



AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY AGENDA

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

Thursday 9:30 a.m., December 11, 2008

CHAIR
Simon Housman
Rancho Mirage

VICE CHAIRMAN
Rod Ballance
Riverside

COMMISSIONERS

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Riverside

Robin Lowe
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STAFF

Director
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John Guerin
Brenda Ramirez
Barbara Santos

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4080 Lemon St., 9th Floor.
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NOTE: If you wish to speak, please complete a "SPEAKER IDENTIFICATION FORM" and give it to the Secretary. The purpose of the public hearing is to allow interested parties to express their concerns. Comments shall be limited to 5 minutes and to matters relevant to the 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: OLD BUSINESS CONTINUED CASES

CHINO AIRPORT

- 2.1 ZAP1011CH08 – MMI/BDI Riverside Archibald Avenue LLC (Representative: Roger Prend, Albert A. Webb Associates) – County Case Nos. PP23219 (Plot Plan) and PM35865 (Parcel Map). Plot Plan No. 23219 is a proposal to develop fourteen industrial buildings with a total gross floor area of 738,432 square feet on 53.37 acres located westerly of Archibald Avenue, easterly of Cucamonga Creek Storm Drain, northerly of 65th Street, and southerly of the westerly straight-line extension of Limonite Avenue in the unincorporated Riverside County community of Eastvale. Parcel Map No. 35865 is a proposal to divide the property into 14 industrial parcels. Airport Compatibility Zones C and D. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONSISTENT

**3.0 PUBLIC HEARING: OLD BUSINESS
RECONSIDERATION CASES**

RIVERSIDE MUNICIPAL AIRPORT

- 3.1 ZAP1043RI08 – City of Riverside – (Representative: Patricia Brenes, Planning Division, Community Development Department) – City Case Nos. P08-0215 (General Plan Amendment) and P08-0216 (Rezoning) – A proposal by the City of Riverside to amend the General Plan land use designation of 19.25 acres located both northerly and southerly of Gould Street, westerly of Crest Avenue (in the City neighborhood bounded by Arlington Avenue on the north, Cypress Avenue on the south, Tyler Street on the west, and Crest Avenue on the east) from HDR (High Density Residential) to MDR (Medium Density Residential), and to change the zoning from R-3-1500 (Multiple Family Residential: High Density, 1,500 square foot minimum lot area per dwelling unit) to R-1-7000 (Single Family Residential, 7,000 square foot minimum lot area), or R-1-7000-AP-D (same as above, with Airport Protection Overlay Zone D). Airport Compatibility Zone D. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONDITIONALLY CONSISTENT (GPA); CONSISTENT (Change of Zone)

4.0 PUBLIC HEARING: NEW BUSINESS

BERMUDA DUNES AIRPORT

- 4.1 ZAP1031BD08 – Richard Warfield and Robert Wright (Representative: Lench Design Studio, Inc) – County Case No. CZ07677 (Change of Zone). A proposal to change the existing zoning from R-1-12,000 (One Family Dwelling, 12,000 square foot minimum lot size) to M-SC (Manufacturing-Service Commercial) on two parcels located easterly of Adams Street, northerly of Cliff Street, and southerly of 41st Avenue, in the unincorporated Riverside County community of Bermuda Dunes. Airport Compatibility Zones B1, B2, and C. ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0549, or E-mail at brramire@rctlma.org.

Staff Recommendation: CONSISTENT

FRENCH VALLEY AIRPORT

- 4.2 ZAP1030FV08 - FV Crossings, LP – City Case No. DPO-004-249 (Development Plan) A proposal to develop a nine-building, 69,730 square foot retail commercial center on 11.05 net acres (13.74 gross acres) of land located northwesterly of Winchester Road, westerly of the new alignment of Clinton Keith Road at its intersection with Winchester Road, and southerly of Porth Road in the City of Murrieta. Airport Compatibility Zones B1 and C. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

Staff Recommendation: CONTINUE TO JANUARY 8, 2009

5.0 ADMINISTRATIVE ITEMS

5.1 Results of Staff's Analysis Of Whether Proposed Project In The Flabob Airport Influence Area Presented By Emilio Ramirez, EDA Meets Policy 3.3.2A Requirements

5.2 Director's Approvals – Information Only

6.0 APPROVAL OF MINUTES

November 13, 2008

7.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

8.0 COMMISSIONER'S COMMENTS

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 2.1 4.1

HEARING DATE: December 11, 2008 (continued from November 13, 2008, with re-advertisement)

CASE SUMMARY:

CASE NUMBER: ZAP1011CH08 – MMI/BDI Riverside Archibald Avenue LLC (Representative: **Roger Prend or** Sandra Chandler, Albert A. Webb Associates)

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: Change of Zone Case No. 7611 (CZ07611) (**found consistent on November 13**), Plot Plan Case No. 23219 (PP23219), Tentative Parcel Map No. 35865 (PM35865).

