



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., May 8, 2008

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

Arthur Butler
Riverside

Robin Lowe
Hemet

John Lyon
Riverside

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Hemet

Melanie Fesmire
Indio

STAFF

Director
Ed Cooper

John Guerin
Brenda Ramirez
Sophia Nolasco
Barbara Santos

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4080 Lemon St., 9th Floor.
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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). 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: NEW BUSINESS

ITEMS FOR WHICH STAFF RECOMMENDS CONSISTENCY UNDER ONE MOTION UNLESS A COMMISSION MEMBER OR MEMBER OF THE PUBLIC DESIRES TO DISCUSS THE MATTER.

CHINO AIRPORT

- 2.1 ZAP1009CH08 – Spectrum Surveying & Engineering, Inc. – County Case No. PP 21438 (Plot Plan). A proposal to install an unmanned telecommunications facility for Verizon Wireless, consisting of a "broadleaf monotree" antenna tower with a height of up to 59 feet at top of leaf, outdoor equipment cabinets, GPS antennas, and fencing, within a 600 square foot leased area located at James C. Huber Park, at 6411 Rolling Meadow Street, easterly of Archibald Avenue and southerly of Limonite Avenue, in the unincorporated Riverside County community of Eastvale. Airport Zones C and D. ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873, or E-mail at brramire@rctlma.org.

Staff Recommendation: CONSISTENT/APPROVAL

FRENCH VALLEY AIRPORT

- 2.2 ZAP1022FV08 – Martin, Mary, and Joseph Turley (Representative: Hunsaker & Associates Irvine, Inc.) – County Case Nos. TR 35161 (Tentative Tract Map) and CZ 07647 (Change of Zone). Tentative Tract Map No. 35161 proposes to divide 19.34 acres located southerly of Thompson Road and easterly of Pourroy Road (including the southeasterly corner thereof) in the unincorporated Riverside County community of French Valley into 54 residential lots, plus a one-acre water detention basin and three landscaping lots with a combined area of 0.5 acres. The property is located within Planning Area 34 of Specific Plan No. 286 (Winchester 1800) and is zoned SP (Specific Plan). Change of Zone Case No. 7647 proposes to change the development standards for Planning Area 34 so as to delete the requirement that proposed lots have a minimum average width of 100 feet, a minimum average depth of 150 feet, and a rear yard of 50 feet to allow a minimum average width of 60 feet, a minimum average depth of 100 feet, and a rear yard of not less than ten feet. Airport Zone E. ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873, or E-mail at brramire@rctlma.org.

Staff Recommendation: CONSISTENT

- 2.3 ZAP1023FV08 – Soselu Trust and JBL Investments c/o Gene Tobin/ MDMG Inc – County Case No. PM33817 (Parcel Map), CZ07347 (Change of Zone), and SP00106A17 (Specific Plan Amendment). A proposal to amend Specific Plan No. 106 by modifying the zoning designation (Change of Zone) on 30.6 acres. The amendment would change existing zoning easterly of Elliot Road from R-5 (Open Area Combining Zone - Residential Developments) and C-O (Commercial Office) to C-P-S (Scenic Highway Commercial) Zone, and all parcels westerly of Elliot Road from I-P (Industrial Park) to M-SC (Manufacturing – Service Commercial) Zone. In addition the project is proposing to divide the parcel into three commercial lots. The site is located southerly of Jean Nicholas Road, westerly of Winchester Road/Highway 79, and southerly of Monaco Court within the unincorporated Riverside County community of French Valley. Airport Zone E. ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873, or E-mail at brramire@rctlma.org.

Staff Recommendation: CONSISTENT

HEMET RYAN AIRPORT

- 2.4 ZAP1014HR08 – Reinhardt Canyon Properties, LLC/United Engineering Group California/McRae Group (Representative: AEI-CASC) – City Case Nos. SP 05-2 (Specific Plan), EA 05-13, EIR05-13 (Environmental Impact Report), ANX 05-152 (Annexation). “Canyon Trails.” A Specific Plan proposing 665 residential dwelling units, within Planning Areas with densities ranging from 0.8 to 8.0 dwelling units per acre, a 19-acre park with equestrian center and community center, and 144.6 acres of open space within a 363.6-acre master planned community located northerly of Tres Cerritos Avenue, both easterly and westerly of California Avenue, in an area of unincorporated Riverside County proposed for annexation to the City of Hemet. (The proposed residential units would be located entirely westerly of California Avenue). The project would surround the existing Maze Stone Village Mobile Home Park. Airport Area III and outside Airport Influence Area. ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873, or E-mail at brramire@rctlma.org.

Staff Recommendation: CONSISTENT

3.0 **PUBLIC HEARING:**
OLD BUSINESS

FRENCH VALLEY AIRPORT

- 3.1 ZAP1008FV07 – Wilshire Greenway I, LLC (Representative: Ebru Ozdil/Advanced Development Solutions) – County Case Nos. SP00284A3 (Specific Plan Amendment), CZ07596 (Change of Zone), PP23146 (Plot Plan), and PM29509 (Parcel Map No. 29509, Amended No. 2). Plot Plan No. 23146 proposes to establish a mixed use commercial/office/industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres) located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley. SP00284A3 proposes to change the Specific Plan designation of the site from Office/Industrial Park to Commercial/Office/Industrial Park, and from Industrial Park to Commercial/Industrial Park, CZ07596 proposes to amend the zoning ordinance for Specific Plan No. 284 to allow commercial uses in Planning Areas 1 and 2. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel. Airport Zones C, B1, and D. (Continued from March 13, 2008). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE to June 12, 2008

- 3.2 ZAP1018FV07 – Excel Engineering for Abbott Vascular (Representative: Matthew Fagan Consulting Services) – County Case No. PP12246 R1 (Plot Plan - Revised Permit). A proposal to add an additional 293 parking spaces, with associated lighting fixtures up to 31 feet in height, on the 17.47-acre property with an address of 30690 Cochise Circle, located easterly of Winchester Road (State Highway Route 79) and Briggs Road, southerly of Benton Road, and northerly of Auld Road, in the unincorporated Riverside County community of French Valley. Airport Zones B1 and A. (Continued from March 13, 2008). ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873 or E-mail at brramire@rctlma.org.

Staff Recommendation: CONTINUANCE to July 10, 2008

JACQUELINE COCHRAN REGIONAL AIRPORT

- 3.3 ZAP1006TH07 – Christ is Salvation Church (Representative: Gabriel Lujan and Associates) – County Case No. PP22980 (Plot Plan) – A proposal to establish a 42,250 square foot, two-story church building, with a 6,400 square foot maintenance/storage building and a 1,440-1,500 square foot caretaker's quarters, on 5 acres located on the west side of Olive Street, southerly of Church Street and northerly of 57th Avenue, in the unincorporated Riverside County community of Thermal. The church building is proposed to include sixteen classrooms, two multi-purpose rooms, and a 649 seat sanctuary. Airport Zone D. (Continued from April 10, 2008). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE to June 12, 2008

BERMUDA DUNES AIRPORT

- 3.4 ZAP1026BD08 – Clinton Street Business Partners, LLC and Chalmers Corp. (Representative: De Palatis Associates, Inc.) – City Case Nos. DR 07-5-262 (Design Review) and PM 07-5-360 (Parcel Map). A proposal to develop “Clinton Freeway Business Park”, a mixed use business park with 324,010 square feet of building area in 19 buildings on a 21.59-22.08 acre site located northerly of Interstate 10, westerly of Clinton Street, and easterly of the All-American Canal flood control channel in the City of Indio. The parcel map proposes to divide the property into 19 lots so as to allow each building to be located on a separate lot. Airport Zones C and D. (Continued from April 10, 2008). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

4.0 **PUBLIC HEARING:**
NEW BUSINESS

MARCH AIR RESERVE BASE

- 4.1 ZAP1049MA08 – Oakmont Ramona Expressway, LLC/Oakmont Industrial Group, LLC (Representative: Kurt Schlyer) – City Case No. DPR 07-0029 – Development of five industrial buildings with a total building area of up to 1,611,000 square feet (including 90,907 square feet of office area) and 1,417 parking spaces on 81.92 – 87 acres located northerly of Ramona Expressway, southerly of Markham Street, easterly of Brennan Avenue, and westerly of Barrett Avenue in the City of Perris. Most of the project site is located westerly of Indian Street. Airport Area I (Accident Potential Zones I and II). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: INCONSISTENT

BERMUDA DUNES AIRPORT

- 4.2 ZAP1028BD08 – Jefferson Street Ventures, LLC/J & V IV, LLC (Representative: James Ragsdale) – City Case Nos. CUP 08-3-913 (Conditional Use Permit) and DR 08-3-294 (Design Review). “Shadow Hills Market Place.” A proposal to develop a five-building, 38,489 square foot retail shopping center (including restaurant and food-related uses), with 173 parking spaces, on a 4.03-acre site located northerly of Varner Road and easterly of Jefferson Street, in the City of Indio. Airport Zone D. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE to June 12, 2008

BERMUDA DUNES AIRPORT

- 4.3 ZAP1027BD08 – Michael, Brenda, and George Mitchell/Mitchell’s Gas & Mini-Mart – City Case Nos. CUP 05-12-851A (Conditional Use Permit) and DR 05-12-205A (Design Review). A proposal to develop a multiple use commercial, office, and storage project consisting of two new office/retail buildings with a combined gross floor area of 11,906 square feet, a 2,347 square foot restaurant, seven mini-storage buildings with a total floor area of 34,512 square feet, and 137 covered spaces for storage of recreational vehicles and boats on 5.45 – 5.56 acres located southerly of Indio Boulevard, easterly of Madison Street, northerly of Paludosa Drive, and westerly of the Coachella Valley Water District storm water channel in the City of Indio. There are currently four commercial buildings and a gas station on the property. Airport Zone C. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

5.0 **ADMINISTRATIVE ITEMS**

5.1 Director’s Approvals

5.2 Mileage Reimbursement – Subcommittee Meetings

5.3 Report from Subcommittee: Calculation of Intensity for Meeting Places and Intermittent Uses

6.0 **APPROVAL OF MINUTES**

March 13, 2008 and April 10, 2008

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

8.0 **COMMISSIONER’S COMMENTS**

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

AGENDA ITEM: 2.1

HEARING DATE: May 8, 2008

CASE NUMBER: ZAP1009CH08- Spectrum Surveying & Engineering, Inc.

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: PP21438 (Plot Plan)

MAJOR ISSUES: None

RECOMMENDATION: Staff recommends a finding of CONSISTENCY with the 1984 Riverside County Airport Land Use Plan, subject to the conditions included herein. Staff also recommends APPROVAL, based on the findings specified in Section 21675.1 of the Public Utilities Code.

PROJECT DESCRIPTION:

The applicant proposes a Plot Plan to construct and operate an unmanned wireless communication facility consisting of an antenna tower approximately 55 feet in height (possibly up to 59 feet at top of leaf) disguised as a broad leaf tree, outdoor equipment cabinets, GPS antennas, and fencing.

PROJECT LOCATION:

The site is a 600 square foot leased area located within James C. Huber Park, which is easterly of Archibald Avenue, southerly of Limonite Avenue, and northerly of Rolling Meadow Street in the community of Eastvale in unincorporated Riverside County, approximately 9,200 feet easterly of the easterly terminus of Runway 8R-26L at Chino Airport. The park's address is 6411 Rolling Meadow Street.

LAND USE PLAN: 1984 Riverside County Airport Land Use Plan

Adjacent Airport: Chino Airport (County of San Bernardino)

- a. Airport Influence Area: Within Adopted Study Area
- b. Land Use Policy: Airport Zones C & D on Draft Plan; inside Referral Area "B" on 1991 San Bernardino County Plan and Area B on maps on file at ALUC.

- c. Noise Levels: Outside 65 CNEL contour on 1991 Plan and outside ultimate 55 CNEL contour on Draft Plan

BACKGROUND:

Land Use/Intensity: Analysis Relative to 1984 Riverside County Airport Land Use Plan

An Airport Influence Area has been established for the portions of Riverside County in the vicinity of Chino Airport, but Riverside County Airport Land Use Commission has not officially adopted a Comprehensive Land Use Plan (CLUP) for Chino Airport. To a certain extent, Riverside County has relied on the Plan prepared by San Bernardino County to determine areas that would be the equivalent of Area I or II areas as defined by the Riverside County Airport Land Use Plan. Staff has reviewed the Plan prepared by San Bernardino County and determined the project site to be located within Area B.

