

**ATTACHMENTS**  
**FOR**  
**ITEM**  
**7 R**

**CITY COUNCIL  
AGENDA SUBMITTAL**

**Meeting Date: April 26, 2016**

**SUBJECT:** **INTENT TO OVERRULE** an inconsistency finding of the Riverside County Airport Land Use Commission (ALUC) for a proposed 228-unit multifamily residential development north of Orange Avenue, between Barrett Avenue and Perris Boulevard, with the March Air Reserve Base Land Use Plan. Applicant: Peter Kulmaticki (GPA 15-05205, ZC 15-05206, DPR 15-00014, TPM 15-052505 (TPM 37014)

**REQUESTED ACTION:** **ADOPT A RESOLUTION** authorizing staff to initiate the overrule process regarding the project's inconsistency determination by Riverside County ALUC and allowing a density of 12 units per acre with a maximum of 202 units, in accordance with the "Infill" policy of the March Airport Land Use Compatibility Plan.

**CONTACT:** Clara Miramontes, Director of Development Services



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**BACKGROUND/DISCUSSION:**

A 228-unit multifamily residential development on 16.9 acres is proposed on vacant land north of Orange Avenue, between Barrett Avenue and Perris Boulevard. The site is primarily zoned MFR-14, with 1 acre to be changed from Community Commercial to MFR-14 (Exhibit C). The density proposed is 13.49 units per acre, which is consistent with the MFR-14 Multi-Family Residential Zone. The project is located in March Air Reserve Base/Inland Port (March ARB) Influence Area C2, and therefore subject to review by the Riverside County Airport Land Use Commission for compliance with the ALUCP (Exhibit D).

On March 10, 2016, the Riverside County Airport Land Use Commission (ALUC) made a finding of inconsistency with the March Air Reserve Base Airport Land Use Compatibility Plan (MARB ALUCP) due to the project exceeding the maximum permissible average density of 6 units per acre in the Compatibility Zone C2 and exceeding the maximum allowed density of 12 units per acre under the plan's "Infill" policy. Although the project meets the requirements of the infill policy that would allow 12 units per acre (202 units), the applicant was requesting additional density up to 13.49 units per acre (228 units). The applicant requested that consideration of Section 3.3.6 (Other Special Conditions) be applied in order to allow for an additional density of 1.49 units per acre, totaling 13.49 units per acre. In order to apply the "Other Special Conditions" policy, the applicant needed to demonstrate that there are special conditions where a normally incompatible use can be considered compatible because of terrain, location or other factors. The applicant had suggested that 2.1 acres of open land park space within the future Harvest Landing Specific Plan could be used for emergency landing, thereby minimizing safety risks for emergency landing. A representative from the March ARB spoke during the public comment in opposition to the project and agreed with ALUC staff's recommendation. The ALUC did not support the applicant's request for "Other Special Considerations" and made a determination of inconsistency for the project, overall.

Since ALUC made a determination of inconsistency based on the applicant's proposal of 13.49 units per acre, the City is still required to overrule the decision of ALUC even to allow the permitted number of units under the "Infill" policy of the airport plan. The Infill policy will allow 202 units (12 units per acre), in which the applicant would have to remove 26 units from the project. The applicant is still requesting that the ALUC overrule by the City allow for 13.49 units per acre to allow 228 units. After the ALUC hearing, staff sent a transmittal requesting comments from MARCH ARB Commander prior to the initiation of an ALUC overrule in order to address concerns. On April 13, 2016, Commander Muncy submitted a letter to City staff stating March ARB's concerns. In summary, the letter stated that the project site is outside the MARB clear and accidental potential zones for the runway, however, it is located within an area that is exposed to elevated levels of noise from the base's flying operations.



The Commander further stated that that there will be an elevated accident potential risk to an apartment complex on this site even though it sits outside of the designated accident potential zone for March ARB. Additionally, the letter acknowledged that MARB's position is that even though this site and project is compatible with guidance found in the AFI 2015 under the Air Installations Compatible Use Zones Program, it is probable that this apartment complex could have a negative impact on current and future flight operations for MARB. He concluded by adding that mitigation steps could be implemented that could reduce potential noise complaints and it would be their desire that such steps be researched and implemented if at all possible. The letter also noted that the project density is inconsistent with the airport compatibility plan.

In order to address the MARB's concerns related to noise and reduce noise impacts to acceptable interior noise levels, the project will be required to comply with the City's Municipal Code Chapter 16.22 for construction standards for projects located near arterials, railroads and airports. This requires an study and construction standards for insulation against noise for areas within the vicinity of airports where the exterior community noise equivalent level exceeds 60 decibel (CNEL). Residential developments subject to noise impacts from aircraft operations are required to be designed and constructed to reduce interior levels to 45 decibels or less. As well, ALUC's standard conditions of approval will be applied to the project, which includes a "Notice of Airport Vicinity" notification to all tenants. These conditions will address MARB's primary concern related to noise complaints.

In considering the density of the surrounding area, undeveloped Harvest Landing Specific Plan is located west of the project across Barrett Avenue, and features densities from 9.4 du/ac to 22.4 du/ac. The densities of Harvest Landing Specific Plan were considered in order to allow for the Infill policy for the subject project because it is a vested approved project. On the east side, a single family tract of homes is zoned MFR-14 with a density of 5.2 du/ac. Industrial and commercial land uses are present to the north and south and are not considered in the density calculation.

In order to comply with the March Airport Land Use Plan 2015 and address March ARB's concerns, staff is recommending that the City Council initiate an overrule, allowing a maximum of 12 units per acre in accordance with the Infill policies of the March Airport Land Use Plan. However, the applicant is requesting that the City Council initiate an overrule, allowing 13.49 units per acre and make findings that the "Other Special Considerations" be made in order to exceed the maximum density allowed under the infill policy. As a matter of information, the City is currently in the process of update the City's General Plan to be in compliance with the 2014 March Airport Land Use Plan.

ALUC inconsistency determinations may be overruled by a two-thirds vote of the City Council. To overrule ALUC's determination, City Council must find that the proposal is consistent with the General Plan, and provides for the orderly development of the area surrounding a public use airport. The Public Resources Code requires the City to provide ALUC and the State Division of Aeronautics with a copy of the Council's intent to overrule and draft findings at least 45 days before a final decision is made. Therefore, the City Council is requested to review the findings contained in the draft Resolution and authorize staff to commence the ALUC overrule process.

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**BUDGET (or FISCAL) IMPACT:** Costs for staff preparation of this item are borne by the applicant.

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**PREPARED BY:** Diane Sbardellati, Associate Planner

**City Attorney:** N/A  
**Assistant City Manager:** Ron Carr 

**Consent:** April 26, 2016

**Attachments:**

1. Resolution, with Map Exhibits A-G
2. MARB Base Commander's Letter dated April 13, 2016
4. ALUC Letter of Inconsistency Dated March 22, 2016 and ALUC Report

**RESOLUTION NO. XXXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AUTHORIZING STAFF TO COMMENCE THE PROCESS TO OVERRULE THE RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION'S (ALUC) FINDING OF INCONSISTENCY AND ALLOWING A MAXIMUM DENSITY OF 12 UNITS PER ACRE IN ACCORDANCE WITH THE INFILL POLICY OF THE MARCH AIRPORT LAND USE COMPABILITY PLAN, THEREBY ALLOWING 202 UNITS FOR DEVELOPMENT PLAN REVIEW 15-00014, GENERAL PLAN AMENDMENT 15-05207, ZONE CHANGE 15-05206, AND TENTATIVE PARCEL MAP 15-05205 (TPM 37014).**

**WHEREAS**, the City of Perris received an application for Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014, for a 228-unit multifamily apartment complex, located north of Orange Avenue, South of Placentia Avenue, between Perris Blvd. and Barrett Avenue (Exhibit A); and

**WHEREAS**, the project is located on a 16.9 acre undeveloped site surrounded by residential, commercial and industrial development to the east, north, and south, with an approved vested specific plan to the west; and

**WHEREAS**, the project proposes a density of 13.49 dwelling units per acre, and staff supports a density of 12 dwelling units per acre, which complies with the Infill provision of the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (Section 3.3.1); and

**WHEREAS**, the proposed project known as Barrett Apartments, is located within the March Air Reserve Base Compatibility Zone C2 (Exhibit D), and is therefore subject to ALUC review, as the General Plan of the City has not been determined to be fully consistent with the Airport Land Use Compatibility Plan ("ALUCP") adopted in 2014 by the Riverside County Airport Land Use Commission ("ALUC") for the March Air Reserve Base ("March ARB"); and

**WHEREAS**, at the hearing on March 10, 2016, ALUC found proposed Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014 to be inconsistent with the 2014 March Air Reserve Base Airport Land Use Compatibility Plan ("ALUCP") based on the applicant's proposed density of 13.49 units per acre, which exceeded the allowable density of six dwelling units per acre in Compatibility Zone C2, and the maximum permissible infill density of 12 dwelling units per acre under Infill policy 3.3.1 of the Countywide Policy Document; and

**THE CITY COUNCIL OF THE CITY OF PERRIS** does resolve as follows that pursuant to Public Utilities Code Section 21676(b), the City Council hereby intends to overrule the ALUC decision to allow 12 units per acre, based on the following specific findings:

1. The proposed project site is located approximately 16,735 feet (3.1 miles) southeasterly of the southerly terminus of Runway 14-32 at March Air Reserve Base and within March Air Reserve Base Compatibility Zone C2, which is a Flight Corridor Zone. The maximum elevation on site is 1,456 feet above mean sea level. The maximum height of the proposed buildings is 40 feet, which brings the top point elevation to a maximum of 1,498 feet above mean sea level. The elevation of the runway at its nearest point (the south terminus) is 1,488 feet above mean sea level. At a distance of 16,735 feet from the runway, objects at an elevation of 1,655 feet and above would require Federal Aviation Administration (FAA) obstruction evaluation review. A review for height reasons is not required since the top elevation is only a few feet higher than the runway elevation.
2. The area surrounding the site includes MFR-14 zoned single family residential development to the east, and varying residential densities associated with the vested, undeveloped Harvest Landing Specific Plan to the west. Developed commercial land is located to the south, and developed Light industrial uses are present to the north. Previous entitlements for the project site (as part of the existing 300,000 square foot Spectrum Center adjacent to the proposed project to the south) included a 2,200-seat movie theater, a 36-lane bowling center and a health club. The site was re-zoned in 2003 to allow for multifamily development. The current proposal for develop is less intensive than the original entitlement. Existing commercial uses (a fast food restaurant and an auto parts store) are located along Perris Blvd in front of the proposed project.
3. Under the infill provisions of the March Airport Land Use Compatibility Plan and Countywide Policy Document (Section 3.3.1, Infill) the project is allowed 12 dwelling units per acre under specific conditions. To qualify for the infill provision under Section 3.3.a(1) to allow twice the density limit for Zone C2 from 6 to 12 dwelling units per acre, the parcel size under consideration must not exceed 20 acres, and 50% of the site's perimeter shall be bound by existing uses similar to, or more intensive than, that proposed within 300 feet (not including roadways). The vested Harvest Landing Specific Plan area to the west across Barrett Avenue has a planning area with 78 dwelling units at the density of 9.4 dwelling units per acre. The planning area to the northwest is

approved for 345 dwelling units at a density of 22.4 dwelling units per acre. A 16.5 acre sports park is planned to the southwest. On the opposite side, the density of the residential tract to the east across Perris Blvd. is 712 dwelling units on 150 acres, which equals approximately 4.75 dwelling units per acre. Density can be calculated by averaging the density levels of each of these three residential areas, which results in a density of slightly more than 12 dwelling units per acre. This qualifies the site for consideration as an infill site. Harvest Landing Specific Plan is fully approved and vested, but not developed, nor are there recorded tract maps. However, the maximum allowable density permitted per the Infill policy is double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A of the MALUCP 2014. The density permitted under the Compatibility Criteria matrix is 6 units per acre, therefore doubling this density would allow a maximum of 12 units per acre. With the Infill provision, a density of 12 dwelling units per acre at the project site would be consistent with the March Airport Land Use Compatibility Plan.

4. The proposed project as submitted is consistent with the City of Perris General Plan and zoning designation of Multi-Family Residential 14 (MFR-14), except for one .92 acre lot currently zoned Community Commercial (CC). General Plan Amendment 15-05207 and Zone Change 15-05206 will change this land use designation to MFR-14 for consistency.
5. According to Table 3-1 of the March Air Reserve Base Installation Compatible Use Zone Study (AICUZ) (2014), the project site is within the March Air Reserve Base's 60-65 DNL Noise Zone. The site is located within an area projected to be subject to average noise levels in excess of 60 dB(A) CNEL from aircraft operations once F-15 aircraft are placed into operation at March Air Reserve Base. It is also within the activity corridor utilized for closed-circuit flight training (occurring primarily during daylight hours) and may be overflown by turning aircraft. Within Compatibility Zone C2, single-event noise may be disruptive to outdoor and noise-sensitive activities. The maximum, aircraft-related, interior noise level that is considered acceptable to ALUC is CNEL 40 dB. Interior noise levels from aviation-related sources should not exceed 40dB(A) CNEL. To reduce noise impacts to acceptable interior noise levels, the following City standard conditions of approval are required per PMC 16.22 Construction Located near Arterials, Railroads, and Airport.



