

**AIRPORT LAND USE COMMISSION
MINUTE ORDER DECEMBER 11, 2008
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on December 11, 2008 at the Riverside County Administration Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Rod Ballance, Vice Chairman
Arthur Butler
Melanie Fesmire
Robin Lowe
Glen Holmes
John Lyon

COMMISSIONERS ABSENT:

STAFF PRESENT: Ed Cooper, Director
Brenda Ramirez, Contract Planner
Barbara Santos, ALUC Secretary
BT Miller, County Counsel

OTHERS PRESENT: Patricia Brenes, City of Riverside
Michael Btuou, Other Interested Person
Sandra Chandler, Applicant Representative
Jeffrey Chu Diing Tung, Other Interested Person
Larry Markham, MDMG for FV Crossings L.P.
Emilio Ramirez, EDA Director of Affordable Housing
David L. Tomblin, Copper Kettle LTD.
Tobin Zhou, Other Interested Person
Richard Zimmer, City of Murrieta

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

II. **MAJOR ISSUES**

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

III. **STAFF RECOMMENDATION**

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

IV. **PROJECT DESCRIPTION**

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

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

CONDITIONS: (Revised Amended Conditions from ALUC Commission Hearing Dated 12/11/08)

1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
2. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.

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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. (Such uses include landscaping utilizing water features, aquaculture, livestock operations, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, incinerators, and landfills.)
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, hospitals, nursing homes, and highly noise-sensitive outdoor nonresidential uses, and, in the structures located partially or wholly in Compatibility Zone C, libraries and day care centers.
3. The Riverside County Planning Department shall require additional review by the Airport Land Use Commission prior to the establishment of any use other than offices, manufacturing, storage, and warehousing within the proposed buildings. Examples of uses that would require further review include, but are not limited to:
- Retail sales, auction rooms, auditoriums, churches and chapels, dance floors, day care or child care centers, libraries, lodge rooms, reviewing stands, conference rooms with capacities of 25 or more persons, dining rooms, exhibit rooms, restaurants, drinking establishments, gymnasiums, lounges, stages, gaming, bowling alleys, classrooms, courtrooms, dormitories, swimming pools, skating rinks, locker rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet (minimum square feet per occupant less than 100) pursuant to the edition of the Building Code in effect at the time of land use or building permit application, as applicable.
- These uses have greater intensity than the uses indicated on the plot plan and may not be possible within the single-acre intensity limits of the applicable Compatibility Zone.
- 4. **Any changes in locations of buildings for those shown on the exhibits prepared, dated 8-27-08, which does not alter the density within any single airport use zone or the open space area.**
 - 5. The attached notice shall be provided to all potential purchasers and tenants, and shall be recorded as a deed notice.
 - 6. Office areas within the proposed buildings, **except for Buildings 13 and 14**, shall be limited to the maximum square footage areas identified on the plot plan exhibit prepared by Albert A. Webb Associates dated August 27, 2008 and specified for each building as follows: Building 1 - 3,438 square feet; Building 2 - 4,063 square feet; Building 3 - 3,293 square feet; Building 4 - 3,488 square feet; Building 5 - 3,518 square feet; Building 6 - 2,191 square feet; Building 7 - 1,582 square feet; Building 8 - 2,422 square feet; Building 9 -

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1,150 square feet; Building 10 – 5,688 square feet; Building 11 – 4,836 square feet; Building 12 – 5,650 square feet.

7. The filtration trench, if uncovered, shall be designed so as to provide for a detention period for the design storm that does not exceed 48 hours (may be less, but not more) and to remain totally dry between rainfalls. Vegetation in and around the filtration trench that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Landscaping shall utilize plant species that do not produce seeds, fruits, or berries. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
8. A minimum of 9.04 acres of open areas as defined by Countywide Policy 4.2.4 of the 2004 Riverside County Airport Land Use Compatibility Plan shall be provided on-site (inclusive of the 78-foot industrial collector roadways), of which not less than 7.42 acres shall be located within the portion of the site within Compatibility Zone C. Such open areas, **including the 78-foot industrial collector roadways**, shall have a minimum width of 75 feet and a minimum length of 300 feet, and shall not be obstructed by walls, trash enclosures, large trees or poles greater than 4 inches in diameter at a height greater than 4 feet, or overhead wires.
9. **A minimum width of 75 feet by a minimum length of 300 feet, within the 78-foot industrial collector roadways, shall not permit parking on these roadways, street lights, or trees greater than four feet in height.**
10. The open areas exhibit submitted to the Airport Land Use Commission by Albert A. Webb and Associates on November 13, 2008 and included in this packet depicts six acres within parking and building frontage areas as meeting open area requirements. All uses within these areas, such as landscaped planters, bike racks, focal points, and break areas, shall comply with the requirements of Policy 4.2.4 as referenced above. Walls, trash enclosures, and trees and light fixtures greater than four feet in height shall not be permitted in this area.