Area B is the area made up of Safety Zone II and the balance of the approach and departure zones not falling within the Runway Protection Zone (RPZ). Area B prohibits all general assembly buildings, along with any other facility or outdoor usage that could result in a congregation of 50 persons or more an acre. This project site is outside both the RPZ and the Obstacle Free Zone (OFZ).

Pursuant to the 1984 Plan, aviation easements are required for all projects in the Airport Influence Area.

Analysis Relative to Draft Chino Airport Land Use Compatibility Plan

The project site is located within both Airport Zone C and D of the DRAFT Chino Airport Land Use Compatibility Plan. The proposed wireless communication facility is within Zone D and does not involve any prohibited uses or discouraged uses. There are no intensity issues, since the project is unmanned.

Part 77: The elevation of the base of the tower is 636.7 feet above mean sea level (AMSL), and the tower would be a maximum of 59 feet in height, so the top point would not exceed 696 feet AMSL. The elevation of the closest runway point is 636.7 feet AMSL. At a distance of 9,200 feet from the runway, FAA notice and review would not be required for height reasons for structures whose elevation at top point does not exceed 728 feet AMSL.

Noise: The site is located outside the 55 CNEL contour, and the project is not noise sensitive

SPECIAL FINDINGS FOR PLANS IN PROCESS:

1. The Commission is making substantial progress toward the completion of the airport land use compatibility plan. A draft plan has been completed, and environmental review is in process

2. There is reasonable probability that the proposed project will be consistent with the airport land use compatibility plan being prepared by the Commission.
3. There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the proposed project is ultimately inconsistent with the airport land use compatibility plan.

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, or such other lighting as may be required by the FAA.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. The attached notice shall be provided to all potential purchasers and tenants of the property.
3. Prior to 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 Chino Airport. (Contact San Bernardino County Department of Airports at (909) 387-7801 for additional information.)
4. Any new outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.

COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT

AGENDA ITEM: 2.2

HEARING DATE: May 8, 2008

CASE NUMBER: ZAP1022FV08 – Martin, Mary and Joseph Turley
(Representative: Hunsaker & Associates Irvine,
Inc.)

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: TR35161 (Tract Map) and CZ07647 (Change of Zone)

MAJOR ISSUES: None

RECOMMENDATION: Staff recommends a finding of **CONSISTENCY** for both the tract map and change of zone, subject to the conditions included herein.

PROJECT DESCRIPTION:

Tract Map No. 35161 is a proposal to divide 19.34 acres into 54 single family residential lots, with lot sizes ranging from a net lot size of 7,323 square feet to 15,262 square feet, plus a one-acre water detention basin and three landscaping lots with a combined area of 0.5 acres. The tract map indicates pad elevations ranging from 1,377 feet above mean sea level (AMSL) to 1,391.5 feet AMSL. The property is located within Planning Area 34 of Specific Plan No. 286 (Winchester 1800) and is zoned SP (Specific Plan). The applicant also proposes a Change of Zone to amend the development standards of Planning Area 34 to be the same as the requirements of the R-1 zone. These changes would delete the requirement that proposed lots have a minimum average width of 100 feet, a minimum average depth of 150 feet, and a rear yard of 50 feet.

PROJECT LOCATION:

The project site is located southerly of Thompson Road and easterly of Pourroy Road, in the unincorporated Riverside County community of French Valley, approximately 9,281 feet north/northeasterly of Runway 18-36 at French Valley Airport. The site includes the southeasterly corner of the intersection of Thompson and Pourroy Roads.

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

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

BACKGROUND:

Land Use/Intensity: The project site is located in Airport Zone E and is approximately 19.34 acres. The residential intensity standard in this Zone has no limit. The project proposes to divide the site into 54 single family residential lots comprising approximately 12.5 acres, one water detention basin (approximately 1 acre), three outer lots for landscaping (totaling approximately 0.5 acres), and the remaining 5.4 acres dedicated to roads.

The site's residential density would be approximately 2.8 dwelling units per acre, which would not change the overall approved density of the Specific Plan. The applicant proposes to construct one to two story dwellings, but did not submit the specific layout of the proposed dwellings locations on the tract map. The applicant did state that the two-story dwellings would be approximately 28 feet in height.

In addition, the applicant proposes a change of zone to amend the text of Planning Area 34 of Specific Plan No. 286. The amendment would change the text so as to provide for average lot depth, average width, and rear setback requirements to be the same as those of Riverside County's R-1 Zone (One-Family Dwelling). This would allow for a minimum average depth of 100 feet, minimum average width of 60 feet, and a rear yard setback of 10 feet. As proposed, both cases would be consistent with the airport land use compatibility plan.

Part 77: Proposed pad elevations range from 1,377 feet AMSL to 1,391.5 feet AMSL. The project site is approximately 9,281 feet north/northeasterly of Runway 18-36 of the French Valley Airport. The elevation at the northerly end of the runway is 1,347 feet AMSL, so any building with an elevation at top of roof exceeding 1,439 feet AMSL would require FAA review. Provided that residences and other structures do not exceed the R-1 zone height limit of 40 feet, FAA review will not be required.

Noise: The project is located outside the 55 CNEL contour. No noise mitigation is required.

CONDITIONS:

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an

aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either spillage of lumens or reflection into the sky, and shall comply with the provisions of Riverside County Ordinance No. 655.
 3. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.

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

AGENDA ITEM: 2.3

HEARING DATE: May 8, 2008

CASE NUMBER: ZAP1023FV08 - Soselu Trust and JBL Investment
c/o Gene Tobin/ MDMG Inc.

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: PM33817 (Parcel Map), CZ07347 (Change of Zone), and SP00106A17 (Amendment to Specific Plan No. 106)

MAJOR ISSUES: None

RECOMMENDATION: Staff recommends a finding of **CONSISTENCY** for the proposed parcel map, change of zone, and specific plan amendment, subject to the attached conditions.

PROJECT DESCRIPTION:

The applicant proposes to amend Specific Plan No. 106 by modifying the zoning designation (Change of Zone) on 30.6 acres. The amendment would change existing zoning easterly of Elliot Road from R-5 (Open Area Combining Zone – Residential Developments) and C-O (Commercial Office) to C-P-S (Scenic Highway Commercial) Zone, and all parcels westerly of Elliot Road from I-P (Industrial Park) to M-SC (Manufacturing – Service Commercial) Zone. In addition, the applicant is proposing to divide the parcel into three commercial lots. No structures or buildings are proposed through this application.

PROJECT LOCATION:

The project site is located southerly of the historic alignment of Jean Nicholas Road, westerly of Winchester Road/Highway 79, and northerly of the Winchester Road/Skyview Road intersection in the French Valley area of unincorporated Riverside County, approximately 11,200 feet northerly of Runway 18/36 at French Valley Airport.

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

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

BACKGROUND:

Land Use/Intensity: The project site consists of approximately 30.62 acres within Specific Plan No. 106. The site is located within Airport Zone E of the French Valley Airport Land Use Compatibility Plan (FVALUCP). Pursuant to the 2007 French Valley ALUCP, Zone E has no maximum intensity for nonresidential uses and requires no open land. The project proposes to amend Specific Plan No. 106 by modifying the zoning designation (Change of Zone).

The parcel map, which proposes division of the site into three lots, is based on a roadway modification that realigned Jean Nicholas Road so as to traverse the southwesterly portion of the site and connect to Winchester Road at a 90 degree intersection. In addition, Elliot Road was also realigned so as to traverse southerly through the site, so as to connect to the realigned Jean Nicholas Road.

The existing zoning of the site (as established through Change of Zone Case No. 5464, adopted on October 20, 1992) provides for a combination of I-P, C-P-S, and C-O zoning, with a 50-foot wide buffer of R-5 zoning along the northerly and northwesterly borders of the site, including the site's entire frontage along the then-current alignment of Jean Nicholas Road.

The amendment would change the zoning of the areas easterly of Elliot Road from R-5 and C-O to C-P-S, and would change the zoning of the area westerly of realigned Elliot Road from I-P to M-SC. The Southwest Area Plan depicts land use designations of Light Industrial, Commercial Office, Commercial Retail, and Open Space-Conservation for the site. These proposed zoning changes would not have an effect on the overall residential density of the Specific Plan.

Part 77: The maximum elevation is approximately 1,425 feet above mean sea level (AMSL). The runway elevation at its closest point is 1,347 feet AMSL. The project site is approximately 11,200 feet from the runway. FAA notice and review would be required for any future structures exceeding a maximum elevation of 1,459 feet AMSL at top of roof. As no structures or buildings are proposed at this time, FAA review is not required for the applications currently under consideration.

Noise: The site is outside the 55 CNEL contour. Noise mitigation is not required.

CONDITIONS:

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.
3. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with the provisions of Riverside County Ordinance No. 655.
4. Any structure/building exceeding an elevation of 1,459 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.

COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT

AGENDA ITEM: 2.4

HEARING DATE: May 8, 2008

CASE NUMBER: ZAP1014HR08 - Reinhardt Canyon Properties, LLC/ AEI-CASC

APPROVING JURISDICTION: City of Hemet

JURISDICTION CASE NO.: SP05-2 (Specific Plan), EA05-13 (EIR), and ANX05-152 (Annexation)

MAJOR ISSUES: The proposed project may allow future structures to have an overall maximum building height of 45 feet, and allow for uses that are defined as “places of assembly” by the 1992 Hemet-Ryan Airport Comprehensive Land Use Plan, which are Discretionary Uses in Area III.

RECOMMENDATION: Staff recommends a finding of CONSISTENCY for the Specific Plan, EIR, and Annexation, subject to the conditions included herein.

PROJECT DESCRIPTION:

A Specific Plan proposing the development of “Canyon Trails”, a residential community with a total of 665 residential units in 9 planning areas with densities ranging from 0.8 to 8.0 dwelling units per acre, a 19 acre park/equestrian center, and 144.6 acres of open space on an approximately 364 acre site. The project site is also being proposed to be annexed to the City of Hemet.

PROJECT LOCATION:

The site is located in Reinhardt Canyon, northerly of Tres Cerritos Avenue, both easterly and westerly of California Avenue, easterly of E. Shamrock View, and westerly of Los Rancherias Road, approximately 12,800 feet northerly of Runway 4-22 at the Hemet-Ryan Airport, in an area of unincorporated Riverside County proposed for annexation to the City of Hemet. The proposed residential units would be located entirely westerly of California Avenue. The project would surround the existing Maze Stone Village Mobile Home Park.

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

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

BACKGROUND:

Land Use/Intensity: The project site is located partially within Airport Area III and partially outside the boundary of the Hemet Ryan Airport Influence Area. The site consists of 13 contiguous parcels totaling approximately 363.6 acres. Area III permits a wide range of uses. Structures over 35 feet in height or two stories and places of assembly are listed as discretionary uses. The Specific Plan incorporates a maximum building height of 35 feet, but it also allows architectural features to exceed the height limit by up to ten feet, which may result in structures up to 45 feet in height.

Six of the proposed planning areas (7, 8, 9, 10, 11, and 12) are completely within the airport influence area (AIA), two planning areas (6 and 13) are partially within the AIA, and all remaining planning areas (1, 2, 3, 4, 5, 14, and 15) are outside the AIA.

Planning Areas 7 and 13 consist of 74.7 acres of Hillside/Open Space, with no residential units allowed or proposed. Planning Area 8 has approximately 38.8 acres and a proposed density of 3.5 dwelling units per acre (DU/AC). Planning Area 9 has approximately 36.9 acres with a proposed density of 5 DU/AC. Planning Area 11 has approximately 16.9 acres and a proposed density of 8.0 DU/AC. Planning Area 12 has approximately 11.4 acres and a proposed density of 0.8 DU/AC. Planning Area 6 consists of 11.1 acres, but is also partially outside the airport boundary, and it has a proposed density of 5.0 DU/AC.