- a) **An analysis and design report signed by and prepared under the supervision of a qualified architect or engineer shall be submitted with the application for building permits. The report shall comply with the requirements of Section 16.22.070 and shall identify the noise sources and characteristics, provide the predicted noise spectra, indicate the basis for the prediction (measured or obtained from published data), and quantify the effectiveness of the proposed building construction to ensure that the CNEL standard of 40 dB is met within the interior living spaces. In the event that the analysis and design report includes a challenge to the March Airport Land Use Compatibility Plan noise contours, it shall also comply with the requirements and procedures for a challenge study.**
  - b) **Development Restrictions. Residential development will be considered acceptable by the city's building official for mitigating interior noise exposures if it incorporates the features described in Section 16.22.060 of the chapter. Alternative materials and methods of construction may be permitted provided such alternatives are demonstrated to the satisfaction of the city's building official to be equivalent to those described in this chapter.**
- 6. In connection with adoption of General Plan 2030, and certification of a Final Environmental Impact Report for General Plan 2030, the City Council found inconsistencies between the General Plan 2030 land use element and the AICUZ to be significant and unavoidable, and adopted the General Plan 2030 upon finding overriding considerations. Thus, the City Council has previously recognized that development within the City will not necessarily be consistent with the AICUZ. As a result of the adoption of the 2014 March ALUCP, the City's previous overrule is no longer applicable and all discretionary actions within the updated March AIA require ALUC review.**
- a) **On November 13, 2014 the Riverside County Airport Land Use Commission adopted the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (ALUCP) to reflect future air craft operations. This Compatibility Plan now supersedes the 1984 Riverside County Airport Land Use previously in effect for the March Air Reserve Base Airport Influence Area (AIA).**
  - b) **In the mid-1990s, the Federal Government ceased or reduced military operations at several military bases throughout the United States. The bases were "realigned" for civilian use and/or military reserve uses. Subsequent to the base realignment process in 1996, March Air Force**

Base (AFB) became March Air Reserve Base (ARB), and portions of the former Air Force base were reserved for use as a commercial airport. The March Joint Powers Authority (JPA) was created to oversee conversion and operation of the commercial airport, March Global Port. Airport Influence Area boundaries around March AFB were adopted by the County of Riverside Airport Land Use Commission (ALUC) in May, 1986, and became part of the County's Airport Land Use Plan (ALUP). As of the calendar year 2012, fewer than 100 annual operations by civilian aircraft have occurred since discontinuation of commercial air cargo aircraft activity.

- c) City of Perris General Plan 2030 includes the following policies to recognize March ARB and ensure that the ALUCP and AICUZ are considered as part of new development review:

**Safety Element - Goal I - Reduce risk of damage to property or loss of life due to natural or man-made disasters.**

**Safety Element - Policy I.D: Aircraft - Consult the Air Installation Compatible Use Zone (AICUZ) Land Use Compatibility Guidelines and ALUP Airport Influence Area development restrictions when considering development project applications.**

**Safety Element - Implementation Measures - I.D.1 Participate in March Operations Assurance Task Force to resolve inconsistencies between local land use regulations and AICUZ and ALUP policies.**

**I.D.2 Continue to notify March Air Reserve Base of new development applications and consider their input prior to making land use decisions.**

7. The following conditions shall also be applied as part of the Overrule by the City, as recommended by ALUC:

- a) Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflections into the sky. Outdoor lighting shall be downward facing.
- b) The following uses shall be prohibited:



- i. Any use which would direct a steady light or flashing light of red, white, green or amber colors associated with airport operations toward an aircraft engaged in an initial straight climb following take off 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.
  - ii. Any use which would direct 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.
  - iii. Any use which would generate excessive smoke or water vapors or which would attract large concentrations of birds, or which may otherwise affect a safe air navigation within the area. (such uses include landscaping utilizing water features, aquaculture, production of cereal grains, sunflowers, and row crops, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris centers, fly ash disposal and incinerators.
  - iv. Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- c) A Notice of Airport in Vicinity shall be provided to all prospective purchasers of the property and tenants and/or lessees of the proposed buildings, and shall be recorded as a deed notice.
  - d) Any new detention basin(s) on the site shall be designed so as to provide for a maximum 48-hours detention period following the conclusion of the storm event for the design storm, and to remain totally dry between rainfalls, Vegetation in and around the detention basin that would provide food or cover for bird species that would be incompatible with airport operations shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy when mature.
  - e) March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air base radio

communications could result. Sources of electromagnetic radiation include radio waves transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.

- f) The proposed residences must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than 40dB(A) CNEL. The City of Perris shall require an acoustical study to ensure compliance with this requirement.
8. Per the MARB, this site and project is compatible with guidance found in AFI 32-7063 dated December 18, 2015 titled Air Installation Compatible Use Zones Program.
9. As shown in the above findings, the proposed project is consistent with the public safety purpose stated in the Public Utilities Code.
10. As shown in the above findings, the proposed project promotes the overall goals and objectives of the California Airport noise standards and prevents the creation of new noise and safety problems.
11. As shown in the above findings, the proposed project protects the public, health, safety and welfare by minimizing the public's exposure to excessive noise and safety hazards in the area around public airports.

***NOW, THEREFORE, BE IT RESOLVED*** by the City Council of the City of Perris, as follows:

***Section 1.*** The City Council hereby authorizes the initiation to commence the overrule of the Airport Land Use Commission's findings of inconsistency based on the findings listed above, and hereby directs staff to begin the required noticing in preparation of a final decision to overrule the ALUC's inconsistency determination regarding Development Plan Review 15-00014, General Plan Amendment 15-05207, Zone Change 15-05206, and Tentative Parcel Map 37014.

***Section 2.*** The City Council declares that should any provision, section, paragraph, sentence, or word of this Resolution be rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences and words of this Resolution shall remain in full force and effect.

***Section 3.*** The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

**ADOPTED, SIGNED and APPROVED** this 26<sup>th</sup> day of April 2016.

\_\_\_\_\_  
MAYOR, DARYL R. BUSCH

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy Salazar

- Attachments:
- Exhibit A: Vicinity Map
  - Exhibit B: Aerial Map
  - Exhibit C: Site Plan
  - Exhibit D: General Plan Map
  - Exhibit E: MARB Land Use Compatibility Plan
  - Exhibit F: Noise Contours
  - Exhibit G: MARB Proximity to Project Site

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   ) §  
CITY OF PERRIS            )

I, NANCY SALAZAR, City Clerk of the City of Perris, do hereby certify that the foregoing Resolution Number \_\_\_\_ was duly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 26<sup>th</sup> day of April 2016, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
City Clerk, Nancy Salazar



**DEPARTMENT OF THE AIR FORCE**  
**AIR FORCE RESERVE COMMAND**

13 April 2016

**MEMORANDUM FOR CITY OF PERRIS**

**ATTN: DIANE SBARDELLATI, ASSOCIATE PLANNER  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION  
135 N "D" STREET  
PERRIS CA 92570**

**FROM: 452 AMW/CC  
2145 Graeber Street Suite 117  
March ARB CA 92518-1667**

**SUBJECT: Development Plan Review (DPR) 15-00014, GPA 15-05207, ZC 15-05206, and  
TPM 15-05205.**

1. The March Air Reserve Base (MARB) review of the proposed 228-unit apartment project development located between Perris Blvd. and Barrett Avenue, north of Orange Avenue, is provided with this memorandum.
2. This development is located outside of the MARB clear and accident potential zones for runway 14/32; however, it is located within an area that is exposed to elevated levels of noise from the base's flying operations. One could reference the Air Installation Compatible Use Zone Study for March Air Reserve Base for the noise contours for this areas, but this publication is somewhat dated with a publishing date of August 2005. A more up to date model can be found within the Land Use Compatibility Plan (LUCP) adopted by the Riverside County Airport Land Use Commission (RC ALUC) dated November 13, 2014. The document titled Background Data: March Air Reserve Base/Inland Port Airport Environs is an insert to the RC ALUC LUCP. Referencing Exhibit MA-4 from the aforementioned insert, it would appear that this project resides within an area that is subject to 60 dB CNEL and on the boarder of an area subject to 65 dB CNEL. In addition, this site is situated in an area where aircraft flying visual approaches to runway 32 will overfly this proposed apartment complex at relatively low altitudes. As such, we feel that inhabitants of this proposed apartment complex will be subject to noise occurrences that will generate complaints from the residents for the base and the community leadership.
3. In referencing a map of the area, this site is approximately 3.25 miles from the approach end of runway 32 and slightly to the left of the extended runway centerline/approach corridor. As previously mention, the site is located in an area overflown by aircraft on a visual flight path for runway 32 from the downwind traffic pattern. As such, there will be an elevated accident potential risk to an apartment complex on this site even though it sits outside of the designated accident potential zones for March ARB.

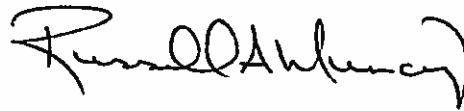


4. The MARB position is that even though this site and project is compatible with guidance found in AFI 32-7063 dated 18 December 2015 titled Air Installations Compatible Use Zones Program, it is probable that the construction of an apartment complex could have a negative impact on current and future flight operations for MARB. There may be mitigation steps that could be implemented that could reduce the potential for noise complaints, and it would be our desire that all such steps are researched and implemented if at all possible.

5. Lastly, we reviewed the guidance found in the Land Use Compatibility Plan adopted by the Riverside County Airport Land Use Commission as well as the City of Perris General Plan. Based upon our review of these plans, it appears that this location is inconsistent with respect to the density guidelines found in these plans.

6. MARB looks forward to receiving notification of the final site plans.

7. Thank you for the opportunity to review and comment on this proposed development. If you have questions please contact Ms. Denise Hauser at (951) 655-4862.

A handwritten signature in black ink, appearing to read "Russell A. Muncy". The signature is fluid and cursive, with the first name "Russell" being the most prominent.

RUSSELL A. MUNCY, Brig Gen, USAFR  
Commander



# AIRPORT LAND USE COMMISSION RIVERSIDE COUNTY

CHAIR March 22, 2016

Simon Housman  
Rancho Mirage

Ms. Clara Miramontes, Director of Development Services

VICE CHAIRMAN  
Rod Ballance  
Riverside

Ms. Diane Sbardellati, Associate Planner  
City of Perris Community Development Department, Planning Division  
135 North "D" Street  
Perris, CA 92570

COMMISSIONERS

Arthur Butler  
Riverside

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1176MA16

John Lyon  
Riverside

Related File No.: GPA 15-05207 (General Plan Amendment), ZC 15-05206  
(Change of Zone), DPR 15-00014 (Development Plan Review),  
TPM 15-05205 (Tentative Parcel Map No. 37014)

Glen Holmes  
Hemet

APN: 305-080-044; 305-080-046 through 305-080-049; 305-080-061;  
305-080-062

Greg Pettis  
Cathedral City

Dear Ms. Miramontes and Ms. Sbardellati:

Steve Manno  
Lake Elsinore

On March 10, 2016, the Riverside County Airport Land Use Commission (ALUC) found City of Perris Planning Case Nos. GPA 15-05207 and ZC 15-05206, proposals to amend the City of Perris General Plan land use designation and zoning on a 0.92-acre parcel located easterly of Barrett Street, westerly of Perris Boulevard, southerly of Placentia Street, and northerly of Orange Avenue from CC (Community Commercial) to MFR-14 (Multi-Family Residential 14, up to 14 dwelling units per acre) **INCONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, due to the allowable density of six dwelling units per acre in Compatibility Zone C2 and the maximum permissible infill density of twelve dwelling units per acre..

STAFF

Director  
Ed Cooper  
Russell Brady  
John Guerin  
Paul Rull  
Barbara Santos

On March 10, 2016, the Riverside County Airport Land Use Commission (ALUC) found City of Perris Planning Case No. DPR 15-00014, a proposal to develop a 228-unit apartment project on 15.95-16.9 acres located on the easterly side of Barrett Street, westerly of Perris Boulevard, southerly of Placentia Street, and northerly of Orange Avenue (and the associated Tentative Parcel Map No. 37014) **INCONSISTENT** with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, due to the proposed density exceeding double the allowable density of six dwelling units per acre in Compatibility Zone C2 and the inclusion of more than 24 dwelling units within single-acre areas of the site.

Should you have any questions regarding this action, please contact John Guerin, ALUC Principal Planner, at (951) 955-0982.

Sincerely,  
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

  
Edward C. Cooper, Director

County Administrative Center  
4088 Lemon St., 14th Floor  
Riverside, CA 92501  
(951) 955-5132

[www.rcaluc.org](http://www.rcaluc.org)

**Airport Land Use Commission**  
**Page 2 of 2**

**Attachment: Notice of Airport in Vicinity**  
**California Public Utilities Code, Sections 21670 through 21679**

**cc: Jennings D. Pierce (applicant/landowner)**  
**Peter Kulmaticki (representative)**  
**Denise Hauser, March Air Reserve Base**  
**Gary Gosliga, Airport Manager, March Inland Port Airport Authority**  
**Tony Sordello, CALTRANS Division of Aeronautics**

**Y:\AirportCaseFiles\March\ZAP1176MA16\ZAP1176MA16.LTR.doc**

## **PUBLIC UTILITIES CODE**

### **SECTION 21670-21679.5**

21670. (a) The Legislature hereby finds and declares that:

(1) It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.