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.

The following spoke in favor of the project:

Sandra Chandler, Applicant Representative, 3788 McCray Street, Riverside, CA 92503

Michael Btiou, Other Interested Person, 18201 Vou Karman, Irvine, CA

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

1. The ALUC Commission, by a unanimous vote of 7-0 found the project **CONSISTENT** as amended with revised conditions 4, 8 and 9 and the deletion of Condition 11 which was added to the recommendation, and no change to Condition 10.

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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 9:30 A.M.

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

II. **MAJOR ISSUES**

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

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

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

III. **STAFF RECOMMENDATION**

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

UPDATE I: Following the October ALUC hearing and mailing of the Commission’s determination to the owners of all the affected parcels, one of the recipient landowners called ALUC staff to advise that he had never received a hearing notice. Staff reviewed the labels provided by the City and confirmed that the label with the name of the entity owning the property had a city, but no street address or box number, and the notice had, therefore, been returned to ALUC as undeliverable. ALUC staff advised him to call the City. The City then requested that the matter be advertised and reconsidered at the December 11 hearing, in order to allow the property owner and all other affected property owners to comment on the proposal.

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IV. PROJECT DESCRIPTION

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

General plan amendments and rezoning are not subject to conditions.

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.

The following spoke in favor of the project:

Patricia Brenes, City of Riverside, 3900 Main Street, Riverside, CA 92522

The following spoke in opposition to the project:

Jeffrey Chu Diing Tung, Other Interested Person, 10102 Gould Street

David L. Tomblin, Copper Kettle Ltd., Torrance, CA 90505

Tobin Zhou, Other Interested Person, 19636 Stallion Circle, Walnut, CA 91789

No one spoke in neutral of the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission, by a vote of 5-2, found the project **CONDITIONALLY CONSISTENT (GPA); CONSISTENT (Change of Zone)**. Opposed: Commissioners Robin Lowe and Glen Holmes.

VII. CD

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ITEM 3.1: TIME IS 9:46 A.M.

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- I. **AGENDA ITEM 4.1:** ZAP1031BD08 – Richard Warfield and Robert Wright (Representative: Lench Design Studio, Inc) – County Case No. CZ07677 (Change of Zone). A proposal to change the existing zoning from R-1-12,000 (One Family Dwelling, 12,000 square foot minimum lot size) to M-SC (Manufacturing-Service Commercial) on two parcels located easterly of Adams Street, northerly of Cliff Street, and southerly of 41st Avenue, in the unincorporated Riverside County community of Bermuda Dunes. Airport Compatibility Zones B1, B2, and C.
- II. **MAJOR ISSUES**
None.
- III. **STAFF RECOMMENDATION**
Staff recommends a finding of CONSISTENCY for the change of zone, subject to the conditions specified herein to be applied to the associated plot plan.
- IV. **PROJECT DESCRIPTION**
The applicant proposes to change the zoning from R-1-12,000 (One Family Dwelling, 12,000 square foot minimum lot size) to M-SC (Manufacturing-Service Commercial) to allow for a proposed contractor's storage yard and nursery on the two parcels totaling approximately 4.56 acres.

CONDITIONS: (to be applied to the Plot Plan)

1. The following uses shall be prohibited:
 - (a) Any use which would direct a steady light or flashing light of red, white, green, or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at an airport, other than an FAA-approved navigational signal light or visual approach slope indicator, or such red light obstruction marking as may be permitted by the Federal Aviation Administration.
 - (b) Any use which would cause sunlight to be reflected towards an aircraft engaged in an initial straight climb following takeoff or towards an aircraft engaged in a straight final approach towards a landing at an airport.
 - (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landfills, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, incinerators, composting operations, fly ash disposal, wastewater management facilities, artificial marshes, production of cereal grains, sunflower, and row crops, livestock operations, aquaculture, and landscaping utilizing water features.
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
 - (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of

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worship, highly noise-sensitive outdoor nonresidential uses, and aboveground bulk storage of 6,000 gallons or more of hazardous or flammable materials, and critical community infrastructure facilities.

