

AIRPORT LAND USE COMMISSION

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

THURSDAY, August 12, 2004
9:00 A.M.

MINUTES

A regular scheduled meeting of the Airport Land Use Commission was held on August 12, 2004 at the Riverside County Administration Center, Board Room.

COMMISSIONERS PRESENT: Ric Stephens, Chairman
Dave Hogan, Vice Chairman
Jon Goldenbaum
Arthur Butler
Marge Tandy
Simon Housman
Mark Lightsey

COMMISSIONERS ABSENT: Sam Pratt

STAFF PRESENT: Keith Downs, Executive Director
Beverly Coleman, Development Specialist III
B.T. Miller, Legal Counsel
Jackeline Gonzalez

OTHERS PRESENT: William Brelant
Dennis Heimbigner
Lenny Lavergne
Hank Van Gaale
Julie Oxley
Richard MacHott
Rick Thompson
Diane Jenkins

- I. CALL TO ORDER: The meeting was called to order at 9:05 a.m. by Chairman Stephens.
- II. SALUTE TO THE FLAG.
- III. ROLL CALL was taken.
- IV. APPROVAL OF MINUTES FOR:

June 10, 2004: Due to the minutes not being available Chairman Stephens continued the minutes for the next scheduled hearing.

***CONSENT ITEMS:**

Keith Downs indicated that the consent items are being recommended for a finding of consistency. The items will be voted as one unless any of the Commissioners or any one from the audience has questions the item will be pulled and addressed separately, otherwise it will be voted as one and no further discussion will be made.

Consent items are as follows: CH-04-108 VSL Engineering, MA-04-131 Air Force Village West, MA-04-132 March Global Port, RI-04-125 Michael Napolitano, RI-04-126 Verizon Wireless, RI-04-127(FL-04-102) M.J. Gestine.

Finding of Inconsistency: MA-04-133 Robert Beers

Recommendation for Continuance: BD-04-107 Robert H. Ricciardi.

A member from the audience came forward and informed the Commission to pull item RI-04-127 M.J. Gestine.

Hearing no further comments or replies Chairman Stephens called for a motion to be set.

ACTION TAKEN: Vice Chairman Hogan made a motion of consistency for the consent items, Inconsistency and Continuance for the above mention items, subject to staff conditions of approval and recommendations. Commissioner Tandy seconded the motion. Motion carried unanimously.

V. OLD BUSINESS

A. FV-04-103 – Zan Marquis – Beverly Coleman presented the case by referring to and using exhibits, staff report and recommendations.

CASE NUMBER: FV-04-103- Zan Marquis
APPROVING JURISDICTION: City of Murrieta
JURISDICTION CASE NO.: Parcel Map 32123, GPA, CZ 004-057 and CUP 004-062
PROJECT DESCRIPTION:

A General Plan Amendment, Change of Zone (from SP265/Business Park, Rural Residential to Regional Commercial, Open Space) and Parcel Map for 454,789 sq. ft. of commercial retail usage on 79 gross acres.

PROJECT LOCATION:

The site is located east of Briggs Road, west of Winchester Road and south of Thompson Road in the City of Murrieta, from approximately 3,150 to 6,000 ft. north of Runway 18-36 at the French Valley Airport.

LAND USE PLAN:

Adjacent Airport: French Valley
a. Airport Influence Area: Emergency Touchdown Zone (ETZ), Outer Safety Zone (OSZ), Extended Runway Centerline (ERC), and Traffic Pattern Zone (TPZ)
b. Noise Levels: Mostly Outside of 55 CNEL for 2013

MAJOR ISSUES:

Land Use: *The proposal is for a commercial retail center, to include retail stores, garden center and restaurants totaling 454,789 sq. ft. along with open space/wetlands on 79 gross acres. Based on information submitted by the applicant, proposed structures are located within the ETZ, OSZ, ERC and TPZ. Structures are prohibited within the ETZ. As shown in the attached Table 7A to the French Valley Airport Comprehensive Land Use Plan, prohibited uses with the OSZ include hotels, restaurants, bars, schools, hospitals, government services, auditoriums and uses involving as the primary activity the manufacture or distribution of explosives or flammable materials. Uses involving the manufacture or distribution of explosives or flammable materials are also prohibited in the ERC, and are a discouraged use in the TPZ. The proposed use is inconsistent with allowed land uses in the ETZ and OSZ.*

Density and Coverage: *Based on information submitted by the applicant, 14 of the 17 parcels on the site are currently proposed for development and have a total area of 46.24 acres. The number of proposed parking spaces is 2,338. The remaining three parcels are shown as open space or vacant. Assuming 1.5 persons per parking space, an average project density of 76 persons per acre is calculated. Using UBC occupancy standards for retail stores and dining areas, an average density of 174 persons per acre is calculated. The maximum population density in the OSZ is 25 persons per acre, and within the ERC, the maximum is 100 persons per acre. The estimated population density for the project exceeds the OSZ standard. There is no population density standard for the TPZ. Based on the project site plan, structural coverage within the parcels proposed for development is less than 25% of the net area. This is within the allowable standard for the OSZ, ERC and TPZ. The maximum structural coverage allowed in the OSZ is 25% of the net area. Within the TPZ and ERC the lot coverage standard is 65% of the net or 50% of the gross, whichever is greater. The proposed structural coverage and estimated population density for the project is inconsistent with the ETZ standard since structures are prohibited within the ETZ.*

Part 77: *Most of the site is located within the 34:1 approach surface, although the northerly end of the site is within the horizontal surface. Over-flying aircraft will be coming in low (200-400AGL) over the runway centerline. Structures exceeding 1,439 MSL at the south end of the site would be an obstruction. The highest elevation on the property is 1,355 MSL and the height of the tallest building is 46 ft. The horizontal surface is at 1,500 MSL and the runway elevation is 1,347 MSL at the north end. An FAA 7460 review will be required for any structure of a height that would exceed a 100:1 slope from the end of the runway. At a distance of 3,150 ft. from the runway, structures exceeding 1,378 MSL at the south end of the site will require FAA 7460 review.*

Noise: *The site will get significant over-flight especially with GPS approaches, but is outside of the current 55 CNEL. Most of the site is outside the 55 CNEL contour for 2013.*

Draft 2004 ALUCP: *The draft plan designates the site to be within Zones B1 and C and shows a large portion of the site within the 55 CNEL contour for 2022. An average density of 76 persons per acre is estimated for the project based on the proposed number of parking spaces. Based on UBC building occupancy standards the estimated average density is 174 persons per acre. The maximum allowable density in Zone B1 is 25 persons per acre. In Zone C, the maximum density is 75 persons per acre. Drive-thru restaurants are a generally incompatible use within Zone B1. According to the attached General Plan Consistency Review for French Valley Airport prepared by Mead and Hunt as part of the draft plan, non-residential uses in Zone B1 and Zone C are a potential conflict with the General Plan designation of Heavy Industrial (M2 and M3) due to the intensity limits within Zones B1 and C.*

Other: *As of the date of this staff report (8/04/04) the applicant has submitted no new or additional information on this proposal.*

Conclusion: *As submitted, the proposal is inconsistent with the French Valley Airport Comprehensive Land Use Plan (CLUP). Proposed structures within the ETZ and proposed restaurants within the OSZ do not meet the land use and density standards for these safety zones, and would need to be removed or relocated to meet applicable standards.*

RECOMMENDATION: *Staff recommends a finding of inconsistency with the French Valley Airport Comprehensive Land Use Plan (CLUP).*

CONDITIONS OF OVERRIDE:

1. *Provide Avigation Easements to the French Valley Airport prior to sale of any property to any entity exempt from the Subdivision Map Act, prior to recordation of any map, or issuance of any permit, whichever is first.*
2. *Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45-decibel levels.*
3. *The attached Notice shall be given to each prospective buyer or tenant.*
4. *No obstruction of the "FAR Part 77 Conical Surface" shall be permitted.*
5. *Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky (lights must be downward facing).*
6. *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 any operation of aircraft and/or aircraft instrumentation.*
7. *Schools, churches and uses involving higher densities of population shall be avoided.*
8. *The above ground storage of explosives or flammable materials shall be prohibited.*
9. *Any subsequent permits shall be reviewed by the ALUC.*
10. *An FAA 7460 review shall be completed for any structure of a height that would*

exceed a 100:1 slope from the end of the runway.

Beverly Coleman indicated to the Commission the applicant requested a continuance to the next scheduled meeting.

Chairman Stephens called for questions from the Commissioners, hearing no response he called for a motion to be set.

ACTION TAKEN: Commissioner Tandy made a motion for continuance to the next schedule meeting, Commissioner Goldenbaum seconded the motion. Motion carried unanimously.

VI. NEW BUSINESS

BERMUDA DUNES AIRPORT

9:00 A.M.

A. BD-04-107 – Robert H. Ricciardi – Continued item see page 2

CASE NUMBER: BD-04-107 – Robert H. Ricciardi

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Plot Plan 19257

PROJECT DESCRIPTION:

A plot plan for a 8,172 sq. ft. industrial building on .758 acres.

PROJECT LOCATION:

The site is located east of Adams Street, south of Country Club Drive in the County of Riverside, immediately north of the Bermuda Dunes Airport.

Adjacent Airport: Bermuda Dunes Airport

Land Use Policy: Area I and II

a. Airport Influence Area: Area II

b. Land Use Policy: Influence Area

c. Noise Levels: 70 dB CNEL (2003 Noise Data: Mead and Hunt)

MAJOR ISSUES:

Land Use: The proposed site is located approximately 100 to 150 feet north of the runway and is within Areas I (Approach Surface) and II (Area of Significant Safety Concern) of the current Airport Influence Area. The Approach Surface shall be kept free of all high-risk land uses, such as places of assembly, high patronage services, large retail outlets, residential uses, critical facilities and flammable products. Agricultural, industrial and commercial uses are acceptable in Area II. The proposed industrial use is an acceptable use subject to certain constraints.

