

**AIRPORT LAND USE COMMISSION HEARING  
REPORT OF ACTIONS  
JUNE 11, 2009**

7-22-09

COMMISSIONERS PRESENT: Simon Housman, Rod Ballance, Arthur Butler, Robin Lowe, James Downes (alternate for Melanie Fesmire), Jon Goldenbaum (alternate for John Lyon) and Glen Holmes

COMMISSIONERS ABSENT: Melanie Fesmire and John Lyon

**2.0 PUBLIC HEARING: NEW BUSINESS**

- 2.1 Staff report recommended: **CONSISTENT**  
Staff recommended at hearing: **CONSISTENT**  
ALUC Commission Action: **CONSISTENT (VOTE 6-0, Commissioner Lowe absent)**
- ZAP1034BD09 - National Community Renaissance of California/ Redevelopment Agency, County of Riverside (Representative: Julie Mungai)** – County Case Nos. CZ07708 (Change of Zone) and PP24053 (Plot Plan). A proposal to change the zoning of a 4.82-5.22 acre parcel located at the southwest corner of Clinton Street and Fred Waring Drive in an unincorporated area adjacent to the City of Indio from R-T (Mobile Home Subdivisions & Mobile Home Parks) to R-2 (Multiple-Family Dwellings), and to develop an 80-unit apartment complex (with a recreational building up to 5,000 square feet in area) on the property (the former site of Date Palm Mobile Park, with an address of 44-071 Clinton Street). The project site is within Airport Compatibility Zone E of the Bermuda Dunes Airport Influence Area. ALUC Staff Planner: Brenda Ramirez, Ph: (951) 955-0549, or E-mail at brramire@rctlma.org.
- 2.2 Staff report recommended: **CONSISTENT**  
Staff recommended at hearing: **CONSISTENT**  
ALUC Commission Action: **CONSISTENT (VOTE 7-0)**
- ZAP1057MA09 – Kreedman Family No. 4 Limited Partnership, c/o Richard Kreedman (Representative: Adkan Engineers)** – County Case Nos. GPA00897 (General Plan Amendment) and CZ07706 (Change of Zone). A proposal to amend the General Plan (Lake Mathews/Woodcrest Area Plan) land use designation of the southerly 1.56 net acres of a 2.81-acre parcel located northerly of Van Buren Boulevard and westerly of Ridgeway Avenue in the unincorporated Riverside County community of Woodcrest from Very Low Density Residential (0.5 to 1.0 dwelling units per acre) within the Rural Community Foundation Component to Commercial Retail within the Community Development Foundation Component, and to change the zoning of that portion of the property from R-A-1 (Residential Agricultural, one acre minimum lot size) to C-P-S (Scenic Highway Commercial). (The gross area of the parcel is 3.39 acres; the amendment and zone change would apply to 1.98 gross acres.) The project site is located within Area III of the March Air Reserve Base Airport Influence Area. ALUC Staff Planner: John Guerin at (951) 955-0982, or E-mail at jguerin@rctlma.org.

**CDS:**

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The entire discussion of numbered agenda items can be found on CDs as indicated. For a copy of the CD, please contact Barbara Santos, ALUC Commission Secretary, at (951) 955-5132 or E-mail at basantos@rctlma.org

