

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on July 10, 2008 at the Riverside County Administration Center, Board Chambers.

COMMISSIONERS PRESENT: Rod Ballance, Vice Chairman (Acting Chair for Housman)
Arthur Butler
John Lyon
Melanie Fesmire

COMMISSIONERS ABSENT: Simon Housman, Chairman
Glen Holmes
Robin Lowe

STAFF PRESENT: Ed. Cooper, Director
John J. G. Guerin, Principal Planner
Barbara Santos, ALUC Secretary
B.T. Miller, Legal Counsel

OTHERS PRESENT: Chad Davies, EDA Aviation
Kent Fickett, French Valley Energy Partners
Marshall Graves, in support of Ken Fickett
Larry Markham, MDMG

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

I. **AGENDA ITEM 2.1:** ZAP1029BD08 – Celso Andy and Dora La Variega/R.A. Wasserman Commercial, Inc. (Representative: Ames Real Estate, Inc./Robert R. Holmes, Jr.) – County Case Nos. CZ07645 (Change of Zone) and PP23330 (Plot Plan). A proposal to change the zoning of a 3.39-acre site located on the westerly side of Adams Street, northerly of 41st Avenue and southerly of Country Club Drive, in the unincorporated Riverside County community of Bermuda Dunes from R-1-12,000 (One-family Dwellings, 12,000 square foot minimum lot size) to M-SC (Manufacturing-Service Commercial), and to develop two warehouse/office buildings. The larger building will be 25,500 square feet in area, and the smaller building will be 10,000 square feet in area. Airport Zone B1.

II. **MAJOR ISSUES**

The project includes a retention basin at a location very close to Bermuda Dunes Airport. This basin will need to be designed in accordance with the provisions of the wildlife hazard report prepared for the Bermuda Dunes and Jacqueline Cochran Airports.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the change of zone, which will change the zoning from residential to industrial use, and a finding of CONSISTENCY for the plot plan, subject to the conditions in this staff report, including conditions specifying the maximum stormwater detention period in the basins and a limitation on the proportions of the buildings that may be utilized as office areas.

IV. **PROJECT DESCRIPTION**

The applicant proposes to change the zoning on a 3.39-acre site from R-1-12,000 (One-family Dwellings, 12,000 square foot minimum lot size) to M-SC (Manufacturing – Service Commercial), and to develop two warehouse/office buildings . The larger building will be 25,500 square feet in area and will consist of nine warehouse/office spaces of 2,000 square feet each and three warehouse/office spaces of 2,500 square feet each. The smaller building will be 10,000 square feet in area and will consist of five warehouse/office spaces of 2,000 square feet each.

CONDITIONS:

1. Prior to issuance of building permits, the landowner shall convey an avigation easement to Bermuda Dunes Airport, which shall be recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.
2. Noise attenuation measures shall be incorporated into any office areas of the building construction to ensure a minimum noise level reduction of 25dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
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

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light, visual approach slope indicator, or red light obstruction marking in accordance with the conditions specified herein.

- b. Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - c. Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, composting operations, fly ash disposal, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.
 - d. Any use which would generate electrical interference that may be detrimental to any operation of aircraft and/or aircraft instrumentation.
 - e. Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials.
- 4. The attached notation regarding proximity to the airport shall be given to each potential tenant.
 - 5. The maximum height of the proposed buildings, including all roof-mounted appurtenances and obstruction lighting, shall not exceed 24 feet above ground level, and the maximum elevation at the top of structure shall not exceed 111 feet above mean sea level. The buildings shall maintain a minimum distance of 1,347 feet from the Runway 10 physical approach end, as it existed on April 17, 2008.
 - 6. The Federal Aviation Administration has conducted an aeronautical study (Aeronautical Study No. 2007-AWP-7299-OE) and has determined that neither marking nor lighting of the proposed structures is necessary for aviation safety. However, if either marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting shall be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K, Change 2.
 - 7. Within five (5) days after the construction reaches its greatest height, FAA Form 7460-2, Notice of Actual Construction or Alteration (Part II), shall be completed by the project proponent or his/her designee and submitted electronically to the Federal Aviation Administration.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

