



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY SPECIAL MEETING AGENDA

Eastern Municipal Water District
2270 Trumble Road, Board Room (Fourth Gate Entrance)
Perris, California

Tuesday, 9:30 a.m., October 30, 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

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 2007 Airport Land Use Compatibility Plan for French Valley Airport ("2007 Compatibility Plan") and/or the Initial Study/Mitigated Negative Declaration for the 2007 Compatibility 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). Also please be aware that the indicated staff recommendation shown below may differ from that presented to the Commission during the public hearing.

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. 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: 9:30 A.M. FRENCH VALLEY AIRPORT

- 2.1 ZAPEA01FV06 – Riverside County Airport Land Use Commission (ALUC) PROPOSAL: Adoption of the 2007 Compatibility Plan. The 2007 Compatibility Plan may include one or more proposed Mitigation Measures. Prior to adoption of the 2007 Compatibility Plan, the ALUC will determine whether to adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan for the 2007 Compatibility Plan indicating that the project will not have a significant effect on the environment. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: Consider public testimony, determine whether or not to adopt the various proposed Mitigation Measures, ADOPT the Mitigated Negative Declaration, ADOPT the 2007 Compatibility Plan, and DIRECT staff to return to the Commission at the November 8, 2007 meeting with a resolution memorializing the Commission's final action at the October 30, 2007 public hearing.

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STAFF

Director
Ed Cooper

John Guerin
Cecilia Lara
Sophia Nolasco
Barbara Santos

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

www.rcaluc.org

3.0 **PUBLIC HEARING: 2:00 P.M.**
FRENCH VALLEY AIRPORT

3.1 ZAP1013FV07 – Silverhawk Commons, LLC and Steve Schafenacker - County Case Nos. PP22278 and PM35180. “Vineyard Falls”. A proposal to establish a 42-building, 643,250 square foot business park project, including office, industrial, “tech flex”, manufacturing, and warehousing space, with professional office, retail, and restaurant uses, on 44.88 net acres located northerly of Murrieta Hot Springs Road and westerly of Calistoga Drive, in the unincorporated Riverside County community of French Valley. Also a proposal to divide the property into 21 commercial/industrial parcels. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: GRANT consistency determination to become effective upon adoption by the Commission of the 2007 Compatibility Plan.

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

5.0 **COMMISSIONER’S COMMENTS**

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 2.1

HEARING DATE: October 30, 2007

CASE SUMMARY:

CASE NUMBER: ZAPEA01FV06 – Airport Land Use Commission

LEAD AGENCY: Riverside County Airport Land Use Commission
("Commission")

JURISDICTION CASE NO: Not Applicable

MAJOR ISSUES: Whether to adopt: (1) the Mitigated Negative Declaration ("MND") for the 2007 French Valley Airport Land Use Compatibility Plan ("2007 Compatibility Plan"); (2) the associated Mitigation Monitoring Plan; and (3) the 2007 Compatibility Plan, which may include, at the Commission's discretion, one or more of the proposed Mitigation Measures described in the Initial Study/MND.

RECOMMENDATION: Staff recommends that, after the close of public hearing, the Commission:

- (1) Approve the MND for the 2007 Compatibility Plan and the associated Mitigation Monitoring Plan, with one or more of the various proposed Mitigation Measures described in the Initial Study/MND, and thereby find that:
 - a. having considered the Initial Study/MND, the comments received during the public review process, and the record before the Commission, there is no substantial evidence that adoption of the 2007 Compatibility Plan will have a significant effect on the environment; and
 - b. the MND reflects the Commission's independent judgment and analysis;
- (2) Adopt the 2007 Compatibility Plan, with or without one or more of the proposed Mitigation Measures; and
- (3) Direct staff to return to the Commission on November 8, 2007, with the appropriate resolution memorializing the Commission's final action taken at the October 30, 2007 public hearing.

PROJECT DESCRIPTION:

The proposed project is the adoption of the 2007 Compatibility Plan by the Commission. The 2007 Compatibility Plan is comprised of the 2004 French Valley Airport Land Use Compatibility Plan ("2004 Compatibility Plan") and may include, at the Commission's discretion, one or more of the proposed Mitigation Measures described in the Initial Study/MND. The 2007 Compatibility Plan establishes policies for determining consistency between development projects within the Airport Influence Area, and the objectives set forth in the State Aeronautics Act (Pub. Util. Code §§21670-21679.5). Those objectives call for the Commission to protect the 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. (Pub. Util. Code §21670, subd. (a)(2).)