MAJOR ISSUES: ~~Open area requirements may not be met on-site. While lot coverage is acceptable (32 percent), remaining areas consist largely of streets, future streets, a proposed filtration trench, and a utility right-of-way. However, it should be noted that the site is adjacent to a storm drain and additional utility easements.~~

The open area proposed to be provided by the applicant in the Zone D portion of the property does not meet the 10 percent requirement for Zone D. However, the combined open area in both Zone C and Zone D would meet the overall requirement for the site. Staff would ask that the Commission consider the overall open area being provided.

RECOMMENDATION:

Staff recommends a finding of CONSISTENCY for the Plot Plan and Parcel Map, subject to the conditions included herein.

~~Staff recommends that the Commission find the proposed change of zone CONSISTENT with the 2008 Chino Airport Land Use Compatibility Plan, but that consideration of the plot plan and parcel map be CONTINUED to December 11, 2008, to allow additional time for study of on-site intensities and provision of open area.~~

PROJECT DESCRIPTION:

Plot Plan No. 23219 is a proposal to develop fourteen industrial buildings with a total gross floor area of 738,432 square feet on a 53.37-acre site. Change of Zone Case No. 7611 proposes to change the zoning of the property from A-2-10 (Heavy Agriculture, 10 acre minimum lot size) to I-P (Industrial Park). Parcel Map No. 35865 proposes to divide the property into **14** ~~12~~ industrial

parcels.

UPDATE I: The change of zone to I-P was determined to be consistent by the Airport Land Use Commission at its November 13, 2008 hearing. Consideration of the plot plan and the parcel map was continued to the December 11 meeting.

PROJECT LOCATION:

The site is located in northwestern Riverside County, westerly of Archibald Avenue, easterly of Cucamonga Creek Storm Drain, northerly of 65th Street, and southerly of the westerly straight-line extension of Limonite Avenue in the unincorporated Riverside County community of Eastvale, approximately 6,480 feet easterly of the easterly end of Runway 8R-26L at Chino Airport.

LAND USE PLAN: 2008 Chino Airport Land Use Compatibility Plan

Adjacent Airport:

- a. Airport Influence Area: Chino Airport
- b. Land Use Policy: Compatibility Zones C and D
- c. Noise Levels: From below 55 to 55 CNEL

BACKGROUND:

~~Change of Zone: The applicant proposes a change of zone from A-2-10 (Heavy Agriculture, 10-acre minimum lot size) to I-P (Industrial Park). Staff recommends a finding of consistency for the change of zone, in that industrial uses (provided that they are low in person intensity) are more compatible with the continued operation of Chino Airport than dairies and livestock operations, which tend to attract birds See Update I, above.~~

Nonresidential Land Use Intensity: The site is located partially in Compatibility Zone C and partially in Compatibility Zone D. More specifically, the site includes 37.1 acres in Compatibility Zone C and 16.24 acres in Compatibility Zone D. Nonresidential intensity in Compatibility Zone C is restricted to an average intensity of 75 persons per acre and a maximum intensity of 150 persons in any given acre. Nonresidential intensity in Compatibility Zone D is restricted to an average intensity of 150 persons per acre and a maximum intensity of 450 persons in any given acre.

There is no issue with average intensity. The site is 53.34 acres in area. Even if the site were entirely in Compatibility Zone C, the average intensity criteria would be met. At an average intensity of 75 persons per acre, a total of 4,000 persons would be allowed at this location. If the entire project were to be developed as office space, use of the Building Code method, with the standard 50% reduction, would indicate a total of 3,692 persons on-site (738,432 square feet, divided by 100, divided by 2). This would be an average intensity of 69 persons per acre.

The applicant is proposing to provide 1,187 parking spaces. Use of the Parking Space method, with the standard 1.5 persons per vehicle, would indicate a total of 1,781 persons on-site (1,187 multiplied by 1.5 persons per vehicle). This would be an average intensity of 33 persons per acre.

Single-acre intensities are closer to the upper limit for Compatibility Zone C due to the use of large buildings. Many of the fourteen buildings, either individually or in combination with adjacent buildings, cover a square acre of land or greater. These buildings would exceed the Compatibility Zone C single-acre intensity standard of 150 persons if developed entirely as office space, or with full use of second-story areas. However, as proposed, and with the office space areas limited to the square footages cited in the plot plan, single-acre intensities are projected to remain below 140 persons throughout the site.

The applicant delineated the boundary between Airport Compatibility Zones C and D on the open areas exhibit provided on November 13, 2008, and staff has confirmed that the location of the boundary has been accurately depicted. Building 14 and almost all of Building 13 are located within Airport Compatibility Zone D. Therefore, the square footage of office area in those two buildings will not be restricted.

