



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., September 11, 2008

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
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Riverside

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Robin Lowe
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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 item under consideration. 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.

Non-exempt materials related to an item on this agenda submitted to the Airport Land Use Commission or its staff after distribution of the agenda packet are available for public inspection in the Airport Land Use Commission's office located at 4080 Lemon Street, 9th Floor, Riverside, CA 92501 during normal business hours.

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.

BERMUDA DUNES AIRPORT

- 2.1 ZAP1030BD08 – Washington 111, Ltd. – County Case No. CZ07384 (Change of Zone). A proposal to change the zoning of a 1.45-acre parcel located northerly of Darby Road and westerly of Moore Circle in the unincorporated Riverside County community of Bermuda Dunes from R-1-12,000 (One-family Dwellings, 12,000 square foot minimum lot size) to R-1 (One-family Dwellings), in order to allow for division of the property into three residential lots, two of which will be less than 12,000 square feet in area, along with a retention basin parcel and a cul-de-sac street. Airport Zone E. ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

3.0 **ITEMS THAT STAFF RECOMMENDS BE CONTINUED WITHOUT DISCUSSION**
(Presentation available upon Commissioners request)

FRENCH VALLEY AIRPORT

- 3.1 ZAP1008FV07 – Wilshire Greenway I, LLC (Representative: Ebru Ozdil/Advanced Development Solutions) – County Case Nos. 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. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel. Airport Zones C, B1, and D. (Continued from December 13, 2007, January 10, February 14, March 13, May 8, June 12, July 10, and August 14, 2008). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUANCE OFF-CALENDAR

- 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, May 8 and July 10, 2008). ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUE to October 9, 2008

4.0 **PUBLIC HEARING – OLD BUSINESS**

FLABOB AIRPORT

- 4.1 ZAP1011FL08 – Riverside County Economic Development Agency, for Riverside County Regional Park and Open-Space District - (Representative: Jill Efron/RHA Landscape Architects Planners Inc.) – Rancho Jurupa Sports Park – A park with soccer fields, including lighted soccer fields, picnic shelters, playground, and restroom/concession building, on a 36.54-acre site located northerly of Crestmore Road and 46th Street, westerly of Loring Ranch Road, and southerly of Flabob Airport in the unincorporated Riverside County community of Rubidoux. Airport Zone B2 and D. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONDITIONALLY CONSISTENT

MARCH AIR RESERVE BASE

- 4.2 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). (Continued from May 8, June 12, July 10 and August 14, 2008). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: INCONSISTENT

JACQUELINE COCHRAN REGIONAL AIRPORT

- 4.3 ZAP1010TH08 – Robert J. Mainiero, for Arnulfo and Teresa Rodriguez, and Jose and Maria Meza - County Case No. CZ07495 (Change of Zone). A proposal to change the zoning of a 10.16-acre parcel located westerly of Fillmore Street and Desert Cactus Drive, northerly of 57th Avenue, and easterly of the Coachella Valley Water District Flood Control Channel, in the portion of the unincorporated Riverside County community of Thermal located east of the railroad, from R-A-20 (Residential Agricultural, 20 acre minimum lot size) to R-A-2 (Residential Agricultural, 2 acre minimum lot size), in order to allow division of the property into three parcels. Airport Zones D and E. **Staff has prepared special findings pursuant to Section 3.3.6, for the Commission’s consideration.** ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

5.0 **PUBLIC HEARING:**
NEW BUSINESS

FLABOB AIRPORT

- 5.1 ZAP1010FL08 – Old Plantation Investors, LP (Representative: Anacal Engineering/Glen Gwatney) – County Case No. CUP00997R1 (Revision No. 1 to Conditional Use Permit No. 997) – A proposal to add 9 new mobile home spaces to an existing 223-space mobile home park located southerly (southwesterly) of Mission Boulevard, both westerly and easterly of Crestmore Road, northerly of Capary Road, in the community of Rubidoux. No additional acreage would be added to the park; the spaces would be established at locations previously in use as laundry rooms, washrooms, and storage areas. Airport Zones B1 and C. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: INCONSISTENT

DESERT CENTER AIRPORT

- 5.2 ZAP1001DC08 – Chuckwalla Valley Associates, LLC – County Case No. PP23577 (Plot Plan). A proposal to develop a 400-acre road racing facility that would, upon completion, include three race tracks (designed for automobile and other motor vehicle racing), a two-story, 16,200 square foot clubhouse, an administration building, garages, a scoring/timing tower, pit lanes, fueling facilities, and open parking areas, including transporter truck parking areas, within the 1100-acre property that includes Desert Center Airport. The facility would be open to members and their guests. The site is located southeasterly of State Highway 177 (Desert Center-Rice Road) and northerly of Interstate 10 in the community of Desert Center, in unincorporated Riverside County. Airport Zones A, B2, C, and E. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONDITIONALLY CONSISTENT

CHINO AIRPORT

- 5.3 ZAP1010CH08 – Silveira Dairy Investment, LLC/Stratham Cloverdale Inc. (Representative: Albert A. Webb Associates) – County Case Nos. GPA00807 (General Plan Amendment), CZ07073 (Change of Zone), and TR32821 (Tentative Tract Map). A proposal to amend the General Plan (Eastvale Area Plan) designation of 38.45-39.69 acres located northerly of Limonite Avenue and westerly of Cleveland Avenue in the community of Eastvale in unincorporated Riverside County from MDR (Medium Density Residential) to HDR (High Density Residential), to change the zoning of the property from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) to R-3 (General Residential), to divide the property into 23 residential lots for condominium purposes and six open space lots, and to establish 350 condominium dwelling units/lots. Airport Area III (Proposed Airport Zone D). ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT (GPA and Zone Change); Tract Map is consistent with 1984 Plan, but inconsistent with proposed 2008 Plan.

6.0 PUBLIC HEARING**CHINO AIRPORT**

- 6.0 ZAPEA01CH07 - The Riverside County Airport Land Use Commission ("Commission") intends to adopt a Mitigated Negative Declaration, prepared pursuant to the California Environmental Quality Act ("CEQA;" Pub. Resources Code, §21000 *et seq.*), for the proposed Airport Land Use Compatibility Plan for Chino Airport ("Compatibility Plan"). The proposed project is the Commission's adoption of a Compatibility Plan, which includes an Airport Influence Area ("AIA") with new boundaries, for Chino Airport. The proposed Compatibility Plan is designed to regulate future land uses in the Riverside County portion of the Chino Airport AIA. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: ADOPT PLAN WITH MITIGATION MEASURES 1A, 3, 4, 5, and 6, or with 2, 3, 5, and 6.

7.0 **ADMINISTRATIVE ITEMS**

- 7.1 Notice of Intent to Overrule – ZAP1003PS07, D. R. West LLC/The Nicholas Group (City of Palm Springs)
- 7.2 Notice of Intent to Overrule – ZAP1024MA07 – Brian Bargemann/Investment Building Group (City of Perris)
- 7.3 Progress Report – Perris Valley Airport Land Use Compatibility Plan

8.0 **APPROVAL OF MINUTES**

August 14, 2008

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

COMMISSIONER'S COMMENTS

10.
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COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT

AGENDA ITEM: 2.1
HEARING DATE: September 11, 2008
CASE NUMBER: ZAP1030BD08 – Washington 111, Ltd.
APPROVING JURISDICTION: County of Riverside
JURISDICTION CASE NO.: CZ07384 (Change of Zone)

MAJOR ISSUES: None

RECOMMENDATION: Staff recommends a finding of CONSISTENCY for the proposed change of zone, subject to the conditions specified herein to be applied to the associated parcel map.

PROJECT DESCRIPTION:

The applicant proposes a change of zone from R-1-12,000 (One-Family Dwellings, 12,000 square foot minimum lot size) to R-1 (One-Family Dwellings), in order to allow for the division of the 1.45-acre property into three residential lots, two of which will be less than 12,000 square feet in area, along with a retention basin parcel and a cul-de-sac street.

PROJECT LOCATION:

The site is located northerly of Darby Road and westerly of Moore Circle, approximately 5,676 feet southwesterly of the runway at Bermuda Dunes Airport, in the unincorporated Riverside County community of Bermuda Dunes.

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

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

BACKGROUND:

Land Use/Intensity: The site is located in Airport Zone E. Given the acreage and proposed number of residential lots, the density is 2.07 dwelling units per acre. The land use compatibility criteria for Airport Zone E do not limit residential density.

Part 77: The applicant's maximum proposed pad elevation on site is 98.5 feet above mean sea level (AMSL). The applicant is proposing one-story dwellings with a maximum structure height of 17 feet. The interpolated runway elevation at its closest distance from the site is 66.1 feet AMSL. At an approximate distance of 5,676 feet, any structure above 122.8 feet AMSL at top point would require FAA review.

Noise: The site is outside the 55 CNEL contour; therefore, no noise mitigation is required.

CONDITIONS (to be applied to the parcel map):

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.
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, and shall comply with Riverside County Ordinance No. 655, as applicable.
4. Prior to issuance of building permits for any structure whose elevation in feet above mean sea level at top of roof or top point exceeds 122.8, the applicant shall file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration for such structure and shall have received a determination of "No Hazard to Air Navigation."

