

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

901 B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
January 22, 2016

SUBJECT: PLOT PLAN NO. 25793 - Applicant/Owner: DMSD Property – Engineer Representative: Senergy – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan – Land Use Designation: Community Development: Business Park (CD:BP) (0.25 – 0.60 FAR), Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 FAR): Dutch Village Specific Plan, Planning Area 5b (SP 106 PA 5b) – Location: southeasterly of Highway 79, southwesterly of Benton Road, northwesterly of Magdas Coloradas Street, and northerly of Briggs Road – Zoning: Scenic Highway Commercial (C-P-S) – **REQUEST:** Permit the construction and use of a 4,320 sq. ft. dine-in restaurant, a 2,975 sq. ft. fast food restaurant featuring a drive through, 103 parking spaces, and all other necessary and required improvements on a 2.06 acre site – APNs: 963-060-071 and 963-060-070.

RECOMMENDED MOTION: That the Board of Supervisors take the following action:

1. **DENY PLOT PLAN NO. 25793**, based on the inconsistency findings of the Riverside County Airport Land Use Commission (ALUC): **OR**
2. **DIRECT** the Planning Department and County Counsel to prepare findings and conclusions in accordance with Public Utilities Code Section 21676.5 to allow the County to overrule the ALUC's inconsistency determination, to circulate such findings to the ALUC and the California Department of Transportation, Division of Aeronautics and schedule Plot Plan No. 25793 for a

Departmental Concurrence

Steve Weiss

Steve Weiss, AICP
Planning Director

(Continued on next page)

Juan C Perez

Juan C Perez
TLMA Agency Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: None
 Budget Adjustment: N/A
 For Fiscal Year: N/A

C.E.O. RECOMMENDATION: N/A

APPROVE

BY:

Tina Grande
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.:

District: 3

Agenda Number:

16-1

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Plot Plan No 25793

DATE: January 22, 2016

PAGE: Page 2 of 3

Continued from Previous Page

new noticed public hearing before the Board of Supervisors based on the timeframes described in the background section below.

BACKGROUND:

Summary

On March 31, 2015, DMSD Properties submitted Benton Crossing, a proposed plot plan for two buildings, a 4,320 sq. ft. dine-in restaurant and a 2,975 sq. ft. fast food restaurant featuring a drive-through with 103 parking spaces on 2.06 acres of vacant land to the County ("project").

On September 24, 2015, the proposal was heard by the ALUC. The ALUC found the project inconsistent based on the proposed project exceeding both average and single-acre non-residential intensity criteria for Compatibility Zone B1. According to the August 13, 2015 ALUC Staff Report:

Restaurants are not considered to be "generally compatible" within Airport Compatibility Zone B1 unless they meet the specified intensity criteria of the zone. Within the French Valley Airport Influence Area, these criteria specify a maximum average intensity of 40 persons per acre and a maximum single-acre intensity of 80 persons (in the absence of bonuses). The proposed fast food restaurant (El Pollo Loco) and full service restaurant (Denny's) exceed both the average and single-acre intensity criteria for Zone B1 based on the Building Code Method. The project would also be inconsistent with the average intensity criteria utilizing the parking space method. The project would not qualify for consideration as Infill pursuant to Countywide Policy 3.3.1 since this Policy is not applicable to Compatibility Zone B1. Even if it were, less than 65% of the project's perimeter is bordered by developed area. There are, however, some intensive uses in the vicinity, including a shopping center, an existing fast food restaurant, an industrial building, and a fraternal lodge that serves as the interim meeting place for a church.

Pursuant to Section 21676.5 of the California Public Utilities Code, the Board of Supervisors ("Board") may overrule the ALUC's inconsistency determination if the Board makes findings that the project is consistent with the purposes of the State Aeronautics Act.

If the Board decides to direct staff to prepare the appropriate findings to overrule ALUC's inconsistency determination, these findings and the project will come back to the Board before a new noticed public hearing. The County is required to provide the draft overrule findings to the State and ALUC for review and comment 45 days prior to the Board's decision to overrule ALUC. ALUC and the State have 30 days from receiving the findings to provide comments on them. If comments are not made during this time, the Board may act without them.

It should be noted as an additional point of background that other development exists surrounding this site. The proposed project is next to an existing Farmer Boys Restaurant which is in the same Airport Influence Area. The Farmer Boys was reviewed by ALUC pursuant to FV 05-103 and in October 2006 the ALUC took "no action" due to the suspension of the French Valley Airport Land Use Compatibility Plan at that time brought about through litigation. The shopping center to the north was reviewed by ALUC pursuant to FV-02-110 in 2002 under the old Airport Land Use Plan and was determined consistent. The industrial facility to the south was reviewed by ALUC most recently as ZAP1031FV09 and was determined consistent, with occupancy limitations. The proposed 2 restaurants are similar in use and intensity to those uses existing to the east and north of the site, which are also located within Compatibility Zone B1.

This project was granted Fast Track status by the Economic Development Agency (EDA) pursuant to Board Policy A-32; more specifically because it provides 55 potential jobs, 245 potential construction jobs, and a capital investment of \$5,500,000 with a potential annual taxable sales of \$4,200,000.

Impact on Citizens and Businesses

The request is for the Board to direct staff. There is no impact at this stage. Any future discretionary action that may approve such a project will analyze all impacts through CEQA and through the public hearing process.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. **Staff Report**
- B. **September 24, 2015 ALUC Report of Actions**
- C. **ALUC Staff Report for September 24, 2015**



FAST TRACK AUTHORIZATION

Supervisory District: 3	Supervisor: Chuck Washington	For EDA Use Only
		FTA No. 2015-06

Company/Developer: Senergy Inc **Contact Name:** Scott Barone
Address: 29910 Murrieta Hot Springs Road, Suite G521, Murrieta, CA 92563
Office Phone: 951-816-9840 **Mobile Phone:** 951-816-9840 **Email:** srbarone@msn.com

Consulting Firm: HLC Civil Engineering **Contact Name:** Hector Correa
Firm Address: 28654 Old Town Front Street #315, Temecula, CA 92590
Office Phone: 951-506-4869 **Mobile Phone:** 951-506-4869 **Email:** hector2001@gmail.com

Project Type: Industrial Commercial Childcare Workforce Housing
 Renewable Energy Other
Retail development with a Denny's and El Pollo Loco restaurants – Plot Plan 25793

Economic Impact (estimated) Capital Investment: \$5,500,000 **Full-Time Jobs:** 55

Taxable Sales: \$4,200,000 **Full-Time Wages per Hour:** \$10 **Construction Jobs:** 245

Land Use Application(s): Plot Plan Conditional Use Permit Change of Zone
 Parcel Map General Plan Amendment Other:

Site Information Assessor's Parcel Number(s): 963-060-070, 071

Cross Streets/Address: Winchester Road/Hwy79 & Benton Road **Site Acreage:** 2.11

Land Use Designation: Commercial Retail **Zoning:** C-P-S **Building Size:** 7,540 sq. ft.

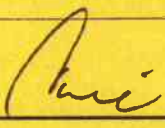

I hereby certify that by submitting this application for Fast Track status I understand and will comply with Board of Supervisors Policy A-32, Procedures for Fast Track Processing, including the following items:

1. The Fast Track applicant will hire construction contractors and other development-related consultants that are based in Riverside County whenever possible, and;
2. The Fast Track applicant will give hiring preference to individuals who have served in the United States armed forces or who have been unemployed for 6 or more months due to economic conditions.

DAVID BESHAY

Applicant Name and Title (use electronic signature or type information) **Date** 8/18/15

This authorization contains preliminary project information and serves as a basis for determining "Fast Track" eligibility. During the County's development review process, the proposed project size and configuration may be altered. *This Fast Track Authorization also applies to any other required or associated applications and/or Assessor's Parcel Numbers*

For EDA Use Only	
	
<u>9/18/15</u>	September 2, 2015
Carrie Harmon, Deputy Director of EDA Date	Rob Moran, EDA Development Manager Date

Agenda Item No.:
Area Plan: Southwest
Zoning Area: French Valley
Supervisory District: Third
Project Planner: Matt Straite
Board of Supervisors:

FAST TRACK NO. 2015-06
PLOT PLAN NO. 25793
Environmental Assessment No. 42788
Applicant: DMSD Properties
Engineer/Representative: Senegy Engineering

Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Plot Plan No. 25793 proposes a small retail center located on 2.06 acres in the French Valley area. The Plot Plan proposes to construct two buildings, a 4,320 square foot dine-in restaurant and a 2,975 fast food restaurant featuring a drive-through. The site will also have 103 parking stalls and all other necessary and required improvements, including required landscaping.

The project is located in the French Valley area, southeasterly of Highway 79, southwesterly of Benton Road, northwesterly of Magdas Coloradas Street, and northerly of Briggs Road.

BACKGROUND:

On March 31, 2015, DMSD Properties submitted Benton Crossing, a proposed plot plan for two buildings, a 4,320 square foot dine-in Denny's restaurant and a 2,975 El Pollo Loco fast food restaurant featuring a drive-through with 103 parking spaces on 2.06 acres of vacant land ("project").

On September 24, 2015, the proposal was heard by the ALUC. The ALUC found the project inconsistent based on the proposed project exceeding both average and single-acre non-residential intensity criteria for Compatibility Zone B1. According to the August 13, 2015 ALUC Staff Report:

Restaurants are not considered to be "generally compatible" within Airport Compatibility Zone B1 unless they meet the specified intensity criteria of the zone. Within the French Valley Airport Influence Area, these criteria specify a maximum average intensity of 40 persons per acre and a maximum single-acre intensity of 80 persons (in the absence of bonuses). The proposed fast food restaurant (El Pollo Loco) and full service restaurant (Denny's) exceed both the average and single-acre intensity criteria for Zone B1 based on the Building Code Method. The project would also be inconsistent with the average intensity criteria utilizing the parking space method. The project would not qualify for consideration as Infill pursuant to Countywide Policy 3.3.1 since this Policy is not applicable to Compatibility Zone B1. Even if it were, less than 65% of the project's perimeter is bordered by developed area. There are, however, some intensive uses in the vicinity, including a shopping center, an existing fast food restaurant, an industrial building, and a fraternal lodge that serves as the interim meeting place for a church.

