area be limited to one story and that lot coverage not exceed 20%.

While auction houses are not specifically addressed in the AICUZ reports, the land use compatibility tables state that public assembly uses, auditoriums, concert halls, shopping malls, shopping centers, resorts, and group camps are prohibited, while certain labor-intensive manufacturing uses, eating and drinking establishments, and churches should be prohibited in most circumstances.

The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts this property as being within Airport Zone B1, which would limit average intensity outside APZ I to 50 persons per acre and single-acre intensity to 100 persons per acre.

The applicant projects attendance by up to 500 persons at any given auction day. The issue here would be the location of the auction activity. Provided that the auctions are held in Airport Area II, rather than Airport Area I, the activity may be found consistent with the 1984 Riverside County Airport Land Use Plan. Recommended conditions limit the auction assembly area to the westerly 350 feet of the property.

Part 77: The highest existing elevation on the site is 1,529 feet above mean sea level (AMSL). The elevation of the runway at its northerly end is 1,535 feet AMSL. At a distance of 13,120 feet from the runway, any structure above 1,666 feet top elevation would require FAA aeronautical review. In this case, FAA review is not required.

Noise: Average exterior noise levels on this site from aircraft operations would exceed 65 CNEL in much of the site. (Single-event noise levels would, of course, be considerably greater.) Unless the auctions are held in office areas of the building, aircraft noise may interfere with auction procedures. (It is assumed here that ALUC's requirement for noise attenuation in the office areas of the buildings has been or will be implemented in accordance with Condition No. 2 of ALUC's letter regarding Case No. MA-05-108.)

### **CONDITIONS:**

1. Prior to commencement of operations, the landowner shall convey an avigation easement to the MARB/MIP Airport or provide documentation to the City of Riverside and the Airport Land Use Commission that such conveyance has previously been recorded.
2. The public assembly area for the conduct of auctions shall be limited to an area of approximately 10,000 square feet within the westerly portion of the building with an address of 6711 Sycamore Canyon Boulevard, or at such other location **within the westerly 350 feet of the property** as the City of Riverside may determine acceptable.

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, auditoriums, restaurants, cafes, cafeterias, theaters, bowling alleys, motels, banks, department stores, supermarkets, drug stores, service stations, and public assembly uses such as amphitheaters, outdoor music shells, and sports stadiums.
4. The City of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following facilities on this property:

Dance floors, lodge rooms, reviewing stands, conference rooms with capacities exceeding 100 persons pursuant to the Uniform Building Code, dining rooms, exhibit rooms, drinking establishments, retail sales facilities, gymnasiums, lounges, stages, gaming, congregate residences, and swimming pools.

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

Any other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A.
5. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
6. The aboveground storage of explosive or flammable materials is prohibited.

7. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall be prohibited in the portion of the property located within Airport Area I.
8. The attached notice shall be provided to all potential purchasers and tenants.
9. Until such time as an Airport Protection Overlay Zone is applied to the property by the City of Riverside, proposed uses of space within the structures, other than offices and industrial uses including, but not limited to, manufacturing, fabrication, storage, and warehousing, shall be submitted to Airport Land Use Commission staff for consistency review. Where the use would not require any discretionary action by the City, the staff consistency review shall be at the building permit review fee level.

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 3.2

**HEARING DATE:** July 12, 2007

**CASE NUMBER:** ZAP1019RI07 - City of Riverside

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** Magnolia Avenue Specific Plan

**MAJOR ISSUES:** Four parcels located partially in Airport Zone C are designated for very high density residential development and are proposed for zoning (City R-4) that would allow multiple-family residential development as a permitted use, without requirement for conditional use permits or other discretionary review. These parcels are partially occupied, so the concern relates to the undeveloped portions of the parcels. ALUC staff is recommending inclusion of the Basic Compatibility Criteria and Riverside Municipal Airport Additional Compatibility Policies as an Appendix to the Specific Plan (applicable within the portions of the Specific Plan in the Airport Influence Area), designations for the four parcels partially in Airport Zone C that reflect the existing number and density of dwelling units on those parcels, and continued referral of major land use actions in this area to ALUC until Airport Protection Overlay Zoning is established.

