

**AIRPORT LAND USE COMMISSION
MINUTE ORDER MARCH 13, 2008
PERRIS, MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on March 13, 2008 at the Eastern Municipal Water District, Perris, CA, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Rod Ballance, Vice Chairman
Arthur Butler
John Lyon
James Downes (Alternate for Melanie Fesmire)
Robin Lowe
Glen Holmes

COMMISSIONERS ABSENT: Melanie Fesmire

STAFF PRESENT: Ed. Cooper, Director
John J. G. Guerin, Principal Planner
Cecilia Lara, Urban Regional Planner
Brenda Ramirez, Contract Planner
Barbara Santos, ALUC Secretary
B.T. Miller, Legal Counsel

OTHERS PRESENT: Matthew Fagan, Abbott Vascular
Kassen Klein, Other Interested Person
David Leonard, Stetson Crossing Partners
John Powell Jr., Peter Rabbit Farms
Ellen Lloyd Trover, Vista Santa Rosa Assn.

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- I. **AGENDA ITEM 2.1: ZAP1022BD07** – (Representative: Coachella Valley Engineers) – County Case No. PP22915 (Plot Plan) – A proposal to develop a 19,388 square foot industrial/office building for multi-tenant use (7,388 square feet to be basement area, primarily underground parking) on 0.66-0.70 acres located on the south/southwesterly side of Country Club Drive, north/northeasterly of Bermuda Dunes Airport, easterly of Adams Street, and westerly of Jefferson Street in the unincorporated Riverside County community of Bermuda Dunes. Airport Zones A and B2. **Note: The applicant’s engineer has agreed to a continuance.**

II. **MAJOR ISSUES**

Location of a structure that is not an aviation-related use within Airport Zone A and less than 250 feet from the runway centerline. The Airport Permit for Bermuda Dunes Airport includes a variance for structures northerly of the airport allowing structures not greater than 25 feet in height at a setback of 125 feet from the runway centerline. It would be preferable if the project were designed so as to place the building closer to Country Club Drive and the parking in the rear. This property lies at or near the easterly edge of the industrial area; development of the structure as proposed would extend the existing pattern.

The Commission may wish to consider the facts of the case in order to determine whether the granting of a special conditions exception pursuant to Section 3.3.6 is appropriate in this situation. The granting of a special conditions exception in the case of a structure in Zone A should only occur following the completion of the FAA review.

III. **STAFF RECOMMENDATION**

Staff recommends that the Airport Land Use Commission CONTINUE this matter to APRIL 10, 2008 pending completion of review by the Federal Aviation Administration pursuant to Aeronautical Study No. 2007-AWP-5943-OE.

(Alternatively, if the Commission finds that the granting of a special conditions exception would not be appropriate in this case, staff would recommend a finding of INCONSISTENCY, based on the encroachment of the structure into Airport Zone A.)

In the event that the Commission chooses to find this proposal consistent with the ALUCP pursuant to Policy 3.3.6, or in the event that the Commission finds the proposal inconsistent with the Bermuda Dunes ALUCP but is overruled by the Riverside County Board of Supervisors or its successor-in-interest, staff would recommend that the conditions included in this staff report be applied.

UPDATE: The applicant submitted Form 7460-1 to the Federal Aviation Administration on September 25, 2007, and review is in progress. AS OF FEBRUARY 28, 2008, THIS IS STILL INDICATED TO BE A WORK IN PROGRESS ON THE FAA OBSTRUCTION EVALUATION WEBSITE. AMONG PROPOSED STRUCTURES LESS THAN 50 FEET IN HEIGHT, THIS IS THE OLDEST UNRESOLVED CASE IN CALIFORNIA IN THE PROPOSED CATEGORY.

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IV. PROJECT DESCRIPTION

The project is a Plot Plan for the development of a 19,388 square foot industrial/office building for multi-tenant use (7,388 square feet to be basement area, primarily underground parking) on a 0.66-acre site. The floor plan indicates that the project would include 5,890 square feet of office space and 6,110 square feet of manufacturing/fabrication area. The basement would include the parking garage, elevator, elevator lobby, staircases, and a machine room.