8. The specific coordinates and height of the proposed buildings shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in building height shall not require further review by the Airport Land Use Commission.
9. Temporary construction equipment used during actual construction of the buildings shall not exceed the height of the proposed buildings, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
10. This approval is for two buildings with a maximum gross floor area of 35,500 square feet. The maximum office area shall not exceed 7,100 square feet.
11. The proportion of office area in any given unit shall not exceed 20% of the gross floor area of that unit.
12. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655, as applicable. Outdoor lighting plans shall be transmitted to the airport manager for review and comment. (Failure to comment within thirty days shall be considered to constitute acceptability on the part of the airport manager.)
13. The Riverside County Planning Department shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in the proposed structures:

Retail sales, auction rooms, auditoriums, dance floors, lodge rooms, reviewing stands, conference rooms, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, gaming, bowling alleys, classrooms, courtrooms, dormitories, swimming pools, skating rinks, locker rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to California Building Code (1998) Table 10-A.
14. The retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
15. The height of all trees on-site shall be monitored by the landowner so as not to exceed a height of twenty-four (24) feet above ground level.

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.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 4-0, found the project **CONSISTENT**. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

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 9:08 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

I. **AGENDA ITEM 2.2:** ZAP1028FV08 - French Valley Business Park I, L.P. Kenneth Rattner/ SW Engineering, Inc., Mike Schweitzer – Case No. CZ07665 (Change of Zone) and SP00106AI (Specific Plan Amendment). A proposal to change the boundaries of the current zones on a site located northerly of Auld Road, easterly of Leon Road, and westerly of Van Gaale Lane, in unincorporated Riverside County in the community of French Valley. The current zones are Scenic Highway Commercial (C-P-S), Manufacturing – Service Commercial (M-SC), and Open Area Combining Zone - Residential Developments (R-5). The change would increase the acreage zoned Manufacturing – Service Commercial and decrease the acreage zoned Scenic Highway Commercial. The specific plan amendment proposes to change the land use designation of the southerly portion of the property from Commercial (CR) to Light Industrial (LI), while retaining the existing Open Space – Conservation (OS-C) and Light Industrial (LI) to the north. Airport Zones C and D.

II. **MAJOR ISSUES**
None

III. **STAFF RECOMMENDATION**
Staff recommends a finding of CONSISTENCY for the specific plan amendment and the change of zone, subject to the conditions herein.

IV. **PROJECT DESCRIPTION**
The specific plan amendment proposes to change the land use designation of the south central portion of the property from Commercial Retail (CR) to Light Industrial (LI) and to retain the existing Light Industrial (LI) and Open Space – Conservation (OS-C) designations to the north. The change of zone proposes to change the boundaries of the current zones on the site, which are Scenic Highway Commercial (C-P-S), Manufacturing - Service Commercial (M-SC), and Open Area Combining Zone – Residential Developments (R-5). The change would increase the acreage zoned M-SC and decrease the acreage zoned C-P-S. The amended zoning would provide for 10.34 acres of M-SC, 4.22 acres of R-5 and 3.58 acres of C-P-S.

CONDITIONS:

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, hospitals, nursing homes, and highly noise-sensitive outdoor uses.
2. No buildings shall be constructed within the R-5 zone portion of this property.
 3. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.
 4. Prior to the issuance of building permits, the applicant shall submit a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) for each building with an elevation at top point exceeding 1,371 feet AMSL 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.

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.

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

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 4-0, found the project **CONSISTENT**. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

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 9:08 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

I. **AGENDA ITEM 2.3:** ZAP1015HR08 – Equitas Fund, LLC/ Signal Hill Family Limited Partnership, Margaret Joan Rheingens Yau (Representative: CL Communities) – City Case No. SPA 06-02 (Amendment No. 3 to Hemet Valley Country Club Estates Specific Plan 90-9), (Specific Plan Amendment). A proposal to develop Tres Cerritos East, a predominantly residential project, with 643 single family residential dwellings on 121.3 acres, approximately 144 multi-family residential dwellings on 9.8 acres, 18.5 acres of recreational and drainage facilities, and 16.2 acres of roadways. The site includes approximately 165.8 acres located northerly of Devonshire Avenue, southerly of Menlo Avenue, westerly of Cawston Avenue, and easterly of Myers Street within the City of Hemet. Airport Area III.