Planning Area 10 is proposed as a park/equestrian/community center area, which may result in the future construction of structures that could be used as “places of assembly” as defined in the 1992 Hemet-Ryan Airport Comprehensive Land Use Plan. However, “places of assembly” are not prohibited in Area III.

Part 77: The maximum elevation on site varies from 1600 to 1880 feet above mean sea level (AMSL) within the Specific Plan. The runway elevation is 1,507 feet AMSL. At a distance of 12,800 feet from the runway, any structure with a top elevation greater than 1,635 feet AMSL would require FAA review. As no structures or buildings are being proposed at this time, FAA review is not required; however, FAA review shall be required for any future structure above 1,635 feet AMSL at top of roof.

Noise: The site is outside the 55 CNEL contour. No special acoustical mitigation measures for aircraft noise are required.

CONDITIONS:

1. Prior to final adoption of the Specific Plan, the landowner shall record Avigation Easements covering all parcels wholly or partially within the Hemet-Ryan Airport Influence Area proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
2. Unless otherwise determined inapplicable by Airport Land Use Commission staff, all structures at this location with an elevation above 1,635 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
3. Any outdoor lighting installed shall be hooded and shielded to prevent either the spillage of lumens or reflection into the sky.
4. The attached notice shall be given to all prospective buyers and tenants of real property within the boundaries of the Hemet-Ryan Airport Influence Area.
5. 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) Hazardous Materials Facilities
6. All places of assembly, schools, institutional use, and structures over 35 feet in height (if subject to discretionary action by the City of Hemet) within those portions of the Specific Plan within the Airport Influence Area shall be subject to review by the Airport Land Use Commission or ALUC staff

COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM:

3.1 ~~2.2~~ 3.4 3.3 4.3

HEARING DATE:

MAY 8, 2008 ~~March 13, 2008~~ ~~February 14, 2008~~ ~~January 10, 2008~~ (continued from MARCH 13, 2008, February 14, 2008, January 10, 2008 and December 13, 2007)

CASE SUMMARY:

CASE NUMBER:

ZAP1008FV07 – Wilshire Greeneway I, LLC

APPROVING JURISDICTION:

County of Riverside

JURISDICTION CASE NO:

SP00284A3 (Specific Plan Amendment), CZ07596 (Change of Zone), PP23146 (Plot Plan), PM29509 (Parcel Map)

MAJOR ISSUES: Single-acre intensities exceed Zone C criteria in portions of the site, most notably in the area of the two-story office buildings K and L. These intensities are up to 224 persons per acre. The problems appear to be surmountable through redesign or reallocation of land uses and structures and/or demonstration of eligibility for risk-reduction and/or open land bonuses. The project does meet the average intensity standard. FAA review is required for at least some of the structures at this location.

RECOMMENDATION: Staff recommends CONTINUANCE to JUNE 12, 2008 ~~APRIL 10, 2008~~ ~~March 13, 2008~~ ~~February 14, 2008~~ ~~January 10, 2008~~ to allow for submittal to the Federal Aviation Administration and to allow for further design modifications and submittal of additional information from the applicant. ~~study and possible redesign or reallocation of land use in portions of the site.~~

~~Staff's recommendation may change in the event that the necessary information is submitted prior to the hearing.~~

UPDATE: This item was continued without discussion from the December 13 agenda in order to allow for redesign or reallocation of uses or structures in the vicinity of Buildings K and L, and to allow for FAA review. Staff met with two project representatives on December 18 to discuss these concerns. Staff is awaiting further information from the applicant as of January 2, 2008. Staff has recommended the preparation of a site plan that depicts airport zone boundaries on the site.

UPDATE II: On January 24, 2008, staff met again with the two project representatives, the project architect, the applicant, and representatives of the County Planning Department and Economic Development Agency. It was indicated at that meeting that ALUC staff would be provided with (1) documentation regarding each building corner's maximum elevation and distance of from runway (or, alternatively, verification of FAA submittal); (2) more precise

information regarding building square footage within the single-acre areas of greatest concern; and (3) a request for use of the risk-reduction design bonus with appropriate documentation. As of January 30, this information has not been received.

UPDATE III: The additional information has not been received as of February 28, 2008. The applicant's representative is attempting to satisfy County Planning staff concerns, as well as ALUC staff concerns regarding single-acre intensities, and has indicated that these changes may affect the locations of Buildings K and L, as well as building heights. Both the site plan and elevations may be modified as a result..

UPDATE IV: THE APPLICANT HAS REQUESTED AN ADDITIONAL ONE-MONTH CONTINUANCE.

PROJECT DESCRIPTION: Plot Plan No. 23146 proposes to establish a mixed use commercial, office, and industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres). SP00284A3 proposes to change the Specific Plan designation of the site from Office/Industrial Park to Commercial/Office/Industrial Park, and from Industrial Park to Commercial/Industrial Park. CZ07596 proposes to amend the zoning ordinance for Specific Plan No. 284 to allow commercial uses in Planning Areas 1 and 2. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel.

PROJECT LOCATION: The site is located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley, approximately 1,762 feet northeasterly of Runway 18-36 at French Valley Airport.

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

Adjacent Airport:

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Airport Zones C, B1, and D (predominantly in Airport Zone C)
- c. Noise Levels: From below 55 CNEL to 60 CNEL (The site is crossed by the 55 CNEL contour.)

BACKGROUND:

Nonresidential Average Intensity: The site is located predominantly in Airport Zone C, but includes small areas in Airport Zones B1 and D. In net acreage, the site includes 32.84 acres in Airport Zone C, 0.93 acre in Airport Zone D, and 0.21 acre in Airport Zone B1. Nonresidential intensity in Airport Zone C is restricted to an average of 80 persons per acre and a maximum of 160 persons in any given acre. (A risk-reduction design bonus may be applied, which, if granted, would allow a single-acre intensity up to 208 persons.) The total allowable intensity for this site, based on net acreage, would be 2,774 persons.

The applicant is proposing 102,200 square feet of office space, 73,500 square feet of retail space, two additional retail or restaurant pads totaling 5,700 square feet, and 146,300 square feet of industrial space. Using this information, and assuming for this calculation only that all of the industrial space could be used as offices, a total site occupancy of 2,072 persons is projected, for an average intensity of 63 persons per net acre.

The applicant proposes to provide 1,241 parking spaces. Application of the standard 1.5 persons per vehicle factor results in a total occupancy of 1,862 persons and an average intensity of 57 persons per net acre, which is consistent with Airport Zone C.

Nonresidential Single-Acre Intensity: Nonresidential single-acre intensity is restricted to 160 persons in any given acre within Airport Zone C. This level may be increased to up to 208 with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls. ***The project architect has advised that he will prepare a letter requesting a risk-reduction design bonus and specifying the design features warranting the bonus.***

~~Staff review indicates~~ ***Staff's initial review indicated*** that single-acre intensity exceeds 220 persons (using the Building Code method, as modified by the French Valley Additional Compatibility Policies) in the southerly portion of the property, which features two two-story office buildings and a retail building. Additionally, single-acre intensities could exceed 180 persons in the retail areas in the northerly portion of the property.

A square acre that includes portions of Buildings K and L (both two-story buildings) includes up to 44,730 square feet of office space, which would have a projected occupancy of 224 persons. Additionally, a square acre that includes a portion of Buildings L and M includes up to 33,600 square feet of office space and 4,000 square feet of retail space, for a projected occupancy of 203 persons. ***The project representatives have indicated that their AUTOCAD program indicates that there will be less office square footage within the single-acre area than staff had assumed, and that this documentation will be provided.***

Noise: The site is located entirely outside the area subject to average aircraft noise levels greater than 60 dB(A) CNEL, but is crossed by the 55 CNEL contour. A minimum 20 dB exterior-to-interior noise level reduction will be required for office buildings at this location.

PART 77: Proposed finished floor elevations on the site range from 1,346 to 1,354.5 feet above mean sea level. Structures may be as high as forty-five (45) feet. This would appear to indicate a top elevation as high as 1,399.5 feet AMSL. The elevation at the northerly end of the runway is 1,347 feet AMSL. At a distance of 1,762 feet from the runway, any building with an elevation at top of roof exceeding 1,364 feet AMSL would require FAA review. **The site extends 2,586 feet from**

north to south, so some of the structures may not require FAA review. The applicant's representative has been asked to either (a) submit Form 7460-1 for each building or (b) provide a table demonstrating why specific structures would not require such a review.

In the event that the County of Riverside chooses to overrule a determination of inconsistency, the County should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the French Valley Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.

CONDITIONS:

1. Prior to issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each building with an elevation at top point exceeding 1,364 feet above mean sea level and shall have received a determination of "Not a Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the County of Riverside Planning Department and the Riverside County Airport Land Use Commission.
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 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, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.
 - (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 County of Riverside shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the

structures proposed through this conditional use permit, except for the two freestanding pads:

Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, swimming pools, skating rinks, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.

5. The attached notice shall be provided to all potential purchasers and tenants *of the real property and the proposed buildings, **AND SHALL BE RECORDED AS A DEED NOTICE.***

COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT

AGENDA ITEM: ~~3.1~~ 3.2

HEARING DATE: May 8, 2008 (continued from March 13, 2008)

CASE NUMBER: ZAP1018FV07 – Excel Engineering for Abbott Vascular

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: PP12246R1 (Revised Plot Plan)

MAJOR ISSUES: A portion of the project site is located within Zone A, including 34 existing parking spaces and 30 proposed parking spaces. Special restrictions on structures, including light fixtures, are required in Zone A. Staff is concerned about the occupancy level in the existing building, but the building qualifies as an existing land use, and ALUC has no jurisdiction unless an expansion is proposed. Light fixtures elsewhere within the parking area may be subject to FAA review, depending on location and elevation at highest point, although, if heights are limited to 20 feet, FAA review may not be required.

RECOMMENDATION: Staff recommends a ~~finding of Conditional Consistency, pending FAA approval, if applicable, subject to the conditions included in this staff report and such additional conditions as may be required pursuant to the terms of the FAA determination, if needed.~~ CONTINUANCE to the July 10, 2008 ALUC hearing, per the applicant's request in the letter dated April 16, 2008.

PROJECT DESCRIPTION:

The project proposes to add 293 additional permanent parking spaces, with associated lighting fixtures up to 31 feet in height, on the Abbott Vascular (formerly Guidant) property, a 17.47-acre property with one existing industrial building and two additional approved, but as yet unbuilt, structures. The Revised Permit does not propose to add any additional buildings or to add structural square footage to the existing or approved buildings; therefore, staff has confined its analysis to the proposed additional site improvements (parking and lighting).

PROJECT LOCATION:

The project site is located easterly of Winchester Road (State Highway Route 79) and Briggs Road, northerly of Auld Road, and southerly of Benton Road and Magdas

Coloradas Road, at 30690 Cochise Circle, in the unincorporated Riverside County community of French Valley, approximately 1,761 feet from the northerly terminus of Runway 18-36 at French Valley Airport.

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

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Airport Zones A and B1
- c. Noise Levels: 60-65 CNEL (The site is crossed by the 60 CNEL contour, but the parking area would be within the area subject to noise exceeding 60 CNEL.)

BACKGROUND:

Land Use/Intensity: The site is located within Airport Zones A and B1 of the 2007 French Valley Airport Land Use Compatibility Plan (2007 FVALUCP). The site is 17.47 acres in area, with 35,359 square feet in Zone A, and the remaining 16.66 acres in Zone B1. Zone A prohibits all structures except those with location set by aeronautical function, assemblages of people, objects exceeding FAR Part 77 height limits, ~~and~~ storage of hazardous materials, **and hazards to flight**.

The applicant is currently proposing to add 293 parking spaces to an existing industrial plot plan that was previously approved by ALUC on June 28, 1990 pursuant to ALUC Case No. FV-90-103 (Plot Plan No. 12246). The original approval provided for three industrial buildings with a total of 320,000 square feet of floor area and a minimum of 625 parking spaces. Both the building construction and the parking could be phased. It was projected that the facility would employ 750 people.