**RECOMMENDATIONS:** Staff recommends a finding of CONDITIONAL CONSISTENCY with the 2005 Riverside Municipal Airport Land Use Compatibility Plan and the policies of the 2004 Riverside County Airport Land Use Compatibility Plan, subject to the conditions included in this staff report, the addition of the six proposed policies, and the inclusion of an Appendix that includes at least the Basic Compatibility Criteria and the Riverside Municipal Airport Additional Compatibility Policies.

### **PROJECT DESCRIPTION:**

The Magnolia Avenue Specific Plan proposes to implement the City's General Plan 2025 through the establishment of land use policies, regulations, development standards, and design guidelines for the Magnolia Avenue corridor. The Specific Plan includes six districts: La Sierra, Galleria, Arlington, Magnolia Heritage, Magnolia Center, and Wood Streets. However, the two westerly districts (La Sierra and Galleria) are entirely outside the Airport Influence Area and, therefore, not subject to ALUC review. The Plan area covers 2,281.16 acres within Riverside City limits.

## **PROJECT LOCATION:**

The corridor focuses on Magnolia Avenue and extends from Ramona Drive on the northeast to the City limits (west of Buchanan Street) on the southwest and is of varying width. In some areas, particularly in the Wood Streets district, the project boundary includes only those properties fronting on or adjacent to Magnolia Avenue. In other areas, the corridor includes properties up to 2,800 feet easterly or southerly of Magnolia Avenue and up to 2,100 feet northerly and westerly of Magnolia Avenue. Southwesterly of Arlington Avenue, the corridor is bounded by California Avenue on the north and State Highway Route 91 on the south. Northeasterly of Arlington Avenue, the corridor is bounded by Palm Avenue on the west and Riverside Avenue on the east. Except for objects 200 feet or greater in height, the jurisdiction of the Airport Land Use Commission is confined to the portions of the Specific Plan within the Airport Influence Area of Riverside Municipal Airport.

## **BACKGROUND:**

The City submitted its proposed Magnolia Avenue Specific Plan for Airport Land Use Commission review on May 23, 2007. Commissioners should be receiving with this staff report copies of the proposed Specific Plan on compact discs.

## **ANALYSIS:**

Among the six districts addressed in the specific plan, four are included partially or wholly within the Riverside Municipal Airport Influence Area (RMAIA): Arlington Village, Magnolia Heritage, Magnolia Center, and Wood Streets. Among these, both Wood Streets and Arlington Village include areas within Airport Zone E and areas outside the RMAIA. Magnolia Center includes areas within Airport Zones D and E. Magnolia Heritage, the largest district in land area (589.19 acres) includes areas within Airport Zones C, D, and E, as well as areas outside the RMAIA. The Magnolia Heritage District is the only area within the Specific Plan that is partially within the area that is projected to ultimately be subject to average noise levels exceeding 55 dB(A) CNEL from aircraft operations associated with Riverside Municipal Airport air traffic.

For the most part, the project is consistent with the 2005 Riverside Municipal Airport Land Use Compatibility Plan. The Specific Plan does include a policy (Chapter 4, Policy E.7) stating:

“Properties located within the Riverside Municipal Airport Influence Area shall comply with the Riverside County Airport Land Use Compatibility Plan.”

The Magnolia Avenue Specific Plan promotes an urban vision for the area that, as applied within Airport Zones D and E, generally coincides with the intent of the 2005 Riverside Municipal Airport Land Use Compatibility Plan (RMALUCP). Proposed designations within Airport Zone D include Very High Density Residential (allowing up to 40 dwelling units per acre), Mixed Use – Village (allowing 30-40 dwelling units per acre and floor area ratios up to 2.5), Public Facilities/Institutional, Public Park, and Office. (There could be potential concerns with nonresidential intensity, but these would have to be addressed as individual projects are proposed.)

Proposed designations within Airport Zone E include Very High Density Residential, High Density Residential (allowing up to 29 dwelling units per acre), Mixed Use – Urban (allowing 40-60 dwelling units per acre and floor area ratios up to 4.0), Mixed Use – Village, Mixed Use – Neighborhood (allowing up to 10 dwelling units per acre and floor area ratios up to 1.0), Medium Density Residential (allowing up to 8 dwelling units per acre), Commercial Regional Center, Commercial, Business Office Park, Public Facilities/Institutional, and Office.