(2) It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

(b) In order to achieve the purposes of this article, every county in which there is located an airport which is served by a scheduled airline shall establish an airport land use commission. Every county, in which there is located an airport which is not served by a scheduled airline, but is operated for the benefit of the general public, shall establish an airport land use commission, except that the board of supervisors of the county may, after consultation with the appropriate airport operators and affected local entities and after a public hearing, adopt a resolution finding that there are no noise, public safety, or land use issues affecting any airport in the county which require the creation of a commission and declaring the county exempt from that requirement. The board shall, in this event, transmit a copy of the resolution to the Director of Transportation. For purposes of this section, "commission" means an airport land use commission. Each commission shall consist of seven members to be selected as follows:

(1) Two representing the cities in the county, appointed by a city selection committee comprised of the mayors of all the cities within that county, except that if there are any cities contiguous or adjacent to the qualifying airport, at least one representative shall be appointed therefrom. If there are no cities within a county, the number of representatives provided for by paragraphs (2) and (3) shall each be increased by one.

(2) Two representing the county, appointed by the board of supervisors.

(3) Two having expertise in aviation, appointed by a selection committee comprised of the managers of all of the public airports within that county.

(4) One representing the general public, appointed by the other six members of the commission.

(c) Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

(d) Each member shall promptly appoint a single proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy shall be designated in a signed written instrument which shall be kept on file at the commission offices, and the proxy shall serve at the pleasure of the appointing member. A vacancy in the office of proxy shall be filled promptly by appointment of a new proxy.



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(e) A person having an "expertise in aviation" means a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport.

(f) It is the intent of the Legislature to clarify that, for the purposes of this article, that special districts, school districts, and community college districts are included among the local agencies that are subject to airport land use laws and other requirements of this article.

21670.1. (a) Notwithstanding any other provision of this article, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated shall assume the planning responsibilities of an airport land use commission as provided for in this article, and a commission need not be formed in that county.

(b) A body designated pursuant to subdivision (a) that does not include among its membership at least two members having expertise in aviation, as defined in subdivision (e) of Section 21670, shall, when acting in the capacity of an airport land use commission, be augmented so that body, as augmented, will have at least two members having that expertise. The commission shall be constituted pursuant to this section on and after March 1, 1988.

(c) (1) Notwithstanding subdivisions (a) and (b), and subdivision (b) of Section 21670, if the board of supervisors of a county and each affected city in that county each makes a determination that proper land use planning pursuant to this article can be accomplished pursuant to this subdivision, then a commission need not be formed in that county.

(2) If the board of supervisors of a county and each affected city makes a determination that proper land use planning may be accomplished and a commission is not formed pursuant to paragraph (1), that county and the appropriate affected cities having jurisdiction over an airport, subject to the review and approval by the Division of Aeronautics of the department, shall do all of the following:

(A) Adopt processes for the preparation, adoption, and amendment of the airport land use compatibility plan for each airport that is served by a scheduled airline or operated for the benefit of the general public.

(B) Adopt processes for the notification of the general public, landowners, interested groups, and other public agencies regarding the preparation, adoption, and amendment of the airport land use compatibility plans.

(C) Adopt processes for the mediation of disputes arising from the preparation, adoption, and amendment of the airport land use compatibility plans.

(D) Adopt processes for the amendment of general and specific plans to be consistent with the airport land use compatibility plans.

(E) Designate the agency that shall be responsible for the preparation, adoption, and amendment of each airport land use compatibility plan.

(3) The Division of Aeronautics of the department shall review the processes adopted pursuant to paragraph (2), and shall approve the

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processes if the division determines that the processes are consistent with the procedure required by this article and will do all of the following:

(A) Result in the preparation, adoption, and implementation of plans within a reasonable amount of time.

(B) Rely on the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations.

(C) Provide adequate opportunities for notice to, review of, and comment by the general public, landowners, interested groups, and other public agencies.

(4) If the county does not comply with the requirements of paragraph (2) within 120 days, then the airport land use compatibility plan and amendments shall not be considered adopted pursuant to this article and a commission shall be established within 90 days of the determination of noncompliance by the division and an airport land use compatibility plan shall be adopted pursuant to this article within 90 days of the establishment of the commission.

(d) A commission need not be formed in a county that has contracted for the preparation of airport land use compatibility plans with the Division of Aeronautics under the California Aid to Airports Program (Chapter 4 (commencing with Section 4050) of Title 21 of the California Code of Regulations), Project Ker-VAR 90-1, and that submits all of the following information to the Division of Aeronautics for review and comment that the county and the cities affected by the airports within the county, as defined by the airport land use compatibility plans:

(1) Agree to adopt and implement the airport land use compatibility plans that have been developed under contract.

(2) Incorporated the height, use, noise, safety, and density criteria that are compatible with airport operations as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, as part of the general and specific plans for the county and for each affected city.

(3) If the county does not comply with this subdivision on or before May 1, 1995, then a commission shall be established in accordance with this article.

(e) (1) A commission need not be formed in a county if all of the following conditions are met:

(A) The county has only one public use airport that is owned by a city.

(B) (i) The county and the affected city adopt the elements in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city.

(ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.

21670.2. (a) Sections 21670 and 21670.1 do not apply to the County of Los Angeles. In that county, the county regional planning

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commission has the responsibility for coordinating the airport planning of public agencies within the county. In instances where impasses result relative to this planning, an appeal may be made to the county regional planning commission by any public agency involved. The action taken by the county regional planning commission on an appeal may be overruled by a four-fifths vote of the governing body of a public agency whose planning led to the appeal.

(b) By January 1, 1992, the county regional planning commission shall adopt the airport land use compatibility plans required pursuant to Section 21675.

(c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the County of Los Angeles until January 1, 1992. If the airport land use compatibility plans required pursuant to Section 21675 are not adopted by the county regional planning commission by January 1, 1992, Sections 21675.1 and 21675.2 shall apply to the County of Los Angeles until the airport land use compatibility plans are adopted.

21670.3. (a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.

(b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

21670.4. (a) As used in this section, "intercounty airport" means any airport bisected by a county line through its runways, runway protection zones, inner safety zones, inner turning zones, outer safety zones, or sideline safety zones, as defined by the department's Airport Land Use Planning Handbook and referenced in the airport land use compatibility plan formulated under Section 21675.

(b) It is the purpose of this section to provide the opportunity to establish a separate airport land use commission so that an intercounty airport may be served by a single airport land use planning agency, rather than having to look separately to the airport land use commissions of the affected counties.

(c) In addition to the airport land use commissions created under Section 21670 or the alternatives established under Section 21670.1, for their respective counties, the boards of supervisors and city selection committees for the affected counties, by independent majority vote of each county's two delegations, for any intercounty airport, may do either of the following:

(1) Establish a single separate airport land use commission for that airport. That commission shall consist of seven members to be selected as follows:

(A) One representing the cities in each of the counties, appointed by that county's city selection committee.

(B) One representing each of the counties, appointed by the board of supervisors of each county.

(C) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.

(D) One representing the general public, appointed by the other

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six members of the commission.

(2) In accordance with subdivision (a) or (b) of Section 21670.1, designate an existing appropriate entity as that airport's land use commission.

21670.6. Any action brought in the superior court relating to this article may be subject to a mediation proceeding conducted pursuant to Chapter 9.3 (commencing with Section 66030) of Division 1 of Title 7 of the Government Code.

21671. In any county where there is an airport operated for the general public which is owned by a city or district in another county or by another county, one of the representatives provided by paragraph (1) of subdivision (b) of Section 21670 shall be appointed by the city selection committee of mayors of the cities of the county in which the owner of that airport is located, and one of the representatives provided by paragraph (2) of subdivision (b) of Section 21670 shall be appointed by the board of supervisors of the county in which the owner of that airport is located.

21671.5. (a) Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant. The chairperson of the commission shall be selected by the members thereof.

(b) Compensation, if any, shall be determined by the board of supervisors.

(c) Staff assistance, including the mailing of notices and the keeping of minutes and necessary quarters, equipment, and supplies shall be provided by the county. The usual and necessary operating expenses of the commission shall be a county charge.

(d) Notwithstanding any other provisions of this article, the commission shall not employ any personnel either as employees or independent contractors without the prior approval of the board of supervisors.

(e) The commission shall meet at the call of the commission chairperson or at the request of the majority of the commission members. A majority of the commission members shall constitute a quorum for the transaction of business. No action shall be taken by the commission except by the recorded vote of a majority of the full membership.

(f) The commission may establish a schedule of fees necessary to comply with this article. Those fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the



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estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. Except as provided in subdivision (g), after June 30, 1991, a commission that has not adopted the airport land use compatibility plan required by Section 21675 shall not charge fees pursuant to this subdivision until the commission adopts the plan.

(g) In any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, the commission may continue to charge fees necessary to comply with this article until June 30, 1992, and, if the airport land use compatibility plans are complete by that date, may continue charging fees after June 30, 1992. If the airport land use compatibility plans are not complete by June 30, 1992, the commission shall not charge fees pursuant to subdivision (f) until the commission adopts the land use plans.

21672. Each commission shall adopt rules and regulations with respect to the temporary disqualification of its members from participating in the review or adoption of a proposal because of conflict of interest and with respect to appointment of substitute members in such cases.

21673. In any county not having a commission or a body designated to carry out the responsibilities of a commission, any owner of a public airport may initiate proceedings for the creation of a commission by presenting a request to the board of supervisors that a commission be created and showing the need therefor to the satisfaction of the board of supervisors.

21674. The commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in Section 21676:

(a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

(b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.

(c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.

(d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.

(e) The powers of the commission shall in no way be construed to give the commission jurisdiction over the operation of any airport.

(f) In order to carry out its responsibilities, the commission may adopt rules and regulations consistent with this article.

21674.5. (a) The Department of Transportation shall develop and implement a program or programs to assist in the training and development of the staff of airport land use commissions, after consulting with airport land use commissions, cities, counties, and

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other appropriate public entities.

(b) The training and development program or programs are intended to assist the staff of airport land use commissions in addressing high priority needs, and may include, but need not be limited to, the following:

(1) The establishment of a process for the development and adoption of airport land use compatibility plans.

(2) The development of criteria for determining the airport influence area.

(3) The identification of essential elements that should be included in the airport land use compatibility plans.

(4) Appropriate criteria and procedures for reviewing proposed developments and determining whether proposed developments are compatible with the airport use.

(5) Any other organizational, operational, procedural, or technical responsibilities and functions that the department determines to be appropriate to provide to commission staff and for which it determines there is a need for staff training or development.

(c) The department may provide training and development programs for airport land use commission staff pursuant to this section by any means it deems appropriate. Those programs may be presented in any of the following ways:

(1) By offering formal courses or training programs.

(2) By sponsoring or assisting in the organization and sponsorship of conferences, seminars, or other similar events.

(3) By producing and making available written information.

(4) Any other feasible method of providing information and assisting in the training and development of airport land use commission staff.

21674.7. (a) An airport land use commission that formulates, adopts, or amends an airport land use compatibility plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the Airport Land Use Planning Handbook published by the Division of Aeronautics of the Department of Transportation.

(b) It is the intent of the Legislature to discourage incompatible land uses near existing airports. Therefore, prior to granting permits for the renovation or remodeling of an existing building, structure, or facility, and before the construction of a new building, it is the intent of the Legislature that local agencies shall be guided by the height, use, noise, safety, and density criteria that are compatible with airport operations, as established by this article, and referred to as the Airport Land Use Planning Handbook, published by the division, and any applicable federal aviation regulations, including, but not limited to, Part 77 (commencing with Section 77.1) of Title 14 of the Code of Federal Regulations, to the extent that the criteria has been incorporated into the plan prepared by a commission pursuant to Section 21675. This subdivision does not limit the jurisdiction of a commission as established by this article. This subdivision does not limit the authority of local agencies to overrule commission actions or recommendations pursuant to Sections 21676, 21676.5, or 21677.

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21675. (a) Each commission shall formulate an airport land use compatibility plan that will provide for the orderly growth of each public airport and the area surrounding the airport within the jurisdiction of the commission, and will safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. The commission's airport land use compatibility plan shall include and shall be based on a long-range master plan or an airport layout plan, as determined by the Division of Aeronautics of the Department of Transportation, that reflects the anticipated growth of the airport during at least the next 20 years. In formulating an airport land use compatibility plan, the commission may develop height restrictions on buildings, specify use of land, and determine building standards, including soundproofing adjacent to airports, within the airport influence area. The airport land use compatibility plan shall be reviewed as often as necessary in order to accomplish its purposes, but shall not be amended more than once in any calendar year.

(b) The commission shall include, within its airport land use compatibility plan formulated pursuant to subdivision (a), the area within the jurisdiction of the commission surrounding any military airport for all of the purposes specified in subdivision (a). The airport land use compatibility plan shall be consistent with the safety and noise standards in the Air Installation Compatible Use Zone prepared for that military airport. This subdivision does not give the commission any jurisdiction or authority over the territory or operations of any military airport.

(c) The airport influence area shall be established by the commission after hearing and consultation with the involved agencies.