V. MEETING SUMMARY

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

No one spoke in favor, neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 7-0, CONTINUED the project to April 10, 2008.

VII. CD -

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 2.1: TIME IS 10:00 A.M.

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I. **AGENDA ITEM 2.2:** ZAP1008FV07 – Wilshire Greenway I, LLC (Representative: Ebru Ozdil/Advanced Development Solutions) – County Case Nos. SP00284A3 (Specific Plan Amendment), CZ07596 (Change of Zone), PP23146 (Plot Plan), and PM29509 (Parcel Map No. 29509, Amended No. 2). Plot Plan No. 23146 proposes to establish a mixed use commercial/office/industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres) located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley. SP00284A3 proposes to change the Specific Plan designation of the site from Office/Industrial Park to Commercial/Office/Industrial Park, and from Industrial Park to Commercial/Industrial Park, CZ07596 proposes to amend the zoning ordinance for Specific Plan No. 284 to allow commercial uses in Planning Areas 1 and 2. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel. **Staff's recommendation may change if the applicant submits requested information prior to the hearing.** Airport Zones C, B1, and D.

II. **MAJOR ISSUES**

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

III. **STAFF RECOMMENDATION**

Staff recommends CONTINUANCE to APRIL 10, 2008 to allow for submittal to the Federal Aviation Administration and to allow for further design modifications and submittal of additional information from the applicant.

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

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

UPDATE II: On January 24, 2008, staff met again with the two project representatives, the project architect, the applicant, and representatives of the County Planning Department and Economic Development Agency. It was indicated at that meeting that ALUC staff would be provided with (1) documentation regarding each building corner's maximum elevation and distance ~~of~~ from runway (or, alternatively, verification of FAA submittal); (2) more precise information regarding building square footage within the single-acre areas of greatest concern; and (3) a request for use of the risk-reduction design bonus with appropriate documentation. As of January 30, this information has not been received.

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

STAFF RECOMMENDED AT HEARING: CONTINUE to May 8, 2008 requested by the applicant.

IV. PROJECT DESCRIPTION

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

V. MEETING SUMMARY

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, or E-mail at jguerin@rctlma.org.

No one spoke in favor, neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 7-0, CONTINUED the project to May 8, 2008.

VII. CD

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 2.2: TIME IS 10:00 A.M.

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- I. **AGENDA ITEM 2.3:** ZAP1031RI07 – Riverside Auto Auction/Manheim Auto Auction (Representative: Kimley-Horn Associates, Inc.) – City Case No. P07-1121 (Conditional Use Permit). (Associated with Design Review Case No. P07-1123). A proposal to add 4,740 square feet of additional floor space to an existing building located on an 8-acre parcel with an address of 6446 Fremont Street. The property is on the west side of Fremont Street, northerly of Central Avenue, in the City of Riverside. Airport Zones B2 and D. **Staff requests that the Commission direct staff as to evaluation of intensity for the lobby, vestibule, waiting room, and cafeteria.**

II. **MAJOR ISSUES**

A determination of consistency with the Airport Zone B2 single-acre intensity standard limiting intensity to 200 persons depends upon intensity assumptions for the lobby, vestibule, waiting area, and cafeteria within the building.

III. **STAFF RECOMMENDATION**

The floor plans submitted do not appear to coincide with the presumed configuration of the building, as judged by the aerial photo. Additionally, staff has been provided with differing information regarding the square footage of the building. It is not clear that sufficient information can be provided without a tour of the existing building, floor plans in hand. Staff recommends CONTINUANCE to APRIL 10, 2008 unless these discrepancies can be resolved prior to the MARCH 13 public hearing.

Staff recommends that the Commission open the public hearing, consider testimony, and determine how to treat the lobby, vestibule, waiting room, and cafeteria relative to intensity assumptions for this land use. If these areas are considered as having the intensity attributed by Uniform Building Code (with a 50% reduction), staff would have to recommend a finding of inconsistency based on these areas. Without these areas and uses, the intensity would be consistent.