A potential conflict exists in Airport Zone C. Airport Zone C extends onto four properties on the north side of Magnolia Avenue, westerly of Arlington Avenue. These properties are 5.53 acres in total area and are proposed for a designation of Very High Density Residential (up to 40 dwelling units per acre). This would normally be an inconsistent designation in Airport Zone C. However, aerial photographs demonstrate that these properties are all either fully or partially developed. There is one substantial vacant area in the rear portion of one of the properties (Assessor's Parcel Number 227-270-047), which is of concern in that any additional development on these properties would exacerbate the situation of existing densities being too high for Airport Zone C. The Specific Plan includes a policy proposing that properties in the Very High Density Residential designation be zoned R-4, which would allow multiple-family residential dwellings as a permitted use. (At present, the property is apparently proposed to be zoned R-1-7,000.) If R-4 zoning were to be applied to the vacant portions of properties in Airport Zone C, there would be no further discretionary review available to the Airport Land Use Commission.

Staff is recommending conditions that would revise the designations of the four properties partially within Airport Zone C to reflect the existing number and density of dwelling units on those parcels.

It should be noted that the Magnolia Avenue Specific Plan is to some extent reliant on General Plan 2025, which has not yet been adopted. Therefore, if the Specific Plan is adopted first, it would be appropriate to add the following information to the Specific Plan. (If the General Plan is adopted first, the Specific Plan could meet these requirements through incorporation by reference.)

1. Incorporate the Basic Compatibility Criteria (Table 2A of the ALUCP), along with the Riverside Municipal Airport Additional Compatibility Policies, which modify the Basic Compatibility Criteria, as an Appendix to the Specific Plan, and include a policy in Chapter 4 referencing this Appendix. (The policy should state that all applicable policies and criteria in the Riverside Municipal Airport component and the Countywide Policies component, including the nonresidential intensity restrictions of the various Airport Zones, are incorporated by reference as they pertain to the Riverside Municipal Airport Influence Area.) Inclusion of Table 2A will help ensure that the nonresidential intensity limits of Airport Zones C and D and the prohibition on flight hazards (such as uses that create visual or electronic interference with aircraft operations) are maintained.
2. Add a policy stating that, as required by Public Utilities Code Section 21676(b), general plan amendments, specific plans and specific plan amendments, and proposals to adopt or amend zoning ordinances (including changes of zoning) and building regulations, affecting lands within the Airport Influence Area shall be submitted to the Airport Land Use Commission

for review. Additionally, proposals for variances or exceptions from zoning ordinances or building regulations shall be submitted for ALUC review to the extent that such variances or exceptions have associated airport land use compatibility implications. (General Plan 2025 Policy LU-22.7)

3. Add a policy stating that all future major land use actions by the City of Riverside pertaining to properties within the Airport Influence Area shall be submitted for ALUC review until such time as Airport Protection Overlay Zoning consistent with the Riverside Municipal Airport Land Use Compatibility Plan has been established.
4. Add a policy stating that the City of Riverside will work toward achieving a minimum of 10% open space for projects 10 acres or greater in area in the portions of the Specific Plan within Airport Zone D.
5. Add a policy stating that all proposed development projects within the Airport Influence Area shall be reviewed for conformance with the compatibility criteria set forth in the Riverside County Airport Land Use Compatibility Plan. (General Plan 2025 Policy LU-22.5)
6. Add a policy stating that airport proximity shall be disclosed in accordance with state law in conjunction with certain real estate transactions within the Airport Influence Area, and include the attached “Notice of Airport in Vicinity” in the Appendix.