II. **MAJOR ISSUES**

Staff would note that the proposed project will allow for one hillside residence at the north end of the project to have a maximum height of 40 feet, which would be defined as a Discretionary Use in Area III by the 1992 Hemet-Ryan Airport Comprehensive Land Use Plan.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the Specific Plan Amendment, subject to the conditions included herein.

IV. **PROJECT DESCRIPTION**

A proposal to develop Tres Cerritos East, a predominantly residential project, with 643 single family residential dwellings on 121.3 acres, approximately 144 multi-family residential dwellings on 9.8 acres, 18.5 acres of recreational and drainage facilities, and 16.2 acres of roadways. The specific plan amendment will bring the residential density to approximately 6.0 dwelling units per acre.

CONDITIONS:

1. The following uses shall be prohibited:

- (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
- (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area.
- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- (e) Hazardous Materials Facilities.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

2. Prior to final adoption of the Specific Plan Amendment, the landowner shall record Avigation Easements covering all parcels proposed for development to the County of Riverside as owner-operator of Hemet-Ryan Airport. (Contact the Riverside County Economic Development Agency – Aviation Division for further information.)
3. Unless otherwise determined inapplicable by Airport Land Use Commission staff, all structures at this location with an elevation above 1,561 feet above mean sea level at top of structure shall require FAA aeronautical review through the Form 7460-1 FAA notice process.
4. The attached notice shall be given to all prospective buyers and tenants of real property.
5. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky.
6. All places of assembly, schools, institutional uses, and new structures over 35 feet in height within the Specific Plan Amendment area shall be subject to review by the Airport Land Use Commission or ALUC staff.

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.

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

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 4-0, found the project **CONSISTENT**. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

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 9:08 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

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. (Continued from March 13, and May 8, 2008).

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 CONTINUANCE to the September 11, 2008 ALUC hearing, per the applicant's request in the letter dated June 24, 2008.

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).

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.

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

VI. **ALUC COMMISSION ACTION**

The ALUC Commission, by a unanimous vote of 4-0, CONTINUED the project to September 11, 2008. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

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 9:09 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

I. **AGENDA ITEM 4.1:** ZAP1008FV07 – Wilshire Greenway I, LLC (Representative: Ebru Ozdil/Advanced Development Solutions) – County Case Nos. PP23146 (Plot Plan), and PM29509 (Parcel Map No. 29509, Amended No. 2). Plot Plan No. 23146 proposes to establish a mixed use commercial/office/industrial project consisting of 13 buildings plus two freestanding pads with a total of 351,975 square feet of floor area on 34.59 net acres (37.73 gross acres) located westerly of Leon Road, southerly of Benton Road, and northerly of Auld Road in the unincorporated Riverside County community of French Valley. PM29509 proposes to divide the property into six commercial/industrial parcels and one open space parcel. Airport Zones C, B1, and D. (Continued from March 13, May 8, and June 12, 2008).

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 195 persons per acre. The problems appear to be surmountable through redesign or reallocation of land uses and structures and/or demonstration of eligibility for risk-reduction and/or open land bonuses. The applicant is requesting risk-reduction design bonuses of up to 30% for single-story buildings and up to 20% for two-story buildings. The project does meet the average intensity standard. FAA review has been completed. At the June 12 public hearing, the Commission raised the issue of whether the project meets the open area requirements of the airport zones in which it is located. Staff estimates that the project requires at least 6.72 acres of ALUC-qualified open area, unless the applicant provides verification that the open area requirement is met at the Specific Plan level for Specific Plan No. 284.

III. **STAFF RECOMMENDATION**

CONTINUANCE to August 14, 2008, pending receipt of information regarding the project's compliance with the open area requirements.