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.1 ~~4.1~~ ~~3.1~~ ~~2.2~~ ~~3.4~~ ~~3.3~~ 4.3

HEARING DATE: SEPTEMBER 11, 2008 ~~AUGUST 14, 2008~~ ~~JULY 10, 2008~~ ~~JUNE 12, 2008~~ ~~MAY 8, 2008~~ ~~March 13, 2008~~ ~~February 14, 2008~~ ~~January 10, 2008~~
(continued from AUGUST 14, 2008, JULY 10, 2008, JUNE 12, 2008, MAY 8, 2008, 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 195 ~~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 applicant is requesting risk-reduction design bonuses of up to 30% for single-story buildings and up to 20% for two-story buildings. The project does meet the average intensity standard. FAA review has been completed. ~~is required for at least some of the structures at this location.~~ At the June 12 public hearing, the Commission raised the issue of whether the project meets the open area requirements of the airport zones in which it is located. Staff estimates that the project requires at least 6.72 acres of ALUC-qualified open area, unless the applicant provides verification that the open area requirement is met at the Specific Plan level for Specific Plan No. 284.

RECOMMENDATION: Staff recommends:

CONTINUANCE OFF-CALENDAR, CONTINUANCE to

~~September 11, August 14, 2008, pending receipt of information regarding the project's compliance with the open area requirements.~~

~~a finding of CONSISTENCY for the specific plan amendment, change of zone, and parcel map.~~

~~In the event that the Commission is willing to grant the requested risk-reduction design bonuses, staff recommend a finding of CONDITIONAL CONSISTENCY for the plot plan, subject to the conditions included herein and such additional conditions as may be required to be added pursuant to the terms of the FAA determination. In the event that the Commission is not willing to grant the requested risk-reduction design bonuses, staff recommends that consideration of the plot plan be continued an additional month to allow for further redesign or reallocation of land uses.~~

~~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.

UPDATE V: A NEW PACKET OF MATERIALS WAS SUBMITTED ON MAY 29, 2008. THE APPLICANT HAS MADE SOME CHANGES TO BUILDING LAYOUT AND LAND USES AND HAS SUBMITTED TO FAA FOR AERONAUTICAL REVIEW WHERE REQUIRED.

UPDATE VI: THE COMMISSION HAS REQUESTED A DETERMINATION AS TO WHETHER THE PROJECT MEETS THE APPLICABLE ALUCP OPEN AREA REQUIREMENTS. AT THIS TIME, STAFF DOES NOT HAVE SUFFICIENT INFORMATION TO VERIFY THAT THESE REQUIREMENTS ARE MET. THEREFORE, STAFF IS RECOMMENDING AN ADDITIONAL CONTINUANCE.

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

UPDATE VIII: THE APPLICANT HAS AGREED TO A CONTINUANCE OFF-CALENDAR.

PROJECT DESCRIPTION: Plot Plan No. 23146 proposes to establish a mixed use commercial, office, and industrial project consisting of 12 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.

UPDATE V: The applicant is now proposing to include a “sales area” in Building E. Provided that the “sales area” within this building does not exceed 21,840 square feet in area, total site occupancy would not exceed 2,262 persons, for an average intensity of 67 persons per acre, which remains 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.*

UPDATE V: The applicant has provided revised exhibits for the areas in question. Based on these revised exhibits and staff's analysis, single-acre intensities have been reduced to levels not exceeding 195 persons per acre. They are now within the range where the use of risk-reduction design measures could potentially allow for a finding of consistency.

The area of highest intensity continues to be the acre that includes the westerly 210 feet of Building L (a two-story office building) and the northerly 4,000 square feet of Building M (a retail building). This single-acre area has an intensity of approximately 195 persons, as calculated by the applicant's representative's Autocad system.

Additional single-acre areas of concern include: (1) the single-acre area including the westerly 210 feet of Building L and a portion of Building K (also a two-story office building); (2) the single-acre area including a majority of Building K; (3) portions of Buildings E and D; and (4) portions of Buildings E and G. The applicant's representative's system has calculated the intensities of these areas as 185, 179, 198, and 189, respectively. Staff estimates the latter two as 162 or less. (The representative's system had calculated the "sales area" in Building E based on the standard retail calculation rather than the special calculation applicable in French Valley.)

In any event, the single-acre intensities exceed the French Valley Zone C standard of 160 and require a finding of inconsistency in the absence of risk-reduction design measures. The applicant's architect is requesting that the Commission consider the following risk-reduction measures integrated into project design:

Industrial Building D: The building is limited to one story and will be only 26 feet, 6 inches in height. (The mezzanine areas depicted on earlier plans have been eliminated.) The walls of this building will be concrete tilt-up design. The roof system has been upgraded to a metal truss system. The window openings have been limited to eight feet in height and kept to a minimum.

Office Buildings K and L: Each of these buildings has four entrance/exits. Fire suppression has been enhanced from code minimum of .25 to .33 coverage. Skylights have been eliminated. The walls of these buildings will be concrete tilt-up design. The roof structure has been upgraded to a metal truss system. The average panel opening amount has been limited to 26% per panel, except at corners.

Retail Building M: The building is limited to one story. Fire suppression has been enhanced from code minimum of .25 to .33 coverage. Skylights and other similar roof openings have been eliminated. The roof structure has been upgraded to a metal truss system. Windows are limited to the front and sides of the building.

In addition to compliance with these risk-reduction design measures, the applicant will be required to comply with restrictions on the use of the various buildings in accordance with the assumptions utilized to determine the single-acre intensity levels.

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.**

UPDATE V: The applicant's representative has been in contact with FAA and has utilized the Notice Criteria Tool at www.oiaa.faa.gov to determine that Buildings A, D, F, G, I, and J do not require review. Buildings C, E, K, L, and M require review

at one or more points. Applications have been submitted for each structure requiring review.

UPDATE VI: The FAA has issued determinations of “No Hazard to Air Navigation” for all structures with elevations exceeding 1,364 feet above mean sea level.

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 exceeding Notice Criteria** 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.~~

1. The heights and maximum elevations of proposed buildings shall be as follows:

The maximum height of Building B shall not exceed 33 feet above ground level, and the maximum elevation at the top of Building B shall not exceed 1,386 feet above mean sea level.

The maximum height of Building C shall not exceed 35 feet above ground level, and the maximum elevation at the top of Building C shall not exceed 1,385 feet above mean sea level.

The maximum height of Building E shall not exceed 36 feet above ground level, and the maximum elevation at the top of Building E shall not exceed 1,387 feet above mean sea level.

The maximum height of Building K shall not exceed 30 feet above ground level, and the maximum elevation at the top of Building K shall not exceed 1,382 feet above mean sea level.

The maximum height of Building L shall not exceed 30 feet above ground level, and the maximum elevation at the top of Building L shall not exceed 1,385 feet above mean sea level.

The maximum height of Building M shall not exceed 27 feet above ground level, and the maximum elevation at the top of Building M shall not exceed 1,378 feet above mean sea level.

The maximum height of all other buildings shall not exceed 31 feet above ground level, and the maximum elevation at the top of any other building on-site shall not exceed 1,364 feet above mean sea level.

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~~, **plot plan**, 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**.
6. **Uses within the easterly 50 feet of Building D shall be limited to a maximum of 5% office area, with the remainder utilized for warehousing.**
7. **Retail sales areas in Building E shall be limited to the easterly 33 42 feet of the building, and shall be confined to the first floor. Office areas in Building E shall be confined to the second floor, and shall be limited to the easterly 33 feet of the building. The westerly 40 feet of the building shall be limited to storage and stock rooms, and/or warehousing.**
8. **The easterly 50 feet of Building G shall be limited to warehousing uses.**
9. **The Federal Aviation Administration (FAA) has conducted aeronautical studies and has determined that marking and lighting of the proposed structures is not necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting shall be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K Change 2.**

- 10. The specific coordinates and heights of the proposed buildings (as specified in documentation submitted to the FAA) shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height shall not require further review by the Airport Land Use Commission.**
- 11. Temporary construction equipment used during actual construction of the buildings shall not exceed the height of the proposed building, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.**

COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT

AGENDA ITEM: 3.2 ~~3.1~~ ~~3.2~~ ~~3.1~~

HEARING DATE: September 11, 2008 ~~July 10, 2008~~ ~~May 8, 2008~~
(continued from July 10, 2008, ~~May 8, 2008~~, and
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.

The applicant is redesigning the project so as to avoid placing any new parking spaces in Zone A.

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 September 11, 2008 October 9, 2008 ALUC hearing, per the applicant's request in the letter dated April 16, 2008 June 24, 2008. August 25, 2008.

UPDATE III: The applicant is in the process of preparing a revised parking layout that would provide for more parking spaces, but would keep all new spaces outside Airport Zone A. Additionally, consideration is being given to the review of this request as a substantial conformance, rather than as a revised permit. In any event, due to the change in number of parking spaces, re-advertisement will be required. Staff is recommending continuance with re-advertisement based on the new proposed substantial conformance case number and revised number of spaces.

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.~~

COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT

AGENDA ITEM: 4.1 5.4

HEARING DATE: September 11, 2008 (continued from August 14, 2008)

CASE NUMBER: ZAP1011FL08 – Riverside County Economic Development Agency, for Riverside County Regional Park and Open-Space District

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Rancho Jurupa Sports Park

MAJOR ISSUES: ~~Major issues include the intensity of site use during sporting events and the need for FAA obstruction evaluation for structures and light fixtures. The site plan submitted with the application did not depict all proposed field locations.~~ *Children will comprise the majority of persons enjoying the use of this facility in the “sideline” B2 zone. The intensity of use in that zone could potentially exceed the 200 person per single-acre standard; however, the area of greatest single-acre intensity within the B2 zone consists of open fields with unobstructed ingress and egress, such that the equivalent of a risk-reduction design bonus for multiple emergency exits is appropriate.*

RECOMMENDATION: Staff recommends ~~that this item be~~ CONTINUED ~~to September 11, 2008, to allow for review of the site plan depicting the location of all proposed fields.~~ *a finding of CONDITIONAL CONSISTENCY for this project, subject to the conditions herein and such additional conditions as may be required pursuant to the terms of the FAA determinations for the proposed structures.*

UPDATE: Following the completion of the August staff report, but prior to the August meeting, the project landscape architect submitted the plan depicting all of the proposed fields, as well as information regarding the number of participants and spectators at AYSO soccer matches. Additionally, the FAA completed its review of the light pole locations and determined that they will not be hazards to air navigation. Following the August hearing, the project landscape architect filed for FAA review of several proposed on-site structures.