NOISE: The proposal is within 70 CNEL as indicated by the 2003 Existing Noise Impacts Data for Bermuda Dunes Airport prepared by Mead and Hunt. The industrial use is acceptable in that noise category if noise reduction measures are utilized for any office portion of the building. That may require more than normal construction, which only attenuates about 20dB.

HEIGHT: Part 77 approach profiles are shown on the attached exhibit and overlie the property. The runway elevation is 73 feet. The highest elevation on the proposed site is 71.54 MSL at the southwest corner. The height of the proposed structure is 24 feet. As of the date of this staff report (8/03/04), an FAA 7460 Notice of Proposed Construction on the proposed structure has not been submitted to the FAA. Staff has informed the applicant that an FAA 7460 review is required.

Draft Plan: The draft plan designates the site to be within Zones A and B2 and within the 55 CNEL contour. The proposed use is a compatible use under the draft plan subject to certain constraints.

RECOMMENDATION: Staff would recommend that the proposal be continued to September ALUC meeting in order to receive the FAA 7460 review.

CONDITIONS:

1. Provide Avigation Easements to the Bermuda Dunes Airport prior to sale of any property to any entity exempt from the Subdivision Map Act and prior to recordation of the map, whichever is first.
2. Incorporate noise attenuation measures into the office portion of any building construction to ensure interior noise levels are at or below 45-decibel levels.
3. Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky (lights must be downward facing).
4. The following uses are prohibited at this site:
 - A. High Concentration of People
 1. Places of Assembly: Auditoriums; churches; schools, carnivals; drive-in theaters.
 2. High Patronage Services: Bowling alleys; restaurants; theaters; motels; banks; etc.
 3. Large Retail Outlets: Department stores; supermarkets; drug stores; etc.
 4. Residential Uses.
 - B. Critical Facilities: Telephone exchanges; radio/television studios; hospitals; etc.
 - C. Flammable Products: Bulk fuel storage; gasoline and liquid petroleum service stations; manufacture of plastics; breweries; feed and flour mills; etc.
5. The establishment of new land uses involving, as a primary activity, the manufacture, storage, or distribution of explosives or flammable materials are prohibited in this area.
6. 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.*
7. *Any subsequent permit shall require an ALUC review.*
 8. *The buildings in this project shall have an active FAA 7460 review at the time of construction and shall not exceed obstruction standards. Structures shall be lighted as per FAA Advisory Circular 70/7460-1K.*
 9. *The attached notice shall be given to all prospective buyers and tenants.*

Beverly Coleman indicated that staff's recommending continuance to the next scheduled hearing to provide sufficient time for applicant to submit a 7460 review.

Chairman Stephens called for questions from the Commissioners, hearing no response Chairman Stephens called for the applicant to come forward and present the case.

Robert Ricciardi, came forward in response to Chairman Stephens' invitation and indicated that an effort has been made to contact the FAA and have not been successful. Mr. Ricciardi then requested for the Commission to find the project consistent since it's a fill in, industrial and the elevation of the buildings will not exceed the surrounding buildings.

Hearing no further comments Chairman Stephens called for a discussion from the Commissioners.

Commissioner Housman indicated being familiar with the area and that it is exactly how the applicant described it. Commissioner Housman inquired if would be possible for the Commission to approve the project and include the FAA 7460 review as a condition. Keith Downs responded positively and indicated that it's not something that the Commission normally does. Mr. Downs then indicated that the FAA normally response within thirty (30) days with a complete application. Robert Ricciardi interjected indicating that the application has not been made available to him. Beverly Coleman responded that the application is available online at the FAA's website. Commissioner Housman suggested that staff provide the applicant with the FAA 7460 review application and continue the project to the next scheduled meeting including it on the consent calendar.

Hearing no further comments Chairman Stephens called for a motion to be set.

ACTION TAKEN: Commissioner Housman made a motion of continuance to the next schedule meeting. Commissioner Tandy seconded the motion. Motion carried unanimously.

B. CH-04-108 – VSL Engineering – Consent item see page 2

CASE NUMBER: CH-04-108 – VSL Engineering

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO.: Change of Zone 6825, Tract Map 31252

PROJECT DESCRIPTION:

A Change of Zone (A-2-10 to Medium Density Residential) and a Tract Map for 205 single family residential lots on approximately 52 acres.

PROJECT LOCATION:

The site is east of Summer Avenue and north of Cloverdale Avenue, within the County of Riverside, approximately 16,000 to 20,000 ft. east of Runway 26L at Chino Airport.

Adjacent Airport: Chino Airport (County of San Bernardino)

a. Airport Influence Area: Within Area of Influence Study Area

b. Land Use Policy: Influence Area

c. Noise Levels: See Below

BACKGROUND:

Since we have not adopted the CLUP for Chino Airport, we utilize three resources for our review:

- 1. The San Bernardino CLUP for Chino Airport, 1991*
- 2. The Riverside County Airport Land Use Plan: 1984*
- 3. The current CalTrans Airport Land Use Planning Handbook: 2002*
- 4. Draft 2004 Airport Land Use Compatibility Plan*

MAJOR ISSUES:

Land Use: The proposed site is located approximately 16,000 – 20,000 feet east of Runway 26L. The touch and go flight tracks are overhead to the west of the site. The 1991 CLUP places the property outside Safety Zone III, in the Area of Influence Study Area. The proposed land use would be allowed within this area contingent upon noise and height issues. The 1984 Plan places an emphasis upon the type of airport, planned and existing approach profiles, actual flight tracks, noise, type of aircraft and expected type of aircraft, FAA criteria or a combination of these factors. With the present configuration of the airport the site will likely end up in the TPZ or an approach category.

Part 77: The highest elevation at this site is approximately 680 MSL feet. The runway elevation is 635 MSL at the east end of the runway. In order to exceed obstruction standards a structure would need to exceed 150 feet in height. Part 77 obstruction criteria is not a concern with this project. Instrument approaches are near the parcel, and this site can expect overflight from aircraft entering the approaches.

Noise:

*1991 Report: The site is outside the 65 CNEL contour developed for the airport in 1991. Page 2-3 of the report discusses these concerns and discusses **prohibiting** residential development within the 60 and 55 CNEL where overflights are conducted, particularly where flights are below 500 feet above ground level.*

Master Plan: A new Master Plan at Chino Airport was started and is expected to be completed later this year. The site can expect single noise events to disturb indoor and outdoor events.

CONDITIONS:

1. Provide Avigation Easements to the County of Riverside and Chino Airport prior to the recordation of the tract, issuance of any permit, or sale of any portion to any entity exempt from the Subdivision Map Act.
2. Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky or above the horizontal plane.
3. Proposals for subsequent development of the site shall be reviewed by ALUC until such time that a CLUP is adopted for the Airport by RCALUC.
4. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The attached notice regarding proximity to the airport shall be given to each potential purchaser.

RECOMMENDATION:

Staff recommends a finding of consistency of this project subject to the conditions noted above. The project can be approved based upon the following, as identified in Section 21675.1 of the California Public Utilities Code (PUC).

- a. The ALUC is making substantial progress toward the completion of the Chino Airport Land Use Plan; and
 - b. There is a reasonable probability that the project will be consistent with the plan; and
 - c. There is little or no probability of substantial detriment to or interference with the plan, if the project is ultimately inconsistent with the plan.
- C. HR-04-102 – Superior Development, Inc. – Beverly Coleman presented the case by referring to and using exhibits, staff report and recommendations.

CASE NUMBER:

HR-04-102– Superior Development, Inc.

APPROVING JURISDICTION: City of Hemet
JURISDICTION CASE NO: Site Plan for Mixed-Use Development

PROJECT DESCRIPTION:

A mixed-use development with commercial, business park and condominium units on 44.17 acres.

PROJECT LOCATION:

The site is located east of Sanderson Avenue, north of Cypress Street within the City of Hemet, from approximately 3,000 to 4,800 ft. east of Runway 5-23 for Hemet/Ryan Airport.

Adjacent Airport: Hemet-Ryan Airport
Land Use Policy: CLUP 1989: Adopted by City of Hemet and County of Riverside

a. Airport Influence Area: Area II, Area of High Risk
b. Noise Levels: Inside 55 CNEL, and subject to annoyance levels

MAJOR ISSUES:

LAND USE: The proposal is for a mixed-use development with commercial, business park and condominium units on 44.17 acres. Residential uses within Area II are only permitted with a minimum residential lot size of 2-1/2 acres or greater. Schools, institutional uses, places of assembly and hazardous material facilities are not permitted within Area II, and a discretionary review is required for commercial uses. The proposed condominium units are inconsistent with the density standards for Area II. Review of subsequent proposals for the site would be required to determine consistency of proposed commercial and industrial uses.

NOISE: The site is underlying specific traffic patterns and will experience annoyance from over flying aircraft. The 1989 plan indicates that the area is inside of the 55 CNEL.

PART 77. The runway elevation is 1,512 MSL. The highest elevation on the site is 1,525 MSL. The height of the structures is unknown, but they are not expected to exceed 30 ft. An FAA 7460 review will be required for any structure of a height that would exceed a 100:1 slope from the end of the runway. Structures exceeding 1,542 MSL at the west end of the site will require FAA 7460 Review.

CONCLUSION: The proposal as submitted is inconsistent with the Hemet Ryan Airport CLUP . The proposed condominiums do not meet the Area II residential density standards.

RECOMMENDATION: Staff recommends a finding of inconsistency for the project.

CONDITIONS OF OVERRIDE: For the City to Utilize

1. Provide Avigation Easements to the operator of Hemet-Ryan Airport prior to any permits being issued or sale to any entity exempt from the Subdivision Map Act.
2. Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky. All lighting plans should be reviewed and approved by the airport manager prior to approval.
3. Public and private schools, institutional uses, places of assembly and hazardous material facilities shall not be permitted in Area II.
4. Subsequent permits for proposed development of the site shall be reviewed by the

ALUC.