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

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

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

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

be modified as a result..

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

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

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

IV. PROJECT DESCRIPTION

Plot Plan No. 23146 proposes to establish a mixed use commercial, office, and industrial project consisting of 12 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). 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 at (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 4-0, **CONTINUED** the project to August 14, 2008. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

VII. 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 4.1: TIME IS 9:10 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

- I. **AGENDA ITEM 4.2:** ZAP1025FV08 – Cole and Tracy Burr/Heliport Consultants (Representative: Ricarda Bennett) – County Case No. CUP 03551 (Conditional Use Permit). A proposal to develop a private use, ground level heliport for the take off and landing of a helicopter on 28.58-29.34 acres of contiguously owned property located at 35550 and 35560 De Portola Road, on the northerly side of De Portola Road, easterly of Anza Road and westerly of Pauba Road in the “Valle De Los Caballos” Policy Area of unincorporated Riverside County. The County anticipates limiting usage to a maximum of two round trips per day, and to the hours of 7:00 a.m. to 7:00 p.m. daily. Not located within an existing Airport Influence Area. (Continued from June 12, 2008).

II. **MAJOR ISSUES**

This case was continued from the June 12, 2008 hearing, with the consent of the applicant’s representatives present at the hearing, in order to allow time for the applicant to discuss the project with the owner of four adjacent parcels, who expressed concerns with, and objections to, the proposal. The adjacent land owner’s representative has informed staff that a meeting will be held prior to the hearing to discuss the issues. The project meets the “new airport or heliport” noise criteria set forth in the 2004 Riverside County Airport Land Use Compatibility Plan.

III. **STAFF RECOMMENDATION (Staff Report)**

Staff recommends a finding of CONSISTENCY, subject to the conditions specified herein.

STAFF RECOMMENDED AT HEARING

CONTINUE to August 14, 2008.

IV. **PROJECT DESCRIPTION**

The applicant proposes to construct a 900 square foot private-use (non-commercial) helicopter landing pad on two contiguously owned parcels, totaling approximately 29.34 acres.

The heliport will be at an elevation of 1200 feet above mean sea level. The Touch Down and Lift Off Area (TLOF) will be 37 feet by 37 feet (1,369 square feet) in area. The proposed flight path will be within the property owner’s boundaries northerly of De Portola Road. (It is anticipated that the flight path will cross private property southerly of the road, but at that point, the helicopter would be operating at a greater height above ground level and would, therefore, result in a lesser noise level at residential locations.)

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Brenda Ramirez at (951) 955-0873, or E-mail at brramire@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 4-0, CONTINUED the project to August 14, 2008. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

VII. 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 4.2: TIME IS 9:11 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

- I. **AGENDA ITEM 4.3: ZAP1049MA08 – Oakmont Ramona Expressway, LLC/Oakmont Industrial Group, LLC** (Representative: Kurt Schlyer) – City Case No. DPR 07-0029 – Development of five industrial buildings with a total building area of up to 1,611,000 square feet (including 90,907 square feet of office area) and 1,417 parking spaces on 81.92 – 87 acres located northerly of Ramona Expressway, southerly of Markham Street, easterly of Brennan Avenue, and westerly of Barrett Avenue in the City of Perris. Most of the project site is located westerly of Indian Street. Airport Area I (Accident Potential Zones I and II). (Continued from May 8, and June 12, 2008).

II. **MAJOR ISSUES**

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

III. **STAFF RECOMMENDATION (Staff Report)**

Staff recommends that *this item be CONTINUED to August 14, 2008, to allow time for the March Joint Powers Authority to receive a reply from the United States Air Force to its request for a clarification of the intent of the lot coverage reference in the AICUZ Appendix. If the Commission wishes to make its determination based on staff’s interpretation of the provisions of the AICUZ study, a determination of INCONSISTENCY should be made, on the basis of the lot coverage exceeding 20 percent of lot area. (In the event that the Commission wishes to act solely pursuant to the 1984 Riverside County Airport Land Use Plan, staff would note that the project is consistent with that Plan, considered alone. The project is not consistent with the Draft March Joint Land Use Study criteria, as presently proposed.)*