PROJECT DESCRIPTION:

The County is proposing to establish a park with **sixteen** soccer fields, including **four** lighted soccer fields, picnic shelters, playground, and restroom/concession building, on a 36.54-acre site.

PROJECT LOCATION:

The site is located northerly of Crestmore Road and 46th Street, westerly of Loring Ranch Road, and southerly of (and adjacent to) Flabob Airport, in the unincorporated Riverside County community of Rubidoux.

LAND USE PLAN: 2004 Flabob Airport Land Use Compatibility Plan (2004 FALUCP)

- a. Airport Influence Area: Flabob Airport
- b. Land Use Policy: Airport Zones A, B2, and D
- c. Noise Levels: From below 55 CNEL to above 65 CNEL

BACKGROUND:

Land Use/Intensity: The site is located in Airport Zones A, B2, and D. No structures are proposed within Airport Zone A. Airport Zone B2 would include two picnic shelters with a combined capacity of 56 people. All other buildings and **eight of the soccer fields, including all lighted soccer fields and those used by children at least ten years of age** would be in Airport Zone D. However, the applicant proposes unlighted soccer fields that would extend into Airport Zone B2. **These would include most of the fields that would be used by children under the age of ten.**

A total of 415 parking spaces are proposed to be provided. Given that the site would be used for team sports, a high vehicle occupancy may be expected, but even if each vehicle had five occupants, the total intensity would not exceed 2,075 persons, whereas the site would be permitted over 3,000 persons within the overall acreage. The average intensity of 57 persons per acre would be considerably less than the average intensity limit of 100 people per acre in both Airport Zone B2 and Airport Zone D.

Staff's concern is with the single-acre intensity limits: 200 persons in Airport Zone B2 and 300 persons in Airport Zone D, although the lack of a structure implies that the 30% risk-reduction design bonus ~~should~~ **could potentially** be granted, increasing the numbers to 260 and 390, respectively.

Based on the information provided by a representative of the American Youth Soccer Organization (AYSO), the number of people on or near a soccer field during a game may be expected to be from 50 to 70 persons.

Within Airport Zone B2, staff projects that the most intensely used acre would be the acre that includes all or portions of three "U6" fields (30 yards in length and

designed for use by the preschool age group – ages 4-5) and portions of a “U8-U10” field (75 yards in length and designed for use by the elementary school age group – ages 6-9). It is estimated that 60 persons would be on or near each “U8-U10” field and that 50 persons would be on or near a “U6” field. If all of these fields were in use at the same time, the single-acre intensity would be 210 persons. This slightly exceeds the Airport Zone B2 standard of 200 persons. However, staff would support the granting of a 5% risk-reduction design bonus for emergency exits, since the concentration of persons would be occurring on an open field with no structures, walls, or other obstructions that would restrict evacuation of the area.

Within Airport Zone D, staff projects that the most intensely used acre would be the acre that includes the large group picnic shelter (with a capacity of 150), the restroom/concession building, and a portion of one “U12” field (100 yards in length and designed for use by the middle school age group – ages 10-12). It is estimated that 70 persons would be on or near a “U12” field during a game. Staff estimates the intensity of this single-acre area as 260 persons, which is an acceptable intensity in Airport Zone D.

A question that has not been explored is whether the fact that this park would be largely utilized by children makes this use a “use having vulnerable occupants.” Uses such as day care centers are prohibited in Airport Zone B2. It may be appropriate to consider moving the “U6” fields out of Airport Zone B2 by swapping the locations of the “U6” fields with the “U8-U10” field located directly westerly of the 40-person picnic shelter. This would also reduce the single-acre intensity in Airport Zone B2 to below 200 persons.

Part 77: The maximum on-site elevation, according to the Riverside County Land Information System, is 756 feet above mean sea level (AMSL). The runway elevation at its westerly end is 750.3 feet AMSL. Structures at this site require FAA review.

The applicant has submitted to FAA for review of six light poles seventy (70) feet in height. ~~Review will likely be required for other structures as well, once their locations have been established.~~

The Federal Aviation Administration has completed its aeronautical studies (2008-AWP-4450-OE through 2008-AWP-4455-OE) of the six proposed locations for 70-foot light poles, and has determined that the proposed structures do not exceed obstruction standards and would not constitute hazards to air navigation. The landscape architect has also submitted for review of three shelters, two play structures, and a restroom.

Noise: The site is subject to high noise levels, but the use is not noise-sensitive; therefore, no noise mitigation is required.

Open Land: The majority of the site would constitute “open land” as defined in Section 4.2.4 of the Countywide Policies of the 2004 Riverside County Airport Land Use Compatibility Plan.

CONDITIONS:

1. Prior to issuance of building permits, the landowner shall convey an avigation easement to Flabob Airport, which shall be recorded. Copies of the avigation easement shall be retained by both parties and shall be available for inspection by the Riverside County Airport Land Use Commission, upon request.
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.
3. The attached notice shall be provided to all potential purchasers, lessees, and tenants.
4. 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.
5. Prior to issuance of building permits for any structure, the applicant shall file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration and shall have received a determination of “No Hazard to Air Navigation,” or shall have received a determination using the Notice Criteria Tool at www.oeaaa.faa.gov that notice criteria are not exceeded.
6. No walls, trees, or poles greater than 4 inches in diameter at a height 4 feet above the ground shall be constructed, installed, or planted within the portion of this property within Airport Zone A.

- 7. The maximum height of the proposed light poles shall not exceed seventy (70) feet above ground level, and the maximum elevation at top of structure shall not exceed 820 feet above mean sea level for Light Poles 1 and 2, 822 feet above mean sea level for Light Poles 3 and 4, and 821 feet above mean sea level for Light Poles 5 and 6.**
- 8. The Federal Aviation Administration has conducted aeronautical studies and has determined that marking and lighting are not necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting shall be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K Change 2.**
- 9. The specific coordinates of each light pole are as indicated in the attached determinations of “No Hazard to Air Navigation” issued by the Federal Aviation Administration (Aeronautical Study Nos. 2008-AWP-4450-OE through 2008-AWP-4455-OE). The specific coordinates and heights of the proposed light poles shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in height shall not require further review by the Airport Land Use Commission.**
- 10. Temporary construction equipment used during actual construction or installation of the light poles shall not exceed the height of the light poles, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.**

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.2 ~~4.3~~ ~~3.2~~ 4.1

HEARING DATE: September 11, 2008 ~~August 14, 2008~~ ~~July 10, 2008~~
~~June 12, 2008~~ (continued from August 14, 2008, July 10, 2008, June 12, 2008 and 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 a finding of INCONSISTENCY, on the basis of the lot coverage exceeding 20 percent of lot area. However, the Commission

needs to be aware that the 20 percent lot coverage limit is not included in the 1984 Riverside County Airport Land Use Plan. Therefore, the inconsistency is with the U.S. Air Force Airport Installation Compatible Use Zone Guidelines, unless the Commission finds that a development not meeting those guidelines constitutes a “high risk land use.”

Staff recommends that ~~this item be CONTINUED to SEPTEMBER 11, 2008 August 14, 2008 July 10, 2008, to allow time for the March Joint Powers Authority to receive a reply from the United States Air Force to its request for a clarification of the intent of the lot coverage reference in the AICUZ Appendix. If 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 staff's interpretation of 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.)

UPDATE: Since the May 8 public hearing, Michael Johnson, Vice President of Oakmont Industrial Group, has submitted an e-mail with attached memorandum to staff and the members of the Commission in support of the position that: (a) the 20% lot coverage limit should only apply to buildings with high densities of people in APZ II; (b) the land use compatibility guidelines are intended to be “sufficiently flexible to allow reasonable economic use of the land, such as industrial/manufacturing...[and]...wholesale trade”; and (c) the 20% lot coverage limit would render light industrial and manufacturing uses infeasible, thereby either prohibiting the economic use of the land or resulting in the establishment of higher occupancy buildings within a concentrated area. Mr. Johnson also notes in his e-mail that the AICUZ study does not reference the words “emergency landing.” Mr. Johnson concludes that the proposed project is “exactly what is called for in the AICUZ document” and “completely compatible...with the intent of the AICUZ study when properly interpreted.” This is consistent with previous oral and written communications from the applicant’s consultant, Kurt Schlyer of Golder Associates, Inc.

In order to attempt to resolve this issue, which has been an ongoing point of contention both in the review of individual development projects and in the crafting of the March Joint Land Use Study, March Joint Powers Authority submitted a letter to Lynn Engelman, Air Force Civil Engineer, requesting assistance in the interpretation of the land use compatibility provisions identified in Table 3-1 and Appendix A of the AICUZ.

ALUC staff supports the course of action taken by the March Joint Powers Authority

requesting that the interpretation of AICUZ be made by the entity responsible for its preparation. Unless the applicant insists on final action at this meeting, it may be prudent for the Commission to continue this matter pending receipt of the clarification/interpretation by the author.

UPDATE II: In response to a follow-up inquiry from Dan Fairbanks of March Joint Powers Authority, Lynn Engelman advised on June 12 that she hoped to address the concern shortly. However, as of June 30, ALUC staff had not been advised of any further progress.

