

**AIRPORT LAND USE COMMISSION
MINUTE ORDER MAY 2, 2011
RIVERSIDE SPECIAL MEETING**

A special meeting of the Airport Land Use Commission was held on May 2, 2011 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Arthur Butler
Glen Holmes
John Lyon
Dan Olson, alternate for Rod Ballance
Richard Stewart
Sam Toles, alternate for Greg Pettis

COMMISSIONERS ABSENT: Rod Ballance
Greg Pettis

STAFF PRESENT: Ed Cooper, Director
John Guerin, Principal Planner
Russell Brady, Contract Planner
Barbara Santos, ALUC Secretary
BT Miller, ALUC Counsel

OTHERS PRESENT: Patricia Brenes, City of Riverside
Anthony Gonzalez, Other Interested Person
Jennifer Guenther, Project Representative
Mike Salmon, Other Interested Person
Erik Sydow, Riverside County EDA

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- I. **AGENDA ITEM 2.1:** ZAP1053RI11 – Walmart/Gresham Savage Nolan & Tilden (Representative: Nasland Engineering) – City Case No. P09-0600 (Design Review). A proposal for expansion of an existing Wal-Mart store located at 5200 Van Buren Boulevard (on the west side of Van Buren, southerly of Philbin Avenue and northerly of Wells Avenue and Colorado Avenue) in the City of Riverside. The existing building has a gross floor area of 131,127 square feet, including a Garden Center and a Tire Lube Express. The store will be expanded by approximately 22,272 square feet to provide for fresh grocery items and relocation of the Garden Center. The Tire and Lube Express facility will be removed. (Airport Compatibility Zones D and E of the Riverside Municipal Airport Influence Area).

II. **MAJOR ISSUES**

Use of the Building Code Method with concentrations of people determined in accordance with Appendix C indicates an average intensity of 136 persons per gross acre and a single-acre intensity of 726 persons in the most intensely used acre area of the property. (This most intensely used acre is located within the existing building.) The average intensity is consistent if the Parking Space Method is used, but, given the expansive retail sales area, the single-acre intensity exceeds the Countywide criteria applicable in this Airport Influence Area (300 persons per acre) even if alternative assumptions (e.g., one person per 110 or 115 square feet of gross floor area) are used. With use of the alternative assumption of one person per 115 square feet of gross floor area, the single-acre intensity is less than 30 percent beyond the Zone D maximum and, therefore, could be acceptable if a full risk-reduction design credit is granted. The proposal would add additional intensity in a situation where the existing use (which was determined to be consistent with the then-existing Comprehensive Land Use Plan in 1992) does not conform to 2005 Compatibility Plan limitations. Revised floor plans depicting the reconfigured individual uses within the existing building would be necessary to enable calculation of single-acre intensities.

The project engineer has submitted a plan demonstrating that it would be possible to establish up to four areas of 75 feet by 300 feet in the parking lot of the project without intervening light fixtures or trash enclosures. However, City parking lot shading requirements may make strict conformance to ALUC open area requirements infeasible.

Another item for consideration is that, if the building expansion is considered to be the project and the parking lot is considered to be an existing use, it would not be subject to open area requirements, which only apply to projects 10 acres or greater in area.

III. **STAFF RECOMMENDATION**

Staff recommends a CONTINUANCE to May 12, 2011, pending submittal of the requested floor plan. If this information is provided prior to the hearing, staff may be able to provide updated intensity calculations and amend its recommendation at that time.

STAFF RECOMMENDED AT HEARING

INCONSISTENT; however Commission could consider Section 3.3.6.

IV. **PROJECT DESCRIPTION**

P09-0600 is a proposal for expansion of the existing Wal-Mart store at 5200 Van Buren Boulevard. The existing building has a gross floor area of 131,127 square feet, including a Garden Center and a Tire Lube Express. The store will be expanded by approximately 22,272 square feet (increasing the total square footage to 153,399 square feet) to provide for fresh grocery items and relocation of the Garden Center. The Tire and Lube Express facility will be removed. The overall site area is 13.73 acres in size.