UPDATE: Since the May 8 public hearing, Michael Johnson, Vice President of Oakmont Industrial Group, has submitted an e-mail with attached memorandum to staff and the members of the Commission in support of the position that: (a) the 20% lot coverage limit should only apply to buildings with high densities of people in APZ II; (b) the land use compatibility guidelines are intended to be “sufficiently flexible to allow reasonable economic use of the land, such as industrial/manufacturing...[and]...wholesale trade”; and (c) the 20% lot coverage limit would

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

render light industrial and manufacturing uses infeasible, thereby either prohibiting the economic use of the land or resulting in the establishment of higher occupancy buildings within a concentrated area. Mr. Johnson also notes in his e-mail that the AICUZ study does not reference the words "emergency landing." Mr. Johnson concludes that the proposed project is "exactly what is called for in the AICUZ document" and "completely compatible...with the intent of the AICUZ study when properly interpreted." This is consistent with previous oral and written communications from the applicant's consultant, Kurt Schlyer of Golder Associates, Inc.

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

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

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

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

IV. PROJECT DESCRIPTION

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

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 4-0, **CONTINUED** the project to August 14, 2008. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

VII. 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 4.3: TIME IS 9:11 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

- I. **AGENDA ITEM 5.1: ZAP1051MA08 – City of Perris.** The City requests that the Airport Land Use Commission review the City’s updated General Plan (as approved by the Perris City Council in April, 2005) and issue its determination regarding the Plan’s consistency with applicable Airport Land Use Compatibility Plans.
- II. **MAJOR ISSUES**
The General Plan Land Use Map provides for residential development at densities greater than one dwelling unit per 2.5 acres within Airport Area II of the March Air Reserve Base Airport Influence Area.
- III. **STAFF RECOMMENDATION**
Staff recommends a finding of INCONSISTENCY with the 1984 Riverside County Airport Land Use Plan, as applied to March Air Reserve Base.
- IV. **PROJECT DESCRIPTION**
The City of Perris requests that the Airport Land Use Commission review the City’s updated General Plan (as adopted by the Perris City Council on October 25, 2005) and issue its determination regarding the Plan’s consistency with applicable Airport Land Use Compatibility Plans.
- 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 4-0, found the project INCONSISTENT.
Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.
- VII. **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 5.1: TIME IS 9:13 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

I. **AGENDA ITEM 5.2: ZAP1027FV08 – French Valley Energy Partners/Ramco Engineering Two, Inc.** – (Representative: MDMG Inc./James Bach) - Jurisdiction: State of California Energy Commission. A proposal to develop and operate a natural gas powered peak generating facility (to supply power to the area power grid during peak periods) on a 20-acre site with an address of 30820 Borel Road, located northerly of Borel Road, westerly of Leon Road, and easterly of French Valley Airport, in the unincorporated Riverside County community of French Valley. Airport Zone D.

II. **MAJOR ISSUES**

The effect of turbulence produced by invisible plumes during plant operations is a major concern. Other than turbulence and wind shear concerns, the project meets all criteria for consistency.

III. **STAFF RECOMMENDATION (Staff Report)**

Staff recommends that the Commission authorize a letter requesting that the issues of turbulence and, if applicable, wind shear, be addressed in the forthcoming Environmental Impact Report, and recommends that the Commission open the public hearing, consider testimony, and CONTINUE this matter to August 14, 2008, to allow further study as to whether the proposed project would constitute a hazard to flight. Alternatively, the Commission may choose to continue the matter off-calendar pending completion of the Draft EIR. If the Commission selects this option, staff would request that the Commission provide the applicant with guidance as to its expectations for evidence demonstrating that the project will not be a hazard to flight. (Note: This recommendation may change as communications continue; additional information was received on July 1 and is being circulated to EDA-Aviation and Mead & Hunt.)

**STAFF RECOMMENDED AT HEARING
CONSISTENT**

IV. **PROJECT DESCRIPTION**

The project proposes to develop and operate a natural gas powered peak generating facility to supply power to the area power grid during peak periods. The maximum height above ground level will be seventy (70) feet. The State of California Energy Commission is the lead agency on this matter, and will be responsible for the environmental review process.