IV. **PROJECT DESCRIPTION**

Conditional Use Permit No. P07-1121 (associated with Design Review Case No. P07-1123) proposes to add 4,740 square feet of additional floor space to an existing building on an 8-acre site. Staff was initially advised that the existing building included 51,120 square feet of floor area. However, the floor plans provided to staff indicate an initial floor area of 19,826 square feet, with an existing addition of 3,552 square feet. A separate sheet depicts an area of 13,873 square feet, including 2,410 square feet of office area and 11,463 square feet of auction area, but the latter area may not be in an enclosed building.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: John Guerin, Ph: (951) 955-0982, E-mail at jguerin@rctlma.org.

No one spoke in favor, neutral or opposition to the project.

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VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 7-0, CONTINUED the project to April 10, 2008.

VII. CD

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 2.3: TIME IS 10:05 A.M.

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I. **AGENDA ITEM 3.1:** ZAP1018FV07 – Excel Engineering for Abbott Vascular (Representative: Matthew Fagan Consulting Services) – County Case No. PP12246 R1 (Plot Plan - Revised Permit). A proposal to add an additional 293 parking spaces, with associated lighting fixtures up to 31 feet in height, on the 17.47-acre property with an address of 30690 Cochise Circle, located easterly of Winchester Road (State Highway Route 79) and Briggs Road, southerly of Benton Road, and northerly of Auld Road, in the unincorporated Riverside County community of French Valley. Airport Zones B1 and A.

II. **MAJOR ISSUES**

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

III. **STAFF RECOMMENDATION**

Staff recommends a finding of Conditional Consistency, pending FAA approval, if applicable, subject to the conditions included in this staff report and such additional conditions as may be required pursuant to the terms of the FAA determination, if needed.

STAFF RECOMMENDATION AT HEARING: CONTINUE to May 8, 2008 requested by the applicant.

IV. **PROJECT DESCRIPTION**

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

CONDITIONS:

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

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- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, hospitals, nursing homes, churches and chapels, day care centers, libraries, highly noise-sensitive outdoor uses, aboveground bulk storage of hazardous materials, and aboveground bulk storage of 6,000 gallons or more of flammable materials.
2. The attached notice shall be provided to all potential purchasers of real property interests and tenants.
 3. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky.
 4. Prior to the issuance of building permits, the landowner shall convey an avigation easement to the County of Riverside as owner-operator of French Valley Airport, which shall be recorded upon approval by the County of Riverside Economic Development Agency – Aviation Division, or shall provide evidence to the parties cited below that such easement has already been conveyed. Copies of the recorded avigation easement shall be forwarded to the Airport Land Use Commission and to the County of Riverside Planning Department.
 5. Prior to the issuance of building permits or other authorization to construct the light fixtures, the applicant shall submit a Notice of Proposed Construction of Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each structure or fixture within the portion of the property in Airport Zone A as mapped in the Riverside County Geographic Information System, and for each structure or fixture with an elevation at top point exceeding "X" feet AMSL, where $X = 1,347 + (\text{distance from the structure or fixture to the runway, in feet, divided by } 100)$, and shall have received a determination of "No Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the County of Riverside Planning Department and the Riverside County Airport Land Use Commission.
 6. In the event that any structure or fixture in Airport Zone A receives a determination of "No Hazard to Air Navigation", it may be constructed, but it must be frangible, and poles may not exceed a diameter of four inches at heights equal to or greater than four feet above ground level.
 7. Parking spaces 1 through 20 and 37 through 48 shall be restricted to vehicles not requiring vertical clearance exceeding twenty (20) feet.

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V. MEETING SUMMARY

The following staff presented the subject proposal:

ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873 or E-mail at brramire@rctlma.org., or
John Guerin, Ph: (951) 955-0982 or E-mail at jguerin@rctlma.org.