(d) The commission shall submit to the Division of Aeronautics of the department one copy of the airport land use compatibility plan and each amendment to the plan.

(e) If an airport land use compatibility plan does not include the matters required to be included pursuant to this article, the Division of Aeronautics of the department shall notify the commission responsible for the plan.

21675.1. (a) By June 30, 1991, each commission shall adopt the airport land use compatibility plan required pursuant to Section 21675, except that any county that has undertaken by contract or otherwise completed airport land use compatibility plans for at least one-half of all public use airports in the county, shall adopt that airport land use compatibility plan on or before June 30, 1992.

(b) Until a commission adopts an airport land use compatibility plan, a city or county shall first submit all actions, regulations, and permits within the vicinity of a public airport to the commission for review and approval. Before the commission approves or disapproves any actions, regulations, or permits, the commission shall give public notice in the same manner as the city or county is required to give for those actions, regulations, or permits. As used in this section, "vicinity" means land that will be included or reasonably could be included within the airport land use compatibility plan. If the commission has not designated an airport influence area for the airport land use compatibility plan, then "vicinity" means land within two miles of the boundary of a public airport.

(c) The commission may approve an action, regulation, or permit if it finds, based on substantial evidence in the record, all of the following:

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(1) The commission is making substantial progress toward the completion of the airport land use compatibility plan.

(2) There is a reasonable probability that the action, regulation, or permit will be consistent with the airport land use compatibility plan being prepared by the commission.

(3) There is little or no probability of substantial detriment to or interference with the future adopted airport land use compatibility plan if the action, regulation, or permit is ultimately inconsistent with the airport land use compatibility plan.

(d) If the commission disapproves an action, regulation, or permit, the commission shall notify the city or county. The city or county may overrule the commission, by a two-thirds vote of its governing body, if it makes specific findings that the proposed action, regulation, or permit is consistent with the purposes of this article, as stated in Section 21670.

(e) If a city or county overrules the commission pursuant to subdivision (d), that action shall not relieve the city or county from further compliance with this article after the commission adopts the airport land use compatibility plan.

(f) If a city or county overrules the commission pursuant to subdivision (d) with respect to a publicly owned airport that the city or county does not operate, the operator of the airport is not liable for damages to property or personal injury resulting from the city's or county's decision to proceed with the action, regulation, or permit.

(g) A commission may adopt rules and regulations that exempt any ministerial permit for single-family dwellings from the requirements of subdivision (b) if it makes the findings required pursuant to subdivision (c) for the proposed rules and regulations, except that the rules and regulations may not exempt either of the following:

(1) More than two single-family dwellings by the same applicant within a subdivision prior to June 30, 1991.

(2) Single-family dwellings in a subdivision where 25 percent or more of the parcels are undeveloped.

21675.2. (a) If a commission fails to act to approve or disapprove any actions, regulations, or permits within 60 days of receiving the request pursuant to Section 21675.1, the applicant or his or her representative may file an action pursuant to Section 1094.5 of the Code of Civil Procedure to compel the commission to act, and the court shall give the proceedings preference over all other actions or proceedings, except previously filed pending matters of the same character.

(b) The action, regulation, or permit shall be deemed approved only if the public notice required by this subdivision has occurred. If the applicant has provided seven days advance notice to the commission of the intent to provide public notice pursuant to this subdivision, then, not earlier than the date of the expiration of the time limit established by Section 21675.1, an applicant may provide the required public notice. If the applicant chooses to provide public notice, that notice shall include a description of the proposed action, regulation, or permit substantially similar to the descriptions which are commonly used in public notices by the commission, the location of any proposed development, the application number, the name and address of the commission, and a statement that the action, regulation, or permit shall be deemed approved if the commission has not acted within 60 days. If the applicant has provided the public notice specified in this subdivision, the time

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limit for action by the commission shall be extended to 60 days after the public notice is provided. If the applicant provides notice pursuant to this section, the commission shall refund to the applicant any fees which were collected for providing notice and which were not used for that purpose.

(c) Failure of an applicant to submit complete or adequate information pursuant to Sections 65943 to 65946, inclusive, of the Government Code, may constitute grounds for disapproval of actions, regulations, or permits.

(d) Nothing in this section diminishes the commission's legal responsibility to provide, where applicable, public notice and hearing before acting on an action, regulation, or permit.

21676. (a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body

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shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.

(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.

21676.5. (a) If the commission finds that a local agency has not revised its general plan or specific plan or overruled the commission by a two-thirds vote of its governing body after making specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670, the commission may require that the local agency submit all subsequent actions, regulations, and permits to the commission for review until its general plan or specific plan is revised or the specific findings are made. If, in the determination of the commission, an action, regulation, or permit of the local agency is inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall hold a hearing to reconsider its plan. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article as stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds

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vote of the governing body.

(b) Whenever the local agency has revised its general plan or specific plan or has overruled the commission pursuant to subdivision (a), the proposed action of the local agency shall not be subject to further commission review, unless the commission and the local agency agree that individual projects shall be reviewed by the commission.

21677. Notwithstanding the two-thirds vote required by Section 21676, any public agency in the County of Marin may overrule the Marin County Airport Land Use Commission by a majority vote of its governing body. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the public record of the final decision to overrule the commission, which may be adopted by a majority vote of the governing body.

21678. With respect to a publicly owned airport that a public agency does not operate, if the public agency pursuant to Section 21676, 21676.5, or 21677 overrules a commission's action or recommendation, the operator of the airport shall be immune from liability for damages to property or personal injury caused by or resulting directly or indirectly from the public agency's decision to overrule the commission's action or recommendation.

21679. (a) In any county in which there is no airport land use commission or other body designated to assume the responsibilities of an airport land use commission, or in which the commission or other designated body has not adopted an airport land use compatibility plan, an interested party may initiate proceedings in a court of competent jurisdiction to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, that directly affects the use of land within one mile of the boundary of a public airport within the county.

(b) The court may issue an injunction that postpones the effective date of the zoning change, zoning variance, permit, or regulation until the governing body of the local agency that took the action does one of the following:

(1) In the case of an action that is a legislative act, adopts a resolution declaring that the proposed action is consistent with the purposes of this article stated in Section 21670.

(2) In the case of an action that is not a legislative act, adopts a resolution making findings based on substantial evidence in the record that the proposed action is consistent with the purposes of this article stated in Section 21670.



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(3) Rescinds the action.

(4) Amends its action to make it consistent with the purposes of this article stated in Section 21670, and complies with either paragraph (1) or (2), whichever is applicable.

(c) The court shall not issue an injunction pursuant to subdivision (b) if the local agency that took the action demonstrates that the general plan and any applicable specific plan of the agency accomplishes the purposes of an airport land use compatibility plan as provided in Section 21675.

(d) An action brought pursuant to subdivision (a) shall be commenced within 30 days of the decision or within the appropriate time periods set by Section 21167 of the Public Resources Code, whichever is longer.

(e) If the governing body of the local agency adopts a resolution pursuant to subdivision (b) with respect to a publicly owned airport that the local agency does not operate, the operator of the airport shall be immune from liability for damages to property or personal injury from the local agency's decision to proceed with the zoning change, zoning variance, permit, or regulation.

(f) As used in this section, "interested party" means any owner of land within two miles of the boundary of the airport or any organization with a demonstrated interest in airport safety and efficiency.

21679.5. (a) Until June 30, 1991, no action pursuant to Section 21679 to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport, shall be commenced in any county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan.

(b) If a commission has been prevented from adopting the airport land use compatibility plan by June 30, 1991, or if the adopted airport land use compatibility plan could not become effective, because of a lawsuit involving the adoption of the airport land use compatibility plan, the June 30, 1991, date in subdivision (a) shall be extended by the period of time during which the lawsuit was pending in a court of competent jurisdiction.

(c) Any action pursuant to Section 21679 commenced prior to January 1, 1990, in a county in which the commission or other designated body has not adopted an airport land use compatibility plan, but is making substantial progress toward the completion of the airport land use compatibility plan, which has not proceeded to final judgment, shall be held in abeyance until June 30, 1991. If the commission or other designated body adopts an airport land use compatibility plan on or before June 30, 1991, the action shall be dismissed. If the commission or other designated body does not adopt an airport land use compatibility plan on or before June 30, 1991, the plaintiff or plaintiffs may proceed with the action.

(d) An action to postpone the effective date of a zoning change, a zoning variance, the issuance of a permit, or the adoption of a regulation by a local agency, directly affecting the use of land within one mile of the boundary of a public airport for which an airport land use compatibility plan has not been adopted by June 30, 1991, shall be commenced within 30 days of June 30, 1991, or within 30 days of the decision by the local agency, or within the

**CA Codes (puc:21670-21679.5)**

appropriate time periods set by Section 21167 of the Public Resources Code, whichever date is later.

**COUNTY OF RIVERSIDE  
AIRPORT LAND USE COMMISSION**

**STAFF REPORT**

**AGENDA ITEM:** 3.7

**HEARING DATE:** March 10, 2016

**CASE NUMBER:** ZAP1176MA16 – Perris Group LLC (Representative: Peter Kulmaticki, J. D. Pierce Co.)

**APPROVING JURISDICTION:** City of Perris

**JURISDICTION CASE NO.:** General Plan Amendment: GPA 15-05207; Zone Change: ZC 15-05206; Development Plan Review: DPR 15-00014; Tentative Parcel Map: TPM 15-05205 (Tentative Parcel Map No. 37014)

**MAJOR ISSUES:** The site is located within Compatibility Zone C2, where residential densities are limited to a maximum of six dwelling units per acre. However, it is adjacent on one side to land within the Heritage Landing Specific Plan designated for high density and acknowledged as an Exception Area in the March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan and on two other sides by commercial and industrial designated land. Pursuant to the 1984 Riverside County Airport Land Use Plan, residential development in this area was restricted to one dwelling unit per 2 ½ acres, and the Harvest Landing Specific Plan was adopted by the City through an overrule process. This new project proposes a density of almost fourteen dwelling units per acre. The applicant proposes consideration pursuant to Section 3.3.1 (Infill). If the Commission agrees that this site meets the infill standard, a density of up to 12 dwelling units per acre could be determined to be consistent. The location of commercial and industrial uses to the north and south makes this situation different from the “textbook example,” but the densities of the surrounding residential areas (if approved vested projects are included) are sufficient to allow the 12 dwelling units per acre (192 units). The applicant also is requesting that the Commission consider allowance for the full density proposed via Section 3.3.6 (Other Special Conditions).

Additionally, clustering of dwelling units is limited to four times the allowable average density. Staff interprets this provision as limiting the maximum number of dwelling units in any given acre of this site to 24 units. Some individual acres include all of three buildings and portions of three other buildings.

**RECOMMENDATION:** Unless the Commission grants a Section 3.3.6 finding, staff must recommend a finding of INCONSISTENCY with the 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan, based on the proposed density exceeding double the allowable density of six dwelling units per acre in Compatibility Zone C2.

**PROJECT DESCRIPTION:** The project applicant proposes development of a 228-unit apartment complex (consisting of 38 residential buildings, each with six units, along with a 4,813 square foot recreation building, maintenance building, automobile garages, swimming pool, soccer field, playground, and detention basin) on a 15.95-16.9-acre site. Additional City of Perris approvals that would be required to implement the project include an amendment to the General Plan designation and zoning on 0.92 acres within the project site from CC (Community Commercial) to MFR-14 (Multi-Family Residential 14, up to 14 dwelling units per acre), so as to match the existing General Plan designation and zoning of the remainder of this site. The associated Tentative Parcel Map No. 37014 would consolidate the existing parcels comprising the site into one lot.

**PROJECT LOCATION:** The site is located on the easterly side of Barrett Street, westerly of Perris Boulevard, southerly of Placentia Street, and northerly of Orange Avenue in the City of Perris, approximately 16,735 feet southeasterly of the southerly terminus of Runway 14-32 at March Air Reserve Base.

**LAND USE PLAN:** 2014 March Air Reserve Base/Inland Port Airport Land Use Compatibility Plan (March ALUCP)

- a. Airport Influence Area: March Air Reserve Base/Inland Port Airport
- b. Land Use Policy: Airport Compatibility Zone C2
- c. Noise Levels: 60-65 CNEL from aircraft

**ANALYSIS:**

Residential Density: The site is located in Airport Compatibility Zone C2 of the March Air Reserve Base/Inland Port Airport Influence Area. Compatibility Zone C2 allows residential densities up to six dwelling units per acre. The applicant is proposing a density that is more than double the allowable density under normal circumstances.

The project is located easterly of the Heritage Landing Specific Plan, which is acknowledged as an Exception Area in the March ALUCP. The Specific Plan was initially approved by the City via an overrule, and the land therein is the subject of a Development Agreement. The Planning Area directly west of this site is approved for 78 dwelling units at a density of 9.4 dwelling units per acre. The Planning Area to the northwest is approved for 345 dwelling units at a density of 22.4 dwelling units per acre. A 16.5-acre sports park is planned to the southwest.

A community shopping center (with over 300,000 square feet of building floor area) is located to the south of the project site. The center includes three anchor stores with a cumulative total of over 250,000 square feet: a former Wal-Mart, a Dollar Tree (originally a Mervyn's), and a Cardenas Supermarket (originally an Albertson's).