PROJECT LOCATION:

French Valley Airport is located in southwestern, unincorporated Riverside County, adjacent to the communities of Temecula, Murrieta, and Winchester. It is located on Winchester Road (Highway 79), 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. The Airport Influence Area includes the area around French Valley Airport, within the County of Riverside (unincorporated areas) and the cities of Murrieta and Temecula, and extends approximately 2.6 miles beyond the airport property line.

MITIGATION MEASURES:

Adoption of the 2007 Compatibility Plan may include, at the Commission's discretion, one or more of the proposed Mitigation Measures described in the Initial Study/MND. The proposed Mitigation Measures are intended to reduce potential displacement of residential and non-residential land uses within the Airport Influence Area that may otherwise result from implementation of the 2007 Compatibility Plan without mitigation.

Mitigation Measures 1, 2, 3, or 4 are mutually exclusive such that only one of the four may be adopted. Mitigation Measure 3B may be adopted on its own or with Mitigation Measures 1, 2, or 4 (however, as described further below, the usefulness of Mitigation Measure 3B in combination with Mitigation Measures 1, 2, or 4 is limited; therefore, the combination of Mitigation Measures 3B with Mitigation Measures 1, 2, or 4 is not likely); Mitigation Measure 3B may not be adopted with Mitigation Measure 3 (because Mitigation Measure 3B is already included in Mitigation Measure 3). Mitigation Measures 5 and 6 are "add-ons" that can be adopted in addition to any other Mitigation Measure.

Adoption of one or more of the proposed Mitigation Measures would amend the 2007 Compatibility Plan by adding text to the section entitled, FV.2 Additional Compatibility Policies. The proposed Mitigation Measures would not alter the current boundaries of the Airport Influence Area or the

current boundaries of the Compatibility Zones. Each of the Mitigation Measures is described in detail and analyzed in the Initial Study/MND, and is summarized below.

Mitigation Measure 1: Mitigation Measure 1 would provide for additional compatibility policies that would allow a higher intensity range of 1.0 to 3.0 dwelling units per acre in the portion of Airport Zone C located westerly of Winchester Road and would eliminate restrictions on residential densities in Airport Zone D areas outside the 55 CNEL contour. It would also allow non-residential intensities of 40 persons per acre average and 80 persons per single acre with clustering in Airport Zone B1 (rather than 25 and 50, respectively) and non-residential intensities of 80 persons per acre average and 160 persons per single acre with clustering in Airport Zone C (rather than 75 and 150, respectively). Both zones would allow additional non-residential intensities provided that the amount of qualifying open land is increased. Mitigation Measure 1 is the proposal offered by the Riverside County Planning Department (with concurrence from the City of Murrieta) in 2006.

The adoption of Mitigation Measure 1 raises a concern with respect to the portions of the proposal that would allow higher residential densities in Airport Zone C. Specifically, to the extent that the areas within Airport Zone C coincide with areas in the Outer Approach/Departure Zone, as delineated in the standard safety zone diagrams of the California 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.

Mitigation Measure 2: Mitigation Measure 2 includes the same non-residential intensity provisions as Mitigation Measure 1, as well as the elimination of residential density restrictions in Airport Zone D areas outside the 55 CNEL contour, but does not include the changes to residential density in Airport Zone C.

Mitigation Measure 3: Mitigation Measure 3 includes the same non-residential intensity provisions as Mitigation Measure 1, but does not include the changes to residential density in Airport Zone C and does not eliminate residential density restrictions in Airport Zone D. Mitigation Measure 3 includes the Countywide provision allowing residential densities in Airport Zone D to be calculated on a net basis.

Mitigation Measure 3B: Mitigation Measure 3B includes only the Countywide provision allowing residential densities in Airport Zone D to be calculated on a net basis, which would further reduce potential displacement at the project level. It does not include any changes in non-residential intensity.