The existing building was approved as a 120,000 square foot building, and the other two buildings would provide for 120,000 square feet and 80,000 square feet, respectively. Subsequent “substantial conformance” approvals provided for the addition of: (1) a 1,260 kW backup generator; (2) a 339 square foot atrium and water garden; (3) an 841 square foot scrubber and compressor room; (4) a 7,000 square foot centralized service yard and a 1,600 square foot trash and recycling enclosure; and (5) 390 temporary parking spaces, limited to a two-year life from date of approval.

At present, there are 355 permanent parking spaces on the site. With this proposal, there would be 648 parking spaces, which would satisfy the minimum parking space requirement for the entire project. Use of the Parking Space Method (based on 1.5 persons per vehicle) would suggest that this would equate to an occupancy of 972 persons on-site, or 56 persons per net acre. However, this is not a retail facility drawing customers from the general public. Vehicle occupancy for work trips is likely to be lower – perhaps 1.1 to 1.2 persons per vehicle. At 1.15 persons per vehicle, a total of 648 parking spaces would translate as 745 people, or 43 persons per net acre. (The applicant has indicated a maximum of 677 persons on-site, or an average of 39 persons per net acre.)

There would be up to 133 parking spaces in a single acre. The single-acre intensity standard in Airport Zone B1 is 80 persons. However, it is highly unlikely that the vehicles in these spaces would all be occupied at the same time. The majority of the additional proposed parking spaces would be in Zone B1. Thirty of the new parking spaces, in addition to approximately 34 existing parking spaces, ~~would be~~ **are proposed** within Zone A. **Based on recent direction from the Commission, staff will advise the applicant to relocate or eliminate the 30 spaces proposed within Zone A.**

Part 77: The project site's elevation is 1,340 feet above mean sea level (AMSL). The elevation increases gently as one moves from south to north, so that the elevation at the northerly end of the site is approximately 1,350 feet AMSL. No additional buildings are proposed through this application, but the applicant has indicated that light poles could be up to approximately 31 feet in height.

The elevation of the runway is 1,347 feet AMSL at its northerly terminus. At a distance of 1,761 feet from the southerly property line to the nearest runway point, FAA review would be required for any structure with a top elevation exceeding 1,364 feet AMSL. The northerly edge of the new parking area is approximately 600 feet farther from the runway. FAA review is required for light fixtures whose elevation at top point would exceed "X" feet, where "X" = 1347 + (distance in feet from fixture location to runway, divided by 100), ~~and for all light fixtures in Zone A, the Runway Protection Zone.~~

It should be noted that, except in Zone A, if the applicant is willing to limit the height of the light fixtures to twenty (20) feet, it is likely that their elevation at top point will not exceed "X" and that they would not require FAA review.

Light fixtures in Zone A, ~~if any, must be frangible, and the poles must not exceed a diameter of four inches at heights equal to or greater than four feet above ground level~~ **shall be prohibited as they are hazardous and unsafe to flight.**

Noise: The proposed parking area is located within an area subject to noise exceeding 60 CNEL. However, parking lots are not considered noise-sensitive uses.

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, churches and chapels, day care centers, libraries, highly noise-sensitive outdoor uses, aboveground bulk storage of hazardous materials, and aboveground bulk storage of 6,000 gallons or more of flammable materials.
2. The attached notice shall be provided to all potential purchasers of real property interests and tenants.
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. Prior to the issuance of building permits, the landowner shall convey an avigation easement to the County of Riverside as owner-operator of French Valley Airport, which shall be recorded upon approval by the County of Riverside Economic Development Agency – Aviation Division, or shall provide evidence to the parties cited below that such easement has already been conveyed. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the County of Riverside Planning Department.
5. Prior to the issuance of building permits or other authorization to construct the light fixtures, the applicant shall submit a Notice of Proposed Construction of Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each structure or fixture ~~within the portion of the property in Airport Zone A as mapped in the Riverside County Geographic Information System, and for each structure or fixture~~ with an elevation at top point exceeding "X" feet AMSL, where "X" = 1,347 + (distance from the structure or fixture to the runway, in feet, divided by 100), and shall have received a determination of "No Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the County of Riverside Planning Department and the Riverside County Airport Land Use Commission.
6. ~~In the event that any structure or fixture in Airport Zone A receives a determination of "No Hazard to Air Navigation", it may be constructed, but it must be frangible, and poles may not exceed a diameter of four inches at heights equal to or greater than four feet above ground level. No new light fixtures or~~

parking spaces shall be developed within the portion of the property in Airport Zone A.

7. ~~Parking spaces 1 through 20 and 37 through 48 shall be restricted to vehicles not requiring vertical clearance exceeding twenty (20) feet.~~

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.3 ~~4.1~~ 6.4

HEARING DATE: *May 8, 2008 (continued from April 10, 2008 and (originally considered on November 8, 2007)*

CASE SUMMARY:

CASE NUMBER: ZAP1006TH07- Christ Is Salvation Church

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: PP22980 (Plot Plan)

MAJOR ISSUES: The intensity of use on-site, especially the single-acre intensity, is well above the maximum allowable intensity in Airport Zone D. The average intensity is approximately 160 persons per acre, 60% above the Zone D standard (although only 7% above the State-wide standard for projects in the Traffic Pattern Zone of rural/suburban airports). However, the single-acre intensity, at 693 persons, is more than twice the Zone D standard.

RECOMMENDATION:

Staff recommends CONTINUANCE to June 12, 2008, to allow for submittal and staff review of detailed information regarding the revised design for the site that will result in a substantial reduction in single-acre intensity.

~~Staff must recommend a finding of Inconsistency due to the intensity of the proposed development, especially the single-acre intensity.~~ Staff would note that a smaller facility with a sanctuary seating capacity of 300 persons and with no simultaneous use of the sanctuary, multi-purpose rooms, and classrooms could potentially be found consistent. The applicant requests consideration pursuant to Section 3.3.6 (Other Special Conditions) on the basis of the proximity of the schools and *the apartment complex and the limited hours of operation.* This project provides an opportunity for the Commission to consider whether it may be appropriate to establish a methodology for addressing frequency of use.

UPDATE: The Frequency of Use Subcommittee was formed at the April 10 ALUC hearing. A meeting date and time were set for April 28, but only one member was present. Staff obtained input from Ken Brody of Mead & Hunt, and Commissioner

Lyon provided an overview of the issue. Copies of these documents are attached. In the meantime, the applicant has prepared a conceptual site plan that moves the recreational facilities into an acre that is separate from the location of the church. The average intensity will continue to exceed 100 persons per acre using the Building Code method, but the redesign is expected to significantly reduce the single-acre intensity – possibly to the point of meeting the Zone D standard with use of risk-reduction design measures.

PROJECT DESCRIPTION:

The information below is subject to change pending redesign.

The applicant proposes to construct and operate a 42,250 square foot, two-story church building, with a 6,400 square foot maintenance/storage building and a 1,440-1,500 square foot caretaker’s quarters, on a five-acre site. The church building is proposed to include seventeen classrooms, two multi-purpose rooms, and a 649 seat sanctuary. The building would also include an exercise/weight room and racquetball court.

In a “project narrative” submitted after the completion of the November staff report, but in time for inclusion in the packets distributed to the Commission, the applicant advised that the proposed building would be a “center of community” including a “750 seat sanctuary, 15 ministry classrooms and 10 staff offices, a full-size indoor gymnasium with racquet ball court and fitness room, a student computer resources lab, and a large chapel/multipurpose room.”

PROJECT LOCATION:

The site is located on the west side of Olive Street, southerly of Church Street and northerly of 57th Avenue, approximately 3,700 feet easterly of Runway 17-35 at Jacqueline Cochran Regional Airport.

LAND USE PLAN: 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan

Adjacent Airport:

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

BACKGROUND:

The information below is subject to change pending redesign.

Land Use/Intensity: The site is in Airport Zone D. Children’s schools are discouraged in Airport Zone D. Places of worship are not discouraged or prohibited uses in Airport Zone D, but are subject to the same intensity restrictions as any other nonresidential land

use. The compatibility criteria for Airport Zone D permit 100 people per acre (average) and a maximum of 300 people in any given acre. Even with use of all risk-reduction design measures, the single-acre intensity cannot exceed 390.

Based on the square footage information provided by the project architect, staff calculates the total occupancy of the church building, if all rooms were in use simultaneously, at 830 persons. (The maintenance building would have an occupancy of six persons.) The single-acre intensity for the acre that includes the sanctuary would be 693 persons, based on the standard methodology utilized in Appendix C. (This number includes the standard 50% reduction, so the intensity would be higher if one were to substitute the fixed seating capacity of the sanctuary – 649 persons – for the square footage based calculation for that area, which would indicate an occupancy of 395 persons in the sanctuary. The UBC capacity for the sanctuary is 790 persons, and Church officials have indicated a capacity of 750 for the sanctuary.)

The project architect has advised that a Monday-through-Friday school is not contemplated, but the design provides for seventeen classrooms, which would be expected to accommodate 129 children for Sunday school. The multi-purpose rooms would accommodate an additional 221 persons, and the various offices, choir room, green room, conference room, and other uses would accommodate an additional 85 persons.

On an overall basis, the site (5.24 acres in gross area including the adjacent half-width of Olive Street) could potentially accommodate 524 persons pursuant to the existing criteria for Airport Zone D. The difficulty for churches and other places of assembly is in the single-acre intensity limitations. It is much easier to split an office project into multiple buildings than a church, which by its nature encourages the congregation of people. The single-acre intensity could be reduced (although not to a level of consistency with Zone D criteria) by placing the classrooms and multi-purpose rooms in other buildings, such that these uses would be on separate acres.

In the long term, ALUC may wish to consider an amendment to the allowable single-acre intensity in Airport Zone D for this airport, as has been adopted in the French Valley area. The California Airport Land Use Planning Handbook guidelines for safety zones recommend average intensity criteria of 150 persons per acre and single-acre intensity maxima of 450 persons per acre for the Traffic Pattern Zone of suburban/rural airports (prior to application of risk-reduction design bonuses). Such a determination would need to be addressed through an amendment to the additional compatibility policies for this airport, which would need to be coordinated with the Economic Development Agency – Aviation Division, the City of Coachella, the County Planning Department, and the Jacqueline Cochran Regional Airport Authority.

~~At this time, staff is awaiting additional communication from the applicant as to whether certain portions of the building may not be in simultaneous use.~~

It should be noted that the heavily developed portion of the community of Thermal is entirely located in Airport Zone D, such that the church must either locate in Airport Zone D or outside the main area of the community.

The church site is bordered on the north, south, and west by land owned by the Coachella Valley Unified School District. The District maintains schools to the north of the church site, while the parcels immediately to the south and west were vacant as of late 2004. The project narrative advises that the school adjacent to the church on the north, La Familia High School, has 190 students, and that the school on the next block to the north, John Kelley Elementary School, has 590 students. The Housing Authority of the County of Riverside owns three parcels westerly of (although not adjacent to) the site, along the easterly side of Polk Street, southerly of Church Street. These parcels comprise 6.49 acres, and are the site of a multiple-building, 53-unit apartment project. The property on the opposite (easterly) side of Olive Street consists of privately-owned agricultural land. Additionally, a school is located adjacent to this church site, and the County plans to develop a sheriff's station at a location much closer to the runway. However, the site is at the edge of the developed area of the community and would not qualify pursuant to infill provisions in Section 3.3.1.

In June, 2006, the Airport Land Use Commission issued a finding of conditional consistency for a 16,558 square foot church proposed for development at the northeast corner of 41st Avenue and Washington Street in Bermuda Dunes, within Airport Zone C of Bermuda Dunes Airport. The determination was based on several findings of fact, including: (1) the intensity of surrounding uses, which included a medical office building, multi-family residential uses, and a residential condominium country club; (2) the proposed project would not extend the perimeter of the area defined by the surrounding, already developed incompatible uses; (3) the average intensity would not exceed twice the zone standard; and (4) the number of persons in the building would not be expected to exceed 300 to 390 persons, and would be occupied at that level less than ten hours per week.

That project was similar in character, although not in scale, as it included a 2,903 square foot chapel with 254 seats, two "cultural center" recreation rooms and two assembly areas with a combined 4,323 square feet, 2,752 square feet of classroom space, a 324 square foot conference room, 1,093 square feet of offices, and 124 square feet of storage areas.