2. Prior to issuance of building permits, the landowner shall convey an avigation easement to Bermuda Dunes Airport, which shall be recorded. Copies of the avigation easement, upon recordation, shall be forwarded to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.
3. Noise attenuation measures shall be incorporated into any office areas of the building construction to ensure a minimum noise level reduction of 25dB, so as to reduce interior noise levels from aircraft operations to 45 CNEL or below.
4. Any outdoor lighting that is installed shall be hooded or shielded so as to prevent either the spillage of lumens or reflection into the sky, and shall comply with Riverside County Ordinance No. 655, as applicable.
5. The retention basin shall be designed so as to provide a maximum 48-hour detention period for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
6. Prior to the issuance of building permits for any new building or structure on the site, the applicant shall file a Notice of Proposed Construction or Alteration (Form 7460-1) with the Federal Aviation Administration (FAA) for such structure, and shall have received a determination of "No Hazard to Air Navigation" from the FAA. Copies of the FAA determination shall be provided to the Riverside County Planning Department (Desert office) and to the Riverside County Airport Land Use Commission.

V. MEETING SUMMARY

The following staff presented the subject proposal:

ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0549, 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 vote of 6-1, found the project **CONSISTENT**. Opposed by Chairman Simon Housman.

VII. CD

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ITEM 4.1: TIME IS 10:18 A.M.

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I. **AGENDA ITEM 4.2:** ZAP1030FV08 - FV Crossings, LP – City Case No. DPO-004-249 (Development Plan) A proposal to develop a nine-building, 69,730 square foot retail commercial center on 11.05 net acres (13.74 gross acres) of land located northwesterly of Winchester Road, westerly of the new alignment of Clinton Keith Road at its intersection with Winchester Road, and southerly of Porth Road in the City of Murrieta. Airport Compatibility Zones B1 and C.

II. **MAJOR ISSUES**

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

III. **STAFF RECOMMENDATION**

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

IV. **PROJECT DESCRIPTION**

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

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.

The following spoke in favor of the project:

Larry Markham, MDMG for FV Crossings L.P., 41635 Enterprise Circle N, STE B, Temecula, CA 92590

Richard Zimmer, City of Murrieta, 26442 Beckman Ct., Murrieta, CA 92562

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 January 8, 2009 with the consent of the applicant.**

VII. **CD**

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ITEM 4.2: TIME IS 10:21 A.M.

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I. AGENDA ITEM 5.0: ADMINISTRATIVE ITEMS

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

BT Miller, County Counsel reported after meeting with ALUC staff and communicating with our consultant Mead and Hunt, Policy 3.3.2.(a) would not apply to this project, but would apply under the 3.3.6 special conditions, under which the Commission would consider, if and when this project came before it. Emilio Ramirez, Director of Affordable Housing, Riverside County EDA commented that with the direction and comfort they received from the ALUC Commission and staff, they will move forward with the project and bring it back to the Commission in the future.

5.2 Director's Approvals – Information Only

II. AGENDA ITEM 6.0: APPROVAL OF MINUTES:

Vice Chairman Rod Ballance motioned to approve the November 13, 2008 minutes. Seconded by Commissioner Robin Lowe. Abstained: Commissioner Melanie Fesmire. Vote 6-0.

III. AGENDA ITEM 7.0: ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

Brenda Ramirez, ALUC Contract Planner informed the Commission that we received a letter notification of overruling from the City of Hemet, ZAP1016HR08, Rancho Diamante 2. The Hemet City Council Hearing will not be scheduled until after January 2009.

Vice Chairman, Rod Ballance thanked Ed Cooper, ALUC Director on an e-mail he sent regarding a newspaper article (airplane crash in a San Diego neighborhood) that happened on Monday, December 8, 2008. He also commented on the City of Perris overruling our decision, and stated that electives and developers need to realize that things happen and should be teachable moments to all.

IV. AGENDA ITEM 8.0: COMMISSIONER'S COMMENTS

Chairman Housman and the Commission extending their heart felt support for John Guerin, ALUC Principal Planner for a quick recovery. Ed Cooper, ALUC Director informed the Commission that Mr. Guerin broke his right arm and will be out of the office for a month. He also informed the Commission that the March JPA is delaying the second meeting on the draft JLUS, the meeting scheduled for Monday, December 15th is now cancelled and will be pushed back to January 2009. Chairman Housman commented that he and Vice Chairman Rod Ballance would like to attend the March JPA meeting in January 2009.

V. ADJOURNMENT

Chairman Housman adjourned the meeting at 11:20 a.m.

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VI. CD

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ITEM 5.0: TIME IS 10:52 A.M.