Mitigation Measure 4: Mitigation Measure 4 is similar to Mitigation Measure 1, but, in order to address issues of consistency with the California Airport Land Use Planning Handbook standard safety zone diagrams, the measure restricts the allowance for higher residential densities in Airport Zone C to those portions of Airport 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 the Handbook.

Mitigation Measure 5: Mitigation Measure 5 was devised as a means of mitigating potential non-residential displacement in the retail sector resulting from the application of the land use compatibility criteria of the 2007 Compatibility Plan. Mitigation Measure 5 would allow for an average non-residential intensity of 150 persons per acre and a maximum single-acre intensity of 450 persons within any given acre (prior to application of any bonuses) in Airport Zone D.

Mitigation Measure 6: Mitigation Measure 6 was devised as a means of mitigating potential non-residential displacement in the retail sector resulting from the application of the land use compatibility criteria of the 2007 Compatibility Plan. Mitigation Measure 6 addresses the calculation of concentration of people in retail establishments and establishes new assumptions for calculation of intensity criteria in retail buildings: one person per 115 square feet of gross floor area (without a 50 percent reduction) for retail sales, display, and showroom areas in buildings that include restaurants or food service facilities and one person per 170 square feet of gross floor area (without a 50 percent reduction) for such uses in buildings without restaurants or food service establishments.

BACKGROUND:

In 2004, the Commission prepared and adopted new Countywide Policies and new Airport Land Use Compatibility Plans ("ALUCPs") for several airports within the County, including French Valley Airport. These Plans are available online at www.rcaluc.org. The new ALUCPs 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 Handbook is the guidebook for land use planning in Airport Influence Areas throughout the State of California. The 2004 ALUCPs replaced the previously adopted Comprehensive Land Use Plans ("CLUPs"), which were prepared in the 1990s prior to the most recent version of the Handbook. The CLUPs provided an exemption for adopted specific plans. However, in 2004, the California Attorney General concluded that an airport land use commission ("ALUC") cannot exempt a Specific Plan adopted by a city or county from compliance with an ALUC's compatibility criteria for land in the vicinity of a public use airport. (See 87 Ops. Cal. Atty. Gen. 102 (2004).) Consistent with the California Attorney General's opinion, the 2004 ALUCPs did not include an exemption for adopted Specific Plans.

The 2004 Compatibility Plan for French Valley Airport for was adopted by the Commission on December 9, 2004. The 2004 Compatibility Plan was subsequently the subject of a legal action and, as a result of the action, the trial court issued a decision setting aside the prior categorical exemption for the 2004 Compatibility Plan pursuant to CEQA, and stayed further implementation of that plan until the Commission had taken action to bring its approval of the plan into compliance with CEQA. Subsequently, the Commission has elected to abandon the prior 2004 Compatibility Plan, and to consider adoption of the new 2007 Compatibility Plan. As noted above, the 2007 Compatibility Plan is comprised of the 2004 Compatibility Plan and may include, at the Commission's discretion, one or more of the proposed Mitigation Measures described in the Initial Study/MND.

The 2007 Compatibility Plan may increase restrictions on development in some areas relative to the previously adopted CLUP. In many areas, a land use pattern based upon the 2007 Compatibility Plan criteria may result in 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.

Based upon an evaluation of the local jurisdictions' existing General Plans land use designations, including Specific Plan designations, within the Airport Influence Area, inconsistencies have been identified between the 2007 Compatibility Plan compatibility criteria and the local jurisdictions' existing General Plan land use designations (*i.e.*, Riverside County General Plan, Southwest Area Plan [October 2003]; City of Murrieta General Plan [June 1994]; and City of Temecula General Plan Update [March 2005]). As a result of adoption of the 2007 Compatibility Plan, and to the extent that such adoption would result in conflicts between the 2007 Compatibility Plan and the local jurisdictions' General Plans, such conflict would necessitate either an amendment to the local jurisdictions' General Plan or an overrule by the applicable local jurisdiction.

AIRPORT LAND USE COMPATIBILITY ZONES:

The 2007 Compatibility Plan delineates six airport land use compatibility zones ("Airport Zones"): A, B1, B2, C, D, and E. Safety hazards and noise are greatest in Airport 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 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: 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. 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: 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. Non-residential 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 percent 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 non-residential 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, a minimum noise level reduction of 25 dB 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 percent of the entire acreage within Zone B1 must be set aside as open land.