Given the projected intensity, the only potential bases for a special finding pursuant to Section 3.3.6 would appear to be the fact that the community as a whole is in Zone D and the number of hours that the building would be in use on a weekly basis (frequency of use). At this time, there is no provision in the 2004 Riverside County Airport Land Use Compatibility Plan that allows for "weighting" of land use intensity limitations based on the frequency of use, such that a church building with a projected occupancy of 830 persons, which may be in full operation for 6-15 hours per week (except for offices and administrative functions), must be evaluated on the same basis as an office building with

the same projected occupancy, which would be in full operation for 45 hours per week. [Of course, staff would not advocate an across-the-board, direct proportional weighting, in that a baseball stadium seating 6,000 people in use 4 hours per week (24,000 person-hours) presents a greater risk than a 150-seat restaurant open 24 hours per day (25,200 person-hours).]

Ken Brody of Mead and Hunt has issued a memorandum noting that the California Airport Land Use Planning Handbook recommends “that restrictions be stated as a never-to-exceed maximum and that the level be set accordingly.” He noted that the intensity criteria would have been set lower if the Compatibility Plan criteria were based on average usage. He indicated that it would be preferable to amend the single-acre intensity criteria.

Staff would also note that the use of the standard 50% reduction from Building Code maxima already provides a “discount” in that such square footage-based calculation for assembly areas may result in a lower intensity than a calculation based on the number of seats.

Nevertheless, frequency of use could be a factor to be considered in determining whether a special finding may be appropriate in a given case.

Part 77: The maximum elevation at this site is 118 feet below mean sea level, and the proposed maximum structure height is 35 feet. (It should be noted that building elevations depict an architectural feature or parapet that extends the top point height an additional three to four feet.) Thus, the top point would be approximately 79 feet below sea level. The runway elevation at its northerly end is 114 feet below sea level. At a distance of 3,700 feet from the runway, any structure with a top elevation above -77 feet would require FAA review. FAA review is not required in this case, provided that the top point remains at an elevation that is more than 77 feet below sea level.

Noise: The site is outside the 55 CNEL contour. Noise mitigation is not required.

The following conditions are necessary to prevent the establishment of uses that are hazards to flight and to provide notification in accordance with State law. Implementation of these conditions does NOT render the project consistent with the Jacqueline Cochran Regional Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards (as they would affect the worshippers, students, ministers, and other occupants of this building) to below a level of significance pursuant to the California Environmental Quality Act.

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 a large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, composting operations, fly ash disposal, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with the requirements of Riverside County Ordinance No. 655, as applicable.
3. The attached notice shall be provided to all potential property purchasers and tenants, and shall be recorded as a deed notice.
4. The landowner shall convey an aviation easement to the County of Riverside as owner-operator of Jacqueline Cochran Regional Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for additional information.)
5. The top point of the building shall be not less than 77 feet below mean sea level.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.4 4.2

HEARING DATE: May 8, 2008 (continued from April 10, 2008)

CASE SUMMARY:

CASE NUMBER: ZAP1026BD08 – Clinton Street Business Partners and Chalmers Corporation

APPROVING JURISDICTION: City of Indio

JURISDICTION CASE NO: DR 07-5-262 (Design Review) and PM 07-5-360 (Parcel Map)

MAJOR ISSUES: Use of the Building Code Method with concentrations of people determined in accordance with Appendix C indicates an average intensity of approximately 81 persons per acre and single-acre intensities of up to 507 persons per acre in some portions of the site. The retail uses and the restaurant impact these intensity levels. ~~As presently designed, the project exceeds the allowable maximum intensity pursuant to the 2004 Bermuda Dunes Airport Land Use Compatibility Plan.~~

However, provided that the Commission is willing to evaluate the showroom retail use based on an assumption that person intensity in such areas would be one person per 170 square feet of gross building area (without a 50% reduction), the average intensity may be found consistent, and the single-acre intensity may be found consistent if either: (a) the Commission approves a 15% risk-reduction design bonus for specified buildings; or (b) the applicant agrees to limit office uses in the buildings directly northerly of the showroom retail buildings and to a specific limit on showroom retail space in Building 1.

The project does not meet the open area requirements of the airport zones in which it is located, but the adjacent canal is a terrain feature that provides off-site open area.

RECOMMENDATION: ~~Staff must recommend a finding of INCONSISTENCY with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan for the design review based on the building uses proposed, due to average and single-acre intensities (as calculated pursuant to the Building Code method) exceeding allowable levels, but would support a continuance to allow for additional information. Staff would note that the average intensity of the project may be found consistent as designed if the Commission chooses to use the Parking Space method; however, the single-acre intensity remains inconsistent in several discrete square acres of the property unless the retail areas are evaluated based on an alternative calculation method.~~

Staff recommends a finding of CONSISTENCY for the plot plan, provided that the Commission

approves a 15% risk-reduction design bonus or that the applicant agrees to limit office uses in the buildings directly north of the showroom retail buildings and to specific limits on showroom retail space in portions of Building 1 in accordance with Condition Nos. 11-14 as specified in this staff report, and that the Commission is willing to consider the adjacent canal as compensating for the lack of ALUC-defined on-site open area. Staff also recommends a finding of CONSISTENCY for the parcel map.

PROJECT DESCRIPTION: The applicant for Design Review Case No. DR 07-5-262 proposes to establish a mixed use business park, including retail commercial uses (“Clinton Freeway Business Park”) with a total gross floor area of up to 324,010 square feet of building area in nineteen buildings on a 21.59-22.08 acre site. The applicant for Parcel Map Case No. PM 07-5-360 proposes to divide the property into 19 lots so as to allow each building to be located on a separate lot.

PROJECT LOCATION: The site is located northerly of Interstate 10, westerly of Clinton Street, and easterly of the All-American Canal in the City of Indio, approximately 5,841 feet east/southeasterly of Runway 10-28 at Bermuda Dunes Airport.

LAND USE PLAN: 2004 Bermuda Dunes Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Airport Zones C and D
- c. Noise Levels: From below 55 CNEL to 60 CNEL (The 55 CNEL contour crosses the westerly portion of the site.)

BACKGROUND:

Nonresidential Average Intensity: The applicant has included a breakdown of the “net” square footage within the proposed buildings as part of the parking tabulation exhibit, Table 2-2 of the Project Master Plan. The net area proportion of gross floor area is 88.1%, which appears to be reasonable. The net area is projected to include one 3,000 square foot restaurant, 60,540 square feet of showroom retail space, 37,722 square feet of office space, and 184,318 square feet of manufacturing and warehouse space.

The site is located in Airport Zones C and D. **Approximately 4.17 acres** ~~The applicant estimates that 3.3 gross acres are within Airport Zone D, with the remainder of the site in Airport Zone C.~~ The area in Airport Zone D is within the northeasterly portion of the property, in the area northeasterly of the zone boundary. Nonresidential intensity in Airport Zone C is restricted to an average of 75 persons per acre and a maximum of 150 persons in any given acre. Nonresidential intensity in Airport Zone D is restricted to an average of 100 persons per acre and a maximum of 300 persons in any given acre.

~~(A risk reduction design bonus is available, which would allow a single acre intensity up to 195~~

~~persons in Airport Zone C and up to 390 persons in Airport Zone D with use of risk reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls.)~~

Pursuant to Appendix C, Table C-1 of the Riverside County Airport Land Use Compatibility Plan, the intensity of restaurant serving area has been determined to be one person per 15 square feet, the intensity of retail stores has been determined to be one person per 30 square feet, the intensity of offices has been determined to be one person per 100 square feet, and the intensity of manufacturing areas has been determined to be one person per 200 square feet. Application of the 50% factor converts these intensity numbers to one person per 30, 60, 200, and 400 square feet, respectively. Using this procedure, the total intensity of the site is calculated as follows: (3000 divided by 30) + (60540 divided by 60) + (37722 divided by 200) + (184318 divided by 400) = 100 + 1009 + 189 + 461 = 1,759 persons. To determine the average intensity, we divide by the acreage (21.59 acres). The average intensity, then, is (1759 divided by 21.59), or 81 (81.473) persons per acre. However, if we assume that half of the restaurant area is commercial kitchen rather than serving area, and if 8,540 square feet of retail area is converted to office area, the average intensity can be reduced to 75 persons per acre. **the intensity of the showroom retail structures is evaluated on the basis of one person per 170 square feet, the total intensity of Buildings 1, 2, and 16 is reduced to 621 persons. This is a reduction of 388 persons, resulting in a total population intensity of 1,371 and an average of 63 persons per acre.**

If this project were an office project, the average intensity would be consistent with Airport Zone C criteria. A 324,010 square foot office development would accommodate 1,620 people. A 22-acre site in Airport Zone C would be allowed to accommodate 1,650 persons.

As with large retail projects, there is a real dichotomy in results if one compares the Building Code method with the Parking Space method to determine total intensity. The applicant proposes to provide 692 parking spaces. Application of the standard 1.5 persons per vehicle factor results in a total occupancy of 1,038 persons and an average intensity of 48 persons per acre, which would be consistent with Airport Zone C. The Airport Land Use Commission has previously been willing to utilize the Parking Space Method to determine consistency of commercial retail projects within the Bermuda Dunes Airport Influence Area, in situations where the vast majority of customers would arrive and depart by private automobile.

Approximately 4.17 acres of the site are located in Airport Zone D. This area includes almost all of Buildings 3 and 5, and most of Building 4. Pursuant to the highest-intensity scenario, this area would include 57,230 square feet of office space and a 3,000 square foot restaurant. This would result in a total intensity of 386 persons and an average intensity of 93 persons per acre within Zone D. This is consistent with the average intensity criteria of 100 persons per acre in that zone.

Nonresidential Single-Acre Intensity: Nonresidential single-acre intensity is restricted to 150 persons in any given acre within Airport Zone C. This level may be increased to up to 195 with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls.

Staff review indicates that single-acre intensity would not exceed 166 persons (using the Building Code method) in any acre of the property, if the buildings were limited to office, manufacturing, and warehousing uses. However, the addition of retail uses and a restaurant have major impacts on single-acre intensity. There is no “showroom” category in the Building Code, so this area would have to be considered as designed for retail use. A square acre that includes portions of Buildings 1, 3, and 4 could have an intensity as high as 507 persons, while a square acre that includes portions of Buildings 1, 4, and 6 could have an intensity as high as 418 persons. Several other square acres including portions of Buildings 1, 2, and 16 could have intensities of 300 persons or greater. These are generally attributable to the retail usage.

As noted above, the dichotomy between intensities as calculated through the Building Code method and as calculated through the Parking Space method is quite common and has led to consideration of an alternative approach for retail uses. The Compatibility Plan allows consideration of a “Survey of Similar Uses.” Based on research by Mead and Hunt, retail buildings that do not include establishments that sell food or drink have an average intensity of one person per 170 square feet of gross floor area. If Buildings 1, 2, and 16 are evaluated on that basis, and if the restaurant in Building 3 is limited to the portions of that building in Zone D, the intensities in the square acres of concern in Zone C are reduced to 175 or less.

Using the “one person per 170 square feet” assumption for the retail showroom areas, the maximum intensity in any given acre is 172 persons. This level would occur in a square acre including portions of Buildings 1, 4, and 6 including 24,028 square feet of showroom retail area and 6,125 square feet of office area. An intensity of 172 persons would be permitted with the granting of a 15% intensity bonus. The applicant’s representative is requesting such a bonus for Buildings 1, 2, 3, 4, 6, 8, and 10, based on the use of single-story construction, fully sprinklered design, and concrete walls.

In the event that the Commission is not willing to support a 15% risk-reduction design bonus, the intensities will need to be reduced through restrictions on allowable proportions of office space in all, or portions, of Buildings 3, 4, 6, 8, 10, 12, and 13.