5. *The following uses shall be prohibited:*
 - a. *Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.*
 - b. *Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.*
 - c. *Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.*
 - d. *Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.*
6. *The attached notice shall be given to all prospective buyers and tenants.*
7. *An FAA 7460 review shall be completed for any structure of a height that would exceed a 100:1 slope from the end of the runway.*

Chairman Stephens called for questions from the Commissioners, hearing no response Chairman Stephens called for the applicant to come forward and present the case.

Dennis Hembigner, came forward in response to Chairman Stephens invitation and indicated that studies have been made prior to choosing this location. The project will consist 25 acres of commercial with up scaling stores and restaurants. Since the submittal to the ALUC, adjustments have been made to the residential and business park. The business park will consist of 14 acres and will be dedicated to professional type businesses more of a technical nature. We would like to develop the industrial and business park with light industrial area and if everything moves rapidly the residential would be moved to the additional acreage. Condominiums are being considered at a density of 8-10 units per acre. This development would generate approximately four hundred (400) plus employment opportunities for skilled and unskilled workers.

Chairman Stephens inquired about the south east area whether it would be expanded with light industrial and condominiums. Dennis Heimigner responded that if the business park is successful and everything else fills up rapidly to avoid having empty space with lease signs. Chairman Stephens then indicated that the finding that is before the Commission is related to the residential condominiums. Mr. Heimigner then indicated that the Commission currently has the map that had the larger version of the condominium usage because at that time it was believe that residential would move more rapidly than business. Since then inquiries have been made and it is believed businesses are needed in the City of Hemet and made a decision to change the proposed project. Chairman Stephens indicated that the Commission must act on the proposed plan before them and if a different plan is being proposed he suggested continuing the project for a revised submittal.

Chairman Stephens then called for questions from the Commissioners.

Vice Chairman Hogan inquired clarification if the proposal before the Commission is different from the one currently being reviewed by the City. Mr. Heimbigner responded positively. Commissioner Tandy indicated that the new proposal has not been provided to the full Council of the City of Hemet. The proposed area is not zoned for residential it is currently zoned for industrial. Vice Chairman Hogan inquired if a continuance would be problematic. Mr. Heimbigner responded negatively. Keith Downs interjected indicating that the changes would require re-advertisement and a new application would be more appropriate to conclude a finding.

Hearing no further comments Chairman Stephens called for anyone wishing to speak on this item, hearing no response he called for a discussion from the Commissioners.

Hearing no response Chairman Stephens called for a motion to be set.

ACTION TAKEN: Commissioner Housman made a motion of inconsistency. Commissioner Lightsey seconded the motion. Motion carried unanimously.

MARCH AIR RESERVE BASE

9:00 A.M.

- D. MA-04-130 – Albert Webb Associates – Keith Downs presented the case by referring to and using exhibits, staff report and recommendations.

CASE NUMBER: MA-04-130-Riverside County
APPROVING JURISDICTION: County of Riverside
JURISDICTION CASE NO: Specific Plan 341(Draft) and EIR 466

PROJECT DESCRIPTION:

A Specific Plan with Light Industrial land uses and up to 5.9 million sq. ft. of industrial buildings on 325 (gross) acres. A retail alternative is also proposed for the southerly portion of the projects involving 654,210 sq. ft. on 72 of the acres.

PROJECT LOCATION:

The site is situated south of Nandina Avenue, north of Rider Street and west of I-215 within the County of Riverside, approximately 3,000-10,000 ft. southwest of Runway 14/32 at March Air Reserve Base.

Adjacent Airport: March Air Reserve Base/March Inland Port

*a. Airport Influence Area: Within Area of Influence Study Area
b. Land Use Policy: Influence Area II
c. Noise Levels: See Below*

BACKGROUND:

The ALUC has been active in protecting the airport from intrusion since the inception of the Commission in the early 1970's. The first AIR INSTALLATION COMPATIBILITY USES ZONE (AICUZ) protection was initiated by a Board of Supervisors request in November of 1971. The original Interim Influence Area was designated in February of 1972 and was redrawn in 1975 based upon a 1972 AICUZ.

In 1983 the ALUC redrew the boundaries to reflect the 1979 AICUZ. In April of 1984 the ALUC adopted the Riverside County Airport Land Use Plan (RCALUP). In May of 1986 the ALUC again redrew the boundaries to reflect the 1983 AICUZ. In 1992 and again in 1998 the AICUZ reports were redone to reflect the mission changes of the two Base Realignments: however, no changes were made to the Interim Influence Zone created in 1986.

In 1990 the ALUC was able to obtain Department of Defense funding for a Comprehensive Land Use Plan (CLUP) that resulted in the 1994 Draft. This was about the time that the second base realignment was announced and it was consequently never adopted. The current 98/99 Draft CLUP effort was prepared utilizing the 1998 AICUZ in conjunction with the 1993 CalTrans Handbook.

Since we have not adopted the CLUP for MARB, we will utilize five resources for our review:

- 1. RCALUP: 1984 with Interim boundaries for March Air Force Base: 1986*
- 2. CalTrans Airport Land Use Planning Handbook: 2002*
- 3. Noise Data from the Air Installation Compatibility Use Zone Study: 1998 March Air Reserve Base*
- 4. Draft 2004 ALUCP*

MAJOR ISSUES:

Incomplete Document:. The draft project submitted at this time does not include the complete document, but only the portions pertaining to the airport, ALUC and its plan.

Land Use: The proposal is a specific plan for 5.9 million sq. ft. of light industrial usage with a commercial alternative (654,210 sq. ft. to replace 1,576,000 sq. ft. of industrial) at the south end of the project. The proposed site is located approximately 3,000-10,000 ft. southwest of Runway 14/32. and is within the inner horizontal surface.

The 1984 Plan places an emphasis upon the type of airport, the type of aircraft using the airport, planned and existing approach profiles, actual flight tracks, noise levels, or a combination of these factors. The site is located in Area II, which allows industrial land use. The proposed land use designation would be consistent with allowed land uses within this area contingent upon noise and height issues.

Density and Coverage: The coverage is expected to be 48%(retail at 18%) which does not exceed the TPZ of other adopted plans or the newer draft plan.

Part 77: The proposed development standards allow structures and building up to 75 feet and any structures exceeding the Part 77 notification procedure criteria of 100/1 will require an FAA 7460 review. The runway at the south end is at an elevation of 1488 MSL most structures exceed that threshold due to the higher elevation to the west.

Noise: The site has been shown to have some noise over the property with each of the AICUZ reports. The 1994 Draft CLUP placed the property inside of the 60 and 65 CNEL. The 1998 AICUZ indicated the noise level on portions of the property to be over 55 CNEL. Due to the location of four flight tracks over the site there will be many occasions where single events will be noticeable. The project will preclude any of the noise sensitive uses with condition number six.

CONDITIONS:

- 1. Prior to project development or sale to an entity exempt from the Subdivision Map Act, the project proponents shall convey an aviation easement to the MARB/MIP Airport. (Tel. 909- 656-7000)*

2. *Incorporate noise attenuation measures into the building construction to ensure interior noise levels for the office portions of the buildings are at or below 45-decibel levels.*
3. *Install hooded or shielded outdoor lighting measures into the building construction to ensure that all light is at or below the horizontal plane.*
4. *The following uses shall be prohibited:*
 - a. *Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.*
 - b. *Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.*
 - c. *Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.*
 - d. *Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.*
5. *The attached notation regarding proximity to the airport shall be given to each potential tenant or buyer.*
6. *Schools, hospitals, nursing homes, temples, churches and places of assembly where there are more than 75 people per acre shall not be allowed. For the purposes of this condition, "places of assembly" means theatres, auditoriums, fraternal halls, amphitheatres, sports facilities with spectator facilities, and similar uses. Retail commercial uses, office buildings, and industrial uses are not considered to be "places of assembly" and are not prohibited uses.*

RECOMMENDATION: *Staff recommends a finding of consistency for the project as submitted provided, however, that proposed changes that materially impact ALUC public safety and welfare concerns (protecting public from effects of airport noise, susceptibility to aircraft accidents, or encroachment in navigable airspace) will be brought back to the ALUC."*

Hearing no further comments Chairman Stephens called for the applicant to come forward and present the case.

Richard MacHott, Albert Webb Associates, came forward in response to Chairman Stephens' invitation and concurred with the conditions of approval. Mr. MacHott indicated that what is being proposed is a Specific Plan, but the square footage, of some uses and lot coverage are based on conceptual plans, and as the project progresses they might be adjusted slightly.

Hearing no further comments Chairman Stephens called for questions from the Commissioners, hearing no response Chairman Stephens opened the floor for comments from the audience, hearing no reply, Chairman Stephens called for a

discussion from the Commissioners, hearing no response he called for a motion to be set.

ACTION TAKEN: Commissioner Tandy made a motion of consistency, subject to staffs recommendations and conditions of approval. Vice Chairman Hogan seconded the motion. Motion carried unanimously.

E. MA-04-131 – Air Force Village West – Consent item see page 2

CASE NUMBER: MA-04-131 - March JPA
APPROVING JURISDICTION: March JPA/ County of Riverside
JURISDICTION CASE NO: Specific Plan Amendment: Air Force Village West

PROJECT DESCRIPTION:

A Specific Plan Amendment to complete development of Air Force Village West to allow additional residential and care facilities.

PROJECT LOCATION:

The site is located south of Cactus Ave and west of Riverside Drive, within the March Joint Powers Authority approximately 6,700 ft. east of Runway 14/32 at March Air Reserve Base.

Adjacent Airport: March Air Reserve Base/March Inland Port

- a. Airport Influence Area: Within Area of Influence Study Area*
- b. Land Use Policy: Influence Area II*
- c. Noise Levels: See Below*

BACKGROUND:

The ALUC has been active in protecting the airport from intrusion since the inception of the Commission in the early 1970's. The first AIR INSTALLATION COMPATIBILITY USES ZONE (AICUZ) protection was initiated by a Board of Supervisors request in November of 1971. The original Interim Influence Area was designated in February of 1972 and was redrawn in 1975 based upon a 1972 AICUZ.