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On May 2, 2011, the Riverside County Airport Land Use Commission (ALUC) determined (by a 5-2 vote) that, while the expanded Wal-Mart facility is not in conformance with the single-acre intensity criteria set forth in the 2004 Riverside County Airport Land Use Compatibility Plan (2004 RCALUCP), the project is **CONDITIONALLY CONSISTENT** with the 2005 Riverside Municipal Airport Land Use Compatibility Plan (RMALUCP), subject to the City of Riverside granting a 26% risk reduction intensity bonus, and may be allowed to occur based on the provisions of Policy 3.3.6 (Other Special Conditions) of the Countywide Policies of the 2004 RCALUCP, based on the following findings of fact and subject to the following conditions:

FINDINGS OF FACT:

- a. The existing Wal-Mart was found consistent by the Commission in 1992, based on the Plan adopted at that time.
- b. The Wal-Mart is expanding by approximately 17% of the existing floor area and would thus not substantially alter the building footprint, use on the site, or site topography.
- c. The project is adjacent to a large arterial roadway, Van Buren Boulevard, which could act as an emergency touchdown location.
- d. The applicant has demonstrated that their design will accommodate risk reduction measures that will limit the hazard to building occupants in the potential occurrence of an aircraft accident on site.
- e. If only the expansion's intensity were considered, separate of the existing building, the project may be found consistent pursuant to the existing Plan.
- f. As the Plan states, utilization of the building code method may overestimate potential intensity levels. If the project would utilize a standard of 1 person/115 total gross building square feet, as is currently specifically utilized for French Valley, Chino, and Perris Valley airports, the project may be found consistent, provided a minimum of 26% risk reduction intensity bonus is granted by the City of Riverside.

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, visual approach slope indicator, or FAA-approved obstruction lighting.
 - (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.

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- (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 2. The attached notice shall be provided to all potential purchasers of the property and tenants of the buildings.
- 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. All outdoor lighting shall be downward facing.
- 4. Any new retention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.
- 5. The project shall incorporate the risk reduction measures into the final building design as were detailed in their letter [i.e., the letter from Gresham Savage Nolan & Tilden] dated April 26, 2011.

V. **MEETING SUMMARY**

The following staff presented the subject proposal:

ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.

The following spoke in favor of the project:

Anthony Gonzalez, Other Interested Person, 1527 9th Avenue, San Diego, CA 92101

Jennifer Guenther, Project Representative, 550 E. Hospitality Lane, San Bernardino, CA

Mike Salmon, Other Interested Person, 111 W. Ocean Blvd, Suite 2100, Long Beach, CA 90802

The following spoke neither for or against the project, but added information to the decision making process:

Patricia Brenes, City of Riverside Planning, Riverside, CA

No one spoke in opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a vote of 5-2 found the project **CONDITIONALLY CONSISTENT** under Section 3.3.6 Special Conditions. Commissioners Holmes and Toles, (alternate for Pettis) voted no.

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 9:04 A.M.

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I. **AGENDA ITEM 3.1:** ZAP1019FL11 – Redevelopment Agency for the County of Riverside (Representative: Albert A. Webb and Associates) – County Case Nos.: GPA 01108 (General Plan Amendment), CZ 07758 (Change of Zone), and CUP 03665 (Conditional Use Permit). The project site consists of 29.02 acres located southerly of Mission Boulevard, easterly of Riverview Drive, northerly of 42nd Street /Tilton Avenue, and westerly of Leigh Street in the community of Rubidoux. At present, the site includes 16.68 acres zoned R-VC (Rubidoux-Village Commercial), 6.79 acres zoned R-3-2500, and 5.55 acres zoned C-1/C-P. CZ 07758 would change the zoning to 15.31 acres of C-1/C-P (General Commercial) and 13.71 acres of R-3 (General Residential). CUP 03665 would redevelop the 15.31 acres in the northerly portion of the site by providing for the establishment of new structures with a total area of 118,683 square feet, including a 50,000 square foot supermarket with adjacent retail shops and five freestanding structures/building pads. GPA 01108 would amend Jurupa Area Plan designations on 14.1 acres (from 12.34 acres of High Density Residential and 1.76 acres of Commercial Retail to 13.71 acres of Very High Density Residential and 0.39 acres of Commercial Retail). (Zone D of Flabob Airport Influence Area).