**CONDITIONS:**

1. The City of Riverside shall incorporate the text amendments specified above (or substantively similar text as acceptable to the ALUC Executive Director) into the Specific Plan and submit the revised text to ALUC staff for concurrence prior to final adoption by the City.
2. The designations of Assessor’s Parcel Numbers 227-270-036, 227-270-038, 227-270-040, and 227-270-047 shall reflect the existing number and density of dwelling units on these parcels.
3. All major land use actions by the City of Riverside as listed in ALUCP Policy 1.5.3, including, but not limited to, general plan amendment approval, specific plan amendment, changes of zoning, and individual development project approvals pertaining to the area within the Airport Influence Area shall be submitted to the Airport Land Use Commission for mandatory consistency review in accordance with ALUCP Policy 1.5.2(a) until such time as Airport Protection Overlay Zoning for the area has been reviewed by the ALUC and adopted by the City.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.3

**HEARING DATE:** July 12, 2007

**CASE SUMMARY:**

**CASE NUMBER:** Reconsideration of RI-05-130 – Friends of Riverside Airport, LLC, at the request of the City of Riverside.

**APPROVING JURISDICTION:** City of Riverside

**JURISDICTION CASE NO:** Tentative Tract Map No. 31541

**MAJOR ISSUES:** The proposed density is not consistent with the compatibility criteria set forth in the 2005 Riverside Municipal Airport Land Use Compatibility Plan, but the proposed project is an “existing land use” as the term is defined in Section 1.2.10 of the Riverside County Airport Land Use Compatibility Plan (a project subject to a Development Agreement pre-dating the Compatibility Plan) and is, therefore, not subject to mandatory review by the Airport Land Use Commission. There is no evidence that the existence of the Development Agreement was known to the Commission when it issued its determination of inconsistency in October, 2005.

**RECOMMENDATION:** Staff recommends that the Commission authorize the attached letter to be sent to the City of Riverside rescinding/withdrawing its earlier determination of inconsistency, but advising that the Commission retains concern regarding the density of the project in light of its location relative to aircraft traffic patterns and the level of safety hazards and noise to which residents will be exposed.

**PROJECT DESCRIPTION:** Tentative Tract Map No. 31541 proposes to divide 30.83 acres within a 58.68-59.33 acre ownership into 58 single-family residential lots.

**PROJECT LOCATION:** The site is located both northerly and southerly (albeit predominantly northerly) of Jurupa Avenue, easterly of Crest Avenue, westerly of Rutland Avenue, and southerly of the Santa Ana River in the City of Riverside. The nearest point of the property is approximately 4,191 feet westerly of the westerly terminus of the westerly extension of Runway 9-27 at Riverside Municipal Airport.

**LAND USE PLAN:** 2005 Riverside Municipal Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Airport Zones C and B1
- c. Noise Levels: 55-65 CNEL (The portion of the site southerly of Jurupa Avenue is crossed by the 60 CNEL contour.)

**BACKGROUND:**

This site at one time was owned by the City of Riverside and was planned for use as an agricultural park. It was transferred to private ownership through a land trade designed to avoid encroachment of incompatible land uses closer to the airport.

On May 23, 2003, the City of Riverside entered into an Exchange, Disposition, and Development Agreement with Friends of Riverside Airport, LLC, Van Buren Golf Center, LLC, and Riverside Gateway Plaza. Basically, Friends of Riverside Airport, LLC owned property located within the Runway Protection Zone of Riverside Municipal Airport and desired to exchange that property (which would be utilized to expand a City-owned golf course) for property farther from the airport (the 59.33-acre site) owned by the City.

On October 13, 2005, the Riverside County Airport Land Use Commission reviewed ALUC Case No. RI-05-130 (Tentative Tract Map No. 31541) and determined that the project was inconsistent with the 2005 Riverside Municipal Airport Land Use Compatibility Plan. There is no available evidence to indicate that ALUC or its staff had been advised by either the City of Riverside or the project applicant that the project was subject to a Development Agreement.

Pursuant to the sections of the State of California Public Utilities Code that set forth the requirements for Airport Land Use Commissions and the parameters of ALUC operations, lands “already devoted to incompatible uses” are not subject to review. Section 1.2.10 of the Riverside County Airport Land Use Compatibility Plan defines “existing land uses” as including lands subject to an approved development agreement that remains in effect. Therefore, the project should not have been subject to mandatory ALUC review.