Open Area: Countywide land use compatibility criteria require that a minimum of 20% of land area in Airport Zone C and 10% of land area in Airport Zone D consist of open land as defined in Policy 4.2.4 of the ALUCP. Notes for this Policy state that “open land requirements are intended to be applied with respect to an entire zone”. While this standard is “typically accomplished as part of a community general plan or specific plan”, it is also applicable to development projects covering 10

acres or more. While lot coverage by buildings is only 34.4% of site area, and there are a number of areas utilized as driveways and parking areas that are linear and oriented on an east-west direction, they are not wide enough to meet the criteria of Policy 4.2.4. However, the site is bordered on the west by the All-American Canal and on the south by Interstate 10. These terrain features serve to provide open areas.

Noise: The site is located partially within an area subject to average aircraft noise levels greater than 55 CNEL. A minimum exterior-to-interior noise level reduction of 20dB is required for the office portions of the buildings in accordance with Countywide requirements for Airport Zone C.

PART 77: The highest proposed pad elevation on the site is 20 feet above mean sea level (AMSL). The structure height may be as high as forty-two (42) feet. This would appear to indicate a top elevation as high as 62 feet AMSL. The elevation at the easterly end of the runway is 49.1 feet AMSL. At a distance of 5,841 feet from the runway, any building with an elevation at top of roof exceeding 107 feet AMSL would require FAA review. FAA review is not required for this project.

~~**In the event that the City of Indio chooses to overrule a determination of inconsistency, the City should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the Bermuda Dunes Airport Land Use Compatibility Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.**~~

CONDITIONS:

1. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses 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, libraries, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses.
3. The City of Indio Planning Department shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in the proposed structures:

Retail sales of edible goods (requiring food establishment inspections by the Environmental Health Department), auction rooms, auditoriums, churches and chapels, dance floors, day care or child care centers, lodge rooms, reviewing stands, conference rooms with capacities of 25 or more persons, dining rooms, exhibit rooms (other than for retail sales), restaurants (other than one restaurant in Building 3 not to exceed 3,000 square feet in floor area), drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, courtrooms, dormitories, swimming pools, skating rinks, locker 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.

- 4. The buildings shall be designed to provide for an exterior-to-interior noise level reduction of at least 20dB within the office portions of the buildings.
- 5. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.
- 6. **This finding of consistency is based upon the exhibit prepared by MacDavid Aubort and Associates Incorporated dated April 3, 2008. Any changes in the locations of buildings shall be subject to further review by the Airport Land Use Commission as an amended project.**
- 7. **Restaurant serving area shall be limited to 3,000 square feet within the portion of Building 3 within Airport Zone D.**
- 8. **The total area of showroom retail space shall not exceed 60,540 square feet.**
- 9. **The total area of office space shall not exceed 37,722 square feet.**

The following condition is applicable only if the Commission grants a risk-reduction bonus of 15 percent or greater:

- 10. **Buildings 1, 2, 3, 4, 6, 8, and 10 shall be single-story buildings using concrete walls and a fully sprinklered design.**

The following conditions are applicable unless the Commission grants a risk-reduction bonus of 15 percent or greater:

11. Office areas shall not exceed 25% of the following buildings or portions thereof:

the most southerly 33 feet within Building 3; the most southerly 55 feet within Building 4; the southerly 35 feet of the easterly 27 feet of Building 6; the south half of Building 13.
12. Office areas shall not exceed 12% of the following buildings or portions thereof:

Buildings 8, 10, and 12.
13. The total square footage of showroom retail space in the easterly four suites of Building 1 (which have a combined floor area of 21,915 square feet) shall not exceed 18,700 square feet (85% of area). The remaining square footage within the easterly four suites of Building 1 may be utilized for office, manufacturing, storage, and/or warehousing uses.
14. The total square footage of showroom retail space in the westerly four suites of Building 1 (which have a combined floor area of 24,028 square feet) shall not exceed 15,618 square feet (65% of area). The total square footage of office space in those suites shall not exceed 6,000 square feet. The remaining 2,410 square feet within these suites may be utilized for manufacturing, storage, and/or warehousing uses.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.1

HEARING DATE: May 8, 2008

CASE SUMMARY:

CASE NUMBER: ZAP1049MA08 – Oakmont Ramona Expressway,
LLC/Oakmont Industrial Group, LLC

APPROVING JURISDICTION: City of Perris

JURISDICTION CASE NO: DPR07-0029

MAJOR ISSUES: One major issue is whether the Commission has the authority to make its determination of consistency based on the U.S. Air Force Air Installation Compatible Use Zone (AICUZ) studies, or whether it must confine its determination to consistency with the 1984 Riverside County Airport Land Use Plan. A corollary issue is the intent of the lot coverage maximum in the AICUZ Appendix. Lot coverage is 45.98% of net site area. The property is located largely within Accident Potential Zone I (APZ I), with the remaining area in Accident Potential Zone II (APZ II). The 1998 and 2005 AICUZ studies state “For most nonresidential usage [in Accident Potential Zones], buildings should be limited to one story and the lot coverage should not exceed 20 percent.” Staff has interpreted this as being applicable to both APZ I and APZ II. The applicant has submitted a statement that the context of this criterion within the AICUZ is intended to apply to land uses permissible in APZ II, but not in APZ I. The applicant notes that industrial and warehousing uses are listed as being among the permissible uses in APZ I. The site is located within Airport Area I on the March Air Reserve Base Airport Influence Area map. The 1984 Riverside County Airport Land Use Plan does not restrict commercial or industrial land use intensities in Area I, other than by prohibiting “high risk” land uses, including those characterized by “high concentrations of people”. The Draft March Joint Land Use Study proposes to apply the 20% coverage limit in APZ I and a 40% coverage limit in APZ II, in addition to person-intensity limits. The City of Perris Planning Director has advised that the City is willing to accept the person-intensity limits, but that the lot coverage limitations on warehousing and distribution would render such projects economically infeasible.

RECOMMENDATION: Staff recommends that the Commission open the public hearing, consider testimony, and determine whether, in consideration of its overall mission, it wishes to make its determination based on the provisions of the AICUZ study. If so, a determination of INCONSISTENCY should be made, on the basis of the lot coverage exceeding 20 percent of lot area. (In the event that the Commission wishes to act solely pursuant to the 1984 Riverside County Airport Land Use Plan, staff would note that the project is consistent with that Plan, considered alone. The project is not consistent with the Draft March Joint Land Use Study criteria, as presently proposed.)

PROJECT DESCRIPTION:

City Case No. DPR07-0029 proposes the development of five industrial buildings with a total building area of up to 1,611,000 square feet (including 90,907 square feet of office area) and 1,417 parking spaces on 81.92-87 acres.

PROJECT LOCATION:

The site is located northerly of Ramona Expressway, southerly of Markham Street, easterly of Brennan Avenue, and westerly of Barrett Avenue in the City of Perris, approximately 5,600 feet southeasterly of the southerly terminus of Runway 14-32 at March Air Reserve Base/Inland Port Airport. (Most of the project site is located westerly of Indian Street.)

LAND USE PLAN: 1984 Riverside County Airport Land Use Plan, as applied to March Air Reserve Base/Inland Port Airport.

Adjacent Airport:

- a. Airport Influence Area: March Air Reserve Base/Inland Port Airport
- b. Land Use Policy: Airport Area I
- c. Noise Levels: 65-over 75 CNEL (from 2005 AICUZ Noise Contours)

ADDITIONAL DOCUMENTS REVIEWED:

Airport Installation Compatibility Use Zone Report, U.S. Air Force, 2005.
DRAFT March Air Reserve Base/Inland Port Airport Joint Land Use Study

BACKGROUND:

Land Use – Safety Considerations: The proposed project site is located within Airport Area I, as depicted on the map illustrated at www.rcaluc.org, and is located largely within Accident Potential Zone I (APZ I), with the remainder in Accident Potential Zone II (APZ II), as mapped in the 2005 March Air Reserve Base Air Installation Compatible Use Zone (AICUZ) study. 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.

The 1984 Riverside County Airport Land Use Plan allows commercial and industrial development, other than high risk land uses, in Area I.

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 largely within Accident Potential Zone I – an area located a distance of 3,000 to 8,000 feet from the runway threshold and within 1,500 feet from the extended runway centerline. (Those portions of the site located more than 8,000 feet from the runway threshold are in Accident Potential Zone II.) Lot coverage is addressed in Appendix A, on page A-6, as follows: “For most nonresidential usage, buildings shall be limited to one story and lot coverage should not exceed 20%.”

In this case, while the buildings are one story in height, the design of the project provides for lot coverage of 45.98% of the site’s area. This is inconsistent with the Air Force recommendation.

A pertinent question is the intent of the coverage limit. The AICUZ studies do not include a specific limit on the number of persons per acre or allowable concentrations of people. If the intent is to limit person-intensity, this objective can be met by using persons per acre as a substitute intensity criterion. On the other hand, if the intent is to ensure sufficient open area to allow for emergency landing, this must be interpreted strictly. Discussions with Air Force representatives lead staff to believe that the coverage limit included in the AICUZ is intended to address both person-intensity and emergency landing concerns.

With regard to intensity, the structures would be utilized for warehousing, with office areas accounting for less than 6% of total floor area. Using the Uniform Building Code method and applying the standard 50% reduction, staff projects a total intensity of 1,975 persons. With an area of 81.92 acres, the average intensity would be 24.1 persons per acre.

However, the lot coverage maximum, in addition to limiting intensity, also serves to provide for open area along the flight path. To the extent that lot coverage exceeds 20%, less open area is available in the event of an emergency landing.

The AICUZ study recommends that certain types of industrial uses be prohibited in APZ I, including the manufacturing of: apparel and other finished products made from fabrics, leather, and similar materials; chemicals; professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks. Additional prohibited uses would include: all residential uses; restaurants; hospitals, nursing homes, and other medical facilities; petroleum refining; educational services; churches; professional and personal services; finance, insurance and real estate services; government services; hotels, motels, and other lodging facilities; resorts and group camps; amusements; and public assembly uses such as auditoriums, concert halls, amphitheaters, outdoor music shells, sports arenas and stadiums for spectator sport viewing.

A number of other nonresidential uses are prohibited with exceptions. These include manufacturing of: food and kindred products; textile mill products; rubber and plastic products; stone, clay, and glass products; fabricated metal products; and primary metal industries. In the retail category, this category includes all forms of retail trade not prohibited outright, with the exception of sales of building materials, hardware, farm equipment, automotive, marine craft, aircraft, and accessories.

The DRAFT March Joint Land Use Study prepared by Mead & Hunt depicts this property as being within Airport Zone B1. In the area southerly of March Air Reserve Base, the boundaries of Airport Zone B1 correspond with the boundaries of Accident Potential Zones I and II. Airport Zone B1 would limit average intensity within APZ I to 25 persons per gross acre and average intensity outside APZ I to 50 persons per gross acre. Single-acre intensity would be limited to 100 persons per acre.

The average intensity at this site is projected to be 24.1 persons per acre. The single-acre intensity will not exceed 91 persons in the most intense acre, provided that office areas are limited to a maximum of 11,690 square feet in any given acre of the building area, and that the remainder of each building is used for warehousing and distribution, as planned.

The DRAFT March Joint Land Use Study also includes a provision that would limit lot coverage in APZ I to 20% of gross lot area.

It should be noted that the lot coverage issue is not addressed in the 1984 Riverside County Airport Land Use Plan itself. Thus, it is technically possible to find a project consistent with the 1984 Riverside County Airport Land Use Plan, subject to specified conditions, even though the lot coverage exceeds 20%. However, it is the intent of the State Aeronautics Act that Airport Land Use Compatibility Plans take into account AICUZ recommendations for uses and intensities within the Accident Potential Zones. Last year, ALUC found an office project within an APZ inconsistent due to the lot coverage issue. (That project was later redesigned to comply with the 20% lot coverage maximum.) In another case, ALUC found low-intensity uses such as industrial and warehousing uses acceptable in a situation where lot coverage slightly exceeded 20%, but nearby open areas in the public domain compensated for the lot coverage. More recently, ALUC found a project with over 50% lot coverage (Rider Distribution Center) located partially in Airport Zone II and partially outside the Accident Potential Zones consistent with the 1984 Plan.

Prohibited and Discouraged Uses: The applicant does not propose any of the uses specifically listed in Appendix B as being prohibited uses in Area I.