Prohibited and Discouraged Uses: The applicant does not propose any uses prohibited in Compatibility Zone C (children's schools, day care centers, libraries, hospitals, nursing homes, buildings with more than three aboveground habitable floors, highly noise-sensitive outdoor nonresidential uses, and hazards to flight) within the project.

Noise: The site underlies traffic patterns. Future patrons, customers, and employees will experience annoyance from over flying aircraft. The ultimate 55 CNEL contour for the airport overlies the northerly edge of the property, although most of the property lies outside the area that would be subject to average exterior noise levels of 55 CNEL or greater under ultimate airport development conditions.

Part 77: The maximum elevation of the site is 640 feet above mean sea level (640 feet AMSL). The elevation of the nearest runway at its closest point is 636.5 feet AMSL. At a distance of 6,480 feet from the runway, FAA review would be required for any structures with top of roof exceeding 701.3 feet AMSL. The project plans indicate that building heights will not exceed 40 feet. (Building 14 is the tallest, at a height of 39 feet, 6 inches to top of parapet.) Therefore, the top of roof would not be expected to exceed 680 feet AMSL. FAA notice and review are not required.

Open Area: Compatibility Zone C requires that 20% of major projects be set aside as open land that could potentially serve as emergency landing areas. Compatibility Zone D requires a 10% set aside. While an initial review of the site plan indicates 32% lot coverage and large areas not devoted to buildings, most of the contiguous open area (over 10 acres) is located within a Southern California Edison easement populated by high voltage electrical transmission lines. This area would not qualify as open area, pursuant to the definition in Section 4.2.4 of the Countywide Policies of the Riverside County Airport Land Use Compatibility Plan. ~~At this time, staff is unable to verify that the project design meets open area requirements within Compatibility Zones C and D.~~

On November 13, just prior to the ALUC meeting, the project representative provided staff with an open areas exhibit depicting 10.03 acres of open space inclusive of the two internal roadways and some of the adjoining parking areas. The required amount of qualified open area is 9.04 acres – 7.42 acres in Compatibility Zone C and 1.62 acres in Compatibility Zone D. The exhibit depicts 9.59 acres in Zone C and 0.44 acres in Zone D.

Pursuant to Countywide Policy 3.3.5, when evaluating consistency, “any parcel...split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line.” Thus, consistency with open area requirements must be met for each Compatibility Zone on the property. This project falls short of meeting the Compatibility Zone D requirement of 1.62 acres of open area. However, Countywide Policy 3.3.5 also allows and encourages “the intensity of development allowed within the more restricted portion of the parcel...[to be] transferred to the less restricted portion...even if the resulting...intensity in the less restricted area would then exceed the limits which would otherwise apply within that compatibility zone.” While the present situation is not specifically addressed in this policy, the provision of a greater-than-required amount of open area in the zone where open area is more critically needed (even if the open area standard for the less critical zone is not met) would be consistent with the intent of Policy 3.3.5, as long as the overall requirement were met.

More critically, in examining the 10.03 acres of open area, only 4 acres of this area would be within the 78-foot industrial collector roadways. In order for the roadways to meet the open area requirement, parking on these roadways would not be permitted, nor could street lights greater than four feet in height or trees be installed within the right-of-way. The remaining 6 acres would be within parking and frontage areas. These areas also would be prohibited from including trees and trash enclosures, although parking within the specified spaces would be permitted. The site plan depicts landscaped planters, two “focal points”, bike rack areas, and numerous “break areas” here. All uses within these areas would have to meet the requirements of Section 4.2.4 of the Countywide Policies – “free of...structures and other major obstacles such as walls, large trees or poles (greater than 4 inches in diameter, measured 4 feet above the ground, and overhead wires.”

For the purposes of the “open area” calculation, the “proposed filtration trench” area may also qualify as open area, provided that it would be dry except during, and within 48 hours following, major storms. The conditions have been designed to permit the ALUC Director to authorize modifications to the open areas exhibit, if deemed equally or more beneficial to achieving the objectives of the Compatibility Plan criteria.

Wildlife Hazard Attractants: The change from agricultural to industrial uses has the advantage (from an airport land use planning perspective) of eliminating the potential for dairies or livestock operations on the site, but the proposed filtration trench, if uncovered, presents new issues of wildlife attraction. **The project representative has submitted a letter stating that the trench “will detain only first-flush runoff volumes” and that “runoff exceeding the first-flush volume**

will be directly discharged...to be conveyed to the Cucamonga Creek Channel.” The basin is expected to drain within about eight hours even under the worst case scenario (8 vertical inches of percolation per hour and maximum depth of 5 feet, 3.5 inches).