Having stated this, it should also be noted that, in the absence of such development agreement, the project would be inconsistent with the density limitations of the Airport Zones in which it is located. Airport Zone C limits residential density to one dwelling unit per five acres, and Airport Zone B1 limits residential density to one dwelling unit per 20 acres.

Noise: The site is located entirely within the area subject to aircraft noise levels greater than 55 CNEL, and partially within the area subject to aircraft noise levels greater than 60 CNEL. However, it should be noted that pursuant to Additional Compatibility Policy 2.1, the “limit of 60 dB CNEL set by Countywide Policy 4.1.4 as the maximum noise exposure considered normally acceptable for

new residential land uses shall not be applied to the environs of Riverside Municipal Airport. For this airport, the criterion shall instead be 65 dB CNEL.” This is in recognition of relatively high ambient noise conditions in the area. The Policy proceeds to note that residences “may require incorporation of special noise level reduction measures into their design to ensure that the interior noise limit of 45 dB CNEL (Countywide Policy 4.1.6) is not exceeded.”

PART 77: The maximum elevation of the site is 741 feet above mean sea level (AMSL). The structure height may be as high as twenty-eight (28) feet. Thus, structures may have elevations as high as 769 feet AMSL at top of roof. The elevation at the westerly end of the runway is 757.6 feet AMSL. At a distance of 4,191 feet from the runway, FAA review would be required for structures with a top elevation exceeding 799.5 feet AMSL. Provided that structures do not exceed 35 feet in height and an elevation at top of roof of 799.5 feet, FAA review is not required.

**In the event that the City takes any further discretionary action regarding this matter, the following measures may assist in mitigating effects of aircraft operations on future residents and effects of residential development at this location on the continued viability of Riverside Municipal Airport. Implementation of these measures may not be sufficient to mitigate such impacts to below a level of significance pursuant to the California Environmental Quality Act.**

SUGGESTED MITIGATION MEASURES:

1. Prior to recordation of the final map, issuance of building permits, or sale to any entity exempt from the Subdivision Map Act, the landowner shall convey an avigation easement to Riverside Municipal Airport, which shall be recorded upon acceptance by the airport. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the City of Riverside Planning Department.
2. Noise attenuation measures shall be incorporated into the building construction to ensure a minimum noise level reduction of 25 dB in the portions of the site in Airport Zone B1 and 20 dB in the portions of the site in Airport Zone C, so as to reduce interior noise levels from aircraft operations at ultimate activity levels to 45 CNEL or below.
3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
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.
  - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
5. Subsequent Airport Land Use Commission review shall be required for any structure with a height exceeding thirty-five (35) feet or an elevation at top of roof exceeding 799.5 feet above mean sea level.
  6. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY



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Simon Housman  
Rancho Mirage

July 12, 2007

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Riverside

Mr. Ken Gutierrez, Planning Director  
Planning Division, Community Development Department  
Riverside City Hall

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**RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW**

File No.: RI-05-130 (Reconsideration)  
Related File No.: Tentative Tract Map No. 31541  
APN: 155-040-004 and 155-040-005

Dear Mr. Gutierrez:

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

Pursuant to your request, on July 12, 2007, the Riverside County Airport Land Use Commission (ALUC) reconsidered and, thereupon, determined to rescind its inconsistency determination rendered in the above referenced case on October 13, 2005. These actions were taken by the ALUC upon information presented as part of your request for reconsideration which the ALUC did not have at the time it found the project to be inconsistent with its Airport Land Use Compatibility Plan (ALUCP) for the Riverside Municipal Airport. Specifically, at the time of its inconsistency determination, the Airport Land Use Commission was not aware that the project was subject to a development agreement between the City of Riverside, Friends of Riverside Airport, LLC and others and thereby qualified as an "existing land use." As an existing land use, the project was not subject to the mandatory review of the ALUC. Accordingly, the ALUC's letter dated October 17, 2005 giving notice of its prior inconsistency determination as to the project should be treated as withdrawn.

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

While the existence of the development agreement prevents the mandatory review of the project by the ALUC, it remains that the ALUC has significant concerns regarding the density of the project in light of its location relative to aircraft traffic patterns of the Riverside Municipal Airport. For the reasons stated in our prior staff reports leading to the ALUC's initial, now withdrawn, inconsistency determination, this project will expose its residents to an unacceptable level of safety hazards and noise.