The site was originally included in the planned shopping center, and there are two commercial uses along the west side of Perris Boulevard that are not a part of this proposal – lots occupied by a fast food restaurant and an auto parts store.

The area to the north of the project site is occupied by industrial uses.

To the east of Perris Boulevard is a residential tract of 712 dwelling units on 150 acres for a density of 4.75 dwelling units per acre.

Ideally, one would determine the surrounding density by looking solely at the residential density of areas within 300 feet of the outer boundaries of the project site, but this type of analysis does not work well in this situation in that the areas within Harvest Landing are not within recorded maps. One method of resolving this would be to simply average the density levels of each of the three residential areas. This results in a density of slightly over 12 dwelling units per acre. Using this method, the site would qualify for consideration as an infill site.

Another possibility would be to sum the number of dwelling units and acreages of each of these areas and then determine the combined overall density. This would be 6.5 dwelling units per acre. However, this would be giving a much greater weight to the existing subdivision due to its larger size. In fact, not more than thirty of the lots in that subdivision lie within 300 feet of the project site. (Of course, it could also be stated that only portions of the Planning Areas cited would be within 300 feet of the project site.)

A second issue relates to the internal layout of the project. Clustering of dwelling units is encouraged, but the density within any single acre is to be limited to four times the allowable average density for the [Compatibility] zone in which the development is proposed. As noted, Compatibility Zone C2 limits residential density to six dwelling units per acre. Accordingly, staff interprets this provision as limiting the maximum number of dwelling units in any given acre of this site to 24 units. Some individual acres include all of three buildings (18 units) and portions of three other buildings. It is likely that such acres would include potentially 27 to 30 units.

**Noise:** The site is located within an area that is projected to be subject to average noise levels in excess of 60 dB(A) CNEL from aircraft operations once the F-15s are placed into operation at March Air Reserve Base. It is also within the activity corridor utilized for closed-circuit flight training (which occurs primarily during daylight hours) and may be overflowed by turning aircraft. Single-event noise may be disruptive to outdoor and noise-sensitive activities.

**Part 77:** The site is located 16,735 feet from the southerly terminus of the runway at March Air Reserve Base. The maximum elevation on-site is 1,456 feet above mean sea level. The maximum height of the proposed buildings is 40 feet, bringing the top point elevation to a maximum of 1,498 feet above mean sea level. The elevation of the runway at its nearest point (the southerly terminus) is 1,488 feet above mean sea level. At a distance of 16,735 feet from the runway, objects at an

elevation of 1,655 feet and above would require Federal Aviation Administration (FAA) obstruction evaluation review. Such review for height reasons is not required in this case, since the top elevation would be only a few feet higher than the runway elevation.

**Open Area:** There is no open area requirement in the March ALUCP for properties located in Compatibility Zone C2.

**Other Special Conditions (Policy 3.3.6):** The applicant requests consideration of the additional density above 12 dwelling units per acre pursuant to Countywide Policy 3.3.6, which 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." The Commission would need to make findings that the land use would not create a safety hazard nor expose people to excessive noise. Potential factors that could be considered include the following:

- The proposed project is located across Barrett Street from the Heritage Landing Specific Plan, which includes a 16-acre sports park on the westerly side of Barrett Street and southwesterly of the project site. It is anticipated that the sports park will include soccer and baseball fields, which could provide open areas that would serve in the event a pilot needed to make an emergency landing in the vicinity.
- The project site was originally planned to be part of the shopping center to the south, and the City had approved plans that would have permitted a 2,200-seat multiplex movie theater, 36-lane bowling center, and health/fitness club on this property. Therefore, the current proposal could be considered less intensive than previous plans for the property.
- Since the closed circuit flight training occurs primarily during daylight hours, complaints regarding sleep interruption as a result of aircraft noise would be less likely to occur than complaints from locations underlying the itinerant traffic pattern.

**CONDITIONS (in the event that this project is found consistent):**

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

- (c) Any use which would generate smoke or water vapor or which would attract large concentrations of birds, or which may otherwise affect safe air navigation within the area, including landscaping utilizing water features, aquaculture, production of cereal grains, sunflower, and row crops, artificial marshes, wastewater management facilities, composting operations, trash transfer stations that are open on one or more sides, recycling centers containing putrescible wastes, construction and demolition debris facilities, fly ash disposal, and incinerators.
  - (d) Any use which would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.
- 3. The attached notice shall be provided to all prospective purchasers of the property and tenants of the proposed dwelling units, and shall be recorded as a deed notice.
- 4. Any new detention basin(s) on the site shall be designed so as to provide for a detention period that does not exceed 48 hours following the conclusion of the storm event for the design storm and to remain totally dry between rainfalls. Vegetation in and around the detention 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. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature.
- 5. March Air Reserve Base must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers, access gates, etc.
- 6. The proposed dwelling units must have sound attenuation features sufficient to reduce interior noise levels from exterior aviation-related sources to no more than CNEL 40dB (a noise level reduction of up to 25dB). The City of Perris shall require an acoustical study to ensure compliance with this requirement.



# NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you. Business & Professions Code Section 11010 (b) (13)(A)

**LEGEND**

**Compatibility Zones**

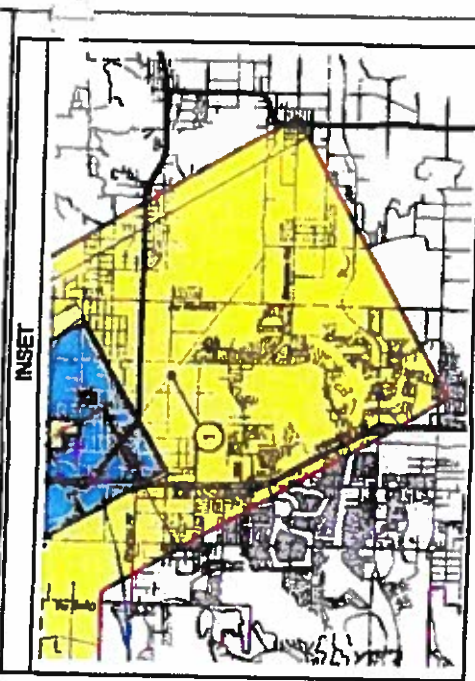
- Airport Influence Area Boundary
- Zone A
- Zone B1
- Zone B2
- Zone C1
- Zone C2
- Zone D
- Zone E
- Zone M
- High Terrain Zone
- FAM Part 77 Military Clear Horizontal Surface Limits
- FAM Part 77 Notification Area

**Boundary Lines**

- March Air Reserve Base / Air Force Property
- March Joint Powers Authority Property Line
- County Boundary
- City Limits
- Site-Specific Enclosures (including local agency commitments to development projects)

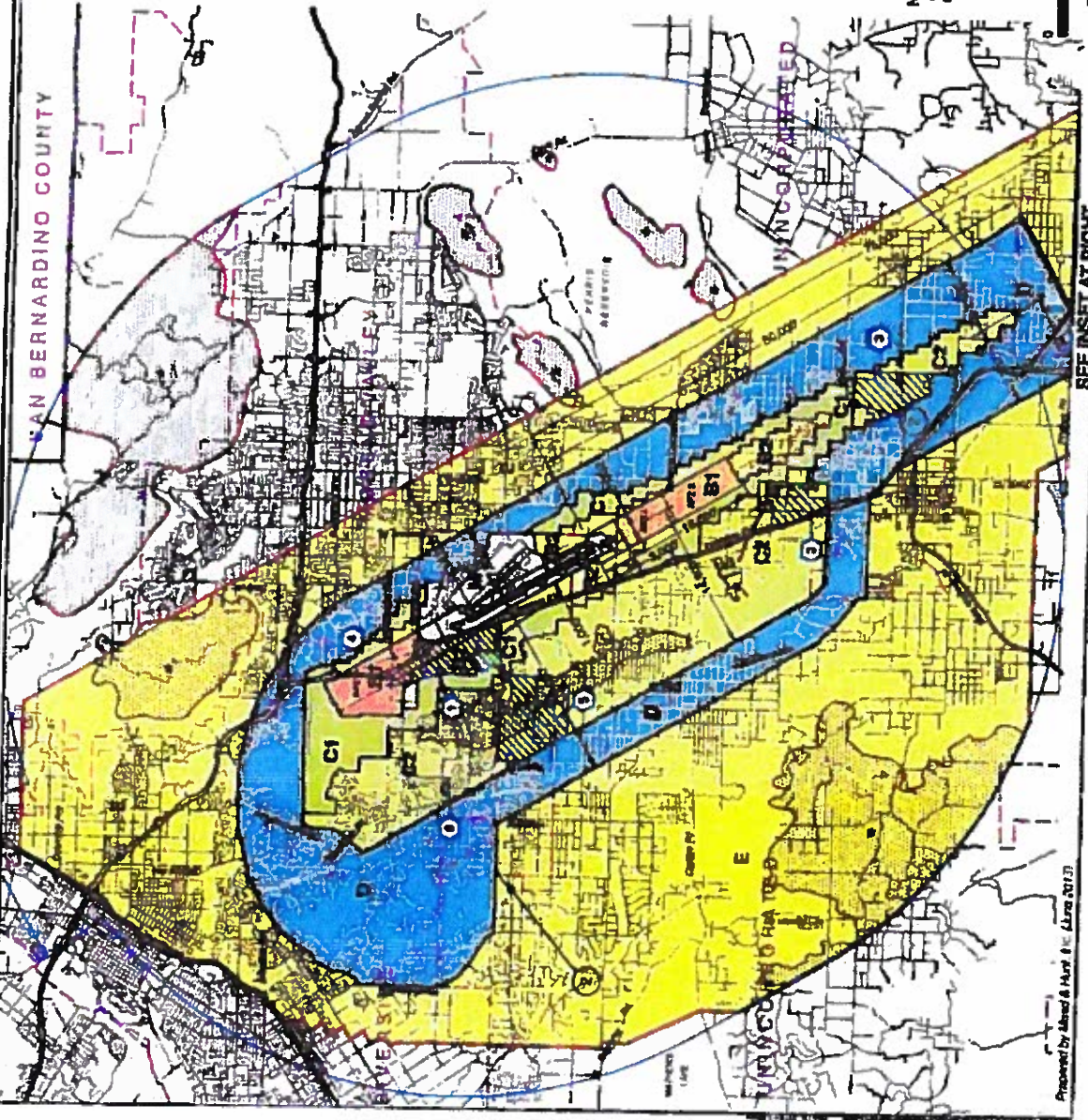
1 March JPA March Business Center Vertical  
2 Piers Harvest Landing  
3 Piers Park West  
4 Moreno Valley Approach Housing  
5 March JPA Ben Clark Training Center  
6 Riverside Ridge Crest Subdivision

1 Piers at which aircraft on Runway 28 US approach descend below 3,000 feet above runway end. Airport Elevation is 1,539 feet MSL.  
2 Piers at which departing aircraft typically reach 3,000 feet above runway end.



Riverside County  
 Airport Land Use Commission  
 March Air Reserve Base / Inland Port Airport  
 Land Use Compatibility Plan  
 (Adopted November 13, 2019)

Map MA-1  
**Compatibility Map**  
 March Air Reserve Base / Inland Port Airport



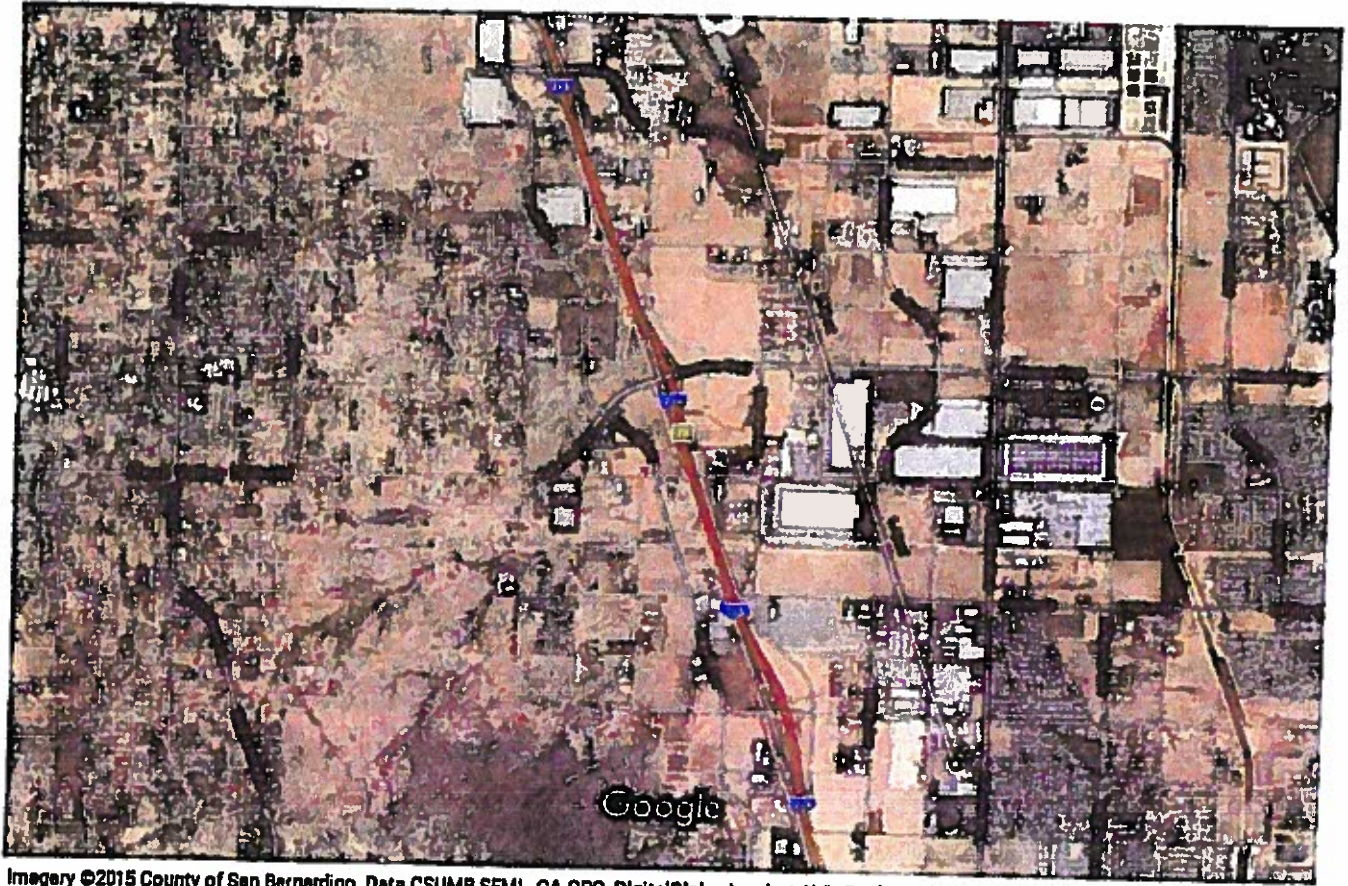
Note:  
 All dimensions are measured from runway ends and centerline.