Part 77: Finished floor elevations or pad elevations were not provided for this project; however, the Riverside County Land Information System indicates a maximum elevation of 1,476 feet above mean sea level at this site. The height of the tallest portion of the building as depicted on project elevations would not exceed 42 feet. Thus, the highest point would not be expected to exceed 1,520 feet AMSL. The elevation of the runway at its southerly end is 1,488 feet AMSL. At a distance of 5,600 feet from the runway, any structure above 1,544 feet AMSL top elevation would require FAA aeronautical review. In this case, FAA review is not required.

Noise: Average noise levels on this site from aircraft operations would exceed 65 CNEL throughout the site, and would exceed 75 CNEL in portions of the site, given that the site underlies the flight path. (Single-event noise levels would, of course, be considerably greater.) Mitigation is required to provide for an acceptable acoustical environment within the offices.

In the event that the City of Perris chooses to overrule a determination of inconsistency for the development plan review, the City should require the following as conditions of its approval. Implementation of these conditions does NOT render the project consistent with the recommendations of the United States Air Force in the 2005 Airport Installation Compatible Use Zone Report and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.

CONDITIONS:

1. Prior to issuance of building permits, the landowner shall convey an aviation easement to the March Joint Powers Authority for the MARB/IPA Airport.
2. Noise attenuation measures shall be incorporated into office areas of the building construction as necessary to ensure interior noise levels from aircraft operations are at or below 45 CNEL in office areas of the buildings.
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.
 - (f) Structures greater than one story in height.
 - (g) The manufacturing of: (1) apparel and other finished products made from fabrics, leather, and similar materials; (2) chemicals; (3) professional, scientific, and controlling instruments; (4) photographic and optical goods; (5) watches and clocks.
 - (h) All residential uses.
 - (i) Educational and government services, professional and personal services, and finance, insurance, and real estate services.
 - (j) Hotels and other lodging facilities; resorts and group camps; amusements; concert halls; sports arenas.
4. Except for offices not exceeding 11,690 square feet in floor area each, located at building corners, the proposed structures shall be utilized for warehousing and distribution functions.
5. The City of Perris shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following facilities on this property:

Auction rooms, 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: food and kindred products; textile mill products; rubber and plastics products; stone, clay, and glass products; fabricated metal products; and primary metal industries.

Any other uses that would be considered to have an occupancy level greater than one person per 500 square feet (minimum square feet per occupant less than 500) pursuant to California

Building Code (1998) Table 10-A, other than offices within the delineated office areas.

6. 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. All outdoor lighting shall be downward facing. (It is recommended that airport management be provided an opportunity to review outdoor lighting plans prior to approval.)
7. The aboveground storage of explosive or flammable materials is prohibited, except that flammable materials may be stored in accordance with quantities permitted in Airport Zone B1 pursuant to the provisions of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan (shall be less than 6,000 gallons). Such storage shall only be in conjunction with (and accessory to) a permitted use.
8. The uses specified in the attached Appendix B of the Riverside County Airport Land Use Plan shall be prohibited, except as otherwise modified by Condition No. 7 above.
9. The attached notice shall be provided to all potential purchasers and tenants.
10. Proposed uses of space within the structures, other than offices, warehousing, and distribution, 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.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.2

HEARING DATE: May 8, 2008

CASE SUMMARY:

CASE NUMBER: ZAP1028BD08 – Jefferson Street Ventures, LLC/J & V IV, LLC (Representative: James Ragsdale)

APPROVING JURISDICTION: City of Indio

JURISDICTION CASE NO: Conditional Use Permit: CUP08-3-913
Design Review: DR08-3-294

MAJOR ISSUES: Use of the Building Code Method with concentrations of people determined in accordance with Appendix C indicates an average intensity of 124 persons per net acre without restaurant usage and single-acre intensities of up to 302 persons per acre in some portions of the site. Addition of restaurant uses pushes average intensity up to 175 persons per acre using this method (or 145 persons per acre if 35% of restaurant area is food preparation area rather than customer service areas). Use of the one person per 115 square foot alternative standard for the non-restaurant areas reduces average intensity to 110 persons per acre. However, the average intensity of the project is consistent if the Parking Space Method is used, even if one were to assume 2.3 persons per vehicle – a high vehicle occupancy for Southern California. Provided that restaurant locations are limited in the portions of the site closest to the Jefferson/Varner intersection, the single-acre intensity may be found consistent, with a 5% risk-reduction bonus for use of single-story buildings. The project is less than one-half mile from the airport and is situated on higher ground. FAA notice is required.

RECOMMENDATION: Staff recommends CONTINUANCE to June 12, 2008, to allow for submittal of Form 7460-1 to the Federal Aviation Administration. If that is accomplished prior to the hearing, staff recommends a finding of CONDITIONAL CONSISTENCY with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan, provided that the Commission elects to use the Parking Space Method to evaluate average intensity and grants a 5% risk-reduction design bonus, and that the applicant is willing to accept restrictions on the locations of restaurants on-site.

PROJECT DESCRIPTION: Conditional Use Permit No. 08-3-913 and Design Review No. 08-3-294 propose to establish “Shadow Hills Market Place,” a five-building retail shopping center with a total gross building floor area of 38,489 square feet (including restaurant and food-related uses) on a 4.03-acre site.

PROJECT LOCATION: The site is located northerly of Varner Road and easterly of Jefferson Street in the City of Indio, approximately 2,212 feet north/northeasterly of Runway 10-28 at

Bermuda Dunes Airport. (The site is actually directly northerly of the runway, but its closest point is determined by using a line perpendicular to the runway, which is oriented in a northwest-southeast direction.)

LAND USE PLAN: 2004 Bermuda Dunes Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Airport Zone D
- c. Noise Levels: Below 55 CNEL (The site lies outside the 55 CNEL contour.)

BACKGROUND:

Nonresidential Average Intensity: The site is located in Airport Zone D. Nonresidential intensity in Airport Zone D is restricted to an average of 100 persons per acre and a maximum of 300 persons in any given acre. (A risk-reduction design bonus is available, which would allow a single-acre intensity up to 390 persons.) Pursuant to Appendix C, Table C-1 of the Riverside County Airport Land Use Compatibility Plan, the intensity of retail stores has been determined to be one person per 30 square feet and the intensity of restaurant serving area has been determined to be one person per 15 square feet. Application of the 50% factor converts these intensity numbers to one person per 60 and 30 square feet, respectively. Using this procedure and the information from the project architect indicating 22,489 square feet of retail uses and 16,000 square feet of food uses, the total intensity of the site is calculated as follows: $(22489 \text{ divided by } 60) + (16000 \text{ divided by } 30) = 375 + 533 = 908$ persons. To determine the average intensity, we divide by the gross acreage, which equals the property area, plus the area included in the half-widths of adjoining streets. The recorded lot size of the parcels is 4.03 acres, and the half-widths of adjoining streets add 1.15 acres, for a total gross area of 5.18 acres. The average intensity, then, is $(908 \text{ divided by } 5.17)$, or 175 persons per acre. However, if 35% of the food service establishments are used as kitchen or food preparation area, this would reduce the serving area to 10,400 square feet, with the remaining 5,600 square feet in commercial kitchen area. The intensity formula would then be recalibrated as follows: $(22489 \text{ divided by } 60) + (10400 \text{ divided by } 30) + (5600 \text{ divided by } 200) = 375 + 347 + 28 = 750$ persons. The average intensity, then, is 145 persons per acre. Use of these factors would still indicate an average intensity level exceeding Zone D criteria.

Use of the alternative assumption that the intensity of retail buildings that include food service establishments is one person per 115 square feet for the retail areas other than dining establishments would result in recalibration of total intensity as $196 + 347 + 28 = 571$ persons, or 110 persons per acre.

As with other retail projects, there is a real dichotomy in results if one compares the Building Code method with the Parking Space Method to determine total intensity. The applicant proposes to provide 173 parking spaces. Application of the standard 1.5 persons per vehicle factor results in a total occupancy of 260 persons and an average intensity of 50 persons per gross acre, which would

be clearly consistent with Airport Zone D. Even if one were to assume 2.3 persons per vehicle for shopping and dining trips, the overall intensity utilizing this method (77 persons per acre) is well below the allowable intensity maximum of 100 persons per acre. The Airport Land Use Commission has previously been willing to utilize the Parking Space Method to determine consistency of commercial retail projects within the Bermuda Dunes Airport Influence Area, in situations where the vast majority of customers would arrive and depart by private automobile.

Nonresidential Single-Acre Intensity: Nonresidential single-acre intensity is restricted to 300 persons in any given acre within Airport Zone D. This level may be increased to up to 390 with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls. The site plan indicates that all buildings will be fully sprinklered, and none of the retail buildings exceed a single story.

Staff review indicates that single-acre intensity exceeds 300 persons (using the Building Code method) only in the acre that includes all of “Shop Building B” and the majority of “Shop Building C.” This square acre includes approximately 18,140 square feet of floor area, which could accommodate up to 302 persons, utilizing the Building Code Method. However, the exceedance of the standard can be mitigated through the use of risk-reduction design measures. Limiting the structures to single story alone may merit a 5% bonus, which would increase the allowable single-acre standard to 315. However, it should be noted that the above calculation is based on no restaurant serving area within that square acre.

Staff reviewed single square acre areas within the site to determine where restaurants could potentially be permitted. The square acre including the Shop D and Shop E buildings has a total floor area of 9,653 square feet. If all of Shop E and the two easterly suites of Shop D were restaurants, with the remaining area retail, the single-acre intensity would be 280 (consistent).

The square acre including the Shop D building and the easterly portion of the Shop C building has a total floor area of 8,984 square feet. If the two easterly suites of Shop C and Shop D buildings were restaurants, with the remaining area retail, the single-acre intensity would be 227 (consistent).

The square acre including the Shop C building and the easterly 18 feet of the Shop B building has a total floor area of 14,452 square feet. Restaurant use here is constrained due to the overlap with the highest-intensity acre (all of Shop B and part of Shop C, as discussed above). If the two easterly suites of Shop C were restaurants, with the remaining area retail, the single-acre intensity would be 276 (consistent).

The square acre including the Shop A building and the northerly 47 feet of the Shop B building has a total floor area of 10,626 square feet. Restaurant use in Building B is constrained due to overlap with the highest-intensity acre. However, if all of Shop A except the most easterly suite were restaurants, with the remaining area of Shop A and Shop B retail, the single-acre intensity would be

295 (consistent).

Overall, even with restaurants limited in Shop C and prohibited in Shop B, up to 16,345 square feet of area could be in restaurant use without exceeding single-acre limits, if such uses are concentrated in Buildings E, A, and D.

Open Area: Countywide land use compatibility criteria require that a minimum of 10% of land area in Airport Zone D consist of open land as defined in Policy 4.2.4 of the ALUCP. Notes for this Policy state that “open land requirements are intended to be applied with respect to an entire zone”. While this standard is “typically accomplished as part of a community general plan or specific plan”, it is also applicable to development projects covering 10 acres or more. This project is less than 10 acres in size; therefore, the project is not required to provide open area meeting the ALUC definition.

Noise: The site is located entirely outside the area subject to average aircraft noise levels greater than 55 CNEL; therefore, no special aircraft noise attenuation measures are required.

PART 77: No grading plans indicating finished floor elevations were submitted with the ALUC application. The maximum elevation of the site, according to the Riverside County Land Information System, is 69 feet above mean sea level (AMSL). Buildings B and C may be as high as thirty-four (34) feet. (Buildings A, D, and E are proposed at a height of 24 feet.) This would appear to indicate a top elevation as high as 103 feet AMSL. The elevation at the easterly end of the runway is 49.1 feet AMSL. At a distance of 2,212 feet from the runway, any building with an elevation at top of roof exceeding 71.2 feet AMSL would require FAA notice and review through the Form 7460-1 process. The applicant’s representative has been advised to file Form 7460-1 to the FAA for each building.

CONDITIONS:

1. Prior to issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each building with an elevation at top point exceeding 71.2 feet above mean sea level and shall have received a determination of “Not a Hazard to Air Navigation” from the FAA. Copies of the FAA determination shall be provided to the City of Indio Planning Department and the Riverside County Airport Land Use Commission.
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 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, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.

