

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

A regular scheduled meeting of the Airport Land Use Commission was held on January 10, 2013 at the Riverside County Administrative Center, Board Chambers.

COMMISSIONERS PRESENT: Simon Housman, Chairman
Rod Ballance, Vice Chairman
Arthur Butler
John Lyon
Paul Lewin, alternate for Greg Pettis
Richard Stewart

COMMISSIONERS ABSENT: Greg Pettis
Glen Holmes

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

OTHERS PRESENT: Robert Eppers, California Pilots
Stan Heaton, Temecula Engineering Consultants
Jay Stables, Other Interested Person

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

- I. **AGENDA ITEM 2.1:** ZAP1049FV12 – French Valley Airport Center (Representative: Stan Heaton, Temecula Engineering Consultants) – County Case Nos. PP25183 (Plot Plan) and PM33691, Revised No. 1 (Revised Parcel Map). PM33691, Revised Map No. 1 is a proposal to divide 82.74 acres located southerly of Auld Road, westerly of Leon Road, southerly and westerly of the Southwest Justice Center, easterly of French Valley Airport, and northerly of Jolynn Road and Allen Road in the unincorporated Riverside County community of French Valley into 11 parcels for office/business park/industrial uses, plus open space lots (18.9 acres). Plot Plan No. 25183 is a proposal to develop up to 59 buildings with a combined gross floor area of 331,083 square feet. (Compatibility Zones A, B1, B2, and D of the French Valley Airport Influence Area; plot plan in Zones B2 and D). (Continued from October 11, 2012).

II. **MAJOR ISSUES**

Given the large number of buildings proposed through this plot plan, the Federal Aviation Administration (FAA) agreed to review the corner points of the project. Clearance has been given to the buildings at three of the four corner points, but a Notice of Presumed Hazard was issued for the fourth building (Building 3). This was based on inaccurate project data. A new Form 7460-1 has been submitted for Building 3 and has been issued Aeronautical Study Number 2012-AWP-8706-OE, which is currently listed as a “Work in Progress” by the FAA.

III. **STAFF RECOMMENDATION**

Staff recommends a finding of CONSISTENCY for the revised parcel map.

Staff recommends a finding of CONDITIONAL CONSISTENCY with the 2007 French Valley Airport Land Use Compatibility Plan, as amended in 2011, for the plot plan, subject to the conditions included herein and such additional conditions as may be necessary to comply with the requirements of the Federal Aviation Administration.

STAFF RECOMMENDED AT HEARING

CONSISTENCY for Parcel Map No. 33691, Revised No. 1 and Plot Plan No. 25183, subject to the revised conditions as provided today and included in this presentation.

IV. **PROJECT DESCRIPTION**

Parcel Map No. 33691, Revised Map No. 1, is a proposal to divide 82.74 acres into eleven parcels for office/business park/industrial development, plus open space lots (18.9 acres). Plot Plan No. 25183 is a proposal to develop 59 buildings with a combined gross floor area of 331,083 square feet on Parcels 2, 4, and 5 of the proposed Parcel Map.

CONDITIONS: Revised amended conditions as of 1/10/13

1. **[Applicable to plot plan]** The Federal Aviation Administration (FAA) has conducted aeronautical studies for each of the corner buildings in the project (Aeronautical Study Nos. 2012-AWP-7898-OE, 2012-AWP-7899-OE, 2012-AWP-7900-OE, and 2012-AWP-8706-OE) and has determined that neither marking nor lighting of the proposed structures is necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 K Change 2 and shall be maintained in accordance therewith for the life of the project.
2. **[Applicable to parcel map and plot plan]** Prior to recordation of a final map, issuance of building permits, or sale to a public entity, whichever occurs first, the property owner shall convey an avigation easement to the County of Riverside as owner-operator of French

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

Valley Airport, or shall provide documentation to the satisfaction of the Riverside County Airport Land Use Commission that such easement has already been conveyed and recorded. Contact the Riverside County Economic Development Agency at (951) 955-9802 for additional information.