Airport Zone B2: 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. Non-residential 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 percent 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. Airport Zone B2 does not have an open land requirement. The 2007 Compatibility Plan also includes a compatibility policy allowing three-story structures in Airport Zone B2.

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

Airport Zone C: 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. Non-residential 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 percent 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 non-residential 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 percent of the entire acreage within Airport Zone C must be set aside as open land.

Airport Zone D: 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. Non-residential 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 percent intensity bonus. Children's schools, hospitals, and nursing homes are "discouraged" in Airport Zone D, while highly noise-sensitive outdoor non-residential uses and hazards to flight

are prohibited. Airspace review is required for objects greater than 70 feet in height, and 10 percent of the entire acreage within Zone D must be set aside as open land.

FUNDAMENTALS:

The fundamental purpose of an ALUC is to promote land use compatibility around airports. Indeed, Section 21670 of the State Aeronautics Act defines the purpose of that statutory scheme, which 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 Commission is vested with certain powers and duties in order to accomplish the purposes and objectives set forth in the State Aeronautics Act, including the preparation and adoption of an ALUCP to address concerns related 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. Consistent with Section 21674.7, subdivision (a), an ALUC that formulates, adopts, or amends an ALUCP "shall be guided by" information in the California Airport Land Use Planning Handbook. Thus, the 2007 Compatibility Plan is based on the principles in the 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, the Commission has the discretion to consider whether to adopt the proposed Mitigation Measures.

The task of the 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.

As noted above, the 2007 Compatibility Plan was prepared in accordance with the 2002 California Airport Land Use Planning Handbook, but in some cases utilizes stricter criteria than the Handbook mandates or recommends. For example, the Handbook does not require limitations of residential density in the Traffic Pattern Zone (*i.e.*, Airport Zones D and E, and some areas within Airport Zone C). Additionally, the recommended Handbook criteria would allow higher non-residential intensities in the Inner and Outer Approach/Departure Zones than the 2007 Compatibility Plan proposes within Airport Zones B1 and C.

EFFECTS ON LAND USE DESIGNATIONS:

Adoption of the 2007 Compatibility Plan may result in inconsistencies between the local jurisdictions' existing General Plan land use designations and the allowable densities/intensities provided under the 2007 Compatibility Plan.

Specifically, with respect to non-residential land uses, the 2007 Compatibility Plan would conflict with existing land use designations by applying non-residential intensity limitations to properties designated for commercial and industrial development. In Airport Zone A, development would be prohibited. In Airport Zone B1, non-residential intensity would be limited to 25 persons per acre; the limit would be 100 persons per acre in Airport Zone B2, 75 persons per acre in Airport Zone C, and 100 persons per acre in Airport Zone D, absent adoption of one or more of the Mitigation Measures. These limitations serve as new constraints on development located within the Airport Influence Area that otherwise would be allowed under the land use designations of existing General Plans.

With respect to residential land uses, the 2007 Compatibility Plan would conflict with existing land use designations by applying residential density limitations to residential properties in the Airport Influence Area. In Airport Zone A, development would be prohibited. In Airport Zone B1, residential density would be limited to .05 dwelling units per acre; the limit would be 0.1 dwelling units per acre in Airport Zone B2; 0.2 dwelling units per acre in Airport Zone C; and ≤ 0.2 (average parcel sizes ≥ 5.0 acres) or ≥ 5.0 (average parcel size ≤ 0.2 acre) in Airport Zone D, absent adoption of one or more of the Mitigation Measures. These limitations serve as new constraints on development located within the Airport Influence Area that otherwise would be allowed under the land use designations of existing General Plans.

THE ISSUES BEFORE THE COMMISSION:

Residential Densities:

The 2007 Compatibility Plan would conflict with existing land use designations in the local jurisdictions' adopted General Plans by applying residential density limitations to residential properties in Airport Zones C and D. These limitations serve as new constraints on residential development within Airport Influence Areas that would otherwise be allowed under the land use designations of existing General Plans. However, General Plan land use designations, Specific Plan land use designations, and zoning are not vested rights.