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- 2.3 Staff report recommended: **ZAP1058MA09 – John W. Howard – City Case No. GPA 09-03-0003 (General Plan Amendment).** A proposal to amend the City of Perris General Plan Land Use Map designation from MFR-14 (Multi Family Residential) to CC (Community Commercial) on approximately 11.59 acres located easterly of Perris Boulevard, northerly of Avocado Avenue, westerly of Medical Center Drive, and southerly of Orange Avenue in the City of Perris. The project site is located within Area II of the March Air Reserve Base Airport Influence Area. ALUC Staff Planner: Brenda Ramirez at (951) 955-0549, or E-mail at brramire@rctlma.org.
- CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (VOTE 7-0)**
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- 2.4 Staff report recommended: **ZAP1045RI09 – Pearl Communities, LLC (Attn.: Francesca Dennis) (Representative: Debbie Melvin) –** County Case Nos. GPA00709 and GPA01002 (General Plan Amendments), CZ07009 (Change of Zone), and PP19603 (Plot Plan). PP19603 is a proposal to develop a 604-unit apartment complex on 25.21-25.63 acres located northerly of Limonite Avenue, easterly of Pedley Road, and westerly of the westerly terminus of Yearling Way in the unincorporated Riverside County community of Pedley. CZ07009 is a proposal to change the zoning of the property from A-1-1 (Light Agriculture, one acre minimum lot size) and C-1/C-P (General Commercial) to R-3 (General Residential). GPA00709 pertains to the southerly 14.9 acres of the property currently within the Community Development Foundation Component, and would amend the General Plan (Jurupa Area Plan) land use designation of that area from LDR-CD (Low Density Residential, 1-2 dwelling units per acre) and CR (Commercial Retail) to H'TDR (Highest Density Residential, 20 or more dwelling units per acre). GPA01002 pertains to the northerly 10.66 acres of the property currently within the Rural Community Foundation Component, and would amend the land use designation of that area from LDR-RC (Low Density Residential – Rural Community, 1-2 dwelling units per acre) to HDR (High Density Residential, 8-14 dwelling units per acre) within the Community Development Foundation Component. The project site is located within Airport Compatibility Zone E of the Riverside Municipal Airport Influence Area. ALUC Staff Planner: Brenda Ramirez at (951) 955-0549, or E-mail at brramire@rctlma.org.
- CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (VOTE 5-2),  
Opposed: Chairman Simon  
Housman and Commissioner  
Glen Holmes**

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**3.0 PRESENTATION**

Presentation by Danielle Wheeler, March Joint Powers Authority regarding Foreign Trade Zone #244 - Danielle Wheeler, Assistant Director of the March Joint Powers Authority (March JPA) came forward and presented Power Point charts regarding Foreign Trade Zone #244. Ms. Wheeler stated that March JPA is the grantee of Foreign Trade Zone #244. Foreign Trade Zone status was granted for a 2,480-acre area located within the former boundaries of March Air Force Base on August 21, 2000. March JPA has submitted applications to the Foreign Trade Zones Board for expansion of the Foreign Trade Zone into other areas of Western Riverside County, but has not received support from Customs and Border Protection. There have been proposals for minor boundary modifications and creation of sub-zones. The original application involved an expansion of 3,482 acres (in addition to the 2,480 acres already within the zone). A second application to expand by 803 acres also failed to gain support from Customs and Border Protection. March JPA is now working toward receiving approval for a new "alternative framework" expansion application that would allow for a pool of land with a specified acreage within a particular geographic area to be added to the Foreign Trade Zone. The local Administrator would then allocate acreage within that geographic area as additions to the Foreign Trade Zone, where needed to accommodate demand.

Commissioner Glen Holmes inquired as to the benefits of operating within a Foreign Trade Zone. Ms. Wheeler advised that companies operating within a Foreign Trade Zone don't have to pay taxes on goods that are stored in the zone until they are taken out of the zone and entered into the U.S. market. Additionally, products can be re-packaged and manipulated, and value can be added. Basically, the company in a Foreign Trade Zone is treated as being outside U.S. territory. Commissioner Holmes wondered how Customs would handle the non-contiguous "alternative framework" zones. Ms. Wheeler noted that Customs has only inspected Skechers' current facility twice in the last three years.

Vice Chairman Rod Ballance commented that a Foreign Trade Zone is similar to a duty-free island and that every employee of a company within such a Zone must go through a background check. He noted that location within a Foreign Trade Zone is especially useful for firms producing goods that may be subject to fluctuations in demand, in that imported goods that are not ordered by the retailers can be shipped back to the country of origin or transferred to another Foreign Trade Zone duty free. Goods can be changed, manipulated, or destroyed in the zone. Both domestic companies that are doing business overseas and foreign companies that we would like to attract to our area would benefit financially as a result of inclusion in a Foreign Trade Zone. The difficulty has always been that Customs claims not to have sufficient staffing to assign agents to the Inland area. Their attention is focused on the Port of L.A. – Long Beach and LAX.