Staff has been advised by outside legal consultant Gatzke Dillon Ballance of a State court decision that upheld the authority of an ALUC to establish restrictions that extend beyond AICUZ requirements.

UPDATE III: The 20 percent lot coverage limit referenced in the Appendix to the 2005 AICUZ is not unique to March, but is a verbatim restatement of a provision in the AICUZ Handbook (Air Force Handbook 32-7084, which is available on the Internet). A copy of relevant portions of the AICUZ Handbook is included herewith.

UPDATE IV: Based on telephone discussions with U.S. Air Force personnel, including Lynn Engelman, it is staff's understanding that the lot coverage limit is not simply a method of limiting person-intensity in the Accident Potential Zones, but also a means of providing for open areas where an aircraft could potentially reach ground without endangering the lives of people on the ground. Additionally, U.S. Air Force personnel advised that the specific wording of the sentence regarding limits on lot coverage in APZ II was not meant to imply that a greater lot coverage would be permissible in APZ I.

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, **as understood by staff and by ALUC consultant Mead and Hunt. (Staff acknowledges that the applicant and the applicant’s consultant support a different interpretation.)**

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.

Another issue that has been raised is whether the Commission has the authority to consider the provisions of the AICUZ in determination of the consistency of projects. The Commission's enabling legislation requires that Land Use Compatibility Plans for the influence areas of military airports take AICUZ recommendations into account, but does not address whether to consider such recommendations in project review when the recommendations have not been incorporated into an adopted ALUCP.

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: 4.3 ~~5.1~~

HEARING DATE: September 11, 2008 (continued from August 14, 2008)

CASE SUMMARY:

CASE NUMBER: ZAP1010TH08- Robert J. Mainiero, for Arnulfo and Teresa Rodriguez, and Jose and Maria Meza

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: CZ07495 (Change of Zone)

MAJOR ISSUES: The change of zone would establish two acre minimum lot size zoning on a site that is predominantly located in Airport Zone D, where policies limit densities to either the high density option of five or more dwelling units per acre (net) or the low density option of one dwelling unit per five or more acres. *However, due to terrain, specific location, and other factors, a special conditions finding should be considered.*

RECOMMENDATION: ~~Staff must recommend a finding of INCONSISTENCY with the Airport Land Use Compatibility Plan, unless the Commission is willing to make a special conditions finding (pursuant to Section 3.3.6 of the Countywide Policies), based on the adjacency of the wash.~~

Staff recommends that the Commission find the project CONSISTENT, based on the special conditions findings (pursuant to Section 3.3.6 of the Countywide Policies) included herein, and that the conditions included in this staff report be applied to the associated parcel map.

PROJECT DESCRIPTION:

Change of Zone Case No. 7495 (CZ07495) is a proposal to change the zoning of 10.16 acres from R-A-20 (Residential Agricultural, 20 acre minimum lot size) to R-A-2 (Residential Agricultural, 2 acre minimum lot size), in order to allow for the division of the property into three lots.

PROJECT LOCATION:

The site is located westerly of Fillmore Street and Desert Cactus Drive, northerly of 57th Avenue, and easterly of the Coachella Valley Water District Flood Control Channel, in the portion of the unincorporated Riverside County community of Thermal located east of the railroad. The site is approximately 7,100 feet easterly of Runway 17-35 at Jacqueline Cochran Regional Airport.

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

- a. Adjacent Airport: Jacqueline Cochran Regional Airport
- b. Land Use Policy: Airport Zones D and E
- c. Noise Policy: Outside the 55 CNEL contour

BACKGROUND:

Land Use/Density: The site is located in Airport Zones D and E of Jacqueline Cochran Regional Airport. Airport Land Use Compatibility Zone D is the Primary Traffic Patterns and Runway Buffer Area. New residential development in Airport Zone D is limited to either a maximum density of 0.2 dwelling units per acre (average density of one dwelling unit per five [5] acres) or a minimum density of not less than five (5) dwelling units per acre. Intermediate density levels greater than 0.2, but less than 5.0, dwelling units per acre are prohibited.

The provisions of Airport Zone D are based on two concepts: (1) that persons living in higher density developments are subject to a greater level of ambient noise and would be less likely to be annoyed by aircraft noise as a result; and (2) that persons living in intermediate density housing (0.2 to 5.0 dwelling units per acre) and enjoying a quiet living environment are the most likely to register complaints regarding aircraft and aircraft operations. A secondary reason for allowing the higher density housing, but not the intermediate density housing, in Zone D was as an incentive to induce clustering that would enable the reservation of unused area as open space suitable for emergency landing.

The proposed change of zone **would normally be considered incompatible with Airport Zone D compatibility criteria** is not consistent with the Compatibility Plan because it would allow intermediate residential density housing in Airport Zone D.

~~The proposed parcel map and change of zone could potentially be amended in such a way as to be consistent. The easterly 224 feet of the site are located within Airport Zone E, where residential densities are not restricted. The parcel map could potentially be redesigned to provide for two parcels one acre or larger in area on the easterly portion of the property, with a back parcel of 5 to 8 acres in area. Such a redesign would assure that the density in the Airport Zone D portion of the parcel would not exceed one dwelling unit per five acres.~~

PART 77: The maximum elevation at this site is 124 feet below mean sea level. The runway elevation at its northerly end is 114 feet below mean sea level. At a distance of 7,100 feet from the runway, FAA notice and review would be required for any structures with top of roof less than 43 feet below mean sea level. FAA review is not required in this situation.

Noise: The site is outside the 55 CNEL contour; therefore noise attenuation is not required.

Open Area: A minimum of 10% of the 7.7 acres of the site within Airport Zone D must be set aside as open space, pursuant to Countywide compatibility criteria.

Other Special Conditions: Section 3.3.6 of the Countywide Policies section of the Riverside County Airport Land Use Compatibility Plan acknowledges that “there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.” In such situations, the Commission may find a normally incompatible use to be acceptable, provided that specific findings are made that: (1) describe the nature of the extraordinary circumstances that warrant the policy exception; (2) explain why the land use will not result in a safety hazard for people on the ground or aircraft in flight; and (3) explain why the land use will not result in excessive noise exposure for the proposed use.

Specific Findings for Compatibility Ruling Pursuant to Section 3.3.6 of the Countywide Policies Section of the Riverside County Airport Land Use Compatibility Plan

- 1. The following factors, considered together, constitute extraordinary circumstances related to the terrain and specific location of the site, and the character of surrounding land uses:**
 - a. A stormwater channel or wash is located directly adjacent to the site, between the site and the airport.**
 - b. The site is located in a largely vacant or open area that is bounded by a railroad line on the west and State Highway Route 86 on the east, both of which are substantial noise sources.**
 - c. The site lies well beyond the 55 dB(A) CNEL contour on Map JC-3 of the 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan, which depicts noise contours based on the ultimate activity levels at that airport pursuant to the adopted Master Plan.**

- d. **The site is split by the boundary between Airport Zones D and E. It is located more than 6,000 feet from the runway and more than 1,500 feet from the extended runway centerline.**
2. **The land use will not result in a significant safety hazard for people on the ground or aircraft in flight because there is ample open area available in the vicinity for an emergency landing, including the adjacent flood wash and various public rights-of-way associated with the railroad line, roads, and highway.**
3. **The close proximity of the project site to a major highway and an active railroad line diminishes the impact of aircraft related noise on the property. The landowners, who are the current residents on the property, have testified that the noise from the railroad is considerably more noticeable than noise from aircraft at this location.**

~~Factors that the Commission may wish to consider in evaluating this project include the following:~~

- a. ~~The site is located directly adjacent to a stormwater channel (wash), which lies between the airport and the project site. The site is also in a largely vacant or open area that is bounded by Highway 111/Grapefruit Boulevard and the railroad on the west and State Highway Route 86 Freeway on the east.~~
- b. ~~The site lies well beyond the 55 dB(A) CNEL contour on Map JC-3 of the 2005 Jacqueline Cochran Regional Airport Land Use Compatibility Plan, which depicts noise contours based on the ultimate activity levels at that airport.~~
- c. ~~The parcel map associated with this change of zone proposes three lots. There are already two residences on the property, and only one new primary dwelling would be expected as a result of the parcel map.~~
- d. ~~The site lies more than 6,000 feet from the runway and is not located within 1,500 feet of the extended runway centerline. Use of standard Handbook safety diagrams would place the site outside the Traffic Pattern Zone.~~

~~***~~

~~**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 residents of this property) to below a level of significance pursuant to the California Environmental Quality Act.**~~

CONDITIONS (Parcel Map):

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, and shall comply with Riverside County Ordinance No. 655 (if applicable).
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, hospitals, and nursing homes.
3. The maximum elevation of any structure at top point shall not be less than 43 feet below sea level.
4. 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: 5.1

HEARING DATE: September 11, 2008

CASE NUMBER: ZAP1010FL08 – Old Plantation Investors, LP

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: CUP00997R1 (Conditional Use Permit No. 997, Revised No. 1)

MAJOR ISSUES: The proposed Revised Conditional Use Permit proposes to add dwelling units to an existing mobile home park located in Airport Zones B1 and C. The existing density already exceeds density criteria for these airport zones. The mobile home park is an existing use not in conformance with the Compatibility Plan. Expansion of nonconforming uses may be permitted only if “the expansion does not result in more dwelling units than currently exist on the parcel.” The Compatibility Plan’s infill provisions are not applicable in Airport Zone B1, and would only allow densities up to one dwelling unit per 2½ acres in Airport Zone C.