If the Commission does not adopt Mitigation Measures 1, 2, or 4, the County of Riverside may have to amend the designation of up to 698.6 acres of land from residential development at standard suburban densities to very large lot (5 acre) rural residential development; the City of Murrieta may have to amend the designation of up to 417.42 acres; and the City of Temecula may have to restrict development on up to 155.47 acres to the high or low end of allowable density ranges. (Gov. Code §65302.3.) Under a "worst-case scenario," adoption of the 2007 Compatibility Plan may prevent up to 3,347 dwelling units that could potentially be developed within Airport Zones C and D pursuant

to the local jurisdictions' General Plans from being built in this area.

The potential residential displacement of 3,347 dwelling units is reduced by over 90 percent to 328 dwelling units with the adoption of Mitigation Measure 2, which would eliminate residential density restrictions within Airport Zone D (except in areas within the 55 dB CNEL contour). This would also eliminate residential displacement in the City of Temecula. The adoption of Mitigation Measure 4, which would have the same effect within Zone D but would also allow densities of 1.0 to 3.0 dwelling units per acre in the portions of Zone C north of the airport outside the Outer Approach/Departure Zone, pursuant to standard Handbook safety zone diagrams, would further reduce this potential displacement to 256 dwelling units. (Mitigation Measure 1 would further reduce potential displacement to 53 dwelling units, but is not recommended due to inconsistency with the Handbook's suggested density limits.)

Consistent with the Countywide policies stating that single-family residences, condominiums, apartments, and mobile homes would all be considered "clearly acceptable" within the 50-55 dB CNEL range (see Table 2B on page 2-23 of the Riverside County Airport Land Use Compatibility Plan [Supporting Compatibility Criteria: Noise]), Mitigation Measures 1, 2, and 4 all propose that the prohibition on intermediate densities in Airport Zone D areas outside the 55 dB CNEL contour be eliminated. The bases for prohibiting intermediate densities in Airport Zone D and eliminating such a prohibition are discussed below.

The permitted densities in 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, staff is not aware of any analysis demonstrating that density has a statistically significant correlation to volume of complaints once other factors are controlled. Furthermore, developments with densities less than five dwelling units per acre clearly present a lesser safety risk (less people per acre on the ground in the event of an accident) than developments with densities greater than five dwelling units per acre. Higher density housing (permitted in Airport Zone D) would accommodate more persons per acre than intermediate density housing and thereby expose more persons to noise and accident risks relative to intermediate density housing. The prohibition of intermediate density housing is not mandated by the Handbook, and it may be noted that the Draft March Joint Land Use Study, which has involved input from multiple jurisdictions, also does not utilize this approach.

The Commission has previously reviewed and rejected a similar proposal to relax residential density restrictions in Airport 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 Airport Zone D in the French Valley Airport Influence Area is already developed with intermediate density residential uses.

Another reason for prohibiting intermediate density housing in Airport Zone D was because it served

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 percent 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 Airport Zone D are two units per acre, six units per acre, or one unit per two acres.

Non-residential Intensity:

Mitigation Measures 1, 2, 3, and 4 all propose to allow for an increased non-residential intensity in Airport Zones B1 and C. The 2007 Compatibility Plan proposes to allow an average of 25 persons per acre in Airport Zone B1 and a maximum single-acre intensity of 50 persons (65 with a risk-reduction design bonus). Within Airport Zone C, the 2007 Compatibility Plan proposes to allow an average of 75 persons per acre and a maximum single-acre intensity of 150 persons (195 with a risk-reduction bonus).

While these non-residential intensity limitations do not necessarily imply a need for the local jurisdictions to amend their General Plan land use designations, it should be noted that they serve as constraints on the full use of properties anticipated in the local jurisdictions' General Plans. Within the affected Airport Zones (A, B1, B2, C, and D), ALUCP intensity limits could result in a 25.9 - 27.6 percent reduction in the non-residential build-out of the area, in comparison to General Plan expectations, with the greatest proportional impact occurring in the retail sector.

Mitigation Measures 1, 2, 3, and 4 propose to allow for increased intensities as follows: Airport Zone B1 would allow an average of 40 persons per acre (up from 25) and a maximum single-acre intensity of 80 persons (up from 50), with the possibility of an open land bonus in addition to the risk-reduction design bonus. Airport Zone C would allow an average of 80 persons per acre (up from 75) and a maximum single-acre intensity of 160 persons (up from 150), with the possibility of an open land bonus in addition to the risk-reduction design bonus.