Commissioner Holmes inquired as to how ALUC can promote the effort to expand the Foreign Trade Zone. Vice Chairman Ballance moved that the Commission support the efforts of pushing the Foreign Trade Zone because it protects airports. Chairman Simon Housman suggested staff look into whether a letter from the Airport Land Use Commission in support of the efforts of the March Joint Powers Authority would be appropriate. He noted that hopefully the Joint Powers Authority would also move forward with the March Joint Land Use Study.

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**4.0 ADMINISTRATIVE ITEMS**

4.1 Director's Approval – Information Only

4.2 Progress Report: Update on meeting with the City of Perris staff regarding Perris Valley Airport Land Use Compatibility Plan - John Guerin, Principal Planner, reported that ALUC staff was unable to meet with the City of Perris staff on June 8<sup>th</sup> as previously scheduled. Ed Cooper, ALUC Director, was not available and the City of Perris staff indicated they needed more time to review our draft Perris Valley Airport Land Use Compatibility Plan. Mr. Guerin advised that he had since provided city staff with further information regarding the number of divisible residential parcels within the various Compatibility Zones that would be affected by the Compatibility Plan. He stated that he hoped to meet with City of Perris staff by next week, at the latest.

4.3 County General Plan Update Coordination – Copies of letters sent from ALUC and the Aeronautics Division of the State Department of Transportation in response to Riverside County's Notice of Preparation – Ed Cooper, ALUC Director, advised that the Commission's packet includes a letter from ALUC to the County Planning Department as well as a letter from the Department of Transportation Aviation Division to the Planning Department regarding their Notice of Preparation for the General Plan update. The State did respond upon seeing the County's Notice of Preparation and indicated to County Planning that they need to coordinate very closely with ALUC in the General Plan update. As a result of the Commission's request, staff has been successful in setting up bi-weekly meetings with the County's General Plan team in order to identify the map and text amendments needed to bring the General Plan into consistency with ALUC Plans. The effort is being addressed on an airport-by-airport basis. The General Plan team is taking our input very seriously, and we are receiving very good cooperation from County Planning staff.

**5.0 APPROVAL OF MINUTES**

The minutes for May 14, 2009 were approved by a vote of 6-0. Abstain: Jon Goldenbaum (alternate for John Lyon).

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

Chairman Housman noted the receipt of a large packet of information provided by Mr. Troy Childs. Troy Childs, Robert Eppers, and Steve Schweizer addressed the Commission in regard to its determination of consistency issued for the French Valley Energy Partners power plant (ZAP1027FV08) in July of 2008. They indicated opposition to the proposal to build the facility in French Valley and asked the Commission to overturn its finding of consistency to inconsistency based on the evidence submitted, or, at minimum, to reopen the matter, rescind the determination of consistency, and forego a final determination pending a full review of the project by the California Energy Commission.

Chairman Housman indicated that he had understood that there was going to be an EIR, and that the matter would then be brought back before the Commission. Staff advised that, while the written staff report recommendation had been for a continuance, there was continued communication between the applicant and staff during the course of the time

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period following the completion of the staff report. Based on the additional information that staff received during this period, and after consultation with Mr. Davies of the Economic Development Agency – Aviation Division, staff did recommend a finding of consistency for the project, and the Commission found the project consistent at the July 2008 hearing. The applicant and his engineer had advised that they wanted an ALUC determination first (before preparing CEQA documentation), because, if the ALUC found the project inconsistent, they would have to take that into consideration in their decision-making regarding the project.

Staff advised that the County Planning Department will determine whether this project is consistent with the adopted Specific Plan. If the Planning Department determines the project is not consistent with the Specific Plan, then the applicant would need to file a Specific Plan Amendment application with the Planning Department, and that would have to come to our ALUC Commission for review and a new hearing; other than that, the ALUC Commission has already made its final decision on the project, and reconsideration is a very unusual process.

Commissioner Holmes asked staff to comment on Mr. Childs' statement that the staff report had not recognized that the project site was split between Compatibility Zones B2 and D. Staff responded that there is a small portion of Compatibility Zone B2 on the property, but that the majority of the property is in Compatibility Zone D. As none of the turbines would be in the Zone B2 portion, staff evaluated the turbines as being within Zone D. Commissioner Jon Goldenbaum expressed concern with sitting the facility in the middle of a circling approach track, and suggested that the Commission examine whether the site is, in fact, in a valid instrument approach procedure within one mile of circling.