The following spoke in favor of the project:

Matthew Fagan, Abbott Vascular, 42011 Avenida Vista Cadera, Temecula, CA 92591

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 7-0, CONTINUED the project to May 8, 2008.

VII. CD

The entire discussion of this agenda item can be found on CD and referenced by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 3.1: TIME IS 10:12 A.M.

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I. **AGENDA ITEM 3.2:** ZAP1012HR08-Stetson Crossing Partners, LLC/City of Hemet (Representative: David Leonard Associates) – City Case Nos. GPA 07-003 and SP07-004 (“Stetson Crossing”) – Specific Plan for a proposed shopping center with 189,500 square feet of retail and commercial development (including restaurants, bank, convenience store, and service station) on a 19.33-acre site located northerly of Stetson Avenue, southerly of Tanya Avenue and westerly of Sanderson Avenue in the City of Hemet. General Plan Amendment from Industrial to Commercial. Airport Area II (partially in Transition Area).

II. **MAJOR ISSUES**

Places of assembly as defined in the Hemet-Ryan Airport Comprehensive Airport Land Use Plan of 1992 include “any structure with a capacity for occupancy of over 50 persons”, and they are prohibited in Area II. Therefore, pursuant to that Plan, most commercial uses would be found inconsistent. Places of assembly may be approved in the Transition Area; any structures in that area are limited to two stories and cannot exceed 35 feet in height. Less than half of the property is in the Transition Area.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of Inconsistency, as the site is located in Area II, with less than 50 percent of the site in the Transition Area, and the applicant intends to develop a major complex consisting predominantly of structures with capacities for occupancy of more than 50 persons. However, staff would not object to a continuance in conjunction with a proposal to modify the definition of “places of assembly” and/or to make other changes to update the 1992 Plan so as to reflect the recommendations of the 2002 State of California Airport Land Use Planning Handbook.

Additionally, staff notes that FAA notice and approval will be required prior to construction.

IV. **PROJECT DESCRIPTION**

A proposal to develop a shopping center with approximately 189,500 square feet of commercial development (including retail stores, restaurants, bank, convenience store, and service station) and approximately 1,055 parking stalls, on 19.33 acres consisting of two contiguously owned parcels, and to amend the City General Plan designation of the property from Industrial to Commercial.

In the event that the City of Hemet chooses to overrule a determination of inconsistency, the City should require the following as conditions of its approval. Implementation of these conditions assists in mitigating impacts of the project on the airport, but would NOT render the project consistent with the Hemet-Ryan Airport Comprehensive Airport Land Use Plan and may not be sufficient to mitigate potential safety hazards to below a level of significance pursuant to the California Environmental Quality Act.

CONDITIONS:

1. 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

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navigational signal light or visual approach slope indicator.

- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
2. Prior to final adoption of the specific plan, the landowner shall convey an avigation easement covering the entire area proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport, which shall be recorded upon approval by the County of Riverside Economic Development Agency – Aviation Division. Copies of the recorded avigation easement shall be forwarded to the City of Hemet Planning Department and to the Airport Land Use Commission.
 3. Any outdoor lighting installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky. It is recommended that airport management be provided an opportunity to review outdoor lighting plans prior to approval.
 4. All structures at this location with an elevation above 1,541 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
 5. The attached notice shall be given to potential purchasers of real property interests and/or tenants.
 6. The maximum height of structures shall not exceed thirty-five (35) feet.

V. MEETING SUMMARY

The following staff presented the subject proposal:

ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0873 or E-mail at brramire@rctlma.org.

The following spoke in favor of the project:

David Leonard, Stetson Crossing Partners, 1223 University Ave, STE 240, Riverside, CA 92507

No one spoke in neutral or opposition to the project.

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VI. ALUC COMMISSION ACTION

The ALUC Commission, by a vote of 6-1, found the project INCONSISTENT. Opposed: Commissioner Robin Lowe.

VII. CD

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ITEM 3.2: TIME IS 10:13 A.M.