CONDITIONS:

1. 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.
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. (Such uses include landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, incinerators, and landfills.)
 - (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, and highly noise-sensitive outdoor nonresidential uses, and, in the structures located partially or wholly in Compatibility Zone C, libraries and day care centers.
3. The Riverside County Planning Department shall require additional review by the Airport Land Use Commission prior to the establishment of any use other than offices, manufacturing, storage, and warehousing within the proposed buildings. Examples of uses that would require further review include, but are not limited to:

Retail sales, auction rooms, auditoriums, churches and chapels, dance floors, day care or child care centers, libraries, lodge rooms, reviewing stands, conference rooms with capacities

of 25 or more persons, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, courtrooms, dormitories, swimming pools, skating rinks, locker rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to the edition of the Building Code in effect at the time of land use or building permit application, as applicable.

These uses have greater intensity than the uses indicated on the plot plan and may not be possible within the single-acre intensity limits of the applicable Compatibility Zone.

4. Any changes in the locations of buildings from those shown on the exhibit prepared by Albert A. Webb Associates dated August 27, 2008 shall be subject to further review by the Airport Land Use Commission as an amended project.
5. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.
6. Office areas within the proposed buildings, **except for Buildings 13 and 14**, shall be limited to the maximum square footage areas identified on the plot plan exhibit prepared by Albert A. Webb Associates dated August 27, 2008 and specified for each building as follows: Building 1 - 3,438 square feet; Building 2 - 4,063 square feet; Building 3 - 3,293 square feet; Building 4 - 3,488 square feet; Building 5 - 3,518 square feet; Building 6 - 2,191 square feet; Building 7 - 1,582 square feet; Building 8 - 2,422 square feet; Building 9 - 1,150 square feet; Building 10 - 5,688 square feet; Building 11 - 4,836 square feet; Building 12 - 5,650 square feet; ~~Building 13 - 5,263 square feet; and Building 14 - 6,489 square feet.~~
7. The filtration trench, if uncovered, shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours (may be less, but not more) and to remain totally dry between rainfalls. Vegetation in and around the filtration trench that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Landscaping shall utilize plant species that do not produce seeds, fruits, or berries. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
8. **A minimum of 9.04 acres of open areas as defined by Countywide Policy 4.2.4 of the 2004 Riverside County Airport Land Use Compatibility Plan shall be provided on-site (inclusive of the 78-foot industrial collector roadways), of which not less than 7.42 acres shall be located within the portion of the site within Compatibility Zone C. Such open areas shall have a minimum width of 75 feet and a minimum length of 300 feet, and shall not be obstructed by walls, trash enclosures, large trees or poles greater than 4 inches in diameter at a height greater than 4 feet, or overhead wires.**
9. **The on-site 78-foot industrial collector roadways constitute the foundation of the open area on-site. No parking shall be permitted on these roadways, and no street lights or**

trees greater than four feet in height shall be placed within the right-of-way.

- 10. The open areas exhibit submitted to the Airport Land Use Commission by Albert A. Webb and Associates on November 13, 2008 and included in this packet depicts six acres within parking and building frontage areas as meeting open area requirements. All uses within these areas, such as landscaped planters, bike racks, focal points, and break areas, shall comply with the requirements of Policy 4.2.4 as referenced above. Walls, trash enclosures, and trees and light fixtures greater than four feet in height shall not be permitted in this area.**
- 11. The ALUC Director is authorized to approve modifications to the open areas exhibit, if deemed equally or more beneficial to achieving the objectives of the Compatibility Plan criteria.**

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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 3.1 4-3

HEARING DATE: December 11, 2008 (originally considered on October 9, 2008)

CASE SUMMARY:

CASE NUMBER: ZAP1043RI08 – City of Riverside

APPROVING JURISDICTION: City of Riverside

JURISDICTION CASE NO: P08-0215 (General Plan Amendment) and P08-0216 (Rezoning)

MAJOR ISSUES: The proposed general plan amendment and rezoning would change the allowable land uses in a manner that would increase the potential for residential development at densities less than four dwelling units per acre in Airport Compatibility Zone D.

At the October hearing, one property owner testified in opposition, in that the proposed changes would jeopardize his plans for developing apartments on his property. (Patricia Brenes of the City of Riverside Planning Department advised that apartment development on that parcel had already been precluded by the City's recent passage of an ordinance amendment requiring a one acre minimum lot size for apartment projects.)

From an airport land use planning perspective, maintenance of the current General Plan designation and zoning would be preferable and consistent with the Countywide compatibility criteria for the "Zone D high density option." However, the proposed designation and zoning may also be found consistent, provided that the City applies the Airport Protection Compatibility Zone D Overlay and requires a density not less than four dwelling units per acre for projects other than individual single-family residences and second units, which are exempt from ALUC criteria.