3. **[Applicable to parcel map and plot plan]** 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. **[Applicable to parcel map and plot plan]** The following uses shall be prohibited throughout the project:
 - (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 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.
5. **[Applicable to parcel map and plot plan]** The following uses shall be prohibited within those portions of the project located in Compatibility Zones A, B1, and B2:

Children's schools, churches, chapels, and other places of worship, day care centers, hospitals, libraries, nursing homes, and aboveground bulk storage (greater than 6,000 gallons) of hazardous materials.
6. **[Applicable to plot plan]** This project analysis is based upon the site plan dated May 10, 2012 prepared by Architects Orange and is based upon each building or unit having only one habitable story. Any changes in the locations or heights of buildings shall be subject to further review by the Airport Land Use Commission as an amended project.
7. **[Applicable to plot plan]** The County of Riverside shall either prohibit the following uses, or shall require additional review by the Airport Land Use Commission prior to the establishment of any of the following uses in any of the structures proposed through this plot plan:

Auction rooms, auditoriums, bowling alleys, churches and chapels, classrooms, conference rooms, restaurant serving area (dining areas and areas open to public use, other than corridors and restrooms), dance floors, drinking establishments, exhibit rooms, gaming,

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

gymnasiums, lodge rooms, lounges, reviewing stands, skating rinks, stages, swimming pools, and other uses that would be considered to have an occupancy level greater than one person per 30 square feet (minimum square feet per occupant less than 30) pursuant to California Building Code (1998) Table 10-A.

8. **[Applicable to plot plan]** The following uses shall be prohibited except within those buildings located within Parcel 5 (identified as Buildings B-1 through B-16):

Retail sales, courtrooms, day care centers, dormitories, exercising rooms, health care facilities, libraries, locker rooms, and other uses that would be considered to have an occupancy level greater than one person per 100 square feet, but not greater than one person per 30 square feet, pursuant to California Building Code (1998) Table 10-A.

9. **[Applicable to parcel map and plot plan]** Noise attenuation measures shall be incorporated into the design of each building, as necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL. (Such noise attenuation will also assist in reducing noise from traffic on Winchester Road/State Highway Route 79.)

10. **[Applicable to parcel map and plot plan]** The attached notice shall be provided to all potential purchasers of the property and all potential tenants of the buildings.

11. **[Applicable to parcel map and plot plan]** Any new ground-level or aboveground water retention or detention basin(s) or facilities 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 such facilities that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.

In the event that the requirements of this condition cannot be met, the property owner shall work with the Riverside County Economic Development Agency and a qualified bird strike/wildlife hazard management consultant to prepare a Wildlife Hazard management Plan that is acceptable to both the airport operator and the United States Department of Agriculture Wildlife Services agency.

12. **[Applicable to parcel map]** Future development on Parcels 1, 3, 6, 7, 8, 9, 10, and 11 shall be subject to ALUC review in order to assure that intensity will be in accordance with the criteria of the French Valley Airport Land Use Compatibility Plan and (in the case of Parcel 1) that ALUC-qualified open area will be provided.

13. **[Applicable to plot plan]** The maximum height of structures, including all roof-mounted appurtenances (if any), shall not exceed 24 feet above ground level, and the maximum elevation at the top of any structure shall not exceed 1,388 feet above mean sea level.

14. **[Applicable to plot plan]** The specific coordinates, height, and top point elevations of the proposed structures 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 or elevation shall not require further review by the Airport Land Use Commission.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

15. **[Applicable to plot plan]** Temporary construction equipment used during actual construction of the buildings shall not exceed the height of the buildings (24 feet above ground level), unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.
16. **[Applicable to plot plan]** Within five (5) days after construction reaches its greatest height, FAA Form 7460-2, Notice of Actual Construction or Alt, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned.