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I. AGENDA ITEM 4.0: ADMINISTRATIVE ITEMS

4.1 Director's Approvals – Information only

4.2 Vista Santa Rosa Presentation – Jerry Jolliffe - Deputy Planning Director, Jerry Jolliffe made a presentation to the Airport Land Use Commission regarding the Vista Santa Rosa Land Use Concept Plan. Commissioner Glen Holmes advised that the policies for Planning Areas 3 and 4 did not seem compatible with Airport Zone D and suggested that this be discussed in a subcommittee. Commissioner Robin Lowe questioned the timing of the Planning Commission and Board of Supervisors hearings as indicated in the cover letter. Jerry Jolliffe indicated that he could support a continuance to the next ALUC Commission Meeting on April 10, 2008 before bringing the project to the Board of Supervisors. Commissioner Lowe asked if any portion of the Vista Santa Rosa area was included in the Coachella Valley Multiple Species Habitat Conservation Plan. Mr. Jolliffe responded that there are no lands targeted for habitat conservation except in the far southwest corner, which is not in the Airport Influence Area. Commissioner Holmes noted that Harrison Street has a 152-foot right-of-way and asked whether there would be an additional setback of 150 feet, which could potentially provide for an open area up to 300-400 feet in width. Mr. Jolliffe advised that Harrison Street presents a challenge, and that he did not know whether a clear area along Harrison would be possible. Commissioner John Lyon suggested a one month continuance to allow for review. He advised that it is his impression that the principal issue is the residential density in Airport Zone D. He requested that staff provide an analysis of the inconsistencies and that staff also review the proposal relative to the Handbook guidelines. Chairman Simon Housman expressed concern about the discussion of Airport Zones B1 and C, and indicated that designating land as High Density Residential in Airport Zone C and then prohibiting buildings in that portion of the property would be misleading. John Guerin advised that, at one point, there was a proposal for residential use in Airport Zones B1 and C, but that these areas are now proposed for Commercial Retail and Business Park uses. Chairman Housman advised that this written Concept Plan, which features densities of one to three dwelling units per acre in Zone D, is inherently inconsistent with Zone D compatibility criteria in the Jacqueline Cochran ALUCP. However, he indicated that the overall vision of open space, agriculture, and wide roads is conceptually very compatible with the airport. He understands that the community does not want to increase the area projected for densities greater than five dwelling units per acre. Commissioner Lyon indicated that, at this time, the Commission would have to find this plan inconsistent, but that an amendment to the ALUCP could perhaps be considered. Chairman Housman expressed concern that such an amendment could require an EIR. Commissioner Lyon noted that the County is planning to prepare an EIR for its General Plan update. Commissioner Lowe asked about concurrence in the Concept Plan from the Vista Santa Rosa Community Council and the Office of the Fourth District Supervisor. Mr. John Powell of Peter Rabbit Farms asked that the discrepancies between the Concept Plan and the ALUCP be resolved. He advised that his family owns much of the land in Zone D and its inclusion in Zone D is attributable to the lesser-used runway, Runway 12-30. He indicated willingness to attend a subcommittee meeting. Commissioner Holmes agreed that he would like to find a way to solve the problem in a manner that is beneficial to both the community and the airport. Ellen Trover, area resident, requested that the Plan move forward. She noted that the Concept Plan has been worked out through years of compromise, and would like the Commission to modify its Plan to provide for consistency so that residents and property owners will know what they can build, and where. Commissioner Lowe stated that, in its deliberations, the Commission should be aware that the community has worked diligently on the Plan, and that the Plan has community support. Chairman Housman suggested formation of a subcommittee. Commissioner Lyon pointed out that the issues fall into the domain of the Residential Densities Subcommittee. Chairman Housman agreed, and asked staff to arrange two subcommittee meetings: a study session with

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Mr. Jolliffe and ALUC staff, followed by a meeting in the Coachella Valley, to which Mr. Powell, Ms. Trover, EDA, planning consultant, and Mead and Hunt would be invited. Commissioner Rod Ballance moved a continuance to the April 10 meeting. The motion was seconded by Commissioner Holmes and passed unanimously.