RECOMMENDATION: Staff recommends a finding of INCONSISTENCY for the Revised Conditional Use Permit.

PROJECT DESCRIPTION:

CUP00997R1 is a proposal to add nine (9) new mobile home spaces to an existing 223-space mobile home park. No additional acreage would be added to the park; the spaces would be established at locations previously in use as laundry rooms, wash rooms, and storage rooms.

PROJECT LOCATION:

The project site is located southerly (southwesterly) of Mission Boulevard, both westerly and easterly of Crestmore Road, and northerly of Capary Road, approximately 1,122 feet northeasterly of the northeasterly terminus of Runway 6-24 at Flabob Airport, in the unincorporated community of Rubidoux. The site consists of two parcels, with the larger parcel located westerly of Crestmore Road.

LAND USE PLAN: 2004 Flabob Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Flabob Airport
- b. Land Use Policy: Airport Zones B1 and C
- c. Noise Levels: From below 55 CNEL to 60 CNEL.

BACKGROUND:

Land Use-Residential Density: The site is located in Airport Zones B1 and C of the Flabob Airport Influence Area. The larger parcel is 22.08 acres in area and is located predominantly in Airport Zone B1. The smaller parcel is 5.64 acres in area and is located in Airport Zone C. Pursuant to Countywide compatibility criteria, Zone C allows a density of 0.2 dwelling units per acre or one dwelling unit per 5 acres, and Zone B1 allows a density of 0.05 dwelling units per acre (one dwelling unit per 20 acres). Thus, the Compatibility Plan criteria would allow for a total of two dwelling units in this area (one per parcel). However, there are already 223 mobile home spaces in existence here, for a net density of 8.04 dwelling units per acre (excluding existing rights-of-way). The applicant is proposing to increase the number of mobile home spaces to 232, which would increase density to 8.37 dwelling units per acre. While this level of density is permissible – indeed, encouraged, in Airport Zone D, it is not permissible in Airport Zones B1 and C.

Section 3.3.1 allows infill development of similar land uses in Airport Zone C where development not in conformance with Compatibility Plan criteria already exists. However, pursuant to Section 3.3.1 (b), the average development density shall not exceed “double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A” (Countywide Policies, pages 2-18 and 2-19). Therefore, the maximum allowable intensity even if all five infill criteria were met would be $(0.2 \times 2) = 0.4$ dwelling units per acre, or one dwelling unit per 2 ½ acres. Infill criteria do not apply in Airport Zones A and B1.

The site is designated High Density Residential (8 to 14 dwelling units per acre) on the Jurupa Area Plan Land Use Map of the Riverside County General Plan. This General Plan designation would be inconsistent with the airport land use compatibility criteria of the Countywide Policies of the Compatibility Plan if the land were vacant. However, as discussed above, the density of existing development on the site already exceeds 8.0 dwelling units per acre, so the land use designation is not necessarily inconsistent.

While the existing land use conforms to General Plan density criteria, it is not in conformance with the adopted Compatibility Plan. Pursuant to Section 3.3.2 of the Countywide Policies in the 2004 Riverside County Airport Land Use Compatibility Plan, “Existing uses...not in conformance with this Compatibility Plan may only be expanded...provided that the expansion does not result in more dwelling units than currently exist on the parcel....”

Noise: The site is largely within the 55 CNEL contour. A minimum noise level reduction of 20dB in residences (including mobile homes) is required in Airport Zone C, and a minimum noise level reduction of 25dB in residences (including mobile homes) is required in Airport Zone B1. Recommended conditions in the event of an overrule require incorporation of noise attenuation measures in the proposed mobile homes.

PART 77: The maximum elevation at this site is 788 feet above mean sea level (AMSL), and it is expected that the mobile homes will not exceed a height of 18 feet. Therefore, the expected highest point of any structure would not exceed 806 feet AMSL. The runway elevation at its northeasterly end is 766.8 feet AMSL. At a distance of 1,122 feet from the runway and with a 50:1 slope based on the runway length, any structure over 789.2 feet top elevation would require FAA review. Therefore, the new structures will require FAA notice and 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 Flabob 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 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 or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

- (e) Children's schools, day care centers, libraries, hospitals, nursing homes, and highly noise-sensitive outdoor uses.
- 3. The attached notice shall be provided to all potential purchasers and tenants.
- 4. Prior to issuance of building permits, the land owner shall provide documentation to the Riverside County Airport Land Use Commission that an aviation easement has been conveyed to Flabob Airport and has been recorded.
- 5. Noise attenuation measures shall be incorporated into mobile home design so as to provide an exterior-to-interior noise level reduction of 25dB for the units westerly of Crestmore Road and 20dB for the units easterly of Crestmore Road, in order to ensure that interior noise levels from aircraft operations do not exceed 45 dB (A) CNEL.
- 6. Prior to issuance of building permits for any structure whose elevation in feet above mean sea level at top of roof or top point exceeds 789.2, the applicant shall file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration for such structure and shall have received a determination of "No Hazard to Air Navigation."

COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION
STAFF REPORT

AGENDA ITEM: 5.2

HEARING DATE: September 11, 2008

CASE NUMBER: ZAP1001DC08 – Chuckwalla Associates, LLC

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Plot Plan No. 23577 (PP23577)

MAJOR ISSUES: Track 1 encroaches into the Runway Protection Zone for Desert Center Airport. The applicant has agreed to shut down the airport operations when Track 1 is in use. There is an issue of jurisdiction here, as the airport is no longer a public-use airport.

RECOMMENDATION: Staff recommends a finding of CONDITIONAL CONSISTENCY, subject to the conditions specified herein, including the special condition requiring that the airport not be operational when Track 1 is in use.

PROJECT DESCRIPTION:

Plot Plan No. 23577 is a proposal to develop a 400-acre road racing facility that would, upon completion, include three race tracks (designed for automobile and other motor vehicle racing), a two-story, 16,200 square foot clubhouse, an administration building, garages, a scoring/timing tower, pit lanes, fueling facilities, and open parking areas, including transporter and truck parking areas, within the 1100-acre property that includes Desert Center Airport. The facility would be open to members and their guests.

PROJECT LOCATION:

The site is located northeasterly of State Highway 177 (Desert Center-Rice Road) and northerly of Interstate 10 in the unincorporated Riverside County community of Desert Center.

LAND USE PLAN: 2004 Desert Center Airport Land Use Compatibility Plan

- a. Airport Influence Area: Desert Center Airport
- b. Land Use Policy: Airport Zones A, B2, C, and E
- c. Noise Levels: From below 55 CNEL to 60 CNEL

BACKGROUND:

Airport Status: Desert Center Airport was formerly a public-use airport operated by the Riverside County Economic Development Agency. However, the property was sold to a private party, and the facility is now a privately owned, special use airport.

Land Use/Intensity: The site is located in Airport Zones A, B2, C, and E. Structures are not proposed within Airport Zones A, B2, or C. All buildings and parking areas would be in Airport Zone E. However, segments of two of the race tracks would be within Airport Zone B2, and segments of Track 1 would be within Airport Zones A and C.

Part 77: The clubhouse, garages, and other structures would require FAA notice and review if this were still a public-use airport, based on distance from the runway. Other structures at this site would have required FAA review, regardless of distance from the runway, if they had been determined to be on-airport structures. However, FAA notice is not required in the vicinity of airports not available for public use.

Noise: The proposed use is not noise-sensitive; therefore, no noise mitigation is required.

Open Land: The majority of the site would constitute “open land” as defined in Section 4.2.4 of the Countywide Policies of the 2004 Riverside County 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.
 - (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, lessees, and

- tenants.
3. Any outdoor lighting that is installed, including security lighting, shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
 4. No walls, trees, or poles greater than 4 inches in diameter at a height 4 feet above the ground shall be constructed, installed, or planted within the portion of this property within Airport Zone A.
 5. The airport shall not be operational during those times when Track 1 is in use.

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 5.3

HEARING DATE: September 11, 2008

CASE SUMMARY:

CASE NUMBER: ZAP1010CH08 – Silveira Dairy Investment, LLC/Stratham Cloverdale Inc.

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: General Plan Amendment No. 807, Change of Zone Case No. 7073 (Amended) and Tentative Tract Map No. 32821 (Amended)

MAJOR ISSUES:

As previously noted when the Commission considered an earlier version of this project, the project is consistent with the proposed density criteria of the Draft Chino Airport Land Use Compatibility Plan, but the tract map design is deficient in its provision of open areas that would be required in Airport Zone D if the Chino Plan were adopted. Ideally, the tract map should be amended to provide a minimum of 10% (4 acres) in qualified open areas as defined in Section 4.2.4 of the Riverside County Airport Land Use Compatibility Plan Countywide Policies – 15% if the Commission adopts Mitigation Measure Two. However, the project is consistent with the 1991 Comprehensive Land Use Plan for Chino Airport adopted by San Bernardino County and with the 1984 Riverside County Airport Land Use Plan.

RECOMMENDATION: Staff recommends a finding of CONSISTENCY for the proposed general plan amendment and zone change. As to the tract map, staff recommends a finding of CONSISTENCY with the 1984 Riverside County Airport Land Use Plan if the Chino Plan is not adopted prior to the consideration of this project, subject to the conditions included herein, but recommends a finding of INCONSISTENCY if the Chino Plan is adopted prior to consideration of this project, due to the insufficient open area.