RECOMMENDATION: Staff recommends a finding of CONDITIONAL CONSISTENCY for the general plan amendment, provided that the City applies the Airport Protection Compatibility Zone D Overlay and requires a density not less than four dwelling units per acre for projects other than individual single-family residences and second units, which are exempt from ALUC criteria. Staff recommends a finding of CONSISTENCY for the change of zone from R-3-1500 to R-1-7,000-AP-D. This finding of consistency for the change of zone is contingent upon the application of the "AP-D" overlay.

UPDATE I: *Following the October ALUC hearing and mailing of the Commission's determination to the owners of all the affected parcels, one of the recipient landowners called ALUC staff to advise that he had never received a hearing notice. Staff reviewed the labels provided by the City and confirmed that the label with the name of the entity owning the property*

had a city, but no street address or box number, and the notice had, therefore, been returned to ALUC as undeliverable. ALUC staff advised him to call the City. The City then requested that the matter be advertised and reconsidered at the December 11 hearing, in order to allow the property owner and all other affected property owners to comment on the proposal.

PROJECT DESCRIPTION: The City of Riverside proposes to amend the General Plan land use designation of 19.25 acres from HDR (High Density Residential) to MDR (Medium Density Residential), and to change the zoning of the property from R-3-1500 (Multiple Family Residential: High Density, 1,500 square foot minimum lot area per dwelling unit) to R-1-7,000 (Single Family Residential, 7,000 square foot minimum lot area) or R-1-7,000-AP-D (same as above, with Airport Protection Compatibility Zone D Overlay).

PROJECT LOCATION: The site is located both northerly and southerly of Gould Street, westerly of Crest Avenue, within the City of Riverside neighborhood bounded by Arlington Avenue on the north, Cypress Avenue on the south, Tyler Avenue on the west, and Crest Avenue on the east. The site is located approximately 6,930 feet southwesterly of the westerly terminus of Runway 9/27 at Riverside Municipal Airport.

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

- a. Airport Influence Area: Riverside Municipal Airport
- b. Land Use Policy: Airport Zone D
- c. Noise Levels: From below 55 CNEL to 60 CNEL (The 55 CNEL contour crosses the site.)

BACKGROUND:

Residential Density: The site is located in Airport Land Use Compatibility Zone D, the Primary Traffic Patterns and Runway Buffer Area. Countywide compatibility criteria for this zone limit new residential development 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, prohibiting intermediate density levels greater than 0.2, but less than 5.0, dwelling units per acre. However, pursuant to Additional Compatibility Policy 2.3(a) in the Riverside Municipal Airport Land Use Compatibility Plan, “residential densities as low as 4.0 dwelling units per gross acre” would be found consistent “to the extent that such densities are typical of existing ... residential development in nearby areas of the community.” (The intent of this policy is “to enable the density of future development [in Zone D] to be similar to what now is common for the area.”)

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 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 problem posed by this proposal is that the proposed amendment and rezoning would increase the probability that a landowner or developer would design a project with a gross density of less than 4 dwelling units per acre. The proposed land use designation and zoning allow for the possibility of development at densities exceeding four dwelling units per acre, but also allow for the possibility of development at lower densities (although this area is sufficiently developed that its overall density would remain greater than four dwelling units per acre, given the existing number of dwelling units in the area). In order to decrease the potential that a proposal with a density less than four dwelling units per acre would be proposed, ALUC staff is recommending that the Airport Protection Compatibility Zone D overlay zoning be applied to the property. Application of the overlay zoning would alert landowners and developers to the need to refer to the Compatibility Plan to determine allowable uses and densities.

Noise: The site is located partially within the area subject to average aircraft noise levels greater than 55 dB(A) CNEL; therefore, the City should consider noise mitigation when new developments are proposed in this area.

PART 77: This rezoning and general plan amendment are not associated with any construction projects. Elevations on the 19.25-acre site range as high as 784 feet above mean sea level (AMSL). The maximum height of a new residence in the R-1-7,000 zone is 35 feet above ground level. This would appear to indicate a top elevation not exceeding 819 feet AMSL. The elevation at the westerly end of the runway is 757.6 feet AMSL. At a distance of 6,930 feet from the runway, FAA notice is required for structures with a top point elevation exceeding 826.9 feet AMSL. Therefore, FAA review is not required.

General plan amendments and rezoning are not subject to conditions.

Attachment: State law requires notification in the course of real estate transactions if the property is located in an Airport Influence Area. The landowners shall notify potential purchasers and tenants.

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

AGENDA ITEM: 4.1

HEARING DATE: December 11, 2008

CASE NUMBER: ZAP1031BD08 - Richard Warfield and Robert Wright

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: CZ07677 (Change of Zone)

MAJOR ISSUES: None.

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

PROJECT DESCRIPTION:

The applicant proposes to change the zoning from R-1-12,000 (One Family Dwelling, 12,000 square foot minimum lot size) to M-SC (Manufacturing-Service Commercial) to allow for a proposed contractor's storage yard and nursery on the two parcels totaling approximately 4.56 acres.