Base map source: County of Riverside 2013



Google Maps Perris, CA

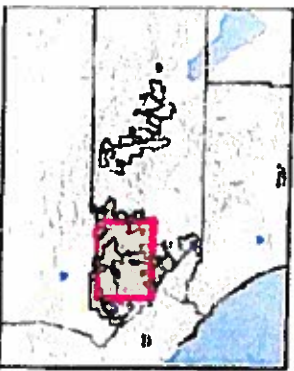
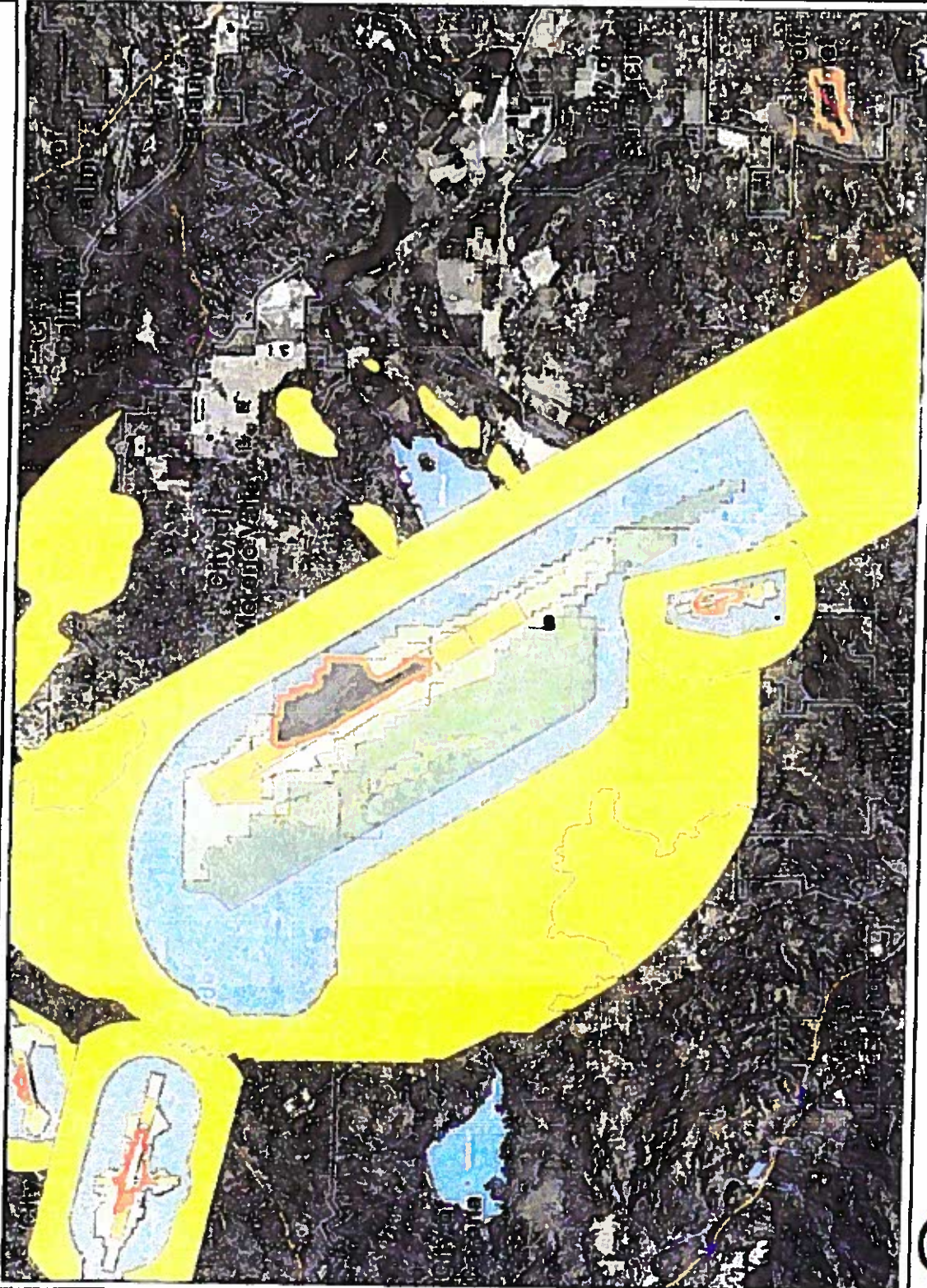


Imagery ©2015 County of San Bernardino, Data CSUMB SFML, CA OPC, DigitalGlobe, Landsat, U.S. Geological Survey, USDA 2000 ft Farm Service Agency, Map data ©2015 Google

Measure distance  
Total distance: 3.10 mi (4.99 km)



# My Map



## Legend

- Airports
- Airport Compatibility
- OTHER ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6
- C2-HIGHT
- C2-HIGHT-EXC1

## Notes

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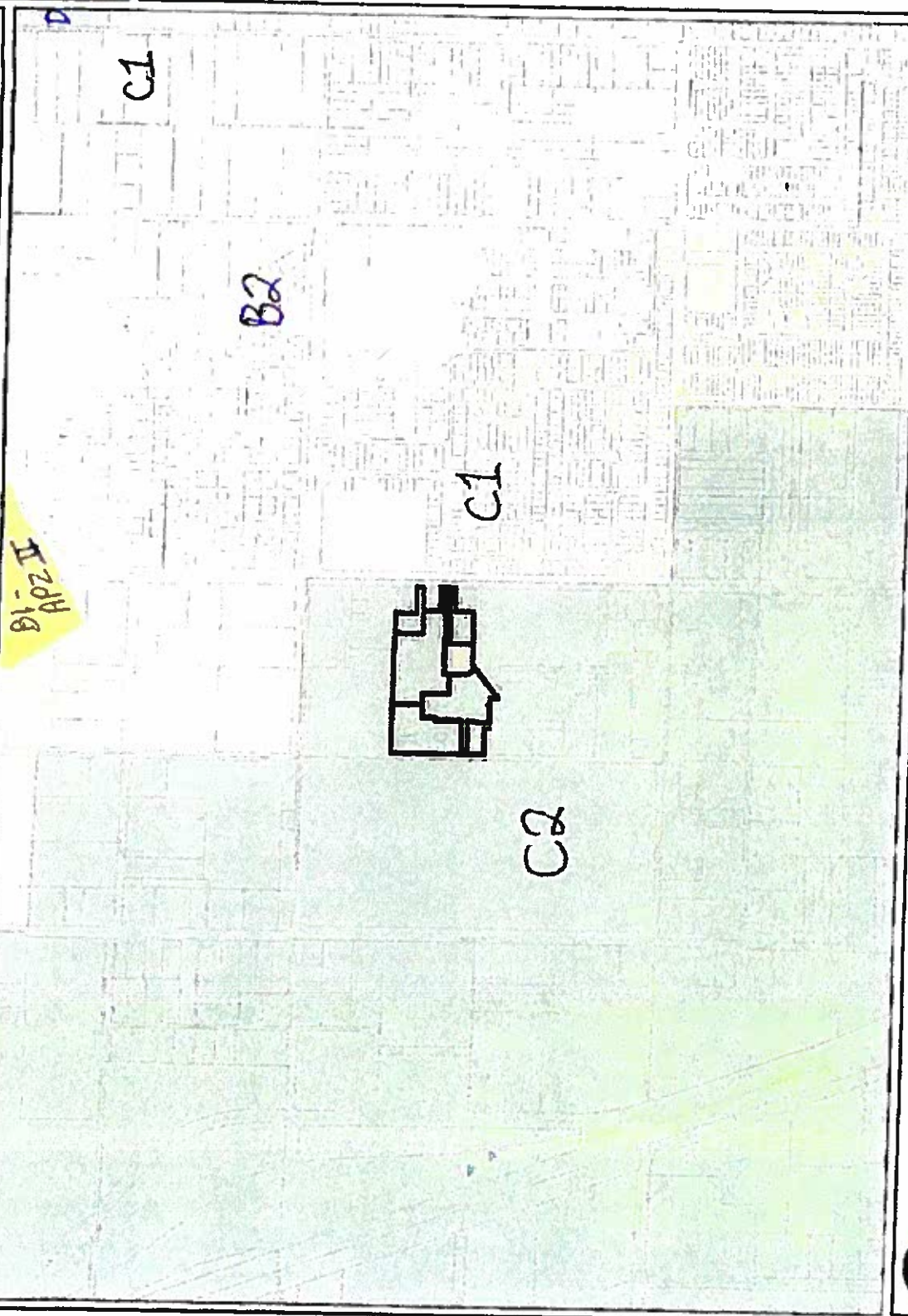


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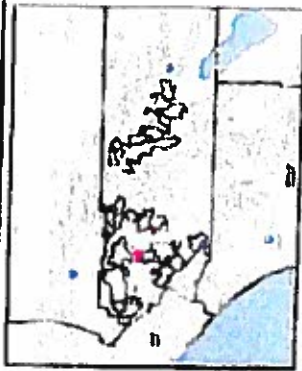


# My Map




**Legend**

- Airports
- Airport Compatibility
- OTHER ZONE
- A
- A-EXC1
- B1
- B1-APZ I
- B1-APZ I-EXC1
- B1-APZ II
- B1-APZ II-EXC1
- B1-EXC1
- B2
- B2-EXC1
- C
- C1
- C1-EXC1
- C1-EXC3
- C1-EXC4
- C1-HIGHT
- C2
- C2-EXC1
- C2-EXC2
- C2-EXC3
- C2-EXC5
- C2-EXC6
- C2-HIGHT
- C2-HIGHT-EXC1