If you have any questions, please contact John Guerin, Principal Planner, at (951) 955-0982.

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

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Edward C. Cooper, Interim Executive Director

JJGG:bks

Cc: Friends of Riverside Airport LLC – Attn.: Robert Beers  
Mark Ripley, Manager, Riverside Municipal Airport  
B.T. Miller, Deputy County Counsel  
ALUC Staff (Case File)

Attachments: Notice of Airport in Vicinity  
Staff Report, RI-05-130 (Reconsideration)

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# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 4.1

**HEARING DATE:** ~~June 14,~~ **July 12,** 2007 (continued from **June 14,** May 10, April 12, March 8, February 8, and January 11, 2007, and December 14 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 in 2006.

**RECOMMENDATION:**

*DISCUSS any available new information and CONTINUE to August 13, 2007.*

~~and consider whether to continue to July 12 or advertise and conduct a special public hearing in late July or August regarding the Environmental Assessment for the French Valley ALUCP.~~

The Environmental Assessment will require re-circulation through the State Clearinghouse, so it would not be able to be adopted on July 12.

~~Staff has completed the potential displacement analysis for the proposed project and Alternatives One and Two, and will provide additional information at the hearing.. made some progress toward calculations of potential “displacement” in residential dwelling units in affected Zones C and D and in commercial and industrial square footage, and has now received data from the City of Murrieta that should allow completion of these tasks in the near future.~~

The basic questions for the Commission to consider remain the same: whether or not to allow increased nonresidential intensities in Airport Zones B1 and C, increased residential densities in a portion of Airport Zone C, and intermediate residential densities in Airport Zone D. Some additional possibilities for addressing nonresidential intensity have been raised recently, including ~~increasing the allowable single-acre intensity in Airport Zones B1 and C from 2.0 to 2.5 or 3.0 times the average intensity~~ and assessing intensity of commercial uses utilizing more

**realistic square foot per occupant ratios.**

## ANALYSIS:

Holding constant the Assessor's Parcel Maps and Numbers in existence as of November 2006, staff has determined that the implementation of the French Valley Airport Land Use Compatibility Plan (through general plan amendments required to achieve consistency) could result in the displacement of up to 2,473 potential residential dwelling units in unincorporated areas, 887 potential residential dwelling units in the City of Murrieta, and up to 364 potential residential dwelling units in the City of Temecula, for a total of 3,724 potential dwelling units impacted. This is a "worst-case scenario" number in that some of this land may be the subject of tentative tract maps that are still valid, but have not yet been recorded.

Alternative One, which would eliminate restrictions on residential density in Airport Zone D (except for limited areas of Zone D subject to noise exceeding 55 dB(A) CNEL) and allow densities as high as 3 dwelling units per acre in areas of Zone C westerly of Winchester Road – the County of Riverside/City of Murrieta proposal of early 2006 – is most effective in mitigating the "potential residential displacement" (reducing to 93 potential residential dwelling units in unincorporated areas, 5 in the City of Murrieta, and none in the City of Temecula). However, as noted in previous staff reports, Alternative One is not consistent with minimum safety zone requirements of the State Airport Land Use Planning Handbook.

Alternative Two makes no changes in the criteria for Airport Zone C, while eliminating restrictions on residential density in Zone D (again, except for the limited areas of Zone D subject to noise levels in excess of 55 dB(A) CNEL). While not as effective as Alternative One in reducing potential residential displacement, Alternative Two reduces potential displacement to 545 potential residential dwelling units in unincorporated areas and 5 in the City of Murrieta, and eliminates any residential displacement in the City of Temecula.

Alternative Four, a scaled-down version of Alternative One that changes Airport Zone C criteria only for areas that are both (a) greater than 6,000 feet from the northerly end of the runway and (b) greater than 500 feet from the extended runway centerline, reduces potential residential displacement to below 300 potential residential dwelling units in unincorporated areas and 5 in the City of Murrieta.