In 1983 the ALUC redrew the boundaries to reflect the 1979 AICUZ. In April of 1984 the ALUC adopted the Riverside County Airport Land Use Plan (RCALUP). In May of 1986 the ALUC again redrew the boundaries to reflect the 1983 AICUZ. In 1992 and again in 1998 the AICUZ reports were redone to reflect the mission changes of the two Base Realignments and subsequent activity.

In 1990 the ALUC was able to obtain Department of Defense funding for a Comprehensive Land Use Plan (CLUP) that resulted in the 1994 Draft. This was about the time that the second base realignment was announced and it was consequently never adopted. The 98/99 Draft CLUP effort was prepared utilizing the 1998 AICUZ in conjunction with the superceded 1993 CalTrans Handbook.

We will utilize four resources for our review:

- 1. RCALUP: 1984 with Interim boundaries for March Air Force Base: 1986*
- 2. CalTrans Airport Land Use Planning Handbook: 2002*
- 3. Draft Airport Land Use Compatibility Plan: 2004*
- 4. Noise Data from the Air Installation Compatibility Use Zone Study: 1998 March Air Reserve Base*

MAJOR ISSUES:

Land Use: The proposal is to change the existing Specific Plan to allow an existing residential and care facility to complete development. This would be at a density of 6.14 DU per acre. The proposed site is located approximately 8,000-10,400 ft. west of Runway 14/32. The proposal is near flight tracks, but not the most predominant ones and is within the inner horizontal surface and conical surface.

The 1984 Plan places an emphasis upon the type of airport, the type of aircraft using the airport, planned and existing approach profiles, actual flight tracks, noise levels, or a combination of these factors. The site is located in Area II, which allows commercial and industrial land uses with discouragement of high-risk land uses'. These are defined on attached APPENDIX B The proposal contains an existing structure that contains a childcare center. Future land uses designations must be consistent with allowed land uses within this area contingent upon noise and height issues. The text of the plan on pages 1-1 and 2 summarizes the project and changes proposed.

Density and Coverage: The lot area is 221 acres.

Part 77: The finished floor elevation of the highest point is approximately 1,742 MSL feet and the height of the structures is single story. The horizontal surface elevation is 1,685 MSL and the runway elevation is 1,535 MSL at the north end. Any structure exceeding 1,635 MSL needs an FAA 7460 review. Part 77 obstruction criteria is not a concern.

Noise: The site has been shown to have some noise over the property with each of the AICUZ reports. The 1998 AICUZ indicated the noise level at the property to be less than 60 CNEL.

CONDITIONS:

1. Prior to project development or sale to an entity exempt from the Subdivision Map Act, the project proponents shall convey an avigation easement to the MARB/MIP Airport. (Tel. 909- 656-7000)
2. Incorporate noise attenuation measures into the of the building construction to ensure interior noise levels are at or below 45-decibel levels.
3. Install hooded or shielded outdoor lighting measures into the building construction to ensure that all light is below the horizontal plane.
4. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.

- d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 5. The above ground storage of explosive or flammable materials is prohibited.
- 6. The attached notice shall be given to all prospective buyers or tenants.
- 7. A Part 77 FAA 7460 review shall be conducted, unless the FAA determines it is unnecessary.

RECOMMENDATION: Staff recommends a finding of consistency for the project subject to the conditions outlined above.

F. MA-04-132 – March JPA – Consent item see page 2

CASE NUMBER: MA-04-132 - March JPA
APPROVING JURISDICTION: March JPA
JURISDICTION CASE NO: unknown

PROJECT DESCRIPTION:

A plot plan for 382,000 sq. ft. cargo sorting facility on 32 acres at March/MIP

PROJECT LOCATION:

The site is located north of Nandina Ave., St., and west of Heacock St., within the March Joint Powers Authority approximately 1,500 ft. east of Runway 14/32 at March Air Reserve Base.

Adjacent Airport: March Air Reserve Base/March Inland Port

- a. Airport Influence Area: *Within Area of Influence Study Area*
- b. Land Use Policy: *Influence Area II*
- c. Noise Levels: *See Below*

BACKGROUND:

The ALUC has been active in protecting the airport from intrusion since the inception of the Commission in the early 1970's. The first AIR INSTALLATION COMPATIBILITY USES ZONE (AICUZ) protection was initiated by a Board of Supervisors request in November of 1971. The original Interim Influence Area was designated in February of 1972 and was redrawn in 1975 based upon a 1972 AICUZ.

In 1983 the ALUC redrew the boundaries to reflect the 1979 AICUZ. In April of 1984 the ALUC adopted the Riverside County Airport Land Use Plan (RCALUP). In May of 1986 the ALUC again redrew the boundaries to reflect the 1983 AICUZ. In 1992 and again in 1998 the AICUZ reports were redone to reflect the mission changes of the two Base Realignments and subsequent activity.

In 1990 the ALUC was able to obtain Department of Defense funding for a Comprehensive Land Use Plan (CLUP) that resulted in the 1994 Draft. This was about the time that the second base realignment was announced and it was consequently never adopted. The 98/99 Draft CLUP effort was prepared utilizing the 1998 AICUZ in conjunction with the superceded 1993 CalTrans Handbook.

We will utilize four resources for our review:

1. RCALUP: 1984 with Interim boundaries for March Air Force Base: 1986
2. CalTrans Airport Land Use Planning Handbook: 2002
3. Draft Airport Land Use Compatibility Plan: 2004
4. Noise Data from the Air Installation Compatibility Use Zone Study: 1998 March Air Reserve Base

MAJOR ISSUES:

Land Use: The proposal is a cargo sorting facility at the southeast end of the airfield with office facilities and parking for 342 vehicles and 11 aircraft loading sites. The proposed site is located approximately 1,500 ft. east of Runway 14/32. The proposal is on the airside of the facility and as such is subject to higher noise and safety factors, but is an airport facility and is within the transitional surface of the PART 77 surfaces.

The 1984 Plan places an emphasis upon the type of airport, the type of aircraft using the airport, planned and existing approach profiles, actual flight tracks, noise levels, or a combination of these factors. The site is located in Area II, which allows commercial and industrial land uses with discouragement of high-risk land uses'. These are defined on attached APPENDIX B

Density and Coverage: The lot area is 31.94 acres and the structure is approximately 382,000 sq. ft. or 28% of the site.

Part 77: The finished floor elevation of the project is approximately 1,492 MSL feet and the height of the structures is 90 feet for a total of 1,582. The horizontal surface elevation is 1,685 MSL and the runway elevation is 1,488 MSL at the south end. Any structure exceeding 1,503 MSL needs an FAA 7460 review. Part 77 obstruction criteria are a concern.

Noise: The site has been shown to have some noise over the property with each of the AICUZ reports. The 1998 AICUZ indicated the noise level at the property to be more than 70 CNEL.

CONDITIONS:

1. Prior to project development or sale to an entity exempt from the Subdivision Map Act, the project proponents shall convey an avigation easement to the MARB/MIP Airport. (Tel. 909- 656-7000)
2. Incorporate noise attenuation measures into the office portions of the building construction to ensure interior noise levels are at or below 45-decibel levels.
3. Install hooded or shielded outdoor lighting measures into the building construction to ensure that all light is below the horizontal plane.
4. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

- c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
5. The above ground storage of explosive or flammable materials is prohibited.
 6. A PART 77 FAA 7460 review shall be accomplished prior to approval by the JPA and any condition required by the FAA shall be adhered to during and after completion of construction.

RECOMMENDATION: Staff recommends a finding of consistency for the project subject to the conditions outlined above.

G. MA-04-133 – Robert Beers – Inconsistency see page 2

CASE NUMBER: MA-04-133 –Robert Beers
APPROVING JURISDICTION: City of Perris
JURISDICTION CASE NO: Tract Map 32428, General Plan Amendment and Change of Zone

PROJECT DESCRIPTION:

A General Plan Amendment, Tract Map and Change of Zone (from RR-A to R-4 and R-7) for a 75-unit Planned Residential Development on approximately 23 acres.

PROJECT LOCATION:

The site is north of Orange Avenue, west of Murrieta Road within the City of Perris, from approximately 16,500 to 17,500 feet southeast of Runway 14/32 at March Air Reserve Base/March Inland Port.

Adjacent Airport: March Air Reserve Base/March Inland Port
a. Airport Influence Area: Within Area of Influence Area
b. Land Use Policy: Influence Areas I and II
c. Noise Levels: See Below

BACKGROUND:

Staff utilized four resources for review:

1. RCALUP: 1984 with Interim boundaries for March Air Force Base: 1986
2. Current Cal Trans Airport Land Use Planning Handbook: 2002
3. Draft Airport Land Use Compatibility Plan: 2004
4. Noise Data from Air Installation Compatibility Use Zone Study: 1998 March Air Reserve Base

MAJOR ISSUES:

Land Use: The proposed site is located approximately 16,500 to 17,500 ft. southeast of Runway 14/32. The proposal is under or near a major approach and departure track. The proposal consists of

a 75-unit Planned Residential Development on approximately 23 gross acres. The 1984 RCALUP places an emphasis upon the type of airport, type of aircraft using the airport, planned and existing approach profiles, actual flight tracks, noise levels, or a combination of these factors. The site is located in Areas I and II of the 1986 Influence Area Map for March Air Reserve Base. Residential uses are not permitted in Area I, and Area II requires a minimum of two and one-half acres for residential lots. The proposed lot sizes range from approximately 8,125 to 12,561 sq. ft. The proposed land use designation would be inconsistent with allowed land uses within Areas I and II.

Density and Coverage: The average gross density is 3.9 DU/acre for 23 lots and 4.93 DU/acre for the remaining 52 lots. Structural coverage is less than 60% of the net area.