The proposed Mitigation Measures are consistent with the 2002 California Airport Land Use Planning Handbook, in that the Handbook (see Table 9C, "Safety Compatibility Criteria Guidelines") recommends an average of 25 to 40 persons per acre in the Inner Approach/Departure Zone for airports in rural/suburban settings (mostly to partially undeveloped land) and an average of 60 to 80 persons per acre in the Inner Turning Zone and the Outer Approach/Departure Zone for such airports. (Table 9C also provides for a single-acre multiplier of 2.0 for the Inner Approach/Departure Zone and the Inner Turning Zone and 3.0 for the Outer Approach/Departure Zone.)

Mitigation Measures 1, 2, 3, and 4 reduce overall potential "worst-case" non-residential displacement (or loss of potential square footage) that may result from implementation of the 2007 Compatibility Plan (as compared to expected build-out under existing General Plans) from 25.9 - 27.6 percent to 21.8 - 23.6 percent; however potential displacement for retail uses would only be reduced from 49 percent to 47 percent. In order to further mitigate non-residential displacement of

retail square footage, staff devised Mitigation Measures 5 and 6.

Mitigation Measure 5 would provide for an average of 150 persons per acre (up from 100) in Airport Zone D and a single-acre intensity of 450 persons (up from 300). These criteria are identical to the criteria for the Traffic Pattern Zone in Table 9C of the Handbook.

Mitigation Measure 6 is unlike the other measures in that, rather than establishing a revised density or intensity number in terms of persons or dwellings per acre, it establishes new assumptions to be used in calculating the concentration of people in retail establishments. Consistent with Appendix C of the Countywide policies, Mitigation Measure 6 establishes a new method -- a "survey of similar uses" -- for determining concentrations of people, rather than relying on the "maximum occupancy" method. Specifically, a report was prepared by Mead & Hunt, after conducting research on typical usage intensities of various land uses, which research suggests that an occupancy level of approximately 170 square feet per person is typical of retail stores -- less [than one person per 170 square feet] for low-intensity retail such as furniture stores. Shopping centers with dining facilities normally are comparatively more crowded, approximately 110 square feet per person. Office buildings usually average around 215 square feet per person. All these occupancy levels are calculated based upon the gross square footage of the building and should consider what percentage of the building is devoted to what use.

Consistent with the research conducted, Mitigation Measure 6 would establish new square foot per person criteria for retail sales, display, and showroom areas of one person per 115 square feet of gross floor area (without the 50 percent reduction allowed under the maximum occupancy method) for such uses in buildings including restaurants or food service facilities, and one person per 170 square feet for such uses in buildings without restaurants or food service facilities. (Food service facilities would be defined broadly to include any establishment requiring food inspections by the Health Department. Restaurants would continue to be subject to separate intensity calculations based on Appendix C.)

The combination of Mitigation Measures 1, 2, 3, or 4, plus 5 and 6, reduces potential displacement as a percentage of build-out to 13.8 - 13.9 percent, reduces potential displacement in the commercial retail sector to five percent in the unincorporated Riverside County area, and eliminates potential displacement in the cities of Temecula and Murrieta.

COMMENTS ON THE ENVIRONMENTAL DOCUMENT:

As of the date of preparation of this staff report, comments on the Initial Study/MND for the 2007 Compatibility Plan have been received from the State of California Native American Heritage Commission (NAHC); the State of California Department of Toxic Substances Control (DTSC); Chevalier, Allen, and Lichman LLP (on behalf of Silverhawk Land and Acquisitions, LLC); the City of Temecula; the Riverside County Economic Development Agency -- Aviation Division; and Chris and Joan Yochim. The comment letters are attached to this report for the Commission's consideration. Although not required by CEQA, prior to the public hearing to consider adoption of the MND and the 2007 Compatibility Plan, staff will provide general responses to issues raised in

the comment letters.

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM: 3.1

HEARING DATE: October 30, 2007

CASE NUMBER: ZAP1013FV07- Silverhawk Commons, LLC and Steven Schafenacker

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: Plot Plan No. 22278 (PP22278) and Commercial Parcel Map No. 35180 (PM35180)

MAJOR ISSUES: None remaining.