Based on the Inconsistency determination by the ALUC, the Planning Department can only make a "Potentially Significant Impact" determination for the Environmental Assessment under the

“Hazards/Hazardous Materials– Airport” section of the environmental document (the County’s Environmental Assessment form) due to the noted inconsistency with an Airport Master Plan.

Pursuant to Section 21676.5 of the California Public Utilities Code, the Board of Supervisors (“Board”) may overrule the ALUC’s inconsistency determination if the Board makes findings that the project is consistent with the purposes of the State Aeronautics Act. An overrule decision requires a public hearing and a two-thirds vote by the Board.

If the Board decides to direct staff to prepare the appropriate findings to overrule ALUC’s inconsistency determination, these findings and the project will come back to the Board before a new noticed public hearing. The County is required to provide the draft overrule findings to the State Department of Transportation Aeronautics Division and ALUC for review and comment 45 days prior to the Board’s decision to overrule ALUC’s inconsistency determination. ALUC and the State have 30 days from receiving the findings to provide comments on them. If comments are not made during this time, the Board may act without them.

As an additional point of background, the proposed project is next to an existing Farmer Boys Restaurant which is in the same Airport Influence Area. The Farmer Boys was reviewed by ALUC pursuant to FV 05-103 and in October 2006 the ALUC took “no action” due to the suspension of the French Valley Airport Land Use Compatibility Plan at that time brought about through litigation.

SUMMARY OF FINDINGS:

- | | |
|--|---|
| 1. Existing General Plan Land Use (Ex. #5): | Community Development: Commercial Retail (CD: CR) (0.20 – 0.35 FAR) and Community Development: Business Park (CD: BP) (0.25 – 0.60 Floor Area Ratio), within the Dutch Village Specific Plan No. 106. |
| 2. Surrounding General Plan Land Use (Ex. #5): | Community Development: Commercial Retail (CD: CR) (0.20 – 0.35 FAR) to the north, east and west, and Community Development: Business Park (CD: BP) (0.25 – 0.60 Floor Area Ratio) to the south. |
| 3. Existing Zoning (Ex. #2): | Scenic Highway Commercial (C-P-S) |
| 4. Surrounding Zoning (Ex. #2): | Scenic Highway Commercial (C-P-S) to the north and east, Industrial Park (I-P) to the south, and City of Murrieta zoning to the west. |
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Commercial retail to the north, east and west, Industrial to the south. |
| 7. Project Data: | Total Acreage: 2.06
Total Building Square Footage: 7,295 (4,320 and 2,975 square feet)
Total Parking: 103 |
| 8. Environmental Concerns: | Pursuant to State CEQA Guidelines Section |

15270(a) CEQA does not apply to projects which a public agency rejects or disapproves.

RECOMMENDATIONS:

PLANNING STAFF RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION:

1. **DENY** PLOT PLAN NO. 25793, based on the inconsistency findings of the Riverside County Airport Land Use Commission (ALUC) and the findings set forth herein; or,
2. **DIRECT** the Planning Department and County Counsel to prepare findings and conclusions in accordance with Public Utilities Code section 21676.5 to allow the County to overrule the ALUC's inconsistency determination, to circulate such findings to the ALUC and the California Department of Transportation, Division of Aeronautics and schedule Plot Plan No. 25793 for a new noticed public hearing before the Board of Supervisors based on the timeframes described in the background section below.

Note: The Findings below are for Option A, Denial. If the Board of Supervisors elects to direct staff to prepare appropriate findings to overrule ALUC's inconsistency determination, new findings and the appropriate environmental analysis would be prepared for the Board's consideration during a future noticed public hearing.

FINDINGS:

The following findings include the summary of findings, which is incorporated herein by reference.

1. On March 31, 2015, DMSD Properties submitted to the County Benton Crossing, a proposed plot plan for two buildings, a 4,320 square foot dine-in Denny's restaurant and a 2,975 El Pollo Loco fast food restaurant featuring a drive-through with 103 parking spaces on 2.06 acres of vacant land.
2. Plot Plan No 25793 would, if approved, allow the construction of the two restaurant buildings. The property is currently vacant.
3. The project site is designated Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 FAR) General Plan Land Use Designation, and is also located within the Scenic Highway Commercial (C-P-S).
4. The Commercial Retail land use designation allows for the development of commercial retail uses at a neighborhood, community and regional level, as well as for professional office and tourist-oriented commercial uses. The proposed restaurants are both retail food establishments, and thus would fall under the retail use.
5. The project site is surrounded by properties which are Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 FAR) to the north, and east, Business Park (CD: BP) (0.25 – 0.60 Floor Area Ratio) to the south.

6. The proposed use is located within the French Valley area.
7. The proposed dine-in restaurant and drive-through restaurant uses are permitted in the Scenic Highway Commercial (C-P-S) zone classification with an approved plot plan.
8. The proposed uses, two restaurants totaling 7,295 square feet are both single-story buildings, and would provide for 103 parking spaces on 2.06 acres of vacant land and subject to Conditions of Approval, would be consistent with the lot size, setbacks, building height, parking, and roof mounted equipment screening standards set forth in the zone classification.
9. The project site is surrounded by properties within same or similar zone classifications. The proposed site is adjacent to an existing fast-food restaurant with a drive-through (Farmer Boys), as well as industrial uses (south) and vacant lands (east and west).
10. The proposed use is within the French Valley Airport Influence Area Policy Area, which requires orderly development of French Valley Airport and the surrounding area, and compliance with the Airport Land Use Compatibility Plan for French Valley Airport as well as all applicable policies related to airports in the Land Use, Circulation, Safety and Noise Elements of the Riverside County General Plan (SWAP11.1).
11. Under the French Valley Airport Influence Area, the property is in the Zone B1, designation.
12. On September 2, 2015, the proposal was heard by Riverside County Airport Land Use Commission (ALUC). The ALUC found the project inconsistent based on the proposed project exceeding both average and single-acre non-residential intensity criteria for Compatibility Zone B1. Thus, Staff is recommending denial of the project based on the inconsistency.
13. An Environmental Assessment that ultimately needs to be prepared for this project would conclude that it would have a "Potentially Significant Impact" determination under the Hazards/Hazardous Materials – Airport section, which would result in an inconsistency with an Airport Master Plan based on the ALUC "inconsistent" determination.
14. This project is not located within Criteria Area of the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSCHP).

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 FAR) Land Use Designation, the Infrastructure, Public Facilities & Service Provision Policy, and with all other elements of the Riverside County General Plan.
2. Because of the ALUC's Inconsistency determination, the proposed project is determined to be **inconsistent** with the French Valley Airport Land Use Policy Area.
3. Because of the ALUC's Inconsistency determination, the public's health, safety, and general welfare are not protected based on French Valley Airport Land Use Policy Area Zone B1.
4. Because of the ALUC's Inconsistency determination, the proposed project is not compatible with the present and future logical development of the area.

5. Based on the Hazards/Hazardous Materials – Airport Section, the Environmental Assessment to be prepared for the proposed project will conclude that there will be a significant effect on the environment because of the ALUC's Inconsistency determination.
6. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A Flood Zone;
 - b. A Fault Zone; or,
 - c. A High Fire Area.
3. The project site is located within:
 - a. An area with moderate to very high liquefaction potential;
 - b. A Subsidence Area;
 - c. French Valley Airport Influence Area;
 - d. The Stephens Kangaroo Rat Fee Area;
 - e. A County Service Area;
 - f. The City of Murrieta Sphere of Influence;
 - g. An area with High Paleontological Sensitivity; and,
 - h. The Boundaries of the Temecula Valley Unified School District.
4. The subject site is currently designated as Assessor's Parcel Numbers – APNs: 963-060-071 and 963-060-070

ME

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Date Prepared: 10/21/15

Date Revised: 01/27/16

**AIRPORT LAND USE COMMISSION HEARING
REPORT OF ACTIONS
AUGUST 13, 2015**

9/24/15

COMMISSIONERS PRESENT: Simon Housman, Rod Ballance, Arthur Butler, Glen Holmes, John Lyon, Steve Manos

COMMISSIONERS ABSENT: Greg Pettis

Chairman Housman thanked ALUC Counsel Anna Wang for her service to the Commission and the Commissioners offered their best wishes for her future career. Chairman Housman introduced Eric Stopher, Deputy County Counsel, serving as ALUC Counsel for this meeting.