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.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

- (c) Any use which would generate visible 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, and highly noise-sensitive outdoor uses.
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. The facility will be designed and operated, based on model results, so as not to exceed the FAA light turbulence classification (less than 1200 feet per minute [FPM]) at 500 feet above the stacks.
 5. The maximum height of the proposed stacks, including any roof-mounted equipment, emission controls, and obstruction lighting, shall not exceed seventy (70) feet above ground level, and the maximum elevation at the top point shall not exceed 1,414 feet above mean sea level.
 6. The Federal Aviation Administration has conducted aeronautical studies (Aeronautical Study Nos. 2008-AWP-3023-OE, 2008-AWP-3024-OE, 2008-AWP-3025-OE, and 2008-AWP-3026-OE), and has determined that neither marking nor lighting of the proposed structures is necessary for aviation safety. However, the applicant has agreed (in consultation with the airport operator, the Riverside County Economic Development Agency – Aviation Division) to install FAA-approved lighting on all stacks and to install orange balls on those segments of the new on-site electrical transmission lines where the airport operator deems such installation to be beneficial for aviation safety. Such lighting and/or marking shall be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 K, Change 2.
 7. The heights of the proposed stacks (4-8) shall not be amended, and their heights shall not be increased, without further review by the Airport Land Use Commission and the Federal Aviation Administration.
 8. Temporary construction equipment used during actual construction of the stacks and buildings shall not exceed the height of the proposed stacks, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

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.

The following spoke in favor of the project:

Chad Davies, EDA Aviation, 1325 Spruce Street, STE 400, Riverside, CA 92507

Kent Fickett, French Valley Energy Partners, 8 El Seveno, Orinda, CA

Marshall Graves, Ramco Generating, Orinda, CA (In support of Kent Fickett)

Larry Markham, MDMG, 41635 Enterprise Circle N., STE B, Temecula, CA 92590

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a unanimous vote of 4-0, found the project **CONSISTENT**, subject to the conditions in the staff report, as modified in accordance with the applicant's proposed amendments, and with the additional lighting and marking offered by the applicant. Absent: Chairman Simon Housman, Commissioners Robin Lowe and Glen Holmes.

VII. 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 5.2: TIME IS 9:34 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JULY 10, 2008
RIVERSIDE MEETING**

I. AGENDA ITEM 6.0: ADMINISTRATIVE ITEMS

- 6.1 Chino Airport Land Use Compatibility Plan Schedule - John Guerin, Principal Planner, advised that staff plans to schedule the public hearing for September 11, 2008.
- 6.2 Director's Approvals – Information only.
- 6.3 Notice of Intent to Overrule – Stetson Crossing (City of Hemet) – ZAP1012HR08
John Guerin, Principal Planner, advised that the City had issued its Notice of Proposed Overrule. Vice Chairman Rod Ballance commented that he would attend the meeting at the City of Hemet if available on the hearing date.

II. AGENDA ITEM 7.0: APPROVAL OF MINUTES:

Commissioner Melanie Fesmire motioned to approve the June 12, 2008 minutes. Seconded by Commissioner John Lyon. (Vote 4-0). Absent: Commissioners Glen Holmes, Robin Lowe and Chairman Simon Housman.

III. AGENDA ITEM 8.0: ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

Vice Chairman Rod Ballance informed the Commission that the City of Riverside's Airport is now digital, with operational VOR, new pilot's lounge furniture, lobby furniture, elevator and resurfacing of parking.

Ed Cooper, Director, announced that John Guerin's mother had recently passed away, and thanked John for his dedication to his work and participation in the meeting.

IV. AGENDA ITEM 9.0: COMMISSIONER'S COMMENTS

None

V. ADJOURNMENT

Commissioner Melanie Fesmire adjourned the meeting at 10:42 a.m. Seconded by Commissioner Arthur Butler.

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 6.0: TIME IS 10:29 A.M.