II. **MAJOR ISSUES**

The project site currently accommodates a commercial center with parking area. Redevelopment of the site is occurring. If the commission were to consider the parking area a relatively unchanged existing use, they may waive the open area requirements of Zone D. In order to meet average intensity and single-acre intensity limits of Zone D, maximum intensity in the two retail buildings adjacent to the market will need to be limited.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the Change of Zone and General Plan Amendment and a finding of CONDITIONAL CONSISTENCY, subject to the conditions specified herein, including the occupancy limitations, for the Conditional Use Permit.

IV. **PROJECT DESCRIPTION**

CZ 07758 would change the zoning to 15.31 acres of C-1/C-P (General Commercial) and 13.71 acres of R-3 (General Residential). CUP 03665 would redevelop the 15.31 acres in the northerly portion of the site by providing for the establishment of new structures with a total area of 118,683 square feet, including a 50,000 square foot supermarket with adjacent retail shops and five freestanding structures/building pads. GPA 01108 would amend Jurupa Area Plan designations on 14.1 acres from 12.34 acres of High Density Residential and 1.76 acres of Commercial Retail to 13.71 acres of Very High Density Residential and 0.39 acres of Commercial Retail.

CONDITIONS:

1. 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.
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, 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

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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 landscaping utilizing water features, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, and incinerators..
 - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
3. This finding of conditional consistency is based upon the site plan dated 3/28/11. Any changes in the locations, heights, layout, or intended use of buildings shall be subject to further review by the Airport Land Use Commission as an amended project.
4. The following occupancy and use area limits are applicable to the buildings shown on the site plan reviewed by the Airport Land Use Commission, dated 3/28/11.
- (a) Retail 1 shall have a posted maximum occupancy of 200 people.
 - (b) Retail 2 shall have a posted maximum occupancy of 175 people.
 - (c) Pad 1 shall have a maximum serving area of 1,900 square feet.
 - (d) Pad 2 shall have a maximum serving area of 3,000 square feet.
5. The County of Riverside (and/or its successor-in-interest) shall either prohibit the following uses in the area covered by this Conditional Use Permit, or shall require additional review by the Airport Land Use Commission prior to establishment of any of the following uses in any of the structures proposed through this Conditional Use Permit:
- Auction rooms, auditoriums, churches and chapels, dance floors, lodge rooms, reviewing stands, gaming, bowling alleys, and other uses that would be considered to have an occupancy level greater than one person per 15 square feet (minimum square feet per occupant less than 15) pursuant to the California Building Code (1998) Table 10-A (Table C-1 of Appendix C of the Riverside County Airport Land Use Compatibility Plan).
6. The following uses shall require additional review by the Airport Land use Commission prior to being established in any of the new buildings constructed pursuant to this Conditional Use Permit, other than the buildings on the sites labeled as "Pad 1" and "Pad 2" on the site plan dated 3/28/11:
- Restaurant serving area (dining areas and areas open to public use, other than corridors and restrooms) exceeding 300 square feet in area, conference rooms, drinking establishments, exhibit rooms, gymnasiums, lounges, stages, classrooms, skating rinks, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet, but not greater than one person per 15 square feet, pursuant to the California Building Code (1998) Table 10-A (Table C-1 of Appendix C of the Riverside County Airport Land Use Compatibility Plan).

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7. The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the buildings, and shall be recorded as a deed notice.
8. Any new retention basins on the site shall be designed so as to provide for a maximum 48-hour detention period following the conclusion of the storm event for the design storm (may be less, but not more), and to remain totally dry between rainfalls. Vegetation in and around the retention basin(s) that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping.

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. and Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org.

The following spoke in favor of the project:

Erik Sydow, Riverside County EDA, Riverside, CA

No one spoke in neutral or opposition to the project.

VI. ALUC COMMISSION ACTION

The ALUC Commission by a unanimous vote of 7-0 found the project **CONSISTENT** for the Change of Zone and General Plan Amendment and **CONDITIONALLY CONSISTENT** for the Conditional Use Permit.

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 9:44 A.M.

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I. **4.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**
None

II. **5.0 COMMISSIONER'S COMMENTS**
Chairman Housman thanked all the Commissioners for attending the special meeting.

III. **ADJOURNMENT**
Chairman Housman adjourned the meeting at 9:50 A.M.

IV. **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 4.0: TIME IS 9:50 A.M.