PROJECT LOCATION:

The project is easterly of Adams Street, northerly of Cliff Street, and southerly of 41st Avenue, in the Bermuda Dunes community of unincorporated Riverside County, approximately 759 feet southwesterly of the westerly runway at Bermuda Dunes Airport.

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

- a. Airport Influence Area: Bermuda Dunes Airport
- b. Land Use Policy: Airport Zones B1, B2, and C
- c. Noise Levels: Primarily greater than 60 CNEL but less than 65 CNEL; the 60 CNEL contour crosses the site.

BACKGROUND:

Land Use/Intensity: The project site is located within Airport Compatibility Zones B1, B2, and C of the Bermuda Dunes Airport. The southerly parcel and most of the northerly parcel are within Airport Compatibility Zone B2. The project proposes a change of zone from R-1-12,000 (One Family Dwelling) to M-SC (Manufacturing- Service Commercial) to permit a contractor's storage yard and nursery land use. The change of zone is compatible with, and will further the objectives of, the 2004 Bermuda Dunes Airport Land Use Compatibility Plan. The existing zoning is inconsistent with the Plan. The proposed zoning would be consistent.

Part 77: The site's elevation ranges from 85.5 to 77 feet above mean sea level. The highest structure on site is an existing single family dwelling approximately 16 feet high at an elevation at top point of 94.5 feet above mean sea level. The site is approximately 759 feet southwesterly of the westerly runway terminus at Bermuda Dunes Airport. The elevation of the runway at that point is 73.4 feet AMSL. While the change of zone does not approve any structures, all new structures should be submitted to FAA through the Form 7460-1 process.

Noise: The site is traversed by the 60 CNEL contour line, but the noise would not exceed 65 CNEL. In accordance with criteria for Airport Zone B2, any future structures will be required to be designed to provide a minimum noise level reduction of 25dB for any office portions of the building.

CONDITIONS: (to be applied to the Plot Plan)

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator, or such 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, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, composting operations, fly ash disposal, wastewater management

facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials, and critical community infrastructure facilities.
2. Prior to issuance of building permits, the landowner shall convey an avigation easement to Bermuda Dunes Airport, which shall be recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.
 3. Noise attenuation measures shall be incorporated into any office areas of the building construction to ensure a minimum noise level reduction of 25dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
 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, and shall comply with Riverside County Ordinance No. 655, as applicable.
 5. The retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
 6. Prior to the issuance of building permits for any new building or structure on the site, the applicant shall file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA) for such structure, 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 Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.

**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 4.2

HEARING DATE: December 11, 2008

CASE SUMMARY:

CASE NUMBER: ZAP1030FV08 – FV Crossings, LP

APPROVING JURISDICTION: City of Murrieta

JURISDICTION CASE NO: DPO 004-249 (Development Plan)

MAJOR ISSUES: At this time, staff has not been able to verify that the project design would meet the open area requirements of underlying Airport Compatibility Zones B1 and C. The use of 6,500-square-foot Building “D”, located in Compatibility Zone B1, as a restaurant results in an exceedance of allowable single-acre intensities. (If used as a retail store, the single-acre intensities would be consistent with the 2007 French Valley ALUCP single-acre criteria.) FAA review has been completed for three structures, but may also be required for other structures at this site, depending on distance from the runway and finished floor elevation.

RECOMMENDATION: Staff recommends that the Commission open the public hearing, consider testimony, and CONTINUE this matter to the January 8, 2009 hearing, to allow the applicant time to demonstrate that the existing project design satisfies the open area requirements. If the applicant is not willing to accept a continuance, staff must recommend a finding of INCONSISTENCY, based on the single-acre intensity of the acre inclusive of Building “D” and the lack of sufficient ALUC-eligible open area on-site.

PROJECT DESCRIPTION: The applicant proposes to develop a nine-building, 69,730 square foot retail commercial center on 11.05 net acres (13.74 gross acres).

PROJECT LOCATION: The site is located northwesterly of Winchester Road, westerly of the new alignment of Clinton Keith Road at its intersection with Winchester Road (which would be directly opposite the intersection of Benton Road with Winchester Road), and southerly of Porth Road in the City of Murrieta, approximately 2,911 feet (at its closest point) northerly of the northerly terminus 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 and B1

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 in Airport Compatibility Zones B1 and C. The site includes one complete Assessor's parcel, an existing road right-of-way which would be vacated, and a portion of an adjacent parcel that is the subject of a lot line adjustment. The applicant's engineer, S.V. Engineering Consultants, has identified the split as follows: 4.52 gross acres in Compatibility Zone B1 and 10.63 gross acres in Compatibility Zone C. (According to the Geographic Information Services Division of the Riverside County Transportation and Land Management Agency, the complete Assessor's parcel includes [in net acreage] 2.82 acres in Compatibility Zone B1 and 6.08 acres in Compatibility Zone C.)