2.0 PUBLIC HEARING: CONTINUED ITEM

- 2.1 Staff report recommended: **INCONSISTENT** **ZAP1062FV15 – DMSD Property, LLC (Representative: Scott Barone, Senergy, Inc.)** - County of Riverside Case No.: PP25793 (Plot Plan). A proposal to establish a 4,565 square foot dine-in restaurant (Denny's) and a 2,975 square foot fast food restaurant (El Pollo Loco) with drive-through on two contiguous properties (Assessor's Parcel Numbers 963-060-070 and 963-060-071) with a combined net area of 2.06 acres (2.11 gross acres) located along the easterly side of Winchester Road (State Highway Route 79), southerly of Benton Road, northerly of Magdas Coloradas Street, and westerly of an existing Farmer Boys restaurant in the unincorporated community of French Valley. (Airport Compatibility Zone B1 of the French Valley Airport Influence Area). Continued from June 11 and July 9, 2015. ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org
- Staff recommended at hearing: **INCONSISTENT**
- ALUC Commission Action: **INCONSISTENT (Vote 5-1, Holmes dissenting; Absent: Pettis)**

3.0 PUBLIC HEARING: CONSENT CALENDAR

- 3.1 Staff report recommended: **CONSISTENT** **ZAP1126MA15 – Integrated Real Estate Services, LLC/Operating Engineers Trust Fund (Representative: Deirdre McCollister, MIG Hogle-Ireland)** – City of Riverside Case Nos: P13-0956 (General Plan Amendment), P13-0959 (Specific Plan Amendment), P13-0964 (Design Review), P13-0965 (Conditional Use Permit), P13-0966 (Variance), and P13-0963 (Tentative Parcel Map No. 36638). The applicant proposes to construct three industrial warehouse buildings with a total floor area of 1,461,449 square feet on 72.5 acres located southerly of Palmyrite Avenue and easterly of Michigan Avenue. The largest of these buildings would have a floor area of 1,000,620 square feet, requiring a Conditional Use Permit, and a height of 56 feet, requiring a Variance. The other two buildings are proposed through the Design
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 6-0, Absent: Pettis)**

CDS:

1

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

**AIRPORT LAND USE COMMISSION HEARING
REPORT OF ACTIONS
AUGUST 13, 2015**

Review case. Implementation of this proposal requires amendments to the exhibits in the Hunter Business Park Specific Plan (Figures II-4, II-6, II-9, and II-12 relating to Proposed Circulation, Pedestrian Network, Storm Drain Concept, and Open Space Concept) to reflect deletion of the "Columbia Loop" – the segment of Columbia Avenue extending easterly from Michigan Avenue and northerly to Palmyrita Avenue. The text of the Specific Plan would also be amended to require a striped Class 2 bike lane along the east side of Michigan Avenue. The City of Riverside General Plan would also be amended to reflect these changes. Tentative Parcel Map No. 36638 would divide the 72.5-acre site into three parcels, so that each building would be on a separate lot. (Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area). ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org

3.2 Staff report recommended:
CONSISTENT

Staff recommended at hearing:
CONSISTENT

ALUC Commission Action:
**CONSISTENT (Vote 6-0,
Absent: Pettis)**

ZAP1132MA15 – Core States Group for McDonald’s USA, LLC and Phelan Development Company/Iowa Spruce SR/JP, LLC (Representatives: Andrew Rappe and Adrienne Cord) – City of Riverside Case Nos. P15-0189 (Specific Plan Amendment), P15-0188 (Conditional Use Permit), and P15-0263 (Tentative Parcel Map No. 35889). The applicant proposes to establish and operate a 4,322 square foot McDonald’s restaurant with drive-thru on 1.21 acres of a 3.11-acre parcel (Assessor’s Parcel Number 249-140-029) partially developed with a building utilized as a Habitat for Humanity office located at the northeast corner of Iowa Avenue and Spruce Street in the City of Riverside. The Specific Plan Amendment is a proposal to amend the list of permissible land uses within the Business Support Retail Overlay District of the Hunter Business Park Specific Plan (Section III. F.) so as to allow for restaurants with drive-thru, with approval of a Conditional Use Permit. The Conditional Use Permit is a proposal to allow the specific drive-thru facility on this site. The Parcel Map is a proposal to divide the 3.11-acre parcel into two lots, so that the existing building and the proposed building will be on separate legal lots. (Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area). ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org

CDS:

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

**AIRPORT LAND USE COMMISSION HEARING
REPORT OF ACTIONS
AUGUST 13, 2015**

- 3.3 Staff report recommended: **CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT with the correction to the portions of the staff report package that had referenced Highway 79 rather than Highway 74. (Vote 6-0, Absent: Pettis)**
- ZAP1134MA15 – Emperor North/Stone Star Riverside, LLC (Representative: Frank Artiga, ACS Consulting, Inc.)** – County Case Nos. SP 00260S1 (Substantial Conformance [Request] No. 1 to Specific Plan No. 260), CZ 07870 (Change of Zone), TR 31500 (Tentative Tract Map). The applicant proposes to adjust the boundaries between Planning Areas (PAs) 32 and 33B of Specific Plan No. 260 (Menifee North). The total number of dwelling units in the two Planning Areas would remain at 206, with the number in PA32 increasing from 98 to 152 and the number in PA33B decreasing from 108 to 54. The total acreage would increase from 42.5 to 45.7 acres, with overall density remaining within the 2-5 dwelling unit per acre range, as a result of a reduction of 3.2 acres in areas reserved for major community roadways. Additionally, the titles of the land use designations of the portions of the Specific Plan still within the unincorporated area would be amended to reflect County General Plan land use designations, and the curved roadway segment extending southerly and westerly from the intersection of State Highway Route 74 with Sultanas Road to the intersection of Emperor Road with McLaughlin Road would be renamed Norma Jean Road. Tentative Tract Map No. 31500 would subdivide 46.5 net acres located easterly of Emperor Road, northerly and westerly of Norma Jean Road, into 206 single-family residential lots, plus 13 other lots for drainage, water quality and inlet basins, trail, open space, and landscape features. CZ 07870 would amend the site's Specific Plan zoning maps to reflect the proposed adjustment in Planning Area boundaries. (Airport Compatibility Zone E of the March Air Reserve Base/Inland Port Airport Influence Area). ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org

4.0 PUBLIC HEARING: NEW ITEMS

- 4.1 Staff report recommended: **CONSISTENT (Change of Zone); CONDITIONAL CONSISTENCY (Conditional Use Permit)**
- Staff recommended at hearing: **CONSISTENT (Change of Zone); CONDITIONAL CONSISTENCY (Conditional Use Permit)**
- ZAP1127MA15 – Level 3 Communications/VYVX, LLC, c/o Robert DiOrio/Allen Holdings (Representative: Nicole Torstvet, Albert A. Webb and Associates)** – County of Riverside Case Nos. CZ07868 (Change of Zone) and CUP 03726 (Conditional Use Permit). CUP03726 is a proposal to construct and operate eleven (11) additional satellite communications antennae and all other necessary and related supporting equipment within an existing satellite communications center on 4.7 acres of a 31.3-acre site located westerly of a southerly extension of Gilmer Road, southerly of a westerly extension of Olympia Avenue, easterly of a southerly extension of Reiss Road, and northerly of the City of Lake Elsinore boundaries, on

CDS:

3

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

**AIRPORT LAND USE COMMISSION HEARING
REPORT OF ACTIONS
AUGUST 13, 2015**

ALUC Commission Action: **CONSISTENT (Change of Zone); CONDITIONAL CONSISTENCY (Conditional Use Permit) (Vote 5-0, Absent: Pettis and Holmes)**

Assessor's Parcel Numbers 343-040-012 and 343-040-013. The site has an address of 19993 Santa Rosa Mine Road, Perris, CA 92570. One antenna will have a height of 53 feet, seven will have heights of 30 feet, and 3 will have heights of 16 feet. CZ07868 is a proposal to change the zoning on those properties from R-A-5 (Residential Agricultural, 5 acre minimum lot size) to A-1-5 (Light Agriculture, 5 acre minimum lot size). (Airport Compatibility Zone E/High Terrain Zone of the March Air Reserve Base/Inland Port Airport Influence Area). ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org

- 4.2 Staff report recommended: **CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 5-0, Absent: Pettis and Holmes)**
- ZAP1129MA15 – JM Realty/LNR Riverside LLC (Representative: Adam Corral, Kimley-Horn and Associates)** – March Joint Powers Authority Case Nos.: PP15-01 (Plot Plan) and VAR 15-01 (Variance). The applicant proposes to construct two industrial warehouse buildings with a total floor area of 192,468 square feet on 9.9 acres located along the easterly side of Opportunity Way, northerly of Van Buren Boulevard and westerly of Interstate 215 within the land use jurisdiction of the March Joint Powers Authority. The southerly building will have a floor area of 99,743 square feet, and the northerly building will have a floor area of 92,725 square feet. Each building will include 6,000 square feet of first floor office space and 3,600 square feet of second floor office space. The Variance is required in that the building heights at 38 feet above ground level exceed both the Specific Plan standard of 35 feet (Table III-2 of Specific Plan No. 5) and the rear yard setback. (A Variance would not have been required had all setbacks been at least 38 feet.) (Airport Compatibility Zone B2 of the March Air Reserve Base/Inland Port Airport Influence Area, within the March Business Center/Meridian Exception Site 1). ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org

CDS:

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

**AIRPORT LAND USE COMMISSION HEARING
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- 4.3 Staff report recommended: **CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT (Vote 5-0, Absent: Pettis, Holmes)**
- ZAP1130MA15 – Investment Building Group/56 Sycamore Partnership, L.P. (Representative: Brian Bargemann)** – City of Riverside Case No. P14-0517 (Design Review). The applicant proposes to construct a 311,977 square foot industrial high-cube warehouse building (including 10,400 square feet of first floor office space and 10,400 square feet of second floor office space) on 30.21 acres located along the westerly side of Sycamore Canyon Boulevard, northerly of its intersection with Cottonwood Avenue (to wit, on Assessor's Parcel Number 263-050-074), in the City of Riverside. (Airport Compatibility Zone B1-APZ II of the March Air Reserve Base/Inland Port Airport Influence Area). ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org
- 4.4 Staff report recommended: **CONSISTENT**
- Staff recommended at hearing: **CONSISTENT**
- ALUC Commission Action: **CONSISTENT with amendment to condition 3 and addition of condition 6. (see minutes)**
- (Vote 5-0, Absent: Pettis and Holmes)**
- ZAP1133MA15 – Nuevo Meadows Land Company, LLC (Representative: Beau Cooper, United Engineering Group, Inc.)** – County of Riverside Case Nos. CZ 07804 (Change of Zone), TR 36635 (Tentative Tract Map), and PM 36895 (Tentative Parcel Map). CZ 07804 is a proposal to change the zoning of 78.95 acres located northerly of San Jacinto Avenue, westerly of Pico Avenue, southeasterly of Ski Land Lake, and southwesterly of the intersection of Pico Avenue and Central Avenue from R-R (Rural Residential) to R-4 (Planned Residential). The change of zone would apply to Assessor's Parcel Numbers 309-020-005 and 309-020-036, -037, -038, and -039. TR 36635 is a proposal to subdivide the site into 283 single-family residential lots with a minimum lot size of 4,000 square feet (plus 4 lots for water quality basins, 9 for landscape features, a community playground, and trail, and a 15.75-acre area to be maintained by the Regional Conservation Authority as permanent open space.) PM 36895 is a proposal to divide the same site into three parcels (each at least 20 acres in size) for phasing and/or financing purposes. (Airport Compatibility Zones D and E of the March Air Reserve Base/Inland Port Airport Influence Area). ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org

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**AIRPORT LAND USE COMMISSION HEARING
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- 4.5 Staff report recommended: **CONSISTENT**
Staff recommended at hearing: **CONSISTENT**
ALUC Commission Action: **CONSISTENT as amended, deleting Condition 6. (Vote 5-0, Absent: Pettis, Holmes)**
- ZAP1022CH15 – SC Limonite, LLC/Stratham Homes (Representative: Pat Potts)** - City of Eastvale Case No. 14-1398 (Portion): Tentative Tract Map (TTM) No. 36775 (Revised) and Master Development Plan (Amended). This project, known as the Sendero Planned Residential Development, provides for development of 312 detached condominium dwellings. ALUC found the design consistent, but Southern California Edison (SCE) and the City of Eastvale objected to utilization of the SCE easement bisecting the property and the use of perimeter public roadways, respectively, toward meeting ALUC's open area requirements. Therefore, the applicant has prepared a revised open area exhibit not relying on either the easement or public roads to meet the minimum requirements. ALUC Staff Planner: Russell Brady at (951) 955-0549, or e-mail at rbrady@rctlma.org
- 4.6 Staff report recommended: **CONTINUE to 9-10-15**
Staff recommended at hearing: **CONSISTENT with amendment to land use tables**
ALUC Commission Action: **CONSISTENT with amendment to land use tables (see minutes)**
(Vote 5-0, Absent: Pettis and Holmes)
- ZAP1064FV15 – Murrieta KLC Holdings 130, LLC – (Representative: Larry Markham/MDMG, Inc.)** – City of Murrieta Case Nos.: General Plan Amendment (GPA) 2014-290; Zone Change (ZC) 2014-289; Specific Plan (SP) 2015-615; Development Plan (DP) 2015-616; Tentative Tract Map 36779/TTM 2015-518; Tentative Parcel Map 36733/TPM 2014-410. The applicant proposes to develop a 287-unit planned residential development within 36.77 acres of a 122.31-acre parcel (to wit, Assessor's Parcel No. 963-070-051) located westerly of Winchester Road, northerly of its intersection with Auld Road/Via Mira Mosa and southerly of its intersection with Benton Road, and easterly of a straight-line southerly extension of Liberty Road, in the City of Murrieta. Tentative Parcel Map No. 36733 is a proposal to divide the entire 122.31-acre parcel into four parcels, plus two lettered lots and a remainder. Pursuant to Zone Change ZC 2014-289, Parcel 1 (36.51 acres) would be zoned SFR-2, Parcels 2-4 along Winchester Road (16.61 acres) would be zoned Business Park, and the remainder parcel (64.82 acres) would be zoned Parks/Open Space. GPA 2014-290 would amend the site's land use designation from Large Lot Residential and Business Park to Parks/Open Space, Single Family Residential, and Business Park. Specific Plan No. 2015-615 ("Adobe Springs") proposes development of 287 detached single-family residences on small lots within a 36.2-acre area, 16.4 acres of Business Park uses, and 64.8 acres of open space for conservation. (Airport Compatibility Zones B2, C, and D of the French Valley Airport Influence Area). ALUC Staff Planner: John Guerin at (951) 955-0982, or e-mail at jguerin@rctlma.org

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**AIRPORT LAND USE COMMISSION HEARING
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5.0 ADMINISTRATIVE ITEMS

5.1 Director's Approvals – Information Only

5.2 Resolution No. 2015-01 Authorizing the ALUC Director to Take Action on Legislative Items in Zone E of the March Air Reserve Base/Inland Port Airport Influence Area

Chairman Housman reminded the Commission that he had previously expressed concern regarding unrestricted future delegation of its duty to act on legislative items as specified pursuant to the California Public Utilities Code and was pleased that the proposed resolution authorizing the ALUC Director to act on legislative items in Zone E of the March Air Reserve Base/Inland Port Airport Influence Area includes a one-year sunset provision with renewability. This will allow the Commission an opportunity to evaluate the impact and effectiveness of the authorized delegation next year in order to make an informed decision as to whether to renew such authorization. With that, the Chairman moved to approve Resolution No. 2015-01.

The ALUC Commission by a vote of 5-0 approved Resolution No. 2015-01. Absent: Pettis and Holmes

5.3 Specific Delegation of Authority: Change of Zone Case No. 7843

Chairman Housman indicated that the requested specific delegation is moot, since it is now authorized pursuant to Resolution No. 2015-01.

5.4 December 2015 ALUC Meeting Location

The ALUC Commission by a vote of 5-0 formally acknowledged that its December 10, 2015 meeting will be held at Cathedral City's Council Chambers and authorized staff to amend its online submission schedule accordingly.

6.0 APPROVAL OF MINUTES

The ALUC Commission by a vote of 4-0 approved the July 9, 2015 minutes. Abstain: Manos; Absent: Pettis and Holmes

7.0 ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA

Mr. Atman Kadakia, Greens Group, came forward to request that the Commission delegate to the ALUC Director the ability to render a consistency determination for his project, a proposal to reopen a service station and convert a fast food restaurant to a convenience store on a property in Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area, in the Mission Grove area of the City of Riverside. He was accompanied by Mr. Dennis Morgan of IPA Commercial Real Estate, representing the ownership of the shopping center within which the property is located. Vice Chairman Ballance inquired as to the reasons why the service station was closed for an extended period of time. Mr. Morgan advised that there were a number of violations that had to be corrected after the previous station owner closed business. Chairman Housman noted that it would not be appropriate for the Commission to take action on a non-agendized item. John Guerin, ALUC staff, clarified that the ALUC Director is authorized to act on such projects in Zone D and Zone E, but that staff was seeking guidance from the Commission, since this project is in Zone C2. He reminded the Commission of a similar situation recently where an applicant requested delegation for the establishment of a liquor store in an existing commercial building in Zone C of the Bermuda Dunes Airport Influence Area. Commissioner Manos expressed concerns regarding providing direction on any matter not on the agenda. Director Ed Cooper advised that the Countywide Policies give the Director authority to render

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**AIRPORT LAND USE COMMISSION HEARING
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consistency determinations for projects that clearly have no impact, but that he normally makes such determinations only for projects in Zone D or E, or Area III for Hemet-Ryan. Commissioner Lyon noted that Policy 1.5.2(d) authorizes the Director to approve proposed projects having no apparent compatibility issues of significance. Vice Chairman Ballance stated that he concurred with Commissioner Lyon's comments. Chairman Housman noted that members of the public should be able to rely on written policies and believes that it is reasonable for the Director to act on projects where there are no apparent compatibility issues of significance. Mr. Cooper advised that he will instruct staff to avoid suggesting that applicants make direct requests for delegation to the Commission in the future. Staff may continue to consult with the Commission via the agendaized Administrative Items calendar in similar situations in the future.

8.0 COMMISSIONER'S COMMENTS

Chairman Housman indicated that the Board of Supervisors has established a policy that any group including Board appointees that wishes to meet in the Board Room must agree that its meetings held therein will be live-streamed for the public. This constitutes a change in the public record. The Commission will vote on this at the next ALUC Commission meeting on September 10th. Live-streaming may begin with the October meeting. In response to a question from Vice-Chairman Ballance, Director Ed Cooper advised that Board of Supervisors meetings are live-streamed. This allows persons who are not able to attend the meeting the opportunity to view the proceedings in real time. Vice-Chairman Ballance asked if there are any special guidelines for live-streamed meetings. Director Cooper noted that ALUC meetings are already recorded on audio CDs. The difference is that a visual record will be available live.