Chairman Housman suggested two possible courses of action. One would be to place the issue of whether or not to reconsider on the agenda in August, giving notice to all the parties, so that they can come in and discuss whether or not the Commission should reconsider its finding. The other would be to ask staff to do some investigation and research into the reasons for reconsideration that we've been given, and report back to us in August. We can then review staff's analysis and decide whether or not it would be appropriate to schedule reconsideration in September. He indicated that he shared Mr. Goldenbaum's concerns, but would be most concerned if anyone misrepresented information to the Commission.

Vice Chairman Ballance noted that maintaining the safety of the pilots, aircraft, and the community around the airports is the Commission's paramount obligation. He stated that he could not imagine the Commission finding a project consistent if it would place the safety of the pilot or aircraft at risk. He supports the second option, requesting that staff investigate the matter further. Commissioner Goldenbaum recommended that staff consult with an FAA representative with regard to the instrument approach, or at least an aviation expert. Ed Cooper, ALUC Director, clarified that the issue of potential for updrafts and destabilizing influences on the flight pattern was raised and addressed. The reason for approval was based on the representation made at that time by an aviation expert and a consultant for the applicant that the project, as proposed, did not pose a threat to ongoing flight operations. These statements and studies were forwarded to EDA Aviation (Mr. Davies) for review, and they did not have a problem at that time. Staff, therefore, recommended a finding of consistency.

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Chairman Housman motioned to have staff review the issue as to whether or not the Commission should reconsider ZAP1027FV08 (French Valley Energy Partners Power Plant), and report back to the Commission in August. (Vote of 7-0).

Ed Cooper, ALUC Director, updated the Commission regarding budget issues. He indicated that it appears that the County will have some limited level of layoffs in July that will impact the Planning Department. As a result of this, County planners could be laid off, and we would not be allowed to retain the services of contract employees in such an event. It is potentially possible that the existing contract between the County and Hogle Ireland will not move forward past June 30<sup>th</sup> or, at the very latest, July. This would affect one of our ALUC team members, namely Brenda Ramirez, such that she may no longer be able to be with us for our August meeting. ALUC may need to go out and have a recruitment based on the qualified lay-off listing of planners to fill that existing slot. The situation literally changes week to week. Ed Cooper expressed his deep appreciation to Brenda Ramirez, Contract Planner, who was then presented with a Certificate of Appreciation. Ms. Ramirez came forward and expressed her sincere appreciation for the opportunities ALUC has given her and wished the Commission all the very best. Commissioner Robin Lowe recommended that the Chairman sign a letter of appreciation to Hogle Ireland for the asset they have in Brenda and the services she has provided to ALUC. Mr. Cooper and Chairman Housman agreed that this would be appropriate.

Vice Chairman Ballance asked whether the contract with Mead & Hunt would be affected. Mr. Cooper responded that it does not affect those contracts directly because those are for on-call or demand services. The situation here is one where a contract employee is filling a County position that would be made available to a County employee if layoffs are necessitated in the ranks of Planner positions in the County Planning Department.

**7.0 COMMISSIONER'S COMMENTS**

Chairman Housman advised that he attended a meeting with Supervisor Roy Wilson and a representative of the Bermuda Dunes Community Council regarding property at the west end of the runway in Bermuda Dunes, and they now have a better understanding of what the Airport Land Use Plan at Bermuda Dunes involves. He also reminded the Commissioners that they will not be meeting in July. The next Commission hearing will be in August. He also thanked Commissioner Goldenbaum for his attendance in Mr. Lyon's absence.

ALUC staff informed the Commission that the August hearing may be scheduled at the Eastern Municipal Water District in Perris. Staff is hoping to get the Perris Valley Plan on the agenda in August and will advise the Commission of the location. If that Plan is to be considered in August, that location would be more convenient for the affected residents.

Chairman Housman adjourned the meeting at 10:49 a.m.

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