- 4.3 Use of Rights of Way toward Open Space Requirements and Bonuses - John Guerin, ALUC Principal Planner, requested that the Commission provide guidance as to whether land within road rights-of-way could be credited toward open space requirements and bonuses. Chairman Housman inquired as to the overall impact on the average project. Staff responded that inclusion of rights-of-way would increase the proportion of projects meeting the open area requirement and would allow more projects to take advantage of the bonus and have a higher intensity of operation. More projects would qualify for a consistency determination. Commissioner Lyon commented that most roads are unsuitable as emergency landing places. He stated that the road area should not be counted as open area unless there is a “no stopping, parking, or standing” restriction. Cars and trucks are hard objects; if parking is permitted, the parking area is the functional equivalent of a wall. Commissioner Lowe suggested that the issue continue to be addressed on a case-by-case basis. She questioned the appropriateness of a standard policy that would not take into account such factors as median landscaping, signals or stop signs, and the developer’s contribution to the road’s existence. Chairman Housman invited Mr. Kassen Klein to testify. Mr. Klein indicated that continuing on a case-by-case basis would be acceptable. Chairman Housman expressed reservations as to whether the Commission would have any assurance that the qualities that allow a road right-of-way to qualify as an open area would not change in the future.
- 4.4 Allowable Non-Structural Uses in Zone A - John Guerin, ALUC Principal Planner, requested Commission direction and guidance as to allowable nonstructural uses in Zone A. Commissioner Lyon stated that the Runway Protection Zone should be clear of all objects. The FAA will not allow parking lots in the Runway Protection Zone, and the Commission should not allow parking lots in Zone A. Commissioner Art Butler endorsed Commissioner Lyon’s comments. Chairman Housman agreed, and indicated that light poles, cars, and trucks should not be in Zone A. There’s a high risk that anything in Zone A will be hit by an aircraft. Director Ed Cooper inquired as to whether an open, paved dedicated road right-of-way without parking would be acceptable. Commissioner Lowe expressed concern about existing roads and planned roadway extensions. Mr. Guerin agreed that the critical issue is whether realignment could occur. Chairman Housman advised that widening of a road that already exists would be a separate situation, but that placement of a road in the A zone should be a last resort. Commissioner Lyon advised that roads should be moved out of the A zone, if possible. Guidance should be based on the Handbook and FAA’s advisory design circulars, in the occasional circumstances where a roadway may be acceptable. The Commission generally agreed with the Chairman’s comments. Mr. Klein advised that he was considering moving Cochise Circle into the A zone, but the Commission has clearly stated its policy.
- 4.5 Follow-up on Possible ALUC Commission Meetings in the Desert – John Guerin advised that the April meeting will be at the Riverside CAC. Commissioner Lowe suggested meeting in the desert when a preponderance of items are in that area. Staff agreed that scheduling of Desert meetings would depend on the geographic distribution of cases. Ed Cooper, Director, reiterated that the challenges include limited availability of meeting venues on Thursday mornings that have the technical capability of recording the meeting on CDs.