RECOMMENDATION:

Staff recommends that the Commission grant a CONSISTENCY determination for this project, to become effective upon adoption by the Commission of the 2007 French Valley Airport Land Use Compatibility Plan.

PROJECT DESCRIPTION:

The plot plan, dated May 22, 2007, proposes to construct a business park comprised of 42 buildings for office, manufacturing, warehousing, "tech flex," retail, and restaurant uses within an area of 44.88 net acres (16 existing parcels). The parcel map would divide the property into 21 commercial/industrial lots. The gross floor area of the buildings would be limited to 643,250 square feet, and the net floor area would be limited to 564,967 square feet. The breakdown of net area by land use is as follows: 345,452 square feet of office space, 71,390 square feet of manufacturing, 89,237 square feet of warehousing, 17,847 square feet of storage, 22,800 square feet of retail uses, and 18,240 square feet of restaurant uses, with not more than 50% of restaurant net square footage in seating/serving area. The majority of buildings would be office buildings (Buildings 1 through 8, 12 through 18, 20 through 24, and 27 through 33). Among the remaining fifteen buildings, ten would be a combination of office and industrial uses (including manufacturing, warehousing, and storage), two (Buildings 19 and 25/26) would be retail, and three (Buildings 9 through 11) would be restaurants.

PROJECT LOCATION:

The site is located northerly of Murrieta Hot Springs Road and westerly of Calistoga Drive, in the community of French Valley, in unincorporated Riverside County, approximately 3,868 feet southwesterly of Runway 18-36 at French Valley Airport.

LAND USE PLAN: 2007 French Valley Airport Land Use Compatibility Plan (FVALUCP)

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Airport Zones B1 and C
- c. Noise Levels: 50-60 CNEL (The site is crossed by the 55 CNEL contour.)

BACKGROUND:

The design of this plot plan was previously reviewed by the Airport Land Use Commission (“ALUC”) in the course of settlement negotiations related to litigation filed by the property owner.

Land Use/Intensity: Plot Plan No. 22278 proposes to construct 42 buildings consisting of 643,250 square feet. The total, average, and single-acre intensities are dependent upon square foot per occupant assumptions. The applicant has advised that the net area will be 564,967 square feet. As the retail areas constitute only 4% of the total net area, it has been suggested that the occupancy of such areas be calculated at one person per 170 square feet (after the 50% reduction), consistent with the “survey of similar uses method” identified in Appendix C of the Riverside County Airport Land Use Compatibility Plan; rather than at one person per 60 square feet, pursuant to the “maximum occupancy method” identified in Appendix C of the Riverside County Airport Land Use Compatibility Plan. With this revision, the occupancy of the project will be 2,486 persons, or 55 persons per net acre. However, the gross area is 76.57 acres when adjacent open space areas, internal streets, and adjacent street half-widths are added to the net area. The average intensity is limited to 32 persons per gross acre. Single-acre intensities are limited to up to 161 persons in some areas of the site; however, the applicant has agreed to incorporate risk-reduction design features in order to decrease the intensity at those locations. The project as presented incorporates substantial revisions to the original project design in order to achieve consistency with ALUC criteria as appropriate for the particular characteristics of the site. The site is bordered on the north by substantial open area.

Noise: The site is crossed by the 55 CNEL contour, and would be subject to average noise levels between 50 and 60 dB CNEL.

PART 77: The maximum elevation on site is 1,191 feet above mean sea level (AMSL). The runway elevation at its closest point is 1,330 feet AMSL. The site elevation is more than 100 feet lower than the runway elevation; therefore, FAA review is not required.

Overflight: The requirement for an aviation easement conveyance prior to issuance of building permits has been incorporated into the project through Condition No. 80. PLANNING. 27 applied to the plot plan approval by the County of Riverside.

Hazards to Flight: The prohibition of hazards to flight has been incorporated into the project through Condition No. 10. PLANNING. 47 applied to the plot plan approval by the County of Riverside.

Attachment: 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. This notice is also specified in Condition No. 10. PLANNING. 46 applied to the plot plan approval by the County of Riverside.

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