Nonresidential intensity in Airport Compatibility Zone C is restricted to an average of 80 persons per acre. Nonresidential intensity in Airport Compatibility Zone B1 is restricted to an average of 40 persons per acre. Pursuant to 2004 Riverside County Airport Land Use Compatibility Plan Countywide Policy 3.3.5, "[for] the purposes of evaluating consistency with the compatibility criteria set forth herein, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line." Based on the above information, the area within Airport Compatibility Zone B1 could potentially accommodate 180 persons (4.52 x 40), and the area within Airport Compatibility Zone C could potentially accommodate 850 persons (10.63 x 80), for a total of 1,030 persons.

Building "D", Building "E", and a small portion of Building "F" (160 square feet) are located within Airport Compatibility Zone B1. The applicant is proposing the development of 6,500 square feet of restaurant area, 4,500 square feet of retail floor area, and 320 square feet of office space within this zone. This translates into an occupancy of 39 persons in the retail stores (at an intensity of one person per 115 square feet), 217 persons in the restaurant (at an intensity of one person per 30 square feet), and 2 people in the office, for a total of 258 persons, or an average of 91 persons per net acre and 57 persons per gross acre of land in Airport Compatibility Zone B1. Under a "best case" scenario, where none of the retail stores in Building "E" sold edible products and 40 percent of the restaurant square footage was kitchen area, these square footage totals would translate into an occupancy of [(4500 divided by 170) + (3900 divided by 15, divided by 2) + (2600 divided by 200) + (320 divided by 100, divided by 2) = 26 + 130 + 13 + 2 = 171 persons, or an average of 38 persons per gross acre (61 persons per net acre).

Within Airport Compatibility Zone C, the applicant is proposing the development of 46,095 square feet of retail floor area, 9,375 square feet of office space, and 3,100 square feet of restaurants. This translates into an occupancy of 401 persons in the retail stores (at an intensity of one person per 115 square feet), 47 persons in the offices, and 103 persons in the restaurants (at an intensity of one person per 30 square feet), for a total of 551 persons, or an average of 52 persons per gross acre .

Thus, pursuant to the Modified Building Code method in accordance with the 2007 French Valley

Airport Land Use Compatibility Plan, the portion of the project in Airport Compatibility Zone C is consistent with average intensity criteria, but the portion of the project in Airport Compatibility Zone B1 meets the average intensity criteria only with restrictions on the amount of restaurant serving area in Building “D” (not more than 3,900 square feet) and prohibition of the sale of edible products in Building “E.”.

The applicant proposes to provide 378 parking spaces. Application of the standard 1.5 persons per vehicle factor results in a total occupancy of 567 persons, which is consistent with the allowable total occupancy of the site in its entirety. The project’s average intensity using the Parking Space Method would be consistent even if one were to assume a factor of 2.7 persons per vehicle for shopping trips.

Nonresidential Single-Acre Intensity: Nonresidential single-acre intensity is restricted to 160 persons in any given acre within Airport Compatibility 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. Nonresidential single-acre intensity is restricted to 80 persons in any given acre within Airport Compatibility Zone B1. This level may be increased to up to 104 with use of the above risk-reduction design features.

Staff has evaluated a number of single-acre areas within the proposed project. The most problematic is the single-acre area that includes Building “D”, the 6,500 square foot area identified as “food” on the site plan. Building “D” is entirely located within Airport Compatibility Zone B1. If the square footage were entirely serving area, the building would be considered to accommodate 217 persons (one person per 15 square feet, divided by 2) – well over twice the allowable intensity even with a full 30 percent risk-reduction design bonus. Even if one were to assume that only 60% of the restaurant square footage were serving area (with the remainder commercial kitchen), the building would be considered to accommodate 143 persons $[(3900 \text{ divided by } 15, \text{ divided by } 2) + (2600 \text{ divided by } 200) = 130 + 13 = 143]$.

This exceedance can only be remedied by a change in use. If Building “D” were changed from a restaurant to unrestricted retail sales (which would include stores that sell or handle food, but do not have serving areas), its intensity would be evaluated on the basis of one person per 115 square feet, resulting in a total occupancy of 67 persons, which would be consistent with the French Valley Compatibility Zone B1 single-acre standard.

Other single-acre areas including all or portions of Building “E” meet the single-acre intensity criteria for Airport Compatibility Zone B1.

On an overall basis, the site is designed in a manner that provides wide separations between buildings, which is appropriate for airport influence area projects. The only single-acre area in Airport Compatibility Zone C that is problematic is the single-acre area that includes all of Buildings

“B” and “C” and a portion of Building “G.” This area is estimated to accommodate 173 persons, which exceeds the Airport Compatibility Zone C standard of 160 persons. However, this is based on the assumption that the entire 3,100 square feet of Building “B” is developed as restaurant serving area. If, in fact, 20% of Building “B” would be commercial kitchen area, the intensity attributable to Building “B” within this single-acre area would drop from 103 to 86 persons, and the single-acre intensity would drop from 173 to 156, thereby attaining consistency within Airport Compatibility Zone C.