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RIVERSIDE COUNTY PLANNING DEPARTMENT

PP25793

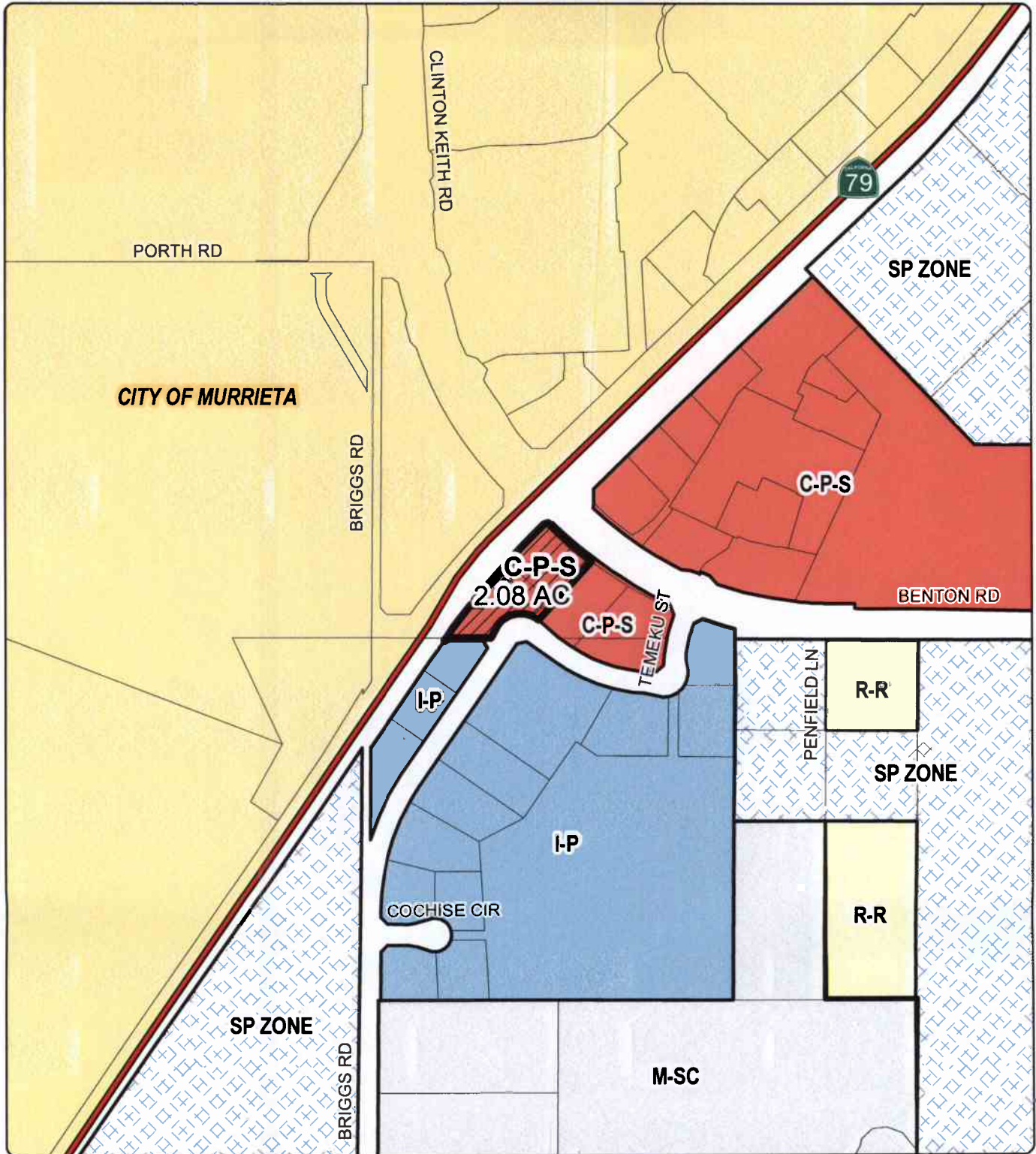
Date Drawn: 01/12/2016

Supervisor: Washington

District 3

EXISTING ZONING

Exhibit 2



Zoning Area: Rancho California

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rcplma.org>

RIVERSIDE COUNTY PLANNING DEPARTMENT

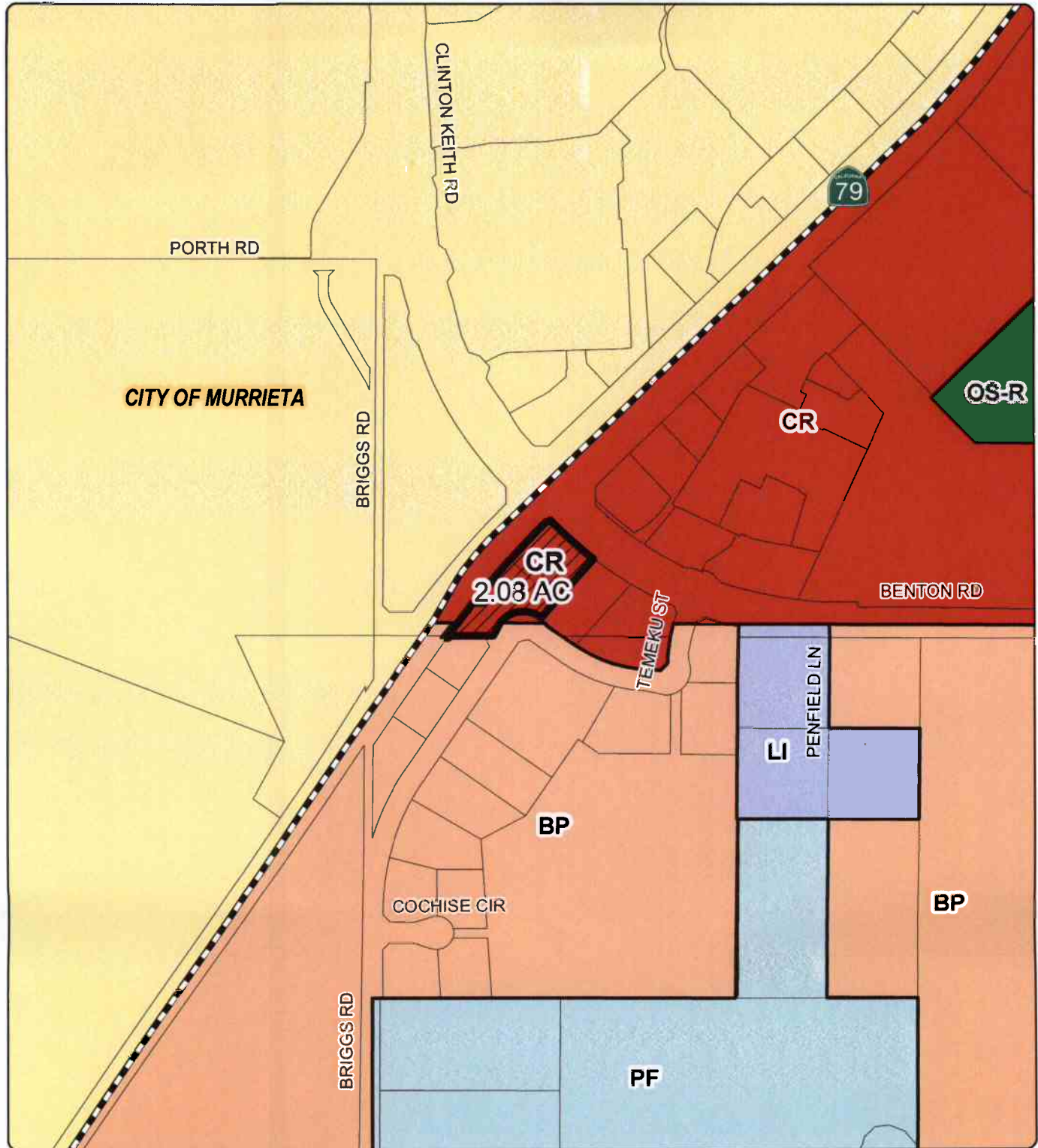
PP25793

Date Drawn: 01/12/2016

Supervisor: Washington
District 3

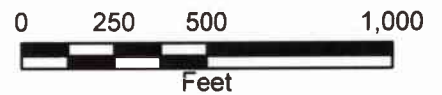
EXISTING GENERAL PLAN

Exhibit 5



Zoning Area: Rancho California

Author: Vinnie Nguyen



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RIVERSIDE COUNTY PLANNING DEPARTMENT

PP25793

LAND USE

Supervisor: Washington
District 3

Date Drawn: 01/12/2016

Exhibit 1



Zoning Area: Rancho California

Author: Vinnie Nguyen



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RIVERSIDE COUNTY PLANNING DEPARTMENT PP25793

Supervisor: Washington
District 3

Date Drawn: 01/12/2016
Vicinity Map

VICINITY/POLICY AREAS



Zoning Area: Rancho California

Author: Vinnie Nguyen



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**COUNTY OF RIVERSIDE
AIRPORT LAND USE COMMISSION**

STAFF REPORT

AGENDA ITEM: 2.12-5

HEARING DATE: August 13, 2015~~July 9, 2015~~ (continued from June 11, 2015 and July 9, 2015)

CASE NUMBER: ZAP1062FV15 – DMSD Property LLC (Representative: Senergy Inc – Scott Barone)

APPROVING JURISDICTION: County of Riverside

JURISDICTION CASE NO: PP25793 (Plot Plan)

MAJOR ISSUES: Restaurants are not considered to be “generally compatible” within Airport Compatibility Zone B1 unless they meet the specified intensity criteria of the zone. Within the French Valley Airport Influence Area, these criteria specify a maximum average intensity of 40 persons per acre and a maximum single-acre intensity of 80 persons (in the absence of bonuses). The proposed fast food restaurant (El Pollo Loco) and full service restaurant (Denny’s) exceed both the average and single-acre intensity criteria for Zone B1 based on the Building Code Method. The project would also be inconsistent with the average intensity criteria utilizing the parking space method. The project would not qualify for consideration as Infill pursuant to Countywide Policy 3.3.1 since this Policy is not applicable to Compatibility Zone B1. Even if it were, less than 65% of the project’s perimeter is bordered by developed area. There are, however, some intensive uses in the vicinity, including a shopping center, an existing fast food restaurant, an industrial building, and a fraternal lodge that serves as the interim meeting place for a church.

At the June 11, 2015 ALUC hearing, the project was continued to allow the applicant an opportunity to commission an empirical study of the number of persons at existing Denny’s and El Pollo Loco restaurants in order to determine whether actual peak usage is considerably lower than the seating capacity. The Commission noted that they had no data that would support the applicant’s assertion to this effect and would otherwise have to uphold staff’s recommendation of inconsistency based on the available information provided to staff. At the time of writing of this staff report (June 23), the applicant is pursuing this effort, but no new information is available at this time. Potentially, such information may be available for consideration by the Commission at its July 9 hearing.