Part 77: The highest elevation on the proposed site is 1,438 MSL. In order to be an obstruction a structure would need to exceed 2,088 feet. The project is not within Part 77 obstruction review criteria.

Noise: The site has been shown to have significant noise over the property with each of the AICUZ reports. The 1998 AICUZ indicated the property to be at or near 65 CNEL. Previous AICUZ reports indicated the property to be between 70 and 75 CNEL.

RECOMMENDATION: Staff recommends a finding of inconsistency of the project, subject to the conditions noted below, based on the findings that:

1. The proposal is inconsistent with the 1984 RCALUP
2. The proposal is under or near the flight track

Should the City wish to override the ALUC findings the following conditions should be utilized, and PUC 21670(a) should be followed per the attached information regarding overrides of Airport Land Use Commission decisions.

CONDITIONS OF OVERRIDE:

1. Prior to project development, recordation of the map, or sale to an entity exempt from the Subdivision Map Act, the project proponents shall convey an aviation easement to the MARB/MIP Airport.
2. Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45 CNEL-decibel levels.
3. Lighting plans for any additional development on the vacant lots shall be reviewed and approved by an airport lighting consultant or MARB/MIP prior to placement.
4. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large

concentrations of birds, or which may otherwise affect safe air navigation within the area.

(d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

5. The attached notice shall be provided to all potential purchasers and tenants.

FRENCH VALLEY AIRPORT

9:00 A.M.

H. FV-04-105 – Hank Van Gaale – Keith Downs presented the case by referring to and using exhibits, staff report and recommendations.

CASE NUMBER: FV-04-105 – Hank Van Gaale
APPROVING JURISDICTION: County of Riverside
JURISDICTION CASE NO.: PP 19317

PROJECT DESCRIPTION:

A plot plan for a child care facility for 144 students on .897 acres.

PROJECT LOCATION:

The site is located south of Benton Road and west of Van Gaale Road within the County of Riverside, from approximately 5,000 ft. northeast of the Runway 18-36 at the French Valley Airport.

LAND USE PLAN:

Adjacent Airport: French Valley
a. Airport Influence Area: Traffic Pattern Zone (TPZ) **Zone D in Draft 2004 ALUCP**
b. Noise Levels: Outside the 55CNEL for 2013 from the Master Plan

MAJOR ISSUES:

Land Use: The proposal is a plot plan for a 7,143 sq. ft. child care complex on .897 (net) acres. Based on the site plan submitted by the applicant and the current GIS data for the French Valley Airport, the childcare complex site is located within the TPZ for Runway 18-36. The proposed development, which includes eight classrooms and an office building, along with parking and landscape improvements The existing and proposed zoning for the site is MSC.

All of the building is located within the TPZ. The lot coverage for the proposed development area is 18% (net). The lot coverage standard for the TPZ is 65% of the net or 50% of the gross area. The TPZ only has restrictions for 'discouraged' uses. Discouraged uses within the TPZ include public assembly land uses involving large concentrations of people, such as auditoriums and amphitheatres. For proposed developments that include discouraged uses the CLUP requires that the applicant show that alternative locations have been considered and are not feasible. The applicant has not provided information on alternative locations.

The proposed site is located within adopted Specific Plan 284. Policies described in Section 7.4 of the French Valley Airport Comprehensive Land Use Plan (CLUP), included as Exhibit B to this staff report, provide for the exemption of projects located within adopted specific plans from all requirements of the CLUP pertaining to land use, development density and development intensity.

The land use and height standards of the CLUP applicable to the proposed project are shown in

the table below:

SAFETY ZONE	APPLICABLE LAND USE AND HEIGHT STANDARDS	
	<i>For Areas Inside Adopted Specific Plan</i>	<i>For Areas Outside Adopted Specific Plan (For Comparison Only)</i>

<p>TPZ</p>	<p>Exempt from CLUP requirements applicable to land use, development density, and development intensity. However, development approval is subject to certain land use restrictions (Table 7 A, Notes A & B), sound insulation (Section 7.3.1) and height standards (FAR Part 77) set forth in the CLUP.</p>	<p>Discourage schools, auditoriums, amphitheatres, stadiums, churches, and uses involving as the primary activity, manufacture, storage, or distribution of explosives or flammable materials</p> <p>Max. Density Not Applicable Max. Structural Coverage— greater of 50% of gross area or 65% of net area. Max. Height – F.A.R. Part 77 standards</p> <p>The note in 7.5.2 states that within the TPZ, a variety of land uses are to be discouraged from being developed. When development of these uses is proposed, the Airport Land Use Commission shall require the applicant to show that alternative locations have been considered and are not feasible. The applicant shall then be directed to consider a development plan that will minimize the exposure to hazard as much as possible. This might involve reducing structure heights, reducing lot coverage, or reducing the overall scale of the project, considering satellite location for some of the proposed functions of the facility.</p>
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Land Use Restrictions Applicable to Projects within Approved Specific Plans (Notes from Table 7A of French Valley Airport CLUP):

- A. The following uses shall be prohibited in all airport safety zones:
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- B. Avigation easements shall be secured through dedication for all land uses permitted in

any safety zone.

Part 77: The site is within the horizontal surface at 1,500 MSL and the runway elevation is 1,338 MSL. The distance from the ultimate end of Runway 18/36 to the building at the proposed site is approximately 5,000 ft. . Any structures over the height of 1,388 MSL at this location require FAA review. The height of the tallest structure is 40 ft. with a pad elevation of 1,364.5, at a distance of approximately 5,000 ft. from the ultimate end of Runway 18-36. The proposed structure is above the maximum heights for which FAA review is required.

Noise: The noise contours for 2013 indicate the site is outside 55 CNEL, however the site will get significant regular over flight of aircraft approaching the airfield (see attached exhibit).

2004 Draft ALUCP: The new draft plan places the site within Zone D which states that children's schools are discouraged. The note (#17) states 'Discouraged uses should generally not be permitted unless no feasible alternative is available.'

CONCLUSION: Staff has concluded the following: 1) those portions of the proposal within the TPZ uses are inconsistent with the standards of the CLUP pertaining to land use. 2) According to Section 7.4 of the CLUP, projects located within adopted specific plans are exempted from the standards of the CLUP pertaining to land use, development density and development intensity; 3) The proposal is within SP 284, and would be therefore exempt from the standards of the CLUP pertaining to land use, development density and development intensity that would be otherwise applicable. However as we can see from the Attorney Generals opinion, that clause is not appropriate or enforceable.

RECOMMENDATION: Staff recommends that the Commission find the project Inconsistent based upon the fact that no alternative sites have been investigated and that the use is inappropriate at this density.

CONDITIONS OF OVERRIDE: For County Utilization

1. Provide Avigation Easements to the French Valley Airport prior to sale of any property to any entity exempt from the Subdivision Map Act, prior to recordation of any map, or issuance of any permit, whichever is first for the entire map including the remainder.
2. A FAA 7460 review shall be conducted and any conditions so constructed. No obstruction of any "FAR Part 77 Surface" shall be permitted.
3. Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky (lights must be downward facing).
4. The following uses shall be prohibited:
 - a. Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - d. Any use which would generate electrical interference that may be

detrimental to any operation of aircraft and/or aircraft instrumentation.

5. *The above ground storage of explosives or flammable materials shall be prohibited.*
6. *The attached notice shall be provided to all purchasers and tenants.*

Hearing no further comments Chairman Stephens called for questions from the Commissioners for staff. Hearing no response Chairman Stephens called for the applicant to come forward and present the case.

Rick Thompson, Thompson Company came forward in response to Chairman Stephens' invitation and clarified the use of the facility not being a Kindercare nation wide development. It's a local development by a local property owner Mr. VanGaale, which will be run by his family. Mr. Thompson then indicated understanding the project being a discourage use and needs clarification on the issue of the Specific Plan, which will obtain from County Planning on whether it falls under the Specific Plan. Mr. Thompson inquired clarification on the legal technical definition on the large concentration. The one hundred forty four (144) students with the maximum of twelve (12) staff may not meet that definition and may need assistance determining what it is. This project is considered a small project since it does not cover a large area and the concentration of children is believed to be an acceptable number. We understand this area being a discourage use and the owner has looked at other alternatives and this area seems to be a good location for this project. The conditions of override have been reviewed and concurred with those conditions. Mr. Thompson then made himself available for any questions. Chairman Stephens indicated it being critical to know if the project falls within Specific Plan 284.

Chairman Stephens called Mr. Van Gaale to come forward.

Hank Van Gaale, came forward in response to Chairman Stephens' invitation and indicated always being very cooperative with the County for the approval of the airport and County Justice Center as well as a good neighbor. A daycare facility is really needed in this community it was his understanding that this project was a mile to the north and a mile to the east. A total of \$45,000 dollars has been spent in fees with County, engineers and everything else to come to this point. Mr. VanGaale then indicated feeling violated after receiving the letter of denial, and does not understand why it was not related to him at the beginning of his submittal to the planning department. All the fees have been paid for and there is a building that cannot be used and expressed this being very unfair and unfair to the neighborhood. There are thousands of homes being approved by the County and it was the County who indicated this project being a perfect location for these families. The residents would not need to go into town or an industrial park to drop off their children. Mr. VanGaale indicated that he works everyday at his shop that is in the area and has never seen a plane go over the property, which seems to be outside of the threat area for aviation. He then referred to the concerned on the height and pointed out an error on the staff report clarifying the height being 20' with a pentacle on top adding an additional 7' not 40'.

Hearing no further comments Chairman Stephens called for Julie Oxley to come forward.

Julie Oxley came forward in response to Chairman Stephens' invitation indicated being the owner of the Murrieta University daycare facility for 10 years. An alternative location

was taken into consideration and after reviewing it further it turned out not to be feasible. Demographics show that families stay within two to five mile radius of their homes. The closes childcare center in the French Valley area would five to six miles down on Winchester and Marguarita. The hours and days of operation for this project would be Monday thru Friday 6:00 a.m. to 6:00 p.m. with 100 to 144 children per day with 12 staff members. She then concluded indicating the importance for the safety of the children and as a disclaimer if parents need to be notified the project is within the 'D' zone she would concur.