PROJECT DESCRIPTION:

General Plan Amendment No. 807 proposes to amend the General Plan (Eastvale Area Plan) designation of 28.45-39.69 acres from MDR (Medium Density Residential) to HDR (High Density Residential), and associated Change of Zone Case No. 7073, as amended, proposes to change the zoning of the same area from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) to R-3 (General Residential). Tentative Tract Map No. 32821, as amended, proposes to divide the property into 23 residential lots for condominium purposes and six open space lots, and to establish 350 condominium dwelling units/lots.

PROJECT LOCATION:

The site is located northerly of Limonite (formerly Cloverdale) Avenue and westerly of Cleveland Avenue in the community of Eastvale in unincorporated Riverside County, approximately 16,421 feet easterly of Runway 8R-26L at Chino Airport.

LAND USE PLAN: 1984 Riverside County Airport Land Use Plan; Draft 2008 Chino ALUCP

- Adjacent Airport: Chino Airport (County of San Bernardino)
- a. Airport Influence Area: Within Adopted Study Area and Proposed Airport Influence Area
 - b. Land Use Policy: Airport Zone D on Draft Plan; outside Area of Influence on 1991 San Bernardino County Plan (outside conical surface and Referral Areas “A”, “B”, and “C”); outside 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:

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 never officially adopted a Comprehensive Land Use Plan (CLUP) for Chino Airport. This may have been due to the fact that this portion of Riverside County was almost exclusively in agricultural use until the late 1990s, when land values and housing demand led to the dairy and other agricultural lands being sold to make way for housing development. 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 Area II areas as defined by the 1984 Riverside County Airport Land Use Plan. As noted below, this site was not included within the Area of Influence on the 1991 San Bernardino County Plan, so staff has no reason to believe that this property should be considered to be within Area I or Area II. Area I would not be recommended for residential use, while Area II restricts residential development to one dwelling unit per 2½ acres. Area III requires avigation easements for all uses. The height of avigation easements will be from 150 feet above runway ground level elevation. The 1984 Plan also addresses noise attenuation; however, special attenuation for aircraft noise is not required in this case because the site is located outside the 55 CNEL contour and normal construction is generally sufficient to reduce exterior noise by at least 10 dB. A condition requiring an avigation easement to Chino Airport is included herein.

Analysis Relative to Draft Chino Airport Land Use Compatibility Plan

Residential Density: The site is located entirely in proposed Airport Zone D. Residential density in Airport Zone D is restricted to either a rural density not exceeding one dwelling unit per five acres or an urban density of not less than five dwelling units per net acre. Intermediate densities (less than five dwelling units per acre net and more than one dwelling unit per five acres gross) are prohibited

in Airport Zone D. The density of this project is an urban density greater than eight dwelling units per acre, which is clearly consistent with Draft Chino Airport Land Use Compatibility Policies.

Prohibited and Discouraged Uses: The applicant does not propose any prohibited uses (highly noise-sensitive outdoor nonresidential uses and hazards to flight) or discouraged uses (children's schools, hospitals, and nursing homes) within the project.

Open Area: Airport Zone D requires that 10% of major projects (ten acres or larger in area) be set aside as open land that could potentially serve as emergency landing areas. **The proposed project does not meet this criterion.** The total amount of land in open space lots (3.07 acres) is approximately 7.76% of the land area in the project, and most of this area would not meet the ALUC definition of "open area". The adjacent half-streets of Limonite Avenue, Cleveland Avenue, and 58th Street together account for 4.58 acres, which is 10% or more of the project land area; however, the tract map exhibit indicates that Limonite Avenue and Cleveland Avenue will have raised landscaped medians.

In the event that the Commission adopts Mitigation Measure 2, the minimum open area requirement in Airport Zone D would increase from 10% to 15%.

Noise: The site underlies traffic patterns. Future residents will experience some annoyance from over flying aircraft, but the site is outside the ultimate 55 CNEL contour for the airport (the area that would be subject to average exterior noise levels of 55 CNEL or greater under ultimate airport development conditions). Therefore, it is not expected that there will be any difficulty in assuring that interior noise levels from aircraft operations will be at or below 45 CNEL.

Part 77: The maximum preliminary pad elevation is 676.6 feet above mean sea level (676.6 feet AMSL). The elevation of the nearest runway at its nearest point is 636.5 feet AMSL. At a distance of 16,421 feet from the runway, FAA review would be required for any structures with top of roof exceeding 800 feet AMSL. At this time, no structures are expected to exceed 30 feet in height (elevation at top of roof not exceeding 707 feet AMSL). Therefore, FAA notice and review is not required at this time.

Analysis Relative to 1991 Chino Airport Comprehensive Land Use Plan

The project site is located outside Safety Zone III, Referral Area "C", and the Conical Surface as depicted on Figures I-4 and III-7 of the Chino Airport Comprehensive Land Use Plan and, thus, would not be subject to restrictions included therein. However, the project is subject to ALUC review due to its location within the Interim Area of Influence established by the ALUC in 2000.

CONDITIONS:

1. The project shall not provide for the location of schools, hospitals, nursing homes, or highly noise-sensitive nonresidential uses within its boundaries.

2. Any 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.
3. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
4. Additional Airport Land Use Commission staff review shall be required at the tentative map, plot plan, or use permit stage for any structure greater than 70 feet in height.
5. The attached notice shall be provided to all potential purchasers and tenants.
6. Bio-swales and detention basins shall be designed to remain totally dry between rainfalls and shall not be designed to provide a maximum detention period exceeding 48 hours. Vegetation in and around such swales or basins that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

The following condition is only applicable if the 2008 Chino Airport Land Use Compatibility Plan has not first been adopted.

7. Prior to recordation of a final map, issuance of building permits, or conveyance to an entity exempt from the Subdivision Map Act, whichever occurs first, the landowner shall convey an avigation easement to Chino Airport. (Contact San Bernardino County Department of Airports at (909) 387-7801 for additional information.)

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 6.0

HEARING DATE: September 11, 2008

CASE SUMMARY:

CASE NUMBER: ZAPEA01CH07 – Airport Land Use Commission

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

JURISDICTION CASE NO: Not Applicable

MAJOR ISSUE: Whether to adopt: (1) the Initial Study/Mitigated Negative Declaration ("MND") prepared for the Chino Airport Land Use Compatibility Plan ("2008 Compatibility Plan"); and (2) the 2008 Compatibility Plan, which may include, at the Commission's discretion, one or more of the proposed Mitigation Measures described in the Initial Study/MND.

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

- (1) Adopt the MND for the 2008 Compatibility Plan, and thereby find that;
 - a. Having considered the Initial Study/MND, the comments received during the public review process, and the record before the Commission, there is no substantial evidence that adoption of the 2008 Compatibility Plan would have a significant effect on the environment; and
 - b. The MND reflects the Commission's independent judgment and analysis;
- (2) Adopt the 2008 Compatibility Plan, with or without one or more of the proposed Mitigation Measures described in the Initial Study/MND;
 - a. Staff specifically recommends, as its "preferred option," that the Commission adopt proposed Mitigation Measures 3, 5, and 6 to mitigate the potential displacement of future non-residential development, and either Mitigation Measure 2 or Mitigation Measures 1A and 4 (together) to mitigate the potential displacement of future residential development.
- (3) If the Commission includes one or more of the proposed Mitigation Measures in the 2008 Compatibility Plan, adopt the Mitigation Monitoring Plan; and

- (4) Direct staff to return to the Commission on October 9, 2008, with the appropriate resolution(s) memorializing the Commission's action taken at the September 11, 2008 public hearing.

PROJECT DESCRIPTION:

The proposed project is the adoption of the 2008 Compatibility Plan by the Commission. The 2008 Compatibility Plan designates new boundaries for the Riverside County portion of the Airport Influence Area ("AIA") for Chino Airport, and establishes policies for determining consistency between development projects within the AIA and the objectives set forth in the State Aeronautics Act (Pub. Util. Code, §§21670-21679.5). Those objectives call for the Commission to protect the public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports, to the extent that those areas are not already devoted to incompatible uses. (Pub. Util. Code, §21670, subd. (a)(2).) The proposed 2008 Compatibility Plan also may include, at the Commission's discretion, one or more of the proposed Mitigation Measures described in the Initial Study/MND.

The Commission is required, by state law, to prepare airport land use compatibility plans for the airport influence areas around public-use airports. This includes areas of Riverside County affected by aircraft activity, even if the airport itself is located beyond the County line, as is the case here. (See discussion of *Project Location, infra.*) San Bernardino County has prepared and adopted the Chino Airport Master Plan, which includes a forecast for future operations at the Airport. According to the Master Plan, the activity levels at Chino Airport will continue and likely increase over time.

The unincorporated community of Eastvale, which is located within Riverside County, is in the vicinity of the Airport and is affected by aircraft noise and overflight. In addition, historically, there have been airplane accidents in Riverside County, particularly in the Eastvale area, associated with operations at Chino Airport. As noted above, the Commission's charge is to protect the public from excessive noise and safety hazards. Therefore, the 2008 Compatibility Plan imposes limits on the density and intensity of future land use development in the Riverside County portion of the Chino Airport's AIA.

PROJECT LOCATION:

Chino Airport is located in the southwestern portion of San Bernardino County, in the City of Chino, northwesterly of the Riverside County/San Bernardino County line and the unincorporated community of Eastvale. The proposed 2008 Compatibility Plan only would apply to the portions of the AIA within the County of Riverside, and would not affect San Bernardino County's Comprehensive Land Use Plan for Chino Airport or property located within San Bernardino County. Major north-south roads in the area include Archibald Avenue, Sumner Avenue, and Hamner Avenue. Major east-west roads in the area include Limonite Avenue, Schleisman Road, and Chandler Street.