- (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. This finding of conditional consistency is based upon the exhibit prepared by Robert H. Ricciardi, Architect, dated July 2007. Any changes in the locations or heights of buildings shall be subject to further review by the Airport Land Use Commission as an amended project.
5. The City of Indio shall either prohibit the following uses, or shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the structures proposed through this conditional use permit:
- Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, gaming, bowling alleys, and other uses that would be considered to have an occupancy level greater than one person per 15 square feet (minimum square feet per occupant less than 15) pursuant to California Building Code (1998) Table 10-A.
5. The following uses shall be prohibited except within Buildings A, D, E, and the two most easterly suites in Building C. Furthermore, these uses shall occupy not more than 7,124 square feet in Building A, 2,176 square feet in Building C, and 2,520 square feet in Building D. (These uses are not restricted in Building E.)
- Conference rooms, restaurants, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages, classrooms, skating rinks, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet, but not greater than one person per 15 square feet.
6. All structures shall be single-story in floor area.
7. The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the buildings, and shall be recorded as a deed notice.

Staff Report
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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.3

HEARING DATE: May 8, 2008

CASE SUMMARY:

CASE NUMBER: ZAP1027BD08 – Michael, Brenda, and George Mitchell/
Mitchell’s Gas & Mini-Mart

APPROVING JURISDICTION: City of Indio

JURISDICTION CASE NO: CUP 05-12-851A (Conditional Use Permit) and DR 05-12-205A (Design Review)

MAJOR ISSUES: Limitations on retail and restaurant area are necessary to maintain consistency with Zone C single-acre intensity criteria, but these limitations do not constrain the applicant’s vision for the future of the property.

RECOMMENDATION: Staff recommends a finding of CONSISTENCY with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan, provided that the applicant is agreeable to the land use type and area limitations imposed by the attached conditions.

PROJECT DESCRIPTION: Conditional Use Permit No. 05-12-851A and Design Review No. 05-12-205A apply to a proposal by Michael, Brenda, and George Mitchell to develop a multiple use commercial, office, and storage project consisting of two new office/retail buildings with a combined gross floor area of 11,906 square feet, a 2,347 square foot restaurant, seven mini-storage buildings with a total floor area of 34,512 square feet,, and 137 covered spaces for storage of recreational vehicles and boats on 5.45-5.56 acres. There are currently four commercial buildings and a gas station on the property. The proposed project will be developed in two phases. Phase I includes one new office/retail building at the east end of the property, five mini-warehouse buildings, and the 137 covered spaces. During this time, the existing commercial operations and gas station would continue in operation. Phase II includes one new office/retail building at the west end of the property, the restaurant, and the two remaining mini-warehouse buildings. Phase II would require the demolition or relocation of the existing structures, including the gas station.

PROJECT LOCATION: The site is located southerly of (and facing the south side of) Indio Boulevard, easterly of Madison Street, northerly of Paludosa Drive, and westerly of the Coachella Valley Water District storm water channel in the City of Indio, approximately 6,567 feet southeasterly of Runway 10-28 at Bermuda Dunes Airport.

LAND USE PLAN: 2004 Bermuda Dunes Airport Land Use Compatibility Plan
Adjacent Airport:

a. Airport Influence Area: Bermuda Dunes Airport

- b. Land Use Policy: Airport Zone C
c. Noise Levels: 55-60 CNEL

BACKGROUND:

Nonresidential Average Intensity: The site is located in Airport Zone C. Nonresidential intensity in Airport Zone C is restricted to an average of 75 persons per acre. Pursuant to Appendix C, Table C-1 of the Riverside County Airport Land Use Compatibility Plan, the intensity of restaurant serving area has been determined to be one person per 15 square feet, the intensity of retail stores has been determined to be one person per 30 square feet, the intensity of offices has been determined to be one person per 100 square feet, and the intensity of warehouses has been determined to be one person per 500 square feet. Application of the 50% factor converts these intensity numbers to one person per 30, 60, 200, and 1000 square feet, respectively.

In Phase I, the site would include the four existing buildings with a total of 9,686 square feet, the gas station with an assumed capacity of 12 vehicles, one new office/retail building with 5,953 square feet (3,838 square feet on the ground floor and 2,115 square feet on the second floor), 30,162 square feet of mini-warehouse space, and 137 covered spaces for vehicle storage. One of the existing buildings (2,105 square feet in area) is a convenience store/restaurant, while the others are used for auto repair and auto detailing services. If we assume that the ground floor of the new building will be in retail use and that the second floor will be used for offices, the total occupancy of the site in Phase I would be estimated as follows: $(2105 \text{ divided by } 30) + (11419 \text{ divided by } 60) + (2115 \text{ divided by } 200) + (30162 \text{ divided by } 1000) + (12 \text{ pumps multiplied by } 1.5 \text{ persons per vehicle}) = 70 + 190 + 11 + 30 + 18 = 319$ persons. Given the net acreage of at least 5.45 acres, the total allowable population intensity of this site is 408. The average intensity is 59 persons per acre, provided that no space is converted to uses more intense than retail trade.

In Phase II, the site would include a 2,347 square foot restaurant, two office/retail buildings with 11,906 square feet (7,676 square feet on the ground floors and 4,230 square feet on the second floors), 34,512 square feet of mini-warehouse space, and 137 covered spaces for vehicle storage. Using the above assumptions, the total number of persons in the buildings may be estimated as follows: $(2347 \text{ divided by } 30) + (7676 \text{ divided by } 60) + (4230 \text{ divided by } 200) + (34512 \text{ divided by } 1000) = 78 + 128 + 21 + 35 = 262$. The average intensity of 48 persons per acre is clearly consistent in Phase II.

Nonresidential Single-Acre Intensity: Nonresidential single-acre intensity is restricted to 150 persons in any given acre within Airport Zone C. This level may be increased to up to 195 with use of risk-reduction design features, including, but not limited to, the following possible mitigation measures: limiting buildings to a single story; enhancing the fire sprinkler system; increasing the number of emergency exits; upgrading the strength of the building roof; avoiding skylights; limiting the number and size of windows; and using concrete walls.

Staff review indicates that the most intense single-acre area in Phase I would be the square acre that includes all of the new office/retail building (5,953 square feet) and 4,595 square feet in two of the

existing buildings and a portion of the third. If we assume that the buildings currently in automotive-related uses may be converted to other retail activities, the buildings with 2,869 and 1,232 square feet, respectively, could together accommodate 68 persons. The 494 square foot portion of the restaurant/convenience store could potentially accommodate 16 persons. The new building is indicated as being “office/retail.” The building would include 3,838 square feet of ground floor space and 2,115 square feet of second floor space. It should be noted that second floor retail is considered to be only half as intensive as ground floor retail. If it is assumed that the new building would be entirely for retail use, its occupancy would be calculated as $(3838 \text{ divided by } 60) + (2115 \text{ divided by } 120) = 64 + 18 = 82$ persons. The total intensity of the single-acre area would be 166 persons. However, if the retail area in the new building is limited to 3,000 square feet with the remainder in office space, the intensity of the new building is reduced from 82 persons to 65 persons, reducing the single-acre intensity to 149.

In Phase II, the most intense single acre is one which would include the restaurant and one of the retail/office buildings. The restaurant has a potential intensity of 78 persons, while the retail/office building has a potential intensity of 82 persons if used entirely for retail trade. This would result in an intensity of 160 persons, 7% above the standard. However, if each of the new retail/office buildings is limited to 3,600 square feet of retail area, the intensity of the new building is reduced to 72 persons. Thus, with these restrictions, the single-acre intensity would be reduced to 150 persons and be consistent with the 2004 Bermuda Dunes Airport Land Use Compatibility Plan.

Based on this analysis, we have included conditions that would restrict the area in the proposed retail/office buildings that would be available for uses more intense than offices to 3,000 square feet in the easterly building and 3,600 square feet in the westerly building.

Open Area: Countywide land use compatibility criteria require that a minimum of 20% of land area in Airport Zone C consist of open land as defined in Policy 4.2.4 of the ALUCP. Notes for this Policy state that “open land requirements are intended to be applied with respect to an entire zone”. While this standard is “typically accomplished as part of a community general plan or specific plan”, it is also applicable to development projects covering 10 acres or more. As this project is less than 10 acres in area, the open area requirement need not be imposed on this application.

Noise: The site is located inside the area subject to average aircraft noise levels greater than 55 CNEL; therefore, aircraft noise attenuation measures are required. Pursuant to Table 2A of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan, a minimum 20 dB exterior-to-interior noise level reduction is required for office buildings in Airport Zone C.

PART 77: No grading plans indicating finished floor elevations were submitted with the ALUC application. The maximum elevation of the site, according to the Riverside County Land Information System, is perhaps 20 feet above mean sea level (AMSL). The structure height may be as high as twenty-seven (27) feet. This would appear to indicate a top elevation as high as 54 feet AMSL. The elevation at the easterly end of the runway is 49.1 feet AMSL. At a distance of 6,567

feet from the runway, any building with an elevation at top of roof exceeding 114.7 feet AMSL would require FAA review. Based on these elevations, FAA review is not required for this project.

CONDITIONS:

1. Any new outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
2. The following uses 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, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.
 - (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, and highly noise-sensitive outdoor nonresidential uses.
3. Noise attenuation measures shall be incorporated into the construction of the office buildings so as to provide for an exterior-to-interior noise level reduction of 20 dB, so as to ensure that interior noise levels from aircraft operations will not exceed 45 CNEL.
4. This finding of consistency is based upon the Phase One exhibit, floor plans, and elevations dated June 26, 2007 and the Phase Two exhibit dated January 18, 2008, both of which were prepared by Ray Martinez & Associates. Any changes in the locations of buildings shall be subject to further review by the Airport Land Use Commission as an amended project.
5. The City of Indio shall either prohibit the following uses, or shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the structures proposed through this conditional use

permit/design review:

Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, gaming, bowling alleys, and other uses that would be considered to have an occupancy level greater than one person per 15 square feet (minimum square feet per occupant less than 15) pursuant to California Building Code (1998) Table 10-A.

6. The maximum square footage in the proposed office/retail buildings that may be utilized for retail purposes is 3,600 square feet in the westerly building and 3,000 square feet in the easterly building; provided, however, that the retail space in the easterly building may be increased from 3,000 square feet to 3,600 square feet upon the removal or demolition of either the existing 1,232 square foot building or the existing 2,869 square foot building in the northeasterly portion of the property.
7. The following uses shall be prohibited, except as may be allowed by the City within the existing convenience store/restaurant during Phase I and the proposed restaurant building in Phase II:

Restaurants, dining rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages, classrooms (adult), skating rinks, swimming pools, conference rooms with capacities exceeding 60 persons, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet, but not greater than one person per 15 square feet.
8. The following uses, if authorized by the City, may be allowed to occupy the existing structures and up to 3,600 square feet within each of the proposed office/retail buildings:

Retail sales (subject to the limitation in Condition No. 5, above), health care facilities, courtrooms, and exercising rooms.
9. The following uses are permitted throughout the site, if authorized by the City of Indio:

Offices, repair facilities, mechanical equipment rooms, storage and stock rooms, mini-warehouses, and covered parking.
10. The attached notice shall be provided to all potential purchasers of the real property and tenants of the buildings (other than the storage units), and shall be recorded as a deed notice.

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

STAFF REPORT

ADMINISTRATIVE ITEMS

- 5.1 Director's Approvals. As authorized pursuant to Section 1.5.2(d), ALUC Director Ed Cooper has approved one non-legislative case determined to be consistent with an Airport Land Use Compatibility Plan. Staff is attaching copies, for your Commission's information.
- 5.2 Mileage Reimbursement – Subcommittee Meetings - Ed Cooper, ALUC Director, will address the Commission regarding this subject at this time.
- 5.3 Report from Frequency of Use Subcommittee: Calculation of Intensity for Meeting Places and Intermittent Uses - The Frequency of Use Subcommittee (Commissioners Glen Holmes, Robin Lowe, and John Lyon) was scheduled to meet on Monday, April 28, to discuss how to address frequency of use issues, but a quorum was not reached. Mr. Ken Brody of Mead and Hunt and Commissioner John Lyon have provided written comments, which are attached.

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