Hearing no further comments Chairman Stephens called for anyone else wishing to speak, hearing no response Chairman Stephens called for a discussion between the Commissioners. Keith Downs indicated schools are a discouraged use in this zone not prohibited use and that a disclaimer is available that has been used in the past. Commissioner Housman indicated that when looking at a public school it's a much larger activity than 152 people. Commissioner Housman then indicated this project being on the edge and when it's a balance of being on the edge and a clear need for the community he is incline to be in favor of the community on this one. Julie Oxilie came forward and clarified schools opposed to childcare facilities, schools will hold between 1,000 to 2,000 students per day and a staff of about 60, a childcare facility will hold 150 to 175.

Chairman Stephens indicated that if the project is within the Specific Plan it would fall under the exemption clause were the Commission is reserved from making a decision. Counsel B.T. Miller indicated it being important to know if the project falls within the Specific Plan to make it clear if the exemption applies and it could clear a lot of the issues. Chairman Stephens suggested continuing the item to the next scheduled meeting to allow the applicant to submit documentation from County Planning on. Mr. VanGaale concurred with the continuance.

Commissioner Goldenbaum commented that the Commissions charter is to logically review the use of land around an airport. Whether a project is on a plan or not putting anyone at risk when it does not need to be done from aviation point of view isn't a logical thing to do. The point is if something tragic did happen and the odds are very small the net result would be the shut down of the French Valley Airport. Therefore, the Commission's charter is to review the best use of land around an airport not the viability of a business proposal or whether a child care facility is needed. The Commission may seem callused, but that isn't the case we are just trying to preserve airport and do the right thing. Commissioner Tandy concurred with Commissioner Goldenbaum's comment.

Hearing no further comments Chairman Stephens called for a motion to be set.

ACTION TAKEN: Vice Chairman Hogan made a motion of continuance. Commissioner Tandy seconded the motion. Motion carried unanimously.

- I. FV-04-106 – Cornerstone Communities – Beverly Coleman presented the case by referring to and using exhibits, staff report and recommendations.

CASE NUMBER: FV-04-106 - Cornerstone Communities
APPROVING JURISDICTION: County of Riverside
JURISDICTION CASE NO.: Plot Plan

PROJECT DESCRIPTION:

An 800-unit multifamily development and park area on 48.5 net acres.

PROJECT LOCATION:

The site is located east of Town View Ave., north of Murrieta Hot Springs Rd. within the County of Riverside, from approximately 4,100 to 5,400 ft. south of ultimate Runway 18-36 at the French Valley Airport.

LAND USE PLAN:

Adjacent Airport:	French Valley
a. Airport Influence Area:	Outer Safety Zone (OSZ) and Traffic Pattern Zone (TPZ)
b. Noise Levels:	Outside of 55 CNEL for 2013

MAJOR ISSUES:

Land Use: The proposal is a plot plan for an 800-unit multifamily development and 9.62-acre park area on 48.5 net acres. This review does not include review of a Tract Map, Specific Plan Amendment or Change of Zone. The proposed development area is 35.1 net acres, and has an average density greater than 22 units per acre. Based on information submitted by the applicant, the project area proposed for development is located within the, OSZ and TPZ. As shown on the attached exhibit, the westerly portion of the site falls within the OSZ, and the remainder of the site is within the TPZ. Prohibited uses within the OSZ include residential uses, schools, government services, and auditoriums. Schools and auditoriums are a discouraged use within the TPZ. The lot coverage standard within the TPZ is 65% of the net or 50% of the gross. Based on the project site plan, structural coverage within the parcels proposed for development is less than 60% of the net area, within the TPZ standard. The proposed use is inconsistent with allowed land uses in the OSZ.

The proposed site is located within adopted Specific Plan 213. Policies described in Section 7.4 of the French Valley Airport Comprehensive Land Use Plan (CLUP), included as an attachment to this staff report, provide for the exemption of projects located within adopted specific plans from all requirements of the CLUP pertaining to land use, development density and development intensity.

The land use and height standards of the CLUP applicable to the proposed project are shown in the table below:

SAFETY ZONE	APPLICABLE LAND USE AND HEIGHT STANDARDS	
	<i>For Areas Inside Adopted Specific Plan</i>	<i>For Areas Outside Adopted Specific Plan (For Comparison Only)</i>
TPZ	<p>Exempt from CLUP requirements applicable to land use, development density, and development intensity. However, development approval is subject to certain land use restrictions (Table 7 A, Notes A & B), sound insulation (Section 7.3.1) and height standards (FAR Part 77) set forth in the CLUP.</p>	<p>Discourage schools, auditoriums, amphitheaters, stadiums, churches, and uses involving as the primary activity, manufacture, storage, or distribution of explosives or flammable materials</p> <p>Max. Density Not Applicable Max. Structural Coverage— greater of 50% of gross area or 65% of net area. Max. Height – F.A.R. Part 77 standards</p> <p>The note in 7.5.2 states that within the TPZ, a variety of land uses are to be discouraged from being developed. When development of these uses is proposed, the Airport Land Use Commission shall require the applicant to show that alternative locations have been considered and are not feasible. The applicant shall then be directed to consider a development plan that will minimize the exposure to hazard as much as possible. This might involve reducing structure heights, reducing lot coverage, or reducing the overall scale of the project, considering satellite location for some of the proposed functions of the facility.</p>
OSZ	<p>Exempt from CLUP requirements applicable to land use, development density, and development intensity. However, development approval is subject to certain land use restrictions (Table 7 A, Notes A & B), sound insulation (Section 7.3.1) and height standards (FAR Part 77) set forth in the CLUP.</p>	<p>Prohibit residences, concert halls, auditoriums, stadiums, arenas, hotels, motels, restaurants, bars, schools, hospitals, government services, public utility stations, plants, public communication facilities and uses involving, as the primary activity, manufacture, storage or distribution of explosives or flammable materials.</p> <p>Max. density- 25 persons/ac. (in structures) 50 persons/ac. (not in structures). Max. structural coverage— 25% of net area. Max. height – F.A.R. Part 77 standards apply</p>

Land Use Restrictions Applicable to Projects within Approved Specific Plans (Notes from Table 7A of French Valley Airport CLUP):

- A. The following uses shall be prohibited in all airport safety zones:
 - 1. 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.

2. 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.
 3. 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.
 4. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- B. Avigation easements shall be secured through dedication for all land uses permitted in any safety zone.

Part 77: A portion of the site is located within the 20:1 approach surface, and the remainder of the site is within the horizontal surface. The highest elevation on the property is 1,206 MSL and the height of the tallest building is approximately 45 ft. The horizontal surface is at 1,500 MSL and the runway elevation is 1,330 MSL at the south end. An FAA 7460 review will be required for any structure of a height that would exceed a 100:1 slope from the end of the runway. At a distance of 4,100 ft. from the ultimate end of the runway, structures exceeding 1,371 MSL at the north end of the site would require FAA 7460 review.

Noise: The site will get significant regular over flight of aircraft approaching the airfield (see attached exhibit), but is outside of the current 55 CNEL and 55 CNEL contour for 2013.

Draft 2004 ALUCP: The draft plan designates the site to be within Zones B1 and C and shows a portion of the site within the 55 CNEL contour for 2022. The proposed density of the project development area is greater than 22 units per acre. Zone B1 allows a maximum residential density of .05 units per acre and 70% lot coverage. Zone C allows a maximum residential density of .2 units per acre and 80% lot coverage. The proposal is inconsistent under the draft plan.

Conclusion: As submitted, the proposal is inconsistent with the land use standards of the French Valley Airport Comprehensive Land Use Plan (CLUP). Proposed residential uses within the OSZ do not meet the land use standards for this safety zone, and would need to be removed or relocated to meet applicable standards. The proposal is within SP 213, and would be therefore exempt from the standards of the CLUP pertaining to land use, development density and development intensity that would be otherwise applicable. However based on the recent Attorney General opinion, that exemption clause is not appropriate or enforceable.

RECOMMENDATION: Staff recommends a finding of inconsistency with the French Valley Airport Comprehensive Land Use Plan (CLUP).

CONDITIONS OF OVERRIDE:

1. Provide Avigation Easements to the French Valley Airport prior to sale of any property to any entity exempt from the Subdivision Map Act, prior to recordation of any map, or issuance of any permit, whichever is first.
2. Any subsequent or related permits, including but not limited to Tract Map, Specific Plan Amendment and Change of Zone, shall be reviewed by the ALUC.

3. *Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45-decibel levels.*
4. *The attached Notice shall be given to each prospective buyer or tenant.*
5. *No obstruction of the "FAR Part 77 Conical Surface" shall be permitted.*
6. *Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky (lights must be downward facing).*
7. *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 any operation of aircraft and/or aircraft instrumentation.*
8. *Schools, churches and uses involving higher densities of population shall be avoided.*
9. *The above ground storage of explosives or flammable materials shall be prohibited.*
10. *An FAA 7460 review shall be completed for any structure of a height that would exceed a 100:1 slope from the end of the runway.*

Beverly Coleman indicated to the Commission to consider the exemption clause regarding the Specific Plan 213 versus the finding of inconsistency.

Hearing no further comments Chairman Stephens called for questions from the Commissioners for Staff.

Vice Chairman Hogan inquired whether the proposal is consistent with the land use of the Specific Plan. Beverly Coleman responded not having sufficient information regarding the Specific Plan, but staff's recommendation and conclusion finds it inconsistent with the land use standards of the CLUP. Keith Downs interjected indicated that the site is shown commercial on the SP 213, therefore this project is inconsistent with that Plan, therefore the exemption clause does not apply. Counsel B.T. Miller inquired clarification on staff's original finding. Beverly Coleman responded that the finding was for inconsistency. Counsel B.T. Miller then indicated that the understanding under the SP 213 this proposal is inconsistent, through that analysis the exemption

would not apply. Chairman Stephens then indicated concurring with staff's original recommendation.