Alternatives Three and 3A do not substantially affect the need for changes in land use designation of residential properties, as compared to the proposed project, in that the use of the "net vs. gross acreage" provision is applicable only at the design stage, and cities and counties cannot rely on specific designs

# COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

## STAFF REPORT

**AGENDA ITEM:** 4.2

**HEARING DATE:** July 12, 2007

**CASE NUMBER:** ZAP1012FV07- Pamela and Anthony Barr/RCI Silverhawk, LLC/The Garrett Group

**APPROVING JURISDICTION:** County of Riverside

**JURISDICTION CASE NO:** PP19437S4 and PP19437S5 (Plot Plan Substantial Conformance)

**MAJOR ISSUES:** The applicant is requesting to allow for any use permitted pursuant to the Specific Plan zoning for the applicable Planning Area, including places of worship, in the two buildings of Parcel 22 of Silverhawk Business Park, located at 36388 Sky Canyon Drive. This would involve, but not be limited to, a change in ALUC conditions regarding the buildings on the property. The buildings were found consistent as “shell” office/industrial buildings in 2005. However, the ALUC’s ability to change its 2005 conditions is constrained at this time. The use of the 2004 French Valley Airport Land Use Compatibility Plan (ALUCP) 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 or to amend previously established conditions.

Additionally, at the time that the application was submitted, there were two substantial conformance applications in process at the Riverside County Planning Department involving proposals for establishment of land uses that are not office or industrial uses. This application was originally submitted with respect to Substantial Conformance No. 4, which sought to establish a church (place of worship) in Building 22-A. However, the County Planning Department approved Substantial Conformance No. 4 to permit the church on June 4, 2007. There are no further discretionary actions required for the church, so that matter is no longer within ALUC jurisdiction. Staff was contemplating returning the case to the applicant and refunding the fee, but was informed that an additional substantial conformance was also in process requesting use of a portion of Building 22-B as a retail use (thrift store) and pantry/distribution center.

**RECOMMENDATION:** Unless the applicant is willing to accept a continuance until such time as the French Valley ALUCP is reinstated or an amended ALUCP is adopted, staff recommends that the Commission authorize staff to send the attached letter to the applicant stating that it will TAKE NO ACTION on this matter at this time because of the ruling of the Riverside Superior Court in Silverhawk Land and Acquisitions LLC v. Riverside County Airport Land Use Commission suspending any and all land use review activity under the 2004 French Valley Airport Land Use Compatibility Plan until the ALUC has taken necessary action to bring its approval of the 2004 Airport Land Use Compatibility Plan into compliance with the California Environmental Quality Act. The project is reported back to the County of Riverside for appropriate action.

**PROJECT DESCRIPTION:**

A request for deletion or amendment of Condition No. 7 of ALUC Case No. FV-05-107, which prohibits a number of uses permissible pursuant to County zoning ordinances, so as to allow places of worship within the approved buildings on this 4.55-acre property, and a request to allow for any use permitted pursuant to the Specific Plan zoning for the applicable Planning Area in the buildings of Parcel 22. The two buildings on the property have a combined gross floor area of 80,566 square feet, and were found consistent in 2005 as “office/industrial” buildings.

**PROJECT LOCATION:**

The site is located easterly of Sky Canyon Drive and northerly of Technology Drive in the French Valley area of unincorporated Riverside County, approximately 1,915 feet southwesterly of 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: 55-60 CNEL.

**BACKGROUND:**

Land Use/Intensity: The applicant received County approval for a substantial conformance to Plot Plan No. 19437 on June 4, 2007. The substantial conformance allows Building A to be developed as one tenant space rather than three suites, as originally approved. The project was originally submitted to the Airport Land Use Commission as an office/industrial project, and was determined to be consistent with the then-applicable FVALUCP, subject to conditions. There was no reference to a church as a proposed use. The substantial conformance would permit a church use. Worship services are limited to weekends, except for small groups that would meet on weekday evenings and church office uses on weekdays. The church sanctuary would have a

seating capacity of 240 persons within an area less than one acre in size, not counting potential occupancy in offices and other rooms. Building A has a gross floor area of 17,105 square feet.