MITIGATION MEASURES:

Adoption of the 2008 Compatibility Plan may include, at the Commission's discretion, one or more of the proposed Mitigation Measures described and analyzed in the Initial Study/MND, and summarized below. While the proposed Mitigation Measures would not alter the proposed boundaries of the AIA or the Compatibility Zones, the proposed Mitigation Measures would reduce the potential displacement of future residential and non-residential land uses within the AIA. Accordingly, adoption of one or more of the proposed Mitigation Measures would amend the 2008 Compatibility Plan by adding text to the section entitled "CH.2 Additional Compatibility Policies."

Mitigation Measure 1: Mitigation Measure 1 would permit residential densities in Compatibility Zone D to be calculated on a net basis (exclusive of permanently dedicated open lands, as defined in Countywide Policy 4.2.4, or other open space required for environmental purposes). This would reduce potential displacement at the project level.

Mitigation Measure 1A: Mitigation Measure 1A includes Mitigation Measure 1, but goes one step further by specifying that projects proposing residential lot sizes not exceeding an average area of 0.2 acre (8,712 square feet) are considered to be "substantially consistent" with the "higher intensity option" for Compatibility Zone D. (Lots utilized as common area, public facilities, recreational areas, drainage basins, and open space would be excluded from the calculation.) Additionally, Mitigation Measure 1A would specify that the County's Medium Density Residential designation shall be considered substantially consistent with the "higher intensity option" for Compatibility Zone D, provided that it is not implemented through zoning that would require a minimum net residential lot size greater than 0.2 acre. Approval of this mitigation measure could potentially reduce the need to amend the Eastvale Area Plan in order to bring the land use designations into conformity with the 2008 Compatibility Plan.

Mitigation Measure 2: Mitigation Measure 2 would permit residential densities in the range of 2.5 to 5.0 dwelling units per acre in Compatibility Zone D, and would also allow for residential densities of 1.0 to 2.5 dwelling units per acre in the specified "rural lifestyle neighborhood" located not more than one-half mile northerly of Chandler Street and westerly of Archibald Avenue. This Mitigation Measure also would raise the minimum proportion of open area (as defined in Countywide Policy 4.2.4) within residential developments ten (10) acres or larger in size from ten (10) percent to fifteen (15) percent, and would add expanded buyer awareness measures applicable to projects of five (5) or more residential dwelling units (except in Compatibility Zone E).

Mitigation Measure 3: Mitigation Measure 3 would increase the allowable average intensity of non-residential projects in Compatibility Zone B1 from 25 persons per acre to 40 persons per acre, and would increase the allowable single-acre intensity from 50 persons to 80 persons.

Mitigation Measure 4: Mitigation Measure 4 applies only to the "rural lifestyle neighborhood" located not more than one-half mile northerly of Chandler Street and westerly of Archibald Avenue,

and would allow for residential densities of 1.0 to 2.0 dwelling units per acre in that area. This is an area characterized by a mixture of lot sizes, with about half of the existing parcels one (1) acre or larger in area.

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

Mitigation Measure 6: Mitigation Measure 6 was devised as a means of mitigating potential displacement of future non-residential development in the retail sector resulting from the application of the land use compatibility criteria of the Compatibility Plan. Mitigation Measure 6 addresses the calculation of concentration of people in retail establishments and would establish new intensity criteria for retail sales, display, and showroom areas of one person per 115 square feet of gross floor area (without a 50 percent reduction).

Relationship Between Proposed Mitigation Measures:

- Mitigation Measures 1, 3, 5, and 6 are not mutually exclusive and can be adopted either individually or cumulatively.
- Mitigation Measures 1 or 1A may be adopted on their own or with Mitigation Measures 2, 3, 4, 5, or 6. However, the usefulness of Mitigation Measure 1 or 1A in combination with Mitigation Measure 2 is limited; therefore, the combination of either Mitigation Measure 1 or 1A with Mitigation Measures 2 is not likely.
- Mitigation Measure 1 may not be adopted with Mitigation Measure 1A (because Mitigation Measure 1 is already included in Mitigation Measure 1A).
- Mitigation Measures 2 and 4 may not be adopted together, as they provide for differing compatibility criteria in the rural lifestyle neighborhood, but either can be adopted with 1, 1A, 3, 5, and/or 6.

BACKGROUND:

In 2004, the Commission prepared and adopted new Countywide Policies and new Airport Land Use Compatibility Plans ("ALUCPs") for several airports within the County. These ALUCPs are available online at www.rcaluc.org. The new ALUCPs were prepared pursuant to the latest edition of the *California Airport Land Use Planning Handbook*, published in January 2002, by the State of California Department of Transportation, Division of Aeronautics. This *Handbook* is the guidebook for land use planning in AIAs throughout the State of California. The 2004 ALUCPs replaced the previously adopted Comprehensive Land Use Plans ("CLUPs"), which were prepared in the 1990s prior to the most recent version of the *Handbook*. Three (3) additional ALUCPs (Riverside Municipal, Palm Springs International, and Jacqueline Cochran Regional) were adopted in 2005.

An earlier edition of the 2008 Compatibility Plan for Chino Airport was brought forward in the spring of 2006, but its consideration was placed off-calendar pending a California Supreme Court

decision regarding the application of the California Environmental Quality Act ("CEQA;" Pub. Resources Code, §21000 et seq.) to ALUCPs in the case of *Muzzy Ranch v. Solano County Airport Land Use Commission*.

The 2008 Compatibility Plan would impose new restrictions on development. In many areas, a land use pattern based upon the proposed project may result in a reduced allowable residential density or a restriction in density range to either higher or lower densities than permitted by the adopted Riverside County General Plan (Eastvale Area Plan).

Based upon an evaluation of the Eastvale Area Plan land use designations, including Specific Plan designations, within the AIA, inconsistencies have been identified between the Compatibility Plan criteria and the County's existing General Plan land use designations (*i.e.*, Riverside County General Plan, Eastvale Area Plan [October 2003]). To the extent that adoption of the Compatibility Plan would result in conflicts between the Compatibility Plan and the County's General Plan, such conflicts would necessitate either an amendment to the County's General Plan or an overrule by the Board of Supervisors. (Notably, the County of Riverside is required by state law to make its General Plan consistent with adopted ALUCPs, or otherwise exercise the overrule provisions set forth in the Public Utilities Code.)

AIRPORT LAND USE COMPATIBILITY ZONES:

The 2008 Compatibility Plan delineates six (6) airport land use compatibility zones ("Compatibility Zones"): A, B1, B2, C, D, and E. Safety hazards and noise are greatest in Compatibility Zone A, and decline as one moves farther from the runway and its extended centerline. Each zone has criteria limiting densities and intensities; however, Compatibility Zone E, located farthest from the runway and primary flight paths, has no residential density or land use intensity restrictions (other than restrictions on large assemblages of people and prohibition of uses that are hazards to flight). Compatibility Zones A and B2 are not found in Riverside County.

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

entire acreage within Compatibility Zone B1 must be set aside as open land. Dedication of avigation easements is required for all future development in Compatibility Zone B1.

Compatibility Zone C: Compatibility Zone C is the Extended Approach/Departure Zone. This area extends out from Compatibility Zones A and B1 as one moves farther out from the runway ends. New residential development in Compatibility Zone C is limited to 0.2 dwelling units per acre – an average density of one dwelling unit per five (5) acres. Currently, this area is designated by the General Plan for non-residential uses. Non-residential development may maintain a maximum intensity of seventy-five (75) persons per acre (averaged over a site), with a maximum of one hundred fifty (150) persons within any given acre and eligibility for the 30 percent intensity bonus. Prohibited uses in Compatibility Zone C include children's schools, day care centers, libraries, nursing homes, hospitals, buildings with more than three aboveground habitable floors, highly noise-sensitive outdoor non-residential uses, and hazards to flight. A minimum noise level reduction of 20 dB must be achieved in residences (including mobile homes) and office buildings, and airspace review is required for objects greater than 70 feet in height. Overall, 20 percent of the entire acreage within Compatibility Zone C must be set aside as open land.

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

FUNDAMENTALS:

The fundamental purpose of the Commission is to promote land use compatibility around airports. Indeed, section 21670 of the State Aeronautics Act defines the purpose of that statutory scheme, which is "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

The Commission is vested with certain powers and duties in order to accomplish the purposes and objectives set forth in the State Aeronautics Act, including the preparation and adoption of an ALUCP to address concerns related to potential impacts associated with exposure to aircraft noise, protection of public safety with respect both to people on the ground and the occupants of aircraft, protection of airport airspace, and general concerns with aircraft overflight. The Commission "shall be guided by" information in the *California Airport Land Use Planning Handbook*. (Pub. Util.

Code, §21674, subd. (a).) Thus, the 2008 Compatibility Plan is based on the principles in the *Handbook*.

It should be noted, however, that the density and intensity ranges incorporated in the Countywide land use compatibility criteria are not specifically mandated by state law; therefore, the Commission has the discretion to consider whether to adopt the proposed Mitigation Measures, which would establish airport-specific criteria that (except for Mitigation Measure 1) are not presently applicable to the majority of airport influence areas in Riverside County.

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

As noted above, the 2008 Compatibility Plan was prepared in accordance with the 2002 *California Airport Land Use Planning Handbook*, but in some cases utilizes criteria that are more strict than the *Handbook* mandates. For example, the *Handbook* does not require limitations of residential density in the Traffic Pattern Zone (*i.e.*, Compatibility Zones D and E). Additionally, the recommended *Handbook* criteria would allow higher non-residential intensities in the Inner and Outer Approach/Departure Zones and the Traffic Pattern Zone than the Compatibility Plan proposes within Compatibility Zones B1, C, and D.