Hearing no further comments Chairman Stephens opened the floor for comments from the audience, hearing no response he called for discussion from the Commissioners.

Chairman Stephens indicated that the Staff Report is very concise and appropriate for the proposal and referred to the Attorney General's opinion of exemptions not being appropriate or enforceable. Counsel B.T. Miller interjected cautioning the Commission in regards to the Attorney General's opinion that was provided in the Commissions packets. Counsel B.T. Miller indicated the opinion having weight when being considered by court, but its not binding in directive on this Commission it's an opinion of the law. Fundamentally one can rely on it in going forward with consideration of the new plan. Counsel B.T. Miller then advised the Commission not to rely on it in purposes of this case because in essence the Commission would be amending the plan. The understanding from staff is that the plan before the Commission is inconsistent with the Specific Plan, therefore the exemption does not apply and the Commission can find it inconsistent. Commissioner Housman inquired if the proposal is a residential use in a outer safety zone that is prohibited. Keith Downs responded positively. Commissioner Housman then voted for inconsistency.

Chairman Stephens called for a second motion to be set.

ACTION TAKEN: Commissioner Housman made a motion of inconsistency, subject to staff's conditions of approval and recommendations. Commissioner Goldenbaum seconded the motion. Motion carried unanimously.

RIVERSIDE MUNICIPAL AIRPORT

9:00 A.M.

J. RI-04-125 – Michael Napolitano – Consent item see page 2

CASE NUMBER: RI-04-125 - Michael Napolitano
APPROVING JURISDICTION: City of Riverside
JURISDICTION CASE NO.: Change of Zone P04-0846

PROJECT DESCRIPTION:

A Change of Zone from R-1-65 to C-2 on .55 acres.

PROJECT LOCATION:

The site is located south of Sierra Avenue, East of Streeter Avenue within the City of Riverside, approximately 5,000 ft. east of Runway 9-27 at the Riverside Municipal Airport.

Adjacent Airport: Riverside Municipal Airport

*a. Airport Influence Area: OSZ and TPZ
b. Noise Levels: Outside 60 CNEL*

MAJOR ISSUES:

Land Use: *The proposed site is located approximately 5,000 ft. east of Runway 9-27. Most of the proposed site is within the OUTER SAFETY ZONE of the Riverside Municipal Airport*

Influence Area, and the northerly portion of the site is within the TRAFFIC PATTERN ZONE. The proposal is for a Change of Zone from R-1-65 to C-2 on .55 acres (gross). No structures are currently proposed for the site. Residential uses and uses involving concentrations of people such as hotels, restaurants, schools, day care centers, nursing homes, libraries, hospitals, government services and churches are prohibited within the OSZ, and a maximum population density of 25 persons per acre or 150 persons per building is allowed. The proposed change of zone is consistent with the Riverside Municipal Airport CLUP subject to certain constraints, however review of subsequent permits will be required to determine consistency of proposed uses and structures.

Part 77: The highest elevation at the site is approximately 777 MSL feet. The site is under the horizontal surface at this location, which is approximately 966 MSL. The elevation at the east end of Runway 9-27 is 816 MSL. Part 77 obstruction criterion is not a concern.

Noise: The site is outside of the 60 CNEL contour for the airport. The site is underlying an approach and departure flight track and will experience annoyance from over-flying aircraft.

DRAFT PLAN: The new tentative draft ALUP places the site within Zone B1. Children's schools, churches, day care centers, libraries, hospitals, nursing homes, highly noise-sensitive uses, above ground bulk storage of hazardous materials, critical community infrastructure facilities, and hazards to flight are prohibited within this zone. Zone B1 allows 70% lot coverage.

RECOMMENDATION: Staff would recommend a finding of consistency for the project, subject to the conditions listed below.

CONDITIONS OF APPROVAL:

1. Provide Avigation Easements to Riverside Municipal Airport (909-351-6113).
2. Subsequent permits for uses and structures on the site shall be reviewed by the ALUC prior to approval by the City. Any noise sensitive use within the site shall have an acoustical noise study completed prior to that review. Day care centers, libraries, hospitals, churches, nursing homes, government services and uses involving as the primary activity, manufacture, storage or distribution of explosives or flammable materials shall not be allowed.
3. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

4. The attached notice shall be given to all prospective buyers or tenants.

K. RI-04-126 – Verizon Wireless – Consent item see page 2

CASE NUMBER: RI-04-126 - Verizon Wireless
APPROVING JURISDICTION: City of Riverside
JURISDICTION CASE NO.: Minor Conditional Use Permit

PROJECT DESCRIPTION:

A 65 ft. monopalm antenna and wireless telecommunications facility.

PROJECT LOCATION:

The site is located at 3511 Madison Street, south of Garden Street within the City of Riverside, approximately 10,300 ft. southeast of Runway 9-27 at the Riverside Municipal Airport.

Adjacent Airport: Riverside Municipal Airport

a. Airport Influence Area: TPZ
b. Noise Levels: Outside 60 CNEL

MAJOR ISSUES:

Land Use: The proposed site is located approximately 10,300 ft. southeast of Runway 9-27. The proposed site is within the TRAFFIC PATTERN ZONE of the Riverside Municipal Airport Influence Area. The proposal is for a 65-FT. monopalm antenna and wireless communications facility within a 486 sq. ft. lease area on an existing site. The proposed use is consistent with allowed land uses contingent upon noise and height issues.

Part 77: The monopalm antenna structure is 915 MSL feet at the highest point. The site is under the horizontal surface at this location, which is approximately 966 MSL. The elevation at the east end of Runway 9-27 is 816 MSL. Structures exceeding 919 MSL in elevation at this location will require FAA 7460 review.

Noise: The site is outside of the 60 CNEL contour for the airport. The project is not a noise sensitive use.

DRAFT PLAN: The new tentative draft ALUP places the site within Zone D. Zone D allows 90% lot coverage and has a residential density limit of ≥ 5 du/acre or $\leq .2$ du/acre. The proposed use is a compatible use under the draft plan.

RECOMMENDATION: Staff would recommend a finding of consistency for the project, subject to the conditions listed below.

CONDITIONS OF APPROVAL:

1. Provide Avigation Easements to Riverside Municipal Airport (909-351-6113).
2. Install hooded or shielded outdoor lighting 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 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. An FAA 7460 review shall be completed for structures exceeding 919 MSL in elevation.
 - 5. The attached notice shall be given to all prospective buyers or tenants.

L. RI-04-127 (FL-04-102) – M.J. Gestine – Beverly Coleman presented the case by referring to and using exhibits, staff report and recommendations.

CASE NUMBER: RI-04-127 (FL-04-102) - M. J. Gestine
APPROVING JURISDICTION: City of Riverside
JURISDICTION CASE NO.: Tentative Parcel Map 32771

PROJECT DESCRIPTION:

A Parcel Map for four single-family residential lots on 1.83 acres.

PROJECT LOCATION:

The site is located at 5160 Palm Avenue within the City of Riverside, approximately 6,700 ft. southeast of the runway at Flabob Airport.

Adjacent Airport: Flabob Airport
 Land Use Policy: ALUP adopted March 30, 1984

- a. Airport Influence Area: Zone III
- b. Land Use Policy: Influence Area
- c. Noise Levels: Outside 60 CNEL

MAJOR ISSUES:

Land Use: The proposed site is located approximately 6,700 ft. southeast of the runway. The proposal is to subdivide 1.83 acres into four residential lots consisting of four-1,995 sq. ft single-story units. The proposal is within Area III of the Airport Influence Area. Area III has no population limits assigned, but has a lot coverage standard of 50% of the gross or 65% of the net lot area. The structural coverage proposed for the site is less than 30% of the net area. The proposed use is an acceptable use.

Part 77: The highest pad elevation at the site is 820.4 MSL feet and the height of the tallest structure is approximately 17 feet. The site is under the horizontal surface at this location, which is approximately 966 MSL. The elevation at the east end the runway is 765 MSL. Structures exceeding 899 MSL at this location will require FAA 7460 review. Part 77 obstruction criterion is not a concern.

Noise: The site is outside of the 60 CNEL contour for the airport. The proposed use is an acceptable use with the appropriate mitigation for noise.

DRAFT PLAN: The new tentative draft ALUP places the site within Zone E. Zone E has no density restrictions. The proposed use is a compatible use under the draft plan.

CONDITIONS OF APPROVAL:

1. *Provide Avigation Easements to Flabob Airport.*
2. *Incorporate noise attenuation measures into the building construction to ensure interior noise levels are at or below 45-decibel levels.*
3. *Install hooded or shielded outdoor lighting to prevent either the spillage of lumens or reflection into the sky.*
4. *The following uses shall be prohibited:*
 - a. *Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.*
 - b. *Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.*
 - c. *Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.*
 - d. *Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.*
5. *The attached notice shall be given to all prospective buyers or tenants.*

RECOMMENDATION: Staff would recommend a finding of consistency for the project, subject to the conditions listed above.

Hearing no further comments Chairman Stephens called for questions from the Commissioners, hearing no response Chairman Stephens opened the floor for comments from the audience.

Lenny Laverne, came forward and indicated that his inquiries had been answered and concurs with the project.

Hearing no further comments Chairman Stephens called for a discussion from the Commissioners, hearing no response he called for a motion to be set.

ACTION TAKEN: Vice Chairman Stephens made a motion of consistency, subject to staff's conditions of approval and recommendations. Commissioner Butler seconded the motion. Motion carried unanimously.

M. RG-04-100 and BA-04-100, DC-04-100, FL-04-101, CH-04-109, BD-04-108, BL-04-100, CO-04-100, FV-04-107, RI-02-127 and PS-100 – Airport Land Use (ALU) Compatibility Plan – Keith Downs presented the case by referring to and using exhibits, staff report and recommendations.