Condition No. 7 of ALUC Case No. FV-05-107 prohibited “schools, places of worship, day care centers libraries hospitals, nursing homes, critical community infrastructure facilities, noise sensitive outdoor residential activities and Hazards to Flight”. However, this condition was never translated by the County Planning Department into a final condition on the Department’s Land Management System. This error may be attributed to the Planning Department; however, EDA as ALUC Administration may have inadvertently contributed to the problem by sending its conditions to an “Ernie Burns” on the Second Floor of the County Administrative Center. Mr. Burns has never been a Planning Department employee, and the letter should have been sent to the case planner for the plot plan. In any event, as the condition was not included in the Land Management System, it was overlooked by the Planning Department in its review of PP19437S4.

A second substantial conformance (PP19437S5) proposes to reconfigure three suites of 4,800 square feet within Building B into one 14,212 square foot tenant occupancy comprised of 5,784 square feet of retail space (a proposed thrift store), 6,528 square feet of warehouse space (for use as a food pantry/distribution center), and 1,900 square feet of office space (including restrooms). Use of standard square foot per occupant information from the Uniform Building Code would indicate that up to 107 persons could be expected within this area, although there is some available evidence to indicate that the average intensity may be closer to 51 persons. While this is also a church-sponsored use, it is not sponsored by the same church proposing to locate in Building A.

Both buildings were originally considered as office/industrial buildings, with no reference to retail use or public assembly uses. This is a real problem with “shell” speculative buildings. The later actions to establish occupancies invariably seem to increase the intensity of building use. Applicants may simply provide a project description stating that they are “changing from three tenant spaces to one tenant space” or “combining suites” when, in fact, the fundamental use of the property is being changed. Entities other than the Airport Land Use Commission may not consider such intensity changes as significant, provided that the new use is allowed in the zone or Specific Plan Planning Area under the same terms as the use that had been reviewed by the Airport Land Use Commission. ALUC staff has attempted to address this issue by applying conditions requiring additional ALUC review if uses other than those initially proposed are subsequently requested. However, in this particular case, the application of conditions is not possible because of the suspended Plan status.

This application highlights the need to move forward with the CEQA process for the French Valley ALUCP, as the applicant in this case is essentially seeking a “back door Specific Plan exemption” for this property.



Noise: The site is located within the area subject to average noise levels in excess of 55 dB CNEL. The County may wish to consider noise attenuation.

PART 77: The maximum elevation on site is 1,283 feet above mean sea level (AMSL). The runway elevation at its closest point is 1,330 feet AMSL. At a distance of 1,915 feet from the runway, FAA notice and review would be required for new structures exceeding a maximum elevation of 1,349 feet AMSL at top of roof. 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.

Y:\ALUC\French Valley\ZAP1012FV07julysr

# **RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION**

## **STAFF REPORT**

### **ADMINISTRATIVE ITEMS**

- 5.1** Mitra Mehta, Principal Planner, Riverside County Planning Department, will make a presentation to the Airport Land Use Commission regarding the General Plan Amendment for the South (Coachella) Valley Implementation Program at the August 13 ALUC meeting. The ultimate development pattern in this area will impact, and be impacted by, Jacqueline Cochran Regional Airport. Commissioners are being sent copies of a CD providing an introduction to this project (a report to the Board of Supervisors).
- 5.2** Executive Director's Approvals. Copies of administrative "staff review" approvals are included for your Commission's information.
- 5.3** August ALUC Meeting: The ALUC meeting originally scheduled for August 9, 2007 has been rescheduled to Monday, August 13, 2007, starting at 1:00 P.M. The meeting will be held at the usual location (Riverside County Administrative Center, First Floor Board Chambers). Lunch for the Commissioners will be available at Noon.
- 5.4** Muzzy v. Solano. The California Supreme Court has issued its decision in the case of Muzzy v. Solano. A copy of the decision is attached.
- 5.5** ALUC Application Rate Increase: The fees for Airport Land Use Commission case review have not been changed since 1990. Executive Director Edward C. Cooper will provide an oral presentation regarding new proposed application fees at the July 12 ALUC meeting and will be recommending that the new fee schedule be advertised so as to allow for adoption of the new fees on August 13.