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- 4.6 BT Miller Model Letter – Continued Discussion – B. T. Miller provided the Commission with a newly revised model format for letters advising a jurisdiction that ALUC had issued a determination of inconsistency. Commissioner Lyon expressed satisfaction with the draft letter, but suggesting adding a sentence in the letter calling the reader’s attention to the provisions of the Public Utilities Code relating to liability. He believes that it would be a service to the community to note the effect of an overrule on the liability of the airport owner/operator. Commissioner Ballance agreed with Commissioner Lyon. He noted that the highly visible recent accidents in Riverside and Corona create “teachable moments” and indicated that the decision-makers may not be focused on the effects of the overrule on liability unless they are specifically informed. He believes that the situation is better if everyone is on notice and the safety issue is addressed. Commissioner Lowe also expressed support for the addition suggested by Commissioner Lyon. She stressed that there needs to be emphasis on pilot safety and training. She stated that the perception of ALUC by jurisdictions has changed as a result of the current staff’s efforts to increase outreach and communicate with City and County Planning staff. Chairman Housman asked that the paragraph regarding benefits of airports be moved forward in the letter and suggested that the letter also state that the letter is not a waiver of the airport’s immunity from liability. However, he also supports the outreach process and is concerned that the content of the letter not be so aggressive as to undermine the Commission’s outreach efforts. Ed Cooper, Director, stated that he has major concerns regarding signing any letter that includes a written discussion of liability. Some previous letters of this type were perceived negatively by City Managers and City Planning staff. He suggested that discussion of this issue be continued on a staff-to-staff level. Commissioner Lyon advised that he wanted to be sure that the decision-makers-the City Council and Board of Supervisors-are aware of how an overrule would affect the airport owner’s liability. Chairman Housman stated that he wants to clarify in the letter that the recommendations for conditions to be applied in the event of an overrule is not intended to be a waiver of the statutory protections for the airport. Commissioner Lyon noted that ALUC does not have the power to waive such provision. B. T. Miller suggested that reference to the applicable Public Utilities Code section be included, but not a reference to the word “liability.” Chairman Housman agreed to use of a reference to the Code section. B. T. Miller noted that the law is not clear as to who assumes the liability when the airport becomes immune from liability as a result of the overrule. Commissioner Lyon agreed that a reference to the Code section would be sufficient. Commissioner Lowe agreed with Chairman Housman’s proposed changes to the letter. Ed Cooper noted that this would be a letter that jurisdictions will receive whenever an inconsistency finding is made. Some jurisdictions will see this letter many times. He asked that the Commission consider that the letter will be seen repeatedly. Chairman Housman indicated that the consensus of the Commission would be to include a reference to the applicable Code section, without further explanation or commentary regarding the legal impact. He believed that the reference will be important in the event of an accident.
- 4.7 SB1118 – BT Miller, County Counsel will e-mail further amendment of bill (SB1118) to the Commissioners for further discussion at the next ALUC Commission meeting on April 10th. Commissioner Lowe requested information regarding the status of the bill. Commissioner Ballance announced that the Greater Riverside Chamber of Commerce is also monitoring the bill.

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- 4.8 Clarification of Density in Specific Plan – Reports from Subcommittee – John Guerin summarized the subcommittee recommendations in a Power Point presentation. Chairman Simon Housman announced that the Residential Density Subcommittee met with ALUC staff and Mr. Joel Morse of T&B Planning Consultants. The purpose of the meeting was to provide assistance to staff in evaluating density within Specific Plans in Airport Zone D in the context of the existing Airport Land Use Compatibility Plan. The intent was to clarify the treatment of Specific Plans, Amendments to Specific Plans and tracts within Specific Plans, so as to provide certainty, while avoiding the need for amendments to the density criteria of the D zone, which would require CEQA review. Vice Chairman Rod Ballance made a motion receiving the report. Seconded by Commissioner Robin Lowe.

II. AGENDA ITEM 5.0: APPROVAL OF MINUTES: February 14, 2008

Commissioner Robin Lowe motioned to approve the February 14, 2008 minutes. Seconded by Commissioner Arthur Butler. **ABSTAIN:** Commissioner James Downes (Alternate). **Absent:** Glen Holmes. (Vote 5-0)

III. AGENDA ITEM 6.0: ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

Commissioner John Lyon announced that he and alternate Jon Goldenbaum will not be able to attend the April 10, 2008 ALUC Commission meeting; they will be in Florida.

IV. AGENDA ITEM 7.0: COMMISSIONER'S COMMENTS

None

V. ADJOURNMENT

Chairman Simon Housman adjourned the meeting at 12:40 p.m.

VI. CD

The entire discussion of this agenda item can be found on CD and referenced quickly by the meeting time listed below. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org.

ITEM 4.0: TIME IS 10:28 A.M.