At the July 9th public hearing, information was provided on customer counts at Denny’s and El Pollo Loco based on available information from actual Denny’s and El Pollo Loco establishments. The information for Denny’s (from a Santee location) was missing employee counts and the information from El Pollo Loco appeared to be for number of orders and not

customers.

The applicant has provided some clarification on these counts as requested by staff. The counts indicate that a maximum of 63 customers in Denny's and 33 customers in El Pollo Loco would be expected and pursuant to the site plan 8 employees for Denny's and 6 employees for El Pollo Loco would be expected for a total site occupancy of 110. This would result in an average intensity of 29 people per acre, which would be consistent with the average acre criterion of 40.

The maximum single-acre area would include the Denny's and approximately 1/3 of the El Pollo Loco. This would result in an occupancy of 84 people (63 Denny's customers, 8 Denny's employees and 1/3 of 33 El Pollo Loco customers and 1/3 of 6 El Pollo Loco employees), which would not be consistent with the single-acre criterion of 80. The applicant also provided revised employee counts for Denny's and El Pollo Loco of 6 and 5, respectively. This would adjust the single-acre intensity to 82. However, given that the peak hours for these uses differ, during the maximum joint peak hour (11 a.m. to 12 p.m.) and assuming 1/3 of the El Pollo Loco occupancy in the single acre, the maximum single-acre intensity would be 75, which would be consistent with the single-acre criterion. Although this would be consistent with the single-acre criterion, it is based on an hour by hour occupancy of specific tenants analyzed and since in the long term restaurant tenants may turnover and their hour by hour occupancies may change, staff cannot fully rely on this analysis as a basis to recommend Consistency. However, the Commission may wish to consider the hour by hour analysis and potential for findings under Countywide Policy 3.3.6.

RECOMMENDATION: Staff must recommend a finding of **INCONSISTENCY** for the plot plan, based on the proposed project exceeding both average and single-acre non-residential intensity criteria for Compatibility Zone B1, unless the Commission is willing to make special circumstance findings pursuant to Countywide Policy 3.3.6 based on the project's location and proximity to similarly intense uses.

~~Staff recommends CONTINUANCE WITHOUT DISCUSSION to the August 13th ALUC hearing to allow additional time or the completion of the empirical study. However, if the study is prepared and presented to ALUC staff prior to the July 9th ALUC hearing, staff may update its recommendation at the hearing depending on the results of the study. Based on the information available today (June 23), if the applicant were to insist on a determination on July 9, staff would continue to recommend a finding of inconsistency.~~

Staff must recommend a finding of INCONSISTENCY for the plot plan, based on the proposed project exceeding single-acre non-residential intensity criteria for Compatibility Zone B1, unless the Commission is willing to accept the applicant's estimates for occupancy relative to differing peak customer counts of the Denny's and the El Pollo Loco or make special circumstance findings pursuant to Countywide Policy 3.3.6 based on the project's location.

PROJECT DESCRIPTION: PP25793 is a proposal to develop a 4,565 square foot restaurant (Denny's) and 2,975 square foot fast food restaurant (El Pollo Loco) on ~~2.11~~ approximately 3.37 gross acres (including half-widths of adjacent rights-of-way) on two parcels.

PROJECT LOCATION: The site is located at the southeast corner of Benton Road and Winchester Road/State Highway 79, in the unincorporated community of French Valley, approximately 3,100 feet northerly of the northerly terminus of Runway 18-36 at French Valley Airport.

LAND USE PLAN: 2007 French Valley Airport Land Use Compatibility Plan, as amended in 2011

- a. Airport Influence Area: French Valley Airport
- b. Land Use Policy: Zone B1
- c. Noise Levels: Approximately 60 CNEL

BACKGROUND:

Non-Residential Average Intensity: Compatibility Zone B1 limits average intensity to 40 people per acre. Based on the site plan and floor plans provided for the project, a 2,975 square foot fast food restaurant and a 4,565 square foot full service 24-hour restaurant are proposed. The fast food restaurant (El Pollo Loco) would include 1,040 square feet of serving/dining area, 575 square feet of kitchen area, 73 square feet of office area, 114 square feet of storage area, and 264 square feet of waiting area. The full service restaurant (Denny's) would include 1,757 square feet of serving/dining area, 1,145 square feet of kitchen area, 132 square feet of office area, 220 square feet of storage area, and 200 square feet of waiting area. Pursuant to Appendix C, Table C-1, of the Riverside County Airport Land Use Compatibility Plan, the intensity of serving/dining areas is one person per 15 square feet, the intensity of commercial kitchen areas is one person per 200 square feet, the intensity of office areas is one person per 200 square feet (with 50% reduction), the intensity of storage areas is one person per 300 square feet, and the intensity of waiting areas is one person per 100 square feet for fast food restaurants and one person per 15 square feet for standard restaurants.

Based on the areas for each use and the occupancy assumptions for each use, El Pollo Loco would accommodate an occupancy of 76 people and Denny's would accommodate an occupancy of 138 people. (The floor plans actually indicate slightly higher maximum occupancies of 81 and 146, respectively.) The El Pollo Loco has a drive thru with a queue for 10 vehicles. Assuming 1.5 persons per vehicle would add 15 people in the drive thru. The El Pollo Loco also has an outdoor seating area with a total of 16 seats. The building occupancy, drive-thru, and outdoor seating would result in a total site occupancy of 245 people. Based on the gross area of the site (~~2.11 acres~~ **3.37 acres as estimated by GIS**), this occupancy level would result in an average acre intensity of ~~11673~~ people, which would be inconsistent with the Zone B1 average acre intensity criterion of 40 people. Even if just the building occupancies were considered (214), this would result in an average acre intensity of ~~10164~~ people, which would also be inconsistent.

A second method for determining total occupancy involves multiplying the number of parking spaces provided or required (whichever is greater) by average vehicle occupancy (assumed to be 1.5 persons per vehicle in the absence of more precise data). Based on the number of parking spaces provided

(97 spaces) and drive-thru queue (10 spaces), the total occupancy would be estimated at 160.5 people for an average acre intensity of approximately 7648, which is inconsistent with the Compatibility Zone B1 average acre intensity criterion.

Pursuant to French Valley Airport Land Use Compatibility Plan Additional Compatibility Policy 2.3.(a).2, a project within Zone B1 that provides at least 35% open area (an area with minimum dimensions of 75 feet by 300 feet clear of any obstructions greater than four feet in height and greater than four inches in diameter) shall be allowed to have an average up to 45 people per acre. Based on the site plan provided with the building and parking lot lighting fixtures as shown, no areas on the project site would qualify as open area. Therefore, an increased average intensity allowance based on open area provision would not be justified.

At the July 9th public hearing, information was provided on the estimated occupancy of Denny's and El Pollo Loco based on available information from actual Denny's and El Pollo Loco establishments. The information for Denny's did not include employee counts and the information from El Pollo Loco appeared to be for number of orders and not customers (noted as "checks"). This information was requested to be clarified or other survey provided to be able to be reliable for Commission consideration. The applicant has clarified that the El Pollo Loco data does indeed represent the number of customers. The applicant has also noted that a maximum of 6 employees for Denny's and 5 for El Pollo Loco would be anticipated. However, the site plan provided did note 8 employees for Denny's and 6 for El Pollo Loco, which is utilized by staff as a worst-case assumption. While the applicant did not perform an in/out door count of people at the facility, staff believes that the above information provided may be sufficient for the Commission to make a decision on the project.

This information provided indicated a maximum occupancy for Denny's of 63 customers on both Saturday and Sunday mornings and for El Pollo Loco of 33 customers. Adding 14 employees provides a total of 110, for an average acre intensity of approximately 33, which is consistent with the Compatibility Zone B1 average acre intensity criterion. Additionally, the times of days when the peak customer occupancy occurs for Denny's and El Pollo Loco differ. Looking at the hour by hour occupancy for both, the maximum combined peak occupancy of 92 people (78 customers and 14 employees) would occur between 11 a.m. and noon on a weekend morning. This would result in an average intensity of 27, which would be consistent with the Compatibility Zone B1 average acre intensity criterion.

Non-Residential Single-Acre Intensity: Single-acre intensity limits have been adopted for Airport Land Use Compatibility Plan zones to protect people on the ground and minimize risk of casualties in the event of an aircraft accident. Compatibility Zone B1 limits single-acre intensity to 80 people. As noted previously, the full service restaurant (Denny's) would accommodate 138 people and the fast food restaurant (El Pollo Loco) would accommodate 107 people (with inclusion of the outdoor seating and the drive-thru). Each building/use would exceed the single-acre criterion individually. The most intense single-acre area includes all of the Denny's building (138), plus a portion of the El Pollo Loco building. The seat count at Denny's alone (at 117) exceeds the single-acre maximum

intensity.

The parking space method is not typically applied for single-acre purposes since parking for a commercial center (even a small one as the one proposed) may not be accurately divided between the two uses/buildings. However, for background purposes at least, the El Pollo Loco requires a minimum of 27 parking spaces and also has 10 drive-thru queue spaces and the Denny's requires a minimum of 43 spaces. The project provides 97 spaces (27 spaces more than the minimum required). If this additional amount were divided evenly between the two uses/buildings, this would result in a total of 50.5 vehicle spaces for El Pollo Loco (including drive-thru) and 56.5 vehicle spaces for Denny's. Utilizing an assumption of 1.5 persons per vehicle, this would indicate an occupancy of 76 for El Pollo Loco and 85 for Denny's. Based on this method (although not typically utilized for single-acre purposes) the El Pollo Loco as a stand-alone facility may be considered consistent with the single-acre criterion; however, the Denny's would still be inconsistent.