**Notes**

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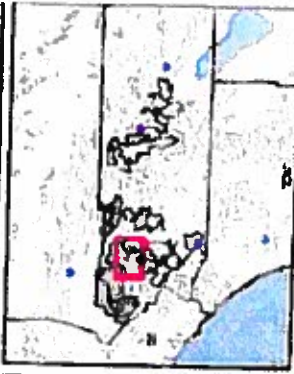
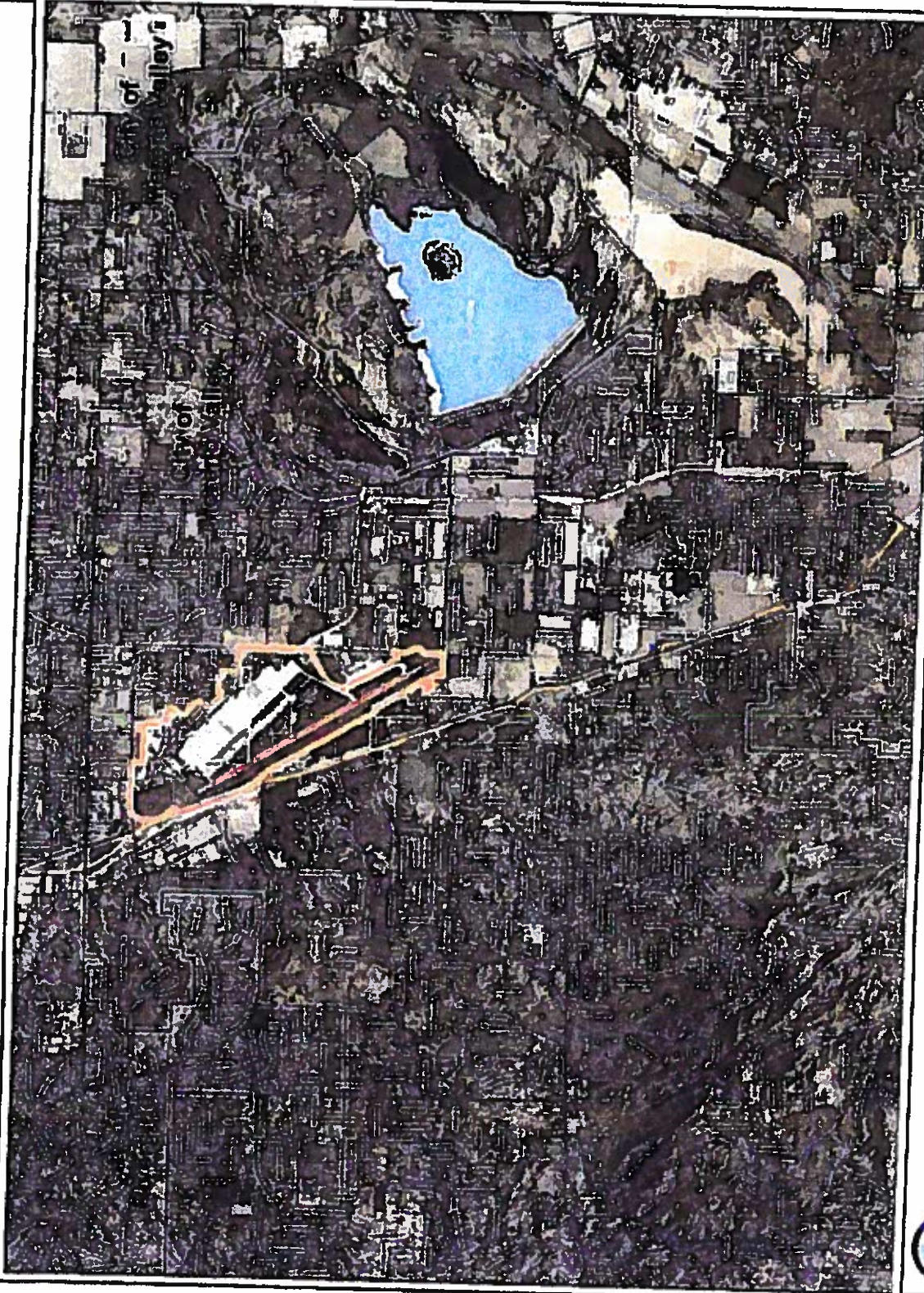
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# My Map



## Legend

- Airports
- Runways
- City Boundaries
- adjacent\_highways
- Interstate
- Interstate 3
- State Highways 60
- State Highways 3
- US HWY
- OUT
- highways\_large
- HWY
- INTERCHANGE
- INTERSTATE
- USHWY
- counties
- cities

## Notes

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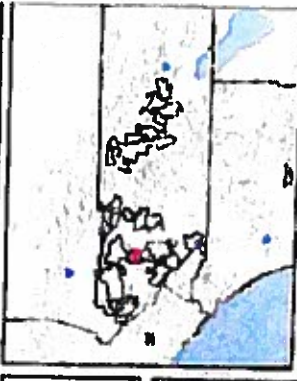
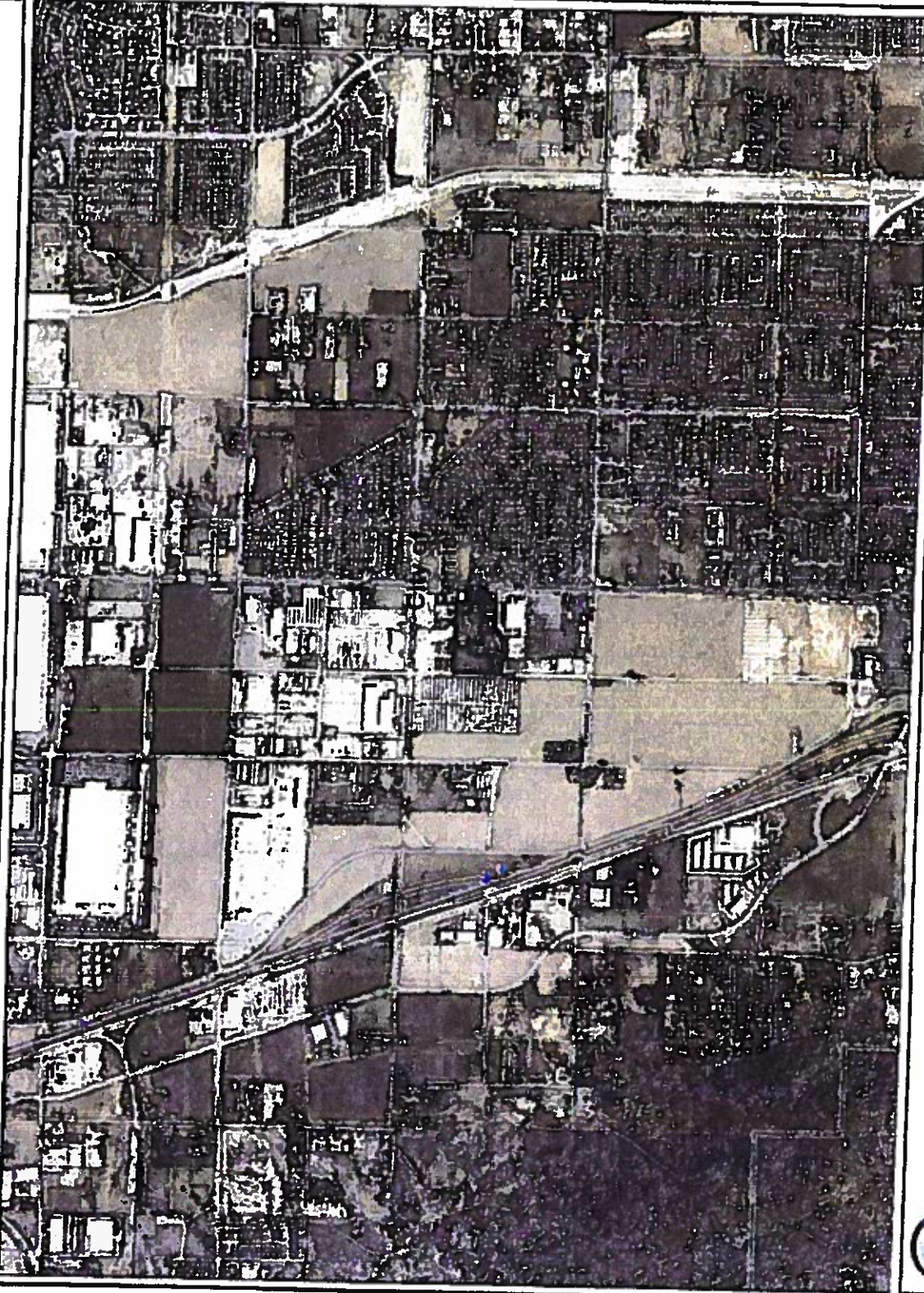


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# My Map



## Legend

- Airports
- Runways
- City Boundaries
- roads
- highways
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- roads
- Major Roads
- Arterial
- Collector
- Residential
- counties
- cities
- hydrography
- waterbodies
- Lakes
- Rivers

## Notes

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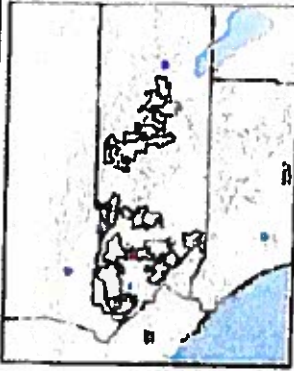
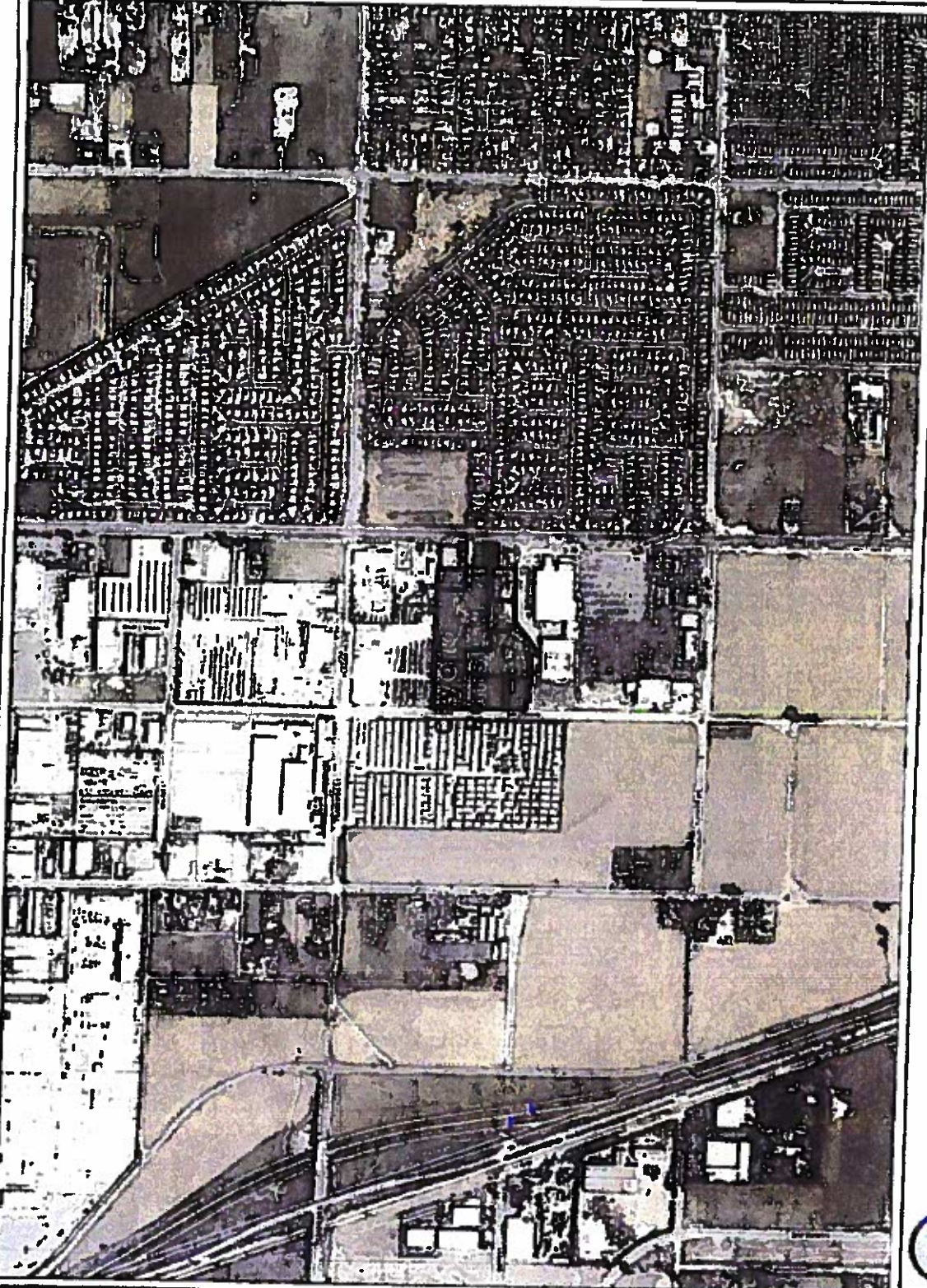


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# My Map



## Legend

- Airports
- Runways
- City Boundaries
- roads
- highways
- HWY
- INTERCHANGE
- INTERSTATE
- OFFRAMP
- ONRAMP
- USHWY
- counties
- cities
- hydrographylines
- waterbodies
- Lakes
- Rivers

## Notes

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# My Map



- Legend**
- Airports
  - Runways
  - City Boundaries
  - roads
  - highways
  - HWY
  - INTERCHANGE
  - INTERSTATE
  - OFFRAMP
  - ONRAMP
  - USHWY
  - counties
  - cities
  - hydrography
  - lines
  - waterbodies
  - Lakes
  - Rivers

## Notes

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**SITE ANALYSIS**

16.59 ACRES  
128 UNITS  
17.4% DUA  
28.6% COVERAGE

**CONFIGURATION**

A = 6 UNITS/BLDG 17 BLDGS = 102 UNITS  
B = 4 UNITS/BLDG 17 BLDGS = 68 UNITS  
C = 0 UNITS/BLDG 1 BLDG = 0 UNITS

GALLANT FOX STREET

**UNIT BREAKDOWN**

PLAN ONE 48 UNITS (24%)  
PLAN TWO 48 UNITS (24%)  
PLAN THREE 48 UNITS (24%)  
PLAN FOUR 48 UNITS (24%)

**PARKING ANALYSIS**

115 RESIDENCE PARKING PROVIDED  
78 CAR GARAGES PROVIDED  
37 CAR GARAGES PROVIDED  
510 TOTAL PARKING PROVIDED

**COVERAGE ANALYSIS**

BUILDING 'A' 517 71,877 SQ. FT.  
BUILDING 'B' 416 57,466 SQ. FT.  
BUILDING 'C' 115 11,048 SQ. FT.  
RESIDENTIAL BLDG. 648 600 SQ. FT.  
COMMERCIAL BLDG. 4,113 SQ. FT.  
TOTAL BLDG. 123,092 SQ. FT.  
1 CAR GARAGE 1 173 SQ. FT.  
2 CAR GARAGE 2 346 SQ. FT.  
4 CAR GARAGE 4 692 SQ. FT.  
TOTAL GARAGE 1,211 SQ. FT.  
TOTAL COVERAGE 124,303 SQ. FT. 26.6%