EFFECT ON LAND USE DESIGNATIONS:

Adoption of the 2008 Compatibility Plan, without incorporation of any of the proposed Mitigation Measures, would result in inconsistencies between the County's existing General Plan land use designations and the allowable densities/intensities provided under the Compatibility Plan. The following discussion identifies those inconsistencies and evaluates the potential of the proposed Mitigation Measures to reduce those inconsistencies by minimizing the potential "displacement" of future land use development.

Residential Densities:

The Compatibility Plan would conflict with existing land use designations in the Riverside County General Plan by applying density limitations to future residential development in Compatibility Zone D. Under a "worst-case scenario," adoption of the 2008 Compatibility Plan may trigger a General Plan amendment that would preclude build-out of 2,849 dwelling units that potentially could be developed within Compatibility Zone D pursuant to the current County General Plan.

The potential displacement of future residential development would be eliminated with the adoption of Mitigation Measure 2. Mitigation Measure 2 would permit residential densities in the range of 2.5 to 5.0 dwelling units per acre in Compatibility Zone D, and would also allow for residential densities

of 1.0 to 2.5 dwelling units per acre in the specified "rural lifestyle neighborhood" located not more than one-half mile northerly of Chandler Street and westerly of Archibald Avenue. According to Table 2B on page 2-23 of the Riverside County Airport Land Use Compatibility Plan (Supporting Compatibility Criteria: Noise), single-family residences, condominiums, apartments, and mobile homes would all be considered "clearly acceptable" within the 50-55 dB Community Noise Equivalent Level ("CNEL") contour. Compatibility Zone D lies entirely outside the 55 dB CNEL.

The permitted densities in Compatibility Zone D are based on two concepts: (1) persons living in higher density developments are subject to a greater level of ambient noise and are less likely to be annoyed by aircraft noise as a result; and (2) persons living in intermediate density housing (0.2 to 5.0 dwelling units per acre) and enjoying a quiet living environment are the most likely to register complaints regarding aircraft and aircraft operations.

The Commission previously reviewed and rejected a proposal to relax residential density restrictions, similar to Mitigation Measure 2, in Compatibility Zone D in the vicinity of Jacqueline Cochran Regional Airport. However, in that area, the Commission was addressing a situation where most of the surrounding area was vacant or in agricultural use. This was true of Eastvale ten years ago, but is no longer the case. Much of Compatibility Zone D in this AIA has now been developed with intermediate density residential uses.

Another reason identified by the Commission for prohibiting intermediate density housing in Compatibility Zone D was because it served as an incentive to induce clustering that would enable the reservation of unused area as open space suitable for emergency landing. However, the provisions of Compatibility Zone D already require that 10 percent of the land area in projects 10 acres or larger be set aside as open area. From the perspective of open area preservation, as long as the open area requirement is met, it really should not matter whether the densities in the development area in Compatibility Zone D are two (2) units per acre, six (6) units per acre, or one (1) unit per two (2) acres.

As an alternative to Mitigation Measure 2, the combination of Mitigation Measures 1A and 4 would likely significantly reduce the need for the County to amend its General Plan to achieve consistency with the 2008 Compatibility Plan. Together, these Mitigation Measures, while not as broad as Mitigation Measure 2, would allow for development in the Medium Density Residential designation to be found consistent if the average lot size is less than 0.2 acre and would allow for development at lower densities to be found consistent if within the area where there is an existing lower-density enclave.

There also are other measures available to the County to minimize potential future displacement because this area, unlike French Valley, is not constrained by the provisions of the Highway 79 Policy Area. These include upgrading density designations for the affected properties and developing areas outside the AIA at the higher-density levels of the General Plan density range.

Non-Residential Intensity:

The 2008 Compatibility Plan also would conflict with existing non-residential land use designations in the General Plan by applying intensity limitations to properties designated for commercial and industrial development. Absent adoption of one or more of the proposed Mitigation Measures, in Compatibility Zone B1, non-residential intensity would be limited to 25 persons per acre; the limit would be 75 persons per acre in Compatibility Zone C, and 100 persons per acre in Compatibility Zone D. Within the affected Compatibility Zones (B1, C, and D), the intensity limits could result in a 5.06 percent reduction in the non-residential build-out of the area, with the greatest proportional impact occurring in the retail sector (a 40 percent reduction).

Mitigation Measure 3 would allow an average of 40 persons per acre (up from 25) and a maximum single-acre intensity of 80 persons (up from 50) in Compatibility Zone B1. Mitigation Measure 3 also would permit a maximum single-acre intensity of 104 persons as a risk-reduction design bonus. Mitigation Measure 3 is consistent with the 2002 *California Airport Land Use Planning Handbook*, in that the *Handbook* (see Table 9C, "Safety Compatibility Criteria Guidelines") recommends an average of 25 to 40 persons per acre in the Inner Approach/Departure Zone for airports in rural/suburban settings and an average of 60 to 80 persons per acre in the Inner Turning Zone and the Outer Approach/Departure Zone. (Table 9C also provides for a single-acre multiplier of 2.0 for the Inner Approach/Departure Zone and the Inner Turning Zone, and a 3.0 multiplier for the Outer Approach/Departure Zone.)

Mitigation Measure 3 reduces the potential "worst-case" non-residential displacement (or loss of potential square footage) that may result from implementation of the 2008 Compatibility Plan from 5.06 percent to 3.78 percent; however, potential displacement for retail uses would not be reduced, since Compatibility Zone B1 is designated Light Industrial. In order to mitigate non-residential displacement of retail square footage, staff devised Mitigation Measures 5 and 6.

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

Mitigation Measure 6 is unlike the other measures in that, rather than establishing a revised density or intensity number in terms of persons or dwellings per acre, it establishes new assumptions to be used in calculating the concentration of people in retail establishments. Consistent with Appendix C of the Countywide policies, Mitigation Measure 6 establishes a new method -- a "survey of similar uses" -- for determining concentrations of people, rather than relying on the "maximum occupancy" method.

In order to support this new method, a report was prepared by Mead & Hunt (an established airport consulting firm) that evaluates typical usage intensities of various land uses and suggests that an occupancy level of approximately 170 square feet per person is typical of retail stores -- less [than one person per 170 square feet] for low-intensity retail, such as furniture stores. Shopping centers with dining facilities are comparatively more crowded, approximately 110 square feet per person. Office buildings usually average around 215 square feet per person. All these occupancy levels are calculated based upon the gross square footage of the building and consider what percentage of the

building is devoted to what use.

Consistent with Mead & Hunt's research and report, Mitigation Measure 6 would establish new square foot per person criteria for retail sales, display, and showroom areas of one person per 115 square feet of gross floor area (without the 50 percent reduction allowed under the maximum occupancy method).

The combination of Mitigation Measures 3 and 6, with or without 5, eliminates potential displacement in the commercial retail sector and reduces potential non-residential displacement as a percentage of build-out to 1.29 percent.

COMMENTS ON THE ENVIRONMENTAL DOCUMENT:

In accordance with CEQA, staff distributed a "Notice of Intent to Adopt" the Initial Study/MND, and received public comments on the Initial Study/MND for a 30-day period, beginning July 31, 2008, and concluding August 29, 2008. At the close of the public review period, comments had been received from the State of California Department of Transportation, Division of Aeronautics ("Caltrans"), and Mr. Bradley Leal. (The comment letters are attached to this report for the Commission's consideration.) At present time, staff has not received any additional comments on the 2008 Compatibility Plan or the Initial Study/MND.

Neither Caltrans nor Mr. Leal raise any issues with respect to the adequacy of the environmental analysis set forth in the Initial Study/MND. However, Mr. Leal has expressed concerns regarding the practical effect of the expansion of the AIA, and the implementation of the associated development restrictions, on the economic future of his property. The Leals own a considerable amount of vacant land located northerly of Limonite Avenue and westerly of Hamner Avenue. Staff currently is arranging to meet with Mr. Leal to further discuss potential impacts to his property.

RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

STAFF REPORT

ADMINISTRATIVE ITEMS

- 7.1** Notice of Intent to Overrule – ZAP1003PS07 – D. R. West, LLC/The Nicholas Group (City of Palm Springs). On August 21, 2008, the City of Palm Springs sent ALUC a Notice of Proposed Overrule of its finding of inconsistency relative to the conditional use permit for the proposed retail commercial center at the southeast corner of Ramon Road and Gene Autry Trail, along with a draft resolution including findings for overrule. The City Council hearing date has not been determined, but is anticipated to be as soon as possible following the receipt of comments and the completion of the statutory 45-day waiting period, which would indicate a hearing during October. A copy of the documentation submitted by the City of Palm Springs is attached. Staff anticipates providing a response to the City within 30 days from its receipt of the overrule letter (by September 19). Staff encourages the Commission to appoint a Commissioner to attend.
- 7.2** Notice of Intent to Overrule – ZAP1024MA07 – Brian Bargemann/Investment Building Group (City of Perris). On August 27, 2008, the City of Perris sent ALUC a Notice of Proposed Overrule of its finding of inconsistency relative to the development plan review for a proposed industrial building located northerly of Nance Street and easterly of Webster Avenue, along with a draft resolution including findings for overrule. The City Council hearing date has not been determined, but is anticipated to be in November. A copy of the documentation submitted by the City of Perris is attached. Staff anticipates providing a response to the City within 30 days from its receipt of the overrule letter (by September 26). Staff encourages the Commission to appoint a Commissioner to attend.
- 7.3** Progress Report – Perris Valley Airport Land Use Compatibility Plan. Kenneth Brody of Mead and Hunt, Inc. will present a progress report regarding preparation of the Perris Valley Airport Land Use Compatibility Plan.