Pursuant to French Valley Airport Land Use Compatibility Plan Additional Compatibility Policy 2.3.(a).2, a project within Zone B1 that provides at least 35% open area shall be allowed to have a single-acre intensity up to 90 people per acre. As noted previously, no area on the site would qualify as open area. Therefore, an increased single-acre intensity allowance based on open area provision would not be justified.

As previously noted, the information previously provided would indicate a maximum customer occupancy of 63 for Denny's and 33 for El Pollo Loco. Since approximately 1/3 of El Pollo Loco is located within a single-acre area with Denny's, a 1/3 proportion of the maximum customer occupancy would be 11 for a maximum single-acre intensity of 74, which would be consistent with the single-acre criterion. However, adding in 8 Denny's and 2 El Pollo Loco (1/3 of 6) employees brings the total up to 84. Furthermore, given that the peak hours for these uses differ, during the maximum joint peak hour (11 a.m. to 12 p.m.) and assuming 1/3 of the El Pollo Loco occupancy in the single acre, the maximum single-acre intensity would be 75, which would be consistent with the single-acre criterion.

Risk-Reduction Design Bonus: A bonus of up to 30% above the single-acre criterion of 80 for a maximum allowable intensity of 104 could be granted at the authority of the County of Riverside based on the type and amount of risk reduction measures incorporated. The project would include only single-story buildings. The proposed buildings would not include concrete walls. It is not known whether the buildings would include skylights. No information has been provided regarding whether upgraded roof strength, enhanced fire sprinklers, and increased number of emergency exits are provided or possible. If the single-story design is considered and a proportional bonus (1/7 of the 30% maximum) is applied, the project would have a revised single-acre allowance of 83. **If a 5% bonus is granted, a single-acre intensity of 84 would be permissible.** The project intensity pursuant to the building code still exceeds this revised level.

Infill Potential: Pursuant to Countywide Policy 3.3.1, higher intensity criteria may be considered for projects in zones other than Compatibility Zones A and B1 if the surrounding land uses are similar to

or more intense than the proposed project. To qualify for consideration, at least 65% of the project site's perimeter must be surrounded by uses similar to or more intense than the proposed project, and the project site must be less than 20 acres in area. If qualified, a higher average intensity level - the lesser of either the equivalent intensity to surrounding land uses or double the normally allowable intensity - may be consistent. This site is in Airport Compatibility Zone B1, so the Infill provisions do not specifically apply. However, staff considered the matter in its deliberations.

The area to the northeast across Benton Road is developed with a commercial shopping center with a mix of uses. The area to the southeast is developed with a fast food restaurant (Farmer Boys). The area to the south across Magdas Colaradas Street and Briggs Road is developed with an industrial use. The area immediately to the south is vacant and the area to the northwest across Winchester Road is predominantly vacant/agricultural. There is also a Moose lodge on the opposite side of Winchester Road in Compatibility Zone C. A portion of this building is in use as the interim location of a church with an occupancy well over 250 during weekend services. (The church will ultimately relocate to its permanent site in Zone E.) The total project perimeter is approximately 1,520 feet. The frontage and boundaries of developed areas accounts for 750 feet, which is only 49% of the project site's perimeter. Therefore, Countywide policy 3.3.1 would not apply to allow greater intensity based on the surrounding existing land uses, even if the site were not in Zone B1.

Prohibited and Discouraged Uses: The applicant does not propose any uses specifically prohibited or discouraged in Zone B1 (Children's schools, day care centers, libraries, hospitals, nursing homes, buildings with more than 2 aboveground habitable floors, highly noise-sensitive outdoor non-residential uses, aboveground bulk storage of hazardous materials, critical community infrastructure facilities, and hazards to flight) within the project. Projects within Zone B1 are encouraged to locate structures a maximum distance from the extended runway centerline. The extended runway centerline is located approximately 175 feet east of the easterly property line. The project proposes to locate the proposed buildings closer to the westerly property line furthest from the extended runway centerline, approximately a minimum of 270 feet from the extended runway centerline.

Noise: The property lies within the area that would be subject to average exterior noise levels of approximately 60 CNEL under ultimate airport development conditions. As a non-residential use that is not especially noise sensitive, no special mitigation of noise from aircraft is required to comply with applicable noise thresholds.

Part 77: The elevation of Runway 18-36 at its northerly terminus is approximately 1347 feet above mean sea level (AMSL). At a distance of approximately 3,100 feet from the runway, FAA review would be required for any structures with top of roof exceeding 1378 feet AMSL. The finished floor elevation of the fast food restaurant is 1347 feet AMSL and its height is 21 feet, for a maximum elevation of 1368 feet AMSL. The finished floor elevation of the full service restaurant is 1345 feet AMSL, and its height is 24 feet, for a maximum elevation of 1369 feet AMSL. Therefore, Federal Aviation Administration (FAA) obstruction evaluation review would not be required.

Open Area: The site is less than ten acres in area; therefore, the project is not subject to Zone B1

open area requirements.

Other Special Conditions: Countywide Policy 3.3.6 allows the Commission to find a normally incompatible use to be acceptable “because of terrain, specific location, or other extraordinary factors or circumstances related to the site.” In such a situation, the Commission would need to make findings that the land use would not create a safety hazard nor expose people to excessive noise. In some cases, projects that did not quite meet the exacting standards for consideration as infill have been judged consistent through use of Policy 3.3.6. The potential factors to be considered in this case are as follows:

~~Although the project does not strictly qualify as infill, the proposed restaurants are similar in use and intensity to those uses existing to the east and north of the site, which are also located within Compatibility Zone B1.~~ **Winchester Road is located adjacent to the project site, which provides a potentially viable emergency landing spot compared to the project site, thus limiting potential hazards to the project site.**

Prior ALUC Decisions: The shopping center to the north was reviewed by ALUC pursuant to FV-02-110 in 2002 under the old Airport Land Use Plan and was determined consistent. The Farmer Boys to the east was reviewed by ALUC pursuant to FV 05-103 and in October 2006 ALUC took no action due to the suspension of the French Valley Airport Land Use Compatibility Plan at that time. The industrial facility to the south was reviewed by ALUC most recently as ZAP1031FV09 and was determined consistent, with occupancy limitations.

CONDITIONS (in the event that the Commission chooses to utilize Policy 3.3.6 to make a finding of consistency):

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. This Plot Plan proposes the establishment of two restaurants. The following uses and activities are not included in the Plot Plan and shall be prohibited on this site, in accordance with Note A on Table 4 of the Southwest Area Plan:
 - (a) Any use or activity 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 or activity 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 or activity 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.
3. The following uses are specifically prohibited in Airport Compatibility Zone B1: Day care centers, children's schools, places of worship, libraries, hospitals, nursing homes, highly noise-sensitive outdoor non-residential uses, aboveground bulk storage of hazardous materials, critical community infrastructure facilities, and hazards to flight.
 4. Prior to issuance of building permits, the landowner shall convey an avigation easement to the County of Riverside as owner of French Valley Airport. Contact the Riverside County Economic Development Agency at (951) 955-9802 for additional information.
 5. The attached notice shall be provided to all potential purchasers of the property and/or tenants of the proposed buildings.
 6. Any retention or detention basin(s) 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.
 7. The grounds shall be maintained in a clean condition to avoid attraction of large concentrations of flocking birds that could constitute a hazard to safe air navigation.

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 1/12/2016,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers PP25793 For

Company or Individual's Name Planning Department,

Distance buffered 2400'.

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

TITLE GIS Analyst

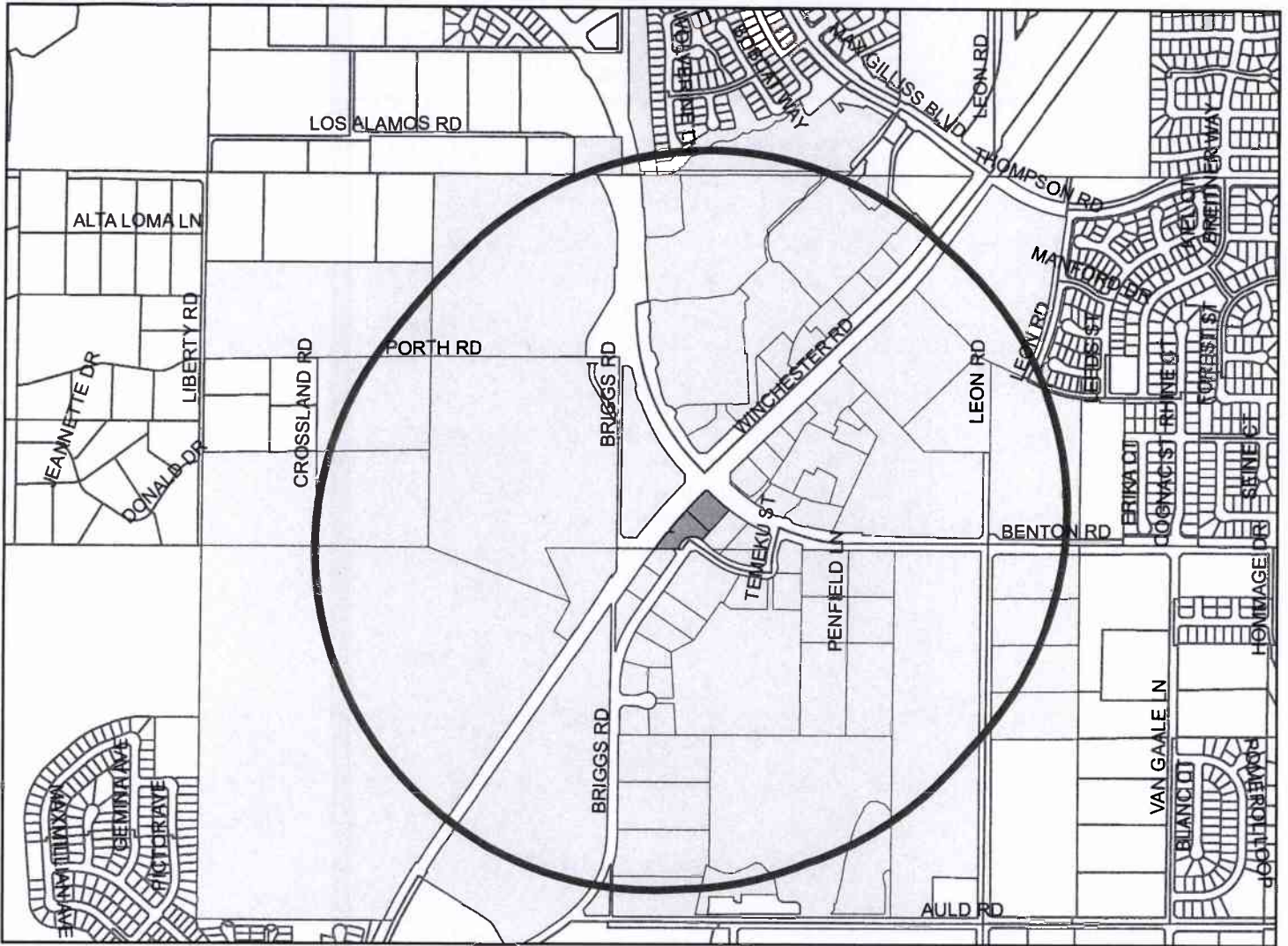
ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