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:

Stan Heaton, Temecula Engineering Consultants, 29377 Rancho California Road, Temecula, CA

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**

The ALUC Commission by a unanimous vote of 6-0 found the project **CONSISTENT** for Parcel Map No. 33691 and Plot Plan No. 25183 with revised amended conditions. Absent: Commissioner 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 9:03 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

I. **AGENDA ITEM 3.1:** ZAP1026HR12 – Dan and Alan Koby (Representative: Benjamin J. Stables III) – County Case No. CZ07764 (Change of Zone). A proposal to change the zoning of 45.07 acres located southerly of State Highway Route 74 at its intersection with Four Seasons Boulevard (easterly of Calvert Avenue, westerly of California Avenue, and northerly of Double Butte) from W-2 (Controlled Development Areas) to C-P-S (Scenic Highway Commercial) on 31.79 acres and R-3 (General Residential) on 13.28 acres. The proposed zoning is intended to bring the zoning of the site into consistency with its General Plan (Harvest Valley/Winchester Area Plan) land use designations of Commercial Retail and High Density Residential. (Area III of Hemet-Ryan Airport Influence Area).

II. **MAJOR ISSUES**
None

III. **STAFF RECOMMENDATION**
Staff recommends a finding of CONSISTENCY for the change of zone.

IV. **PROJECT DESCRIPTION**
CZ 7764 is a proposal to change the zoning of 45.07 acres from W-2 (Controlled Development Areas) to C-P-S (Scenic Highway Commercial) on 31.79 acres and R-3 (General Residential) on 13.28 acres. The proposed zoning is intended to bring the zoning of the site into consistency with its General Plan (Harvest Valley/Winchester Area Plan) land use designations of Commercial Retail and High Density Residential.

General plan amendments and changes of zone are not subject to conditions.

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:
Jay Stables, Other Interested Person, 27450 Ynez Road, Suite 110-13

No one spoke in neutral or opposition to the project.

VI. **ALUC COMMISSION ACTION**
The ALUC Commission by a unanimous vote of 6-0 found the project CONSISTENT. Absent: Commissioner 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 9:17 A.M.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

I. **4.0 ADMINISTRATIVE ITEMS**

Chairman Housman directed staff to plan the 2013 Commission Meeting Schedule with dark months in August and October.

II. **5.0 APPROVAL OF MINUTES**

The ALUC Commission by a vote of 5-0 approved the October 11, 2012 minutes. Absent: Glen Holmes; Abstain: Paul Lewin, alternate for Greg Pettis

III. **6.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

Ed Cooper, ALUC Director, provided an update regarding the status of Compatibility Plan development for the March Air Reserve Base and Hemet-Ryan Airport Influence Areas. With regard to March, the contract with a team of Mead & Hunt and ESA for preparation of the Environmental Impact Report was brought before the Riverside County Board of Supervisors on December 18. The total cost of the environmental impact review was beyond ALUC's financial ability to handle, so a "fair share" agreement was developed, with ALUC and each of the member agencies of the March Joint Powers Authority (including the JPA itself) paying 20% of the cost, split over two years. A Notice to Proceed has been issued to Mead & Hunt. The EIR preparation and adoption process is expected to take a year. Power Point slides of the EIR tasks and timeline were presented to the Commission. The consultants will provide a briefing to the Commission in the near future.

The State has awarded us a grant for preparation of a new Hemet-Ryan Airport Land Use Compatibility Plan. We issued a Request for Proposal, but only received responses from two vendors. Mead & Hunt's response was ranked highest. The City of Hemet participated in the evaluation, and City officials will continue to be engaged as the process moves forward. We have options to use either the composite zones approach, as we have been using, or individual safety and noise contour layers.

Robert Eppers of the California Pilots Association wished all a Happy New Year and shared information regarding a proposal for a power plant in the vicinity of Byron Airport (Contra Costa County), noting that general aviation airports remain threatened by power plant developers and others who believe that airports are "dead" or an easy target. California Pilots Association is exercising due diligence and continuing to fight such notions. The FAA is developing new rules and regulations regarding thermal plumes and power plants, and Cal Pilots Director Andy Wilson has been recognized as an approved intervenor by the California Energy Commission, so there is some hope.

Chairman Housman thanked Mr. Eppers for his, and his organization's, efforts on behalf of pilots and airports.