**OPEN SPACE**

REG./TOTAL AREA 31,111 SQ. FT.  
COVERAGE

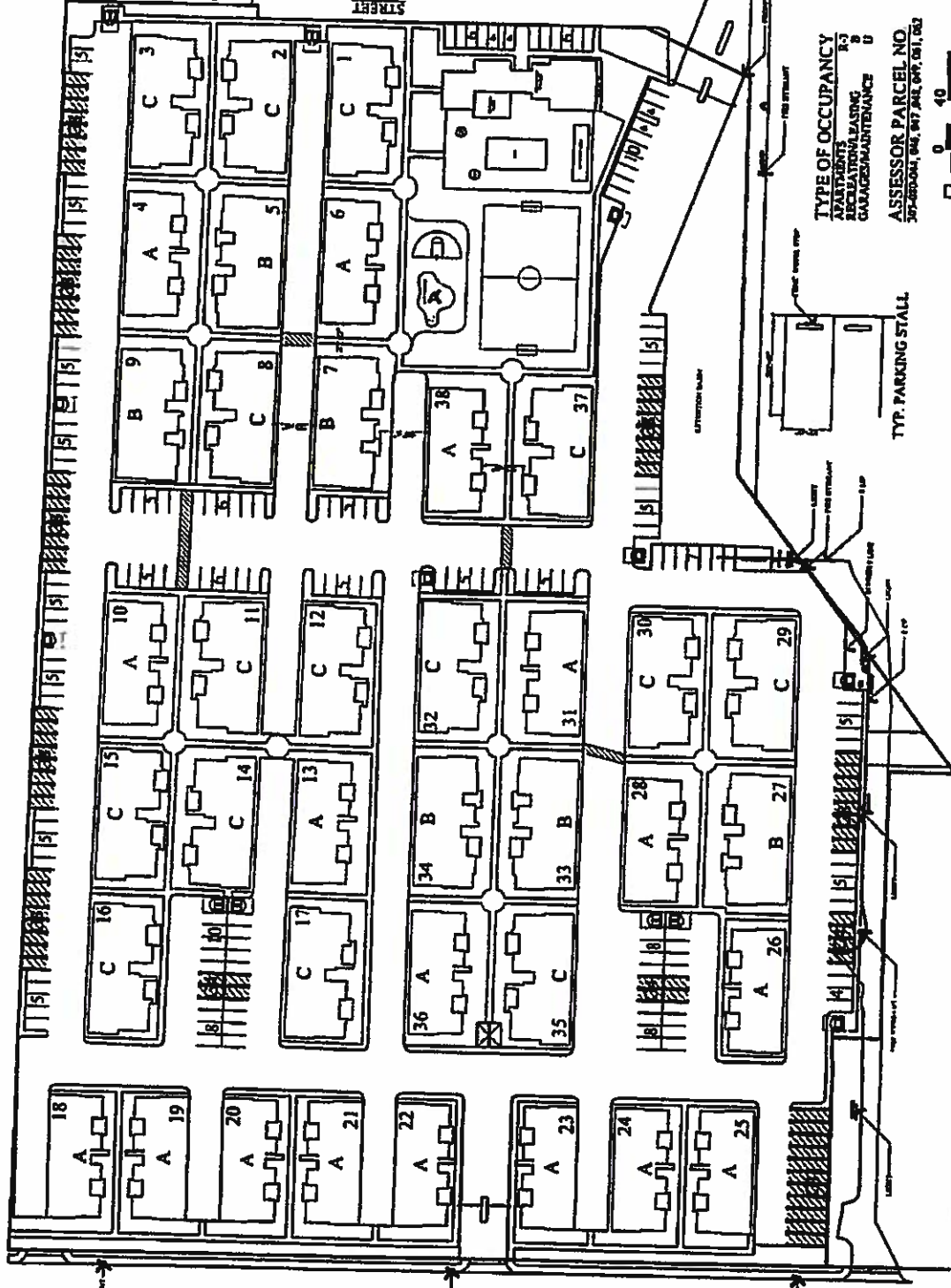
**OWNER:**

PEARLS GROUP, L.L.C.  
2221 MARTIN STREET SUITE 100  
IRVINE CALIFORNIA 92612  
949-453-8440

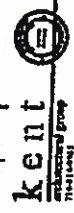
**TYPE OF OCCUPANCY**

RESIDENTS R-3  
MULTIFAMILY PLAZING B-3  
RETAIL/RESTAURANT U  
ASSESSOR PARCEL NO. 595-280-041, 042, 047, 048, 049, 051, 052

TYP. PARKING STALL

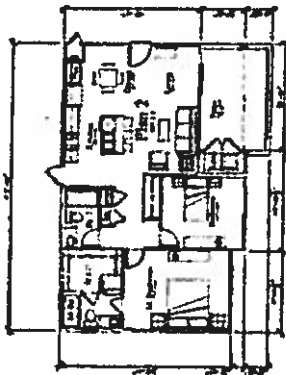


**SITE PLAN**

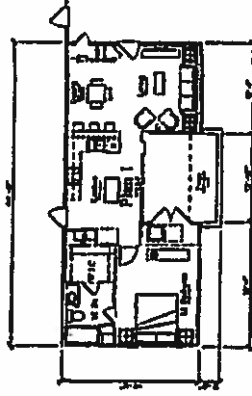


Kent  
The Kent Group

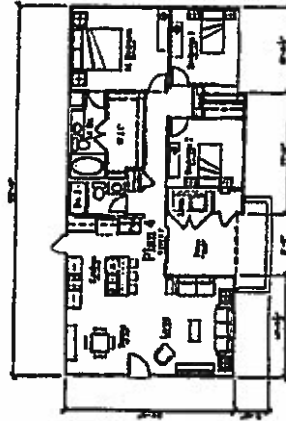
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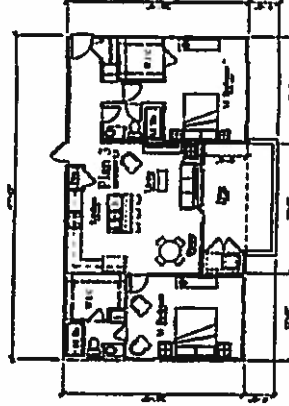
PLAN 2



PLAN 1



PLAN 4

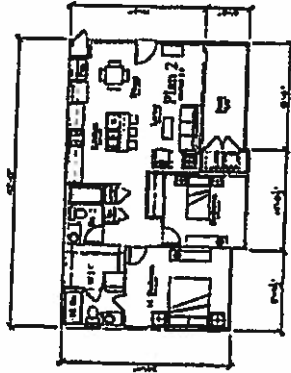


PLAN 3

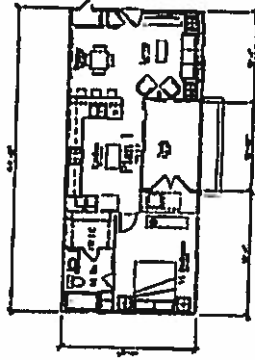
UNIT PLANS GROUND FLOOR PLAN  
SCALE: 1/8"=1'-0"

**kent**  
ARCHITECTURAL GROUP  
1000 W. 10TH ST.  
DENVER, CO 80202

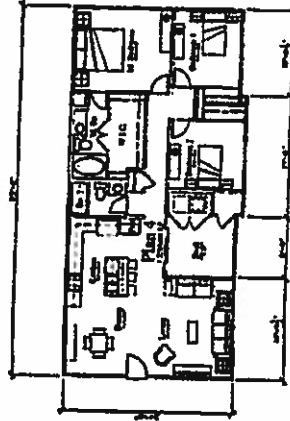
(D) Plans  
© 2000 Kent  
Architectural Group



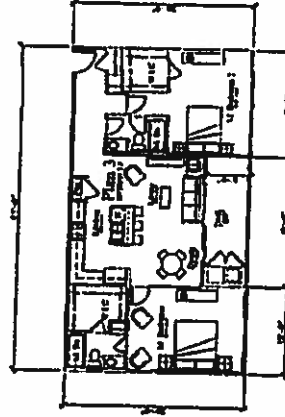
PLAN 2



PLAN 1

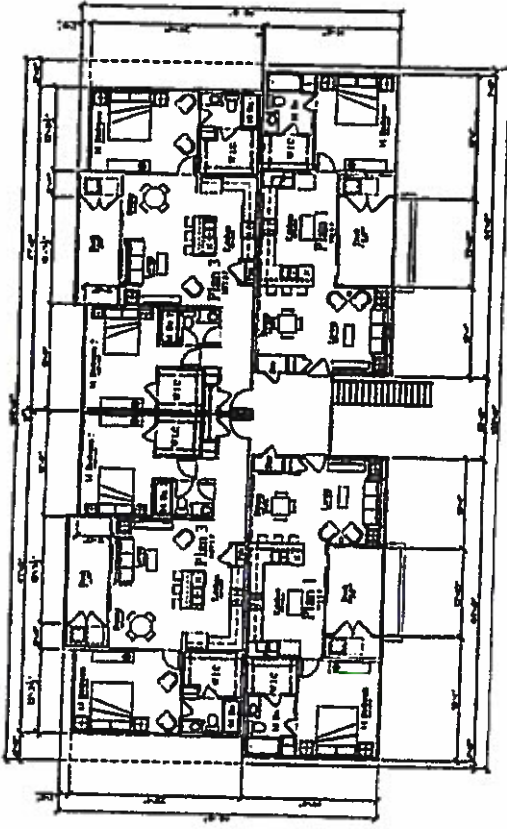


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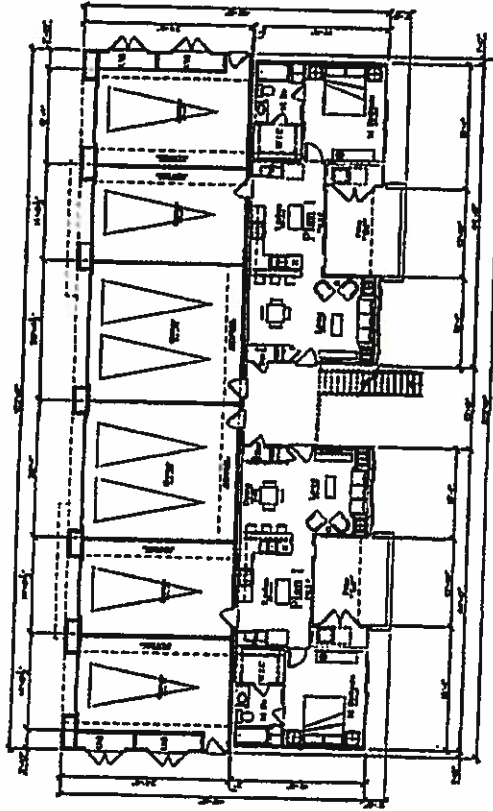


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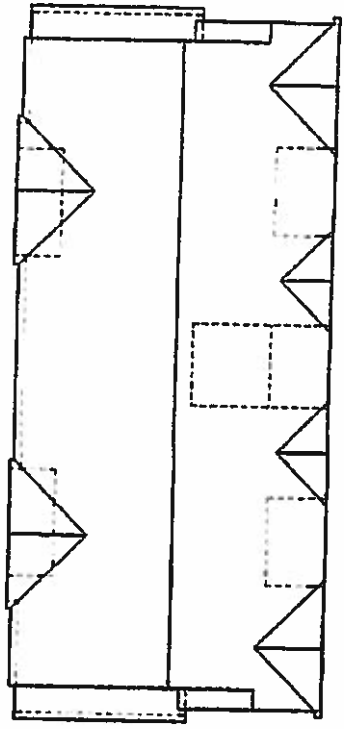


SECOND FLOOR PLAN

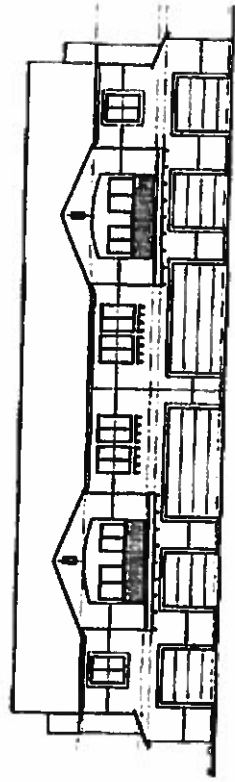


GROUND FLOOR PLAN

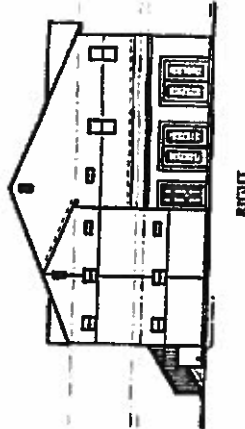
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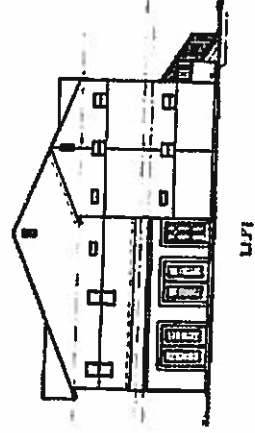
ROOF PLAN