Open Area Requirements: As the site of the proposed project is located within Airport Compatibility Zones B1 and C and is greater than ten (10) acres in area, the project is required to comply with open area requirements of the 2007 French Valley Airport Land Use Compatibility Plan, which are the same as the Countywide Policies – 30% in Airport Compatibility Zone B1 and 20% in Airport Compatibility Zone C. While this project has low floor area ratio and lot coverage (less than 15%), most of the parking areas are interspersed with planters. Even where long driveways are present, such as the areas behind Buildings “F” and “G,” the open area is interrupted by trash enclosures disqualifying the area from meeting the open area definition in Section 4.2.4 of the Countywide Policies. Staff is asking for an open areas exhibit to demonstrate compliance with this standard.

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. Retail and restaurant uses are not considered noise-sensitive, but office uses fit into this category, so noise attenuation measures for office areas are included in the recommended conditions.

PART 77: Projected finished floor elevations for the proposed buildings, where known, range from 1,336 to 1,345 feet above mean sea level. The largest retail structure may be as high as forty-eight (48) feet in height at its top point. Based on the combinations of finished floor elevations and building heights, staff anticipates a top elevation as high as 1,387 feet AMSL. The elevation at the northerly end of the runway is 1,347 feet AMSL. At a distance of 2,911 feet from the runway, any building with an elevation at top of roof exceeding 1,376 feet AMSL would require FAA review. Of course, not all buildings will be situated at the closest point. The northerly property line is an additional 1,135 feet from the runway, so structures at that location exceeding 1,387 feet AMSL would require FAA review. Due to the size of the site, staff has designed the condition to incorporate the French Valley North end formula. FAA review is required for structures whose elevation at top point exceeds “X”, where “X” = 1,347 + (distance in feet from nearest point of structure to closest point on runway, divided by 100).

The FAA has issued Notices of Determination of “No Hazard to Air Navigation” for Buildings F, G, and H.

CONDITIONS:

1. Prior to issuance of building permits, the landowner shall convey an aviation 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. Copies of the recorded aviation easement shall be forwarded to the Airport Land Use Commission and to the City of Murrieta Planning Department.

2. Prior to issuance of building permits for Buildings “A”, “B”, “C”, “D”, “E”, or “T”, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each building or structure with an elevation at top point exceeding “X” feet above mean sea level, where “X” = 1,347 + (distance from the nearest point of the structure or building to the nearest point of 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 City of Murrieta Planning Department and the Riverside County Airport Land Use Commission.
3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
4. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children’s schools, hospitals, nursing homes, day care centers, libraries, highly noise-sensitive outdoor uses, aboveground bulk storage of hazardous materials, aboveground bulk storage of 6,000 gallons or more of flammable materials, and (within Airport Zone B1) churches and chapels.
5. The City of Murrieta shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the

structures proposed through this conditional use permit:

Auction rooms, auditoriums, churches and chapels (within Airport Zone C), dance floors, lodge rooms, reviewing stands, exhibit rooms, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, courtrooms, dormitories, locker rooms, exercising rooms, swimming pools, skating rinks, and other uses that would be considered to have an occupancy level greater than one person per 60 square feet (minimum square feet per occupant less than 60) pursuant to California Building Code (1998) Table 10-A, other than restaurants, dining establishments, and drinking establishments within Building "B" and retail sales at all buildings except Building "F."

6. The attached notice shall be provided to all potential purchasers of real property interests and tenants.
7. The applicant shall submit an Open Areas exhibit demonstrating compliance with minimum requirements of 20 percent open area within Airport Compatibility Zone C and 30 percent within Airport Compatibility Zone B1.
8. Building "D" shall be used for retail sales or less intensive uses. It shall not be utilized as a restaurant, eating establishment, drinking establishment, or any other use listed in Condition No. 5.
9. The square footage of restaurant serving area in Building "B" shall be limited to 2,480 square feet. If Building "B" is developed as a restaurant, the remaining area shall be kitchen area not accessible to the public.
10. The maximum height of Building "F" shall not exceed 43 feet above ground level, and the maximum elevation at the top point of Building "F" shall not exceed 1,380 feet above mean sea level.
11. The maximum height of Building "G" shall not exceed 48 feet above ground level, and the maximum elevation at the top point of Building "G" shall not exceed 1,386 feet above mean sea level.
12. The maximum height of Building "H" shall not exceed 45 feet above ground level, and the maximum elevation at the top point of Building "H" shall not exceed 1,387 feet above mean sea level.