Vice Chairman Ballance thanked Mr. Cooper for the good news regarding March Air Reserve Base and Hemet-Ryan Airport.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

IV. **7.0 COMMISSIONER'S COMMENTS**

[heard prior to 6.0]

Commissioner Paul Lewin, alternate for Greg Pettis and a Palm Springs City Councilman, raised an issue regarding the cumulative impact of wind turbine aviation safety lighting. There is a large wind resource area at the western entrance to the Coachella Valley with thousands of wind turbines. The trend over the last decade has been to replace large numbers of small turbines with lesser numbers of larger and taller turbines. These newer, taller turbines are required to be lighted for aviation safety, but, as an elected official, he has been receiving reports that the flashing red lights on the turbines are confusing eastbound drivers in the evening. As drivers on Interstate 10 descend from the higher elevations of the San Gorgonio Pass to the lower elevations of the Coachella Valley, there are periods of time where the red lights are in line with traffic, such that motorists may mistakenly believe that they are approaching a railroad crossing, stalled vehicles, or a traffic stop. He suggested alternatives such as white lighting or some sort of shielding on the aviation safety lights so that they are visible to pilots above the wind farms, but not visible to motorists at ground level. He asked that staff facilitate a discussion with the County Planning Department.

Chairman Housman thanked Commissioner Lewin for his comments and promised to provide him some information on the lights and to consider his comments on the lighting in evaluating future wind energy projects.

John Guerin, ALUC staff, advised Commissioner Lewin that a handout has been provided to him with information regarding FAA lighting regulations that he may want to peruse. Commissioner Lewin acknowledged receipt of the FAA information and noted that he wanted to be on record with his concern, so that all present would be aware of it.

Vice-Chairman Ballance commented on a situation in the March Air Reserve Base Airport Influence Area, where an individual had purchased a property, but was not aware that his proposed use of the property would be inconsistent. The realtor had not disclosed that location within the AIA might affect his ability to establish the proposed use. The Air Force has commented that the proposed use is inconsistent with the AICUZ at that location, which is within an Accident-Potential Zone. This might involve an inconsistency finding and a potential City overrule down the line.

Chairman Housman suggested that the solution may be to adopt the March ARB ALUCP as soon as reasonably possible.

Chairman Housman thanked staff for an innovative, non-bureaucratic solution to a recent situation in Palm Springs. A firm was planning to develop a solar photovoltaic power plant in a portion of the City outside the Airport Influence Area designated Desert Areas. The City determined that this would require a general plan amendment to allow such facilities in the Desert Areas designation. In response to the City's notification of the proposed general plan amendment, staff responded that the amendment would require ALUC review, since portions of the Airport Influence Area in the City are designated Desert Areas, and the amendment would thus affect potential use of land within the AIA (even though this specific site was outside the AIA). Upon hearing from the project proponent that this would devastate the timeline, staff suggested that the amendment be modified such that solar energy facilities would be allowed in the Desert Areas designation "except for those areas in the Airport Influence Area." This modification was satisfactory to the City and the proponent, and will enable the amendment to proceed in the City without need for ALUC review.

**AIRPORT LAND USE COMMISSION
MINUTE ORDER JANUARY 10, 2013
RIVERSIDE MEETING**

Chairman Housman complimented Mr. Guerin on “cutting through red tape to keep the wheels moving smoothly.”

Vice-Chairman Ballance noted that the cases on the agenda may be a harbinger of better economic conditions. In response, Director Ed Cooper noted that, in his role as Deputy Director of the County’s Transportation and Land Management Agency, his responsibilities include overseeing completion of reports to the Executive Office on budgetary and economic situations and quarterly reports on development activity. For the first time since 2007, the County Planning Department received more major case and minor case applications in July-December than they had in the July-December period of the prior year. Some of the additional activity is attributable to conditional use permits for telecommunications facilities. Additionally, a multitude of building permit applications for roof top solar panel systems on residences has resulted in increased revenue for the Building and Safety Department.

V. **8.0 ADJOURNMENT**

Chairman Housman adjourned the meeting at 9:43 a.m.

VI. **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@rcilma.org.

ITEM 4.0: TIME IS 9:20 A.M.