*checked by
matt 5
exp 2/12/16*

PP25793 (2400 feet buffer)



Selected Parcels

963-070-017	963-060-053	480-523-008	963-221-050	963-060-076	963-070-051	963-070-049	963-070-022	963-070-029	963-070-030
963-070-035	963-070-038	963-070-039	963-070-042	963-070-044	963-440-008	963-060-070	963-060-071	963-060-004	963-060-073
963-060-075	963-060-051	963-060-052	480-100-073	480-100-074	963-060-065	963-060-066	963-450-002	963-450-003	963-450-004
963-450-005	963-450-006	963-450-007	963-450-008	963-450-009	963-450-010	963-450-011	963-450-013	963-450-019	963-060-072
963-060-074	963-070-018	963-070-021	480-100-071	963-060-069	963-070-033	963-010-001	963-010-002	963-010-003	963-010-004
963-070-020	963-440-001	963-440-002	963-440-003	963-440-004	963-440-005	963-440-007	963-440-009	963-440-010	963-440-011
963-070-002	963-070-003	963-070-004	963-070-005	963-070-006	963-070-007	963-070-008	963-070-009	963-070-010	963-070-011
963-070-012	963-070-013	963-070-014	963-070-015	480-100-057	963-070-023	963-070-024	963-070-031	480-100-056	480-100-077
963-450-001	963-060-021	963-100-004	963-221-046	963-440-006	963-060-032	480-100-015	963-060-010	963-060-011	963-060-012
963-070-019									



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ASMT: 480100015, APN: 480100015
WENDY LESOVSKY
17364 GRAND AVE
LAKE ELSINORE CA 92530

ASMT: 963060004, APN: 963060004
EMERALD ALISO
7771 REGENTS RD NO 113613
SAN DIEGO CA 92122

ASMT: 480100056, APN: 480100056
SPENCERS CROSSING MASTER ASSN
C/O MERIT ASSN SVCS
1 POLARIS WAY STE 100
ALISO VIEJO CA 92656

ASMT: 963060012, APN: 963060012
WESTERN RIVERSIDE COUNTY REG CON AUT
C/O SUE A SCHATZ
3133 MISSION INN AVE
RIVERSIDE CA 92507

ASMT: 480100057, APN: 480100057
RIVERSIDE MITLAND 03
C/O RICHARD WHITNEY
12865 POINTE DEL MAR 200
DEL MAR CA 92014

ASMT: 963060032, APN: 963060032
W DEV PARTNERS OF TEMECULA
C/O ROBERT MANN JR
505 SANSOME ST STE 1575
SAN FRANCISCO CA 94111

ASMT: 480100071, APN: 480100071
LENNAR SPENCERS CROSSING
391 N MAIN ST STE 300
CORONA CA 92880

ASMT: 963060052, APN: 963060052
FRENCH VALLEY TOWNE CENTER
C/O JIRIES ELQURA
P O BOX 1175
SAN JUAN CAPO CA 92693

ASMT: 480100077, APN: 480100077
SPENCERS CROSSING MASTER ASSN
C/O DENNIS J CHAPMAN
3090 BRISTOL ST STE 220
COSTA MESA CA 92626

ASMT: 963060053, APN: 963060053
ALESSANDRO PROP INV
P O BOX 1958
CORONA CA 92878

ASMT: 480523008, APN: 480523008
ANDREAS KASSEL
NO 219
39520 MURRIETA HOT SPGS
MURRIETA CA 92563

ASMT: 963060069, APN: 963060069
MARTIN RINDAHL
2303 W LOMA LINDA AVE
FRESNO CA 93711

ASMT: 963010004, APN: 963010004
FRENCH VALLEY TOWNE CENTER, ETAL
C/O JIRIES S EL QURA
31401 CAM CAPISTRANO NO 1
SAN JUAN CAPO CA 92675

ASMT: 963060071, APN: 963060071
DMSD PROP
41856 IVY ST STE 201
MURRIETA CA 92562



ASMT: 963060074, APN: 963060074
HAVADJIA HOLDINGS INC
3800 ORANGE ST NO 250
RIVERSIDE CA 92501

ASMT: 963070021, APN: 963070021
HELP HOSPITALIZED VETERANS
36585 PENFIELD RD
WINCHESTER, CA. 92596

ASMT: 963060075, APN: 963060075
FRENCH VALLEY BENTON RD
FRENCH VALLEY BENTON RD
PO BOX 1958
CORONA CA 92878

ASMT: 963070022, APN: 963070022
COUNTY OF RIVERSIDE
RIVERSIDE COUNTY EDA C/O AVIATION DIVISI
3410 10TH STREET STE 400
RIVERSIDE CA 92501

ASMT: 963070015, APN: 963070015
REISUNG ENTERPRISES INC
9675 LA JOLLA FARMS RD
LA JOLLA CA 92037

ASMT: 963070023, APN: 963070023
ROLLING FRITO LAY SALES INC
C/O TAX DEPT GMA
3131 S VAUGHN WAY STE 301
AURORA CO 80014

ASMT: 963070017, APN: 963070017
ADVANCED CARDIOVASCULAR SYSTEM INC
C/O TAX DIVISION D367 AP6D
100 ABBOTT PARK RD
ABBOTT PARK IL 60064

ASMT: 963070024, APN: 963070024
SHIRLEY SABA, ETAL
41309 AVENIDA BIONA
TEMECULA CA 92591

ASMT: 963070018, APN: 963070018
HELP HOSPITALIZED VETERANS INC
36585 PENFIELD LN
WINCHESTER CA 92596

ASMT: 963070031, APN: 963070031
SILVER HILLS INTERNATIONAL
P O BOX 455
VAN VLECK TX 77482

ASMT: 963070019, APN: 963070019
ZUIDER ZEE
C/O MASTER FUNDING CO
P O BOX 2467
TEMECULA CA 92593

ASMT: 963070033, APN: 963070033
MOON VALLEY NURSERY OF CALIF INC
19820 N 7TH ST
PHOENIX AZ 85024

ASMT: 963070020, APN: 963070020
SYLVIA TIVADAR, ETAL
36735 BLUE PALM DR
PALM DESERT CA 92211

ASMT: 963070044, APN: 963070044
COUNTY OF RIVERSIDE
RIVERSIDE COUNTY EDA C/O AVIATION DIVISI
3403 10TH STREET STE 400
RIVERSIDE CA 92501



ASMT: 963070049, APN: 963070049
DAVID BOREL, ETAL
36371 BRIGGS RD
MURRIETA CA 92563

ASMT: 963450001, APN: 963450001
TARGET CORP
RE EXISTING PURCHASE AGREEMENT CALIF
1000 NICOLLET MALL TPN 12
MINNEAPOLIS MN 55403

ASMT: 963070051, APN: 963070051
CLAY BOREL, ETAL
888 PROSPECT STE 330
LA JOLLA CA 92307

ASMT: 963450013, APN: 963450013
FV COMMONS
C/O PROPERTY TAX DEPT
P O BOX 790830
SAN ANTONIO TX 78279

ASMT: 963100004, APN: 963100004
TIERRA DEL REY INV
C/O SCOTT HOMAN
3121 MICHELSON DR STE 150
IRVINE CA 92612

ASMT: 963450019, APN: 963450019
FV COMMONS
C/O REGENCY REALTY GROUP INC
PO BOX 790830
SAN ANTONIO TX 78279

ASMT: 963221046, APN: 963221046
PARK DIST, ETAL
30627 MENIFEE RD
MENIFEE CA 92584

ASMT: 963221050, APN: 963221050
ASHLEY SEVERO
31047 HUNTSMAN CT
WINCHESTER, CA. 92596

ASMT: 963440006, APN: 963440006
VINTNERS DISTRIBUTORS INC
C/O NICK GOYAL
41805 ALBRAE ST 2ND FL
FREMONT CA 94538

ASMT: 963440008, APN: 963440008
TLS HOLDINGS, ETAL
C/O TLS HOLDINGS
705 N CRESCENT DR
BEVERLY HILLS CA 90210