CASE NUMBER: RG-04-100 and BA-04-100, DC-04-100, FL-04-101, CH-04-109, BD-04-108, BL-04-100, CO-04-100, FV-04-107, RI-02-127 and PS-100

APPROVING JURISDICTION: Riverside County Airport Land Use Commission

PROJECT DESCRIPTION:

An update to the 1984 Airport Land Use Plan (ALUP) and the subsequent Comprehensive Land Use Plans (CLUP) for public use airports in and affecting Riverside County. Jurisdictions affected are: the cities of Banning, Blythe, Corona, La Quinta, Murrieta, Norco, Rancho Mirage, Cathedral City, Indio, Coachella, Palm Springs, Riverside and the County of Riverside and any special district within those Influence Areas.

PROJECT LOCATION:

All areas within the Draft Airport Influence Areas (see Map Attached). Affected Airports are: Banning, Bermuda, Blythe, Chino, Chiriaco, Corona, Desert Center, Flabob, French Valley and Riverside.

BACKGROUND: *The ALUC contracted with the consulting firm of Mead and Hunt to prepare the ALUCP in June of 2002. The ALUC held a workshop for the plan in March in Indio and Riverside. The consultants have met with the affected airports and land use jurisdictions and obtained each of their general plan and zoning ordinances. Our consultant has reviewed the proposal against each of those plans and the review is attached*

MAJOR ISSUES: Noise Element, Community Plans and Land Use Element Area Plans

RECOMMENDATION: *Staff recommends that; the ALUC take testimony from the jurisdictions and the public, continue to hold the hearing open, and CONTINUE the proposal until the next meeting of September 9, 2004, direct staff and the consultant to review any responses from the Cities and County, to respond to those comments, prepare a resolution for adoption and prepare the necessary revisions to the general provisions to implement the procedures outlined in the new plan.*

Chairman Stephens indicated having a speaker slip for William Brilliant a the package that was distributed to him will be given to staff for additional copies to the Commission, he then called Mr. Brilliant to come forward.

Mr. Brilliant came forward and indicated being the owner of 140 acre vacant land parcel located at the north east corner of the Hemet Ryan Airport. Consequently he is the one property owner most affected by the Hemet Ryan Airport and spite of many request he does not receive notices of public hearings including this one taken place today. He is

in receipt of the initial study for the Master Plan expansion, changes in the Land Use Compatibility Plan. It is his believe both plans have been prepared using inadequate and in some cases inaccurate information. Mr. Brilliant then requested that all acting of the Master Plan and Compatibility Plan be suspended until a complete EIR is prepares and full public hearings have been held on the EIR. If this request is not granted a injunction from the court will be served. He also requested that all of his letters be placed on the minutes of the meetings (hard copies attached in office). An attorney on his behalf requested under the information act information on the Hemet Ryan Airport operations to compare to the reports he had generated. The requested information was not receive till five months later. Mr. Brilliant expressed his opposition on the expansion of any type for the Hemet Ryan Airport. Chairman Stephens interjected indicating that it would be more appropriate to come before the Commission when the plans for Hemet Ryan Airport are being reviewed by the Airport Land Use Commission, as of now this airport is not before the Commission. Mr. Brilliant responded being aware that the Hemet Ryan Airport is not before the Commission today, but his purpose of attending today is to inform the Commission that if the plans are adopted without full hearings and meetings he will serve with a court injunction against it.

Hearing no further comments Chairman Stephens called Jiyang Edwards to come forward.

Leroy Edwards came forward in behalf of Jiyang and indicated having inquiries on a particular area adjacent to the Flabob Airport, but is unable to identify the area on the maps. Keith Downs interjected indicating that the Flabob Airport will be continued and there would be sufficient time to meet with them at the office. Mr. Edwards concurred.

Keith Downs clarified regarding Mr. Brilliant's comments indicating that no hearing is being held for the Hemet Ryan Compatibility Plan. Mr. Brilliant and others have approach the County of Riverside and the Airport Land Use Commission, which is not the County. Mr. Brilliant needs to continue dealing with Riverside County, the Airport Land Use Commission does not develop Master Plans they are developed by airport sponsors. The information Mr. Brilliant indicated he had requested has nothing to do with the Airport Land Use Commission it is Riverside County where he is obtaining all of the information. The Master Plan for Hemet Ryan and Desert Resorts are available online at the Riverside County EDA's website not the Airport Land Use Commission's website because it is not the ALUC's product.

Hearing no further comments Chairman Stephens indicated giving a presentation of the Compatibility Plan.

Keith Downs briefed the Commission on the purpose for developing the Compatibility Plan indicating its to have one plan and text with different maps and same vocabulary. The current plans technology goes from 1974 to 1998, but no earlier than 1983 making it about 13 documents that need to be updated. The handbook needs to be used as prescribed by law not only by the ALUC but other planning agencies also need to use it. By adopting the proposed plan using the handbook and the outlines completes the way for others to follow thru with the plan. The primary mission is to develop a plan to help cities and counties to appropriately plan around airports where it's permitted. Mr. Downs then presented the consultants involved in this effort Mead & Hunt who wrote the book and Coffman & Associates who has developed six of the Master Plans for the airports. The difference from the Compatibility Plan and the Master Plans by statues a

forecast of twenty years or more needs to be used. The planning for this Plan is for an ultimate use and reasonable capacity is being looked at for all of these airports not only ten to twenty years out. So when the communities built out what's being put back in is improvement in noise technology, but not much at the GA level that has not already been accomplished.

There are about two thousand (2,000) aircraft registered currently in this county. In the state of California there are two hundred fifty (250) public airports with twenty eight (28) being commercial two hundred twenty six (226) GA and 24 military, which are gradually disappearing. Seventy eight percent (78%) of the state wide operations are GA aircrafts, which are increasing much more than commercial to avoid the congestion. In 1950 thru 1980 more than one airport was lost a week both private and public now it's about one per month in this country. In Riverside County Bear Creek Airport was lost about five (5) years ago and Orange County has lost two major airports in the last five years.

Desert Resorts now Jacqueline Cochran (Thermal) and Hemet Ryan Master Plans are expected to be on the agenda next hearing. The Commission reviews the Master Plan for consistency or inconsistencies with the current Plan.

Keith Downs then made him self available for any questions from the Commissioners. Commissioner Housman inquired if the adoption of the ALUCP would be available to every jurisdiction that has an airport in their area of control and would the planning departments know when a project would be a problem with the ALUC. Keith Downs responded that the jurisdiction within a hundred eighty (180) days must implement it in there plan or override it.

Mr. Brody indicated that chapter two includes the countywide policy and in chapter three is the maps for each airport. He then used the Bermuda Dunes Airport as an example for his presentation on the development of the Compatibility Plan. The four different factors have been taken and made separate types of criteria's and zone delineations combining them into a set of six different zones. For each of the zones and noise contours the criteria that apply in terms of residential density is dwelling units per acre and non-residential intensity is people per acre. Data for risk areas have been taken out of the California Airport Land Use Planning Handbook and built based on general aviation data nation wide. What is being developed is commonality among all the airports with the approach of having similar exposure of safety and noise impacts. One of the key issues looked at were, existing land use and how to deal with non-conforming uses. Existing use does not have to physically exist to be considered and existing use. The concept for infill is to allow certain development were there's similar development. County and City planning's General Plan must be consistent with the Compatibility Plan, which the law indicates it must be done within a hundred eighty (180) days. The local jurisdictions can take the special steps to overrule the ALUC by holding public hearing on the process and notifying the ALUC and State Division of Aeronautics with a super majority of 2/3 action of their government body.

Mr. Brody then made himself available for any questions from the Commissioners, hearing no response Chairman Stephens opened the floor for comments from the audience.

Diane Jenkins, City of Riverside, Planning Department, came forward indicating that the City is currently updating their General Plan and Zoning Ordinance and requested additional time for comments.

Recess at 12:15 p.m. meeting resumed at 1:05 p.m.

Vice Chairman Hogan inquired clarification regarding the Commission overruling its self. Mr. Brody referred to policy 3.3.6 indicating that if the Commission wants to make an exception on a particular inconsistent project they would have to follow the same type of procedures that a community would, basically stating the reasons. Commissioner Tandy inquired if the plan offers anything that would mandate local jurisdictions to send projects for ALUC review. Counsel B.T. Miller responded that there is no forcibility and local jurisdictions are responsible for sending projects to the ALUC. Commissioner Housman indicated that an intended use of a site should be made specific instead of a physical characteristic or rural land and its location. Counsel B.T. Miller indicated that language can be added of the type of project that the commission deems to be an extenuating or a significant factor. Commissioner Housman inquired clarification on table 2A in regards to zone "D". Mr. Brody responded indicating two options are presented that the local jurisdiction have a choice over, parcels that are five (5) acres or larger or a density that is at least five (5) dwelling units per acre. Commissioner Housman inquired where further information would be found in regards to the ten acres. Mr. Brody responded that it would be found in the State Handbook.

Hearing no further comments Chairman Stephens called for further question, hearing no response he express thanks for time well spend on the development of the plan.

VII. ADMINISTRATIVE ITEMS

A. ALUCP Meeting Schedule and Location

Commission came to the conclusion to hold the September hearing on the 16th in Indio

A. ALUCP Update

The latest version of the ALUCP has been distributed to the Commission and the latest version is now available on the ALUC website.

B. MARB Status

The major concern is the upcoming 2005 BRAC. March JPA has received the grant for the update of the CLUP

C. Attorney General Opinion

A response has been received regarding the exemption clause in two of the CLUP's for French Valley and Riverside and has been distributed to the Commission.

VIII. ORAL COMMUNICATION FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA.

None

IX. COMMISSIONER'S COMMENTS

X. Adjournment: Chairman Stephens adjourned the meeting at 2:00 P.M.

NEXT REGULARLY SCHEDULED MEETING: September 16, 2004 at 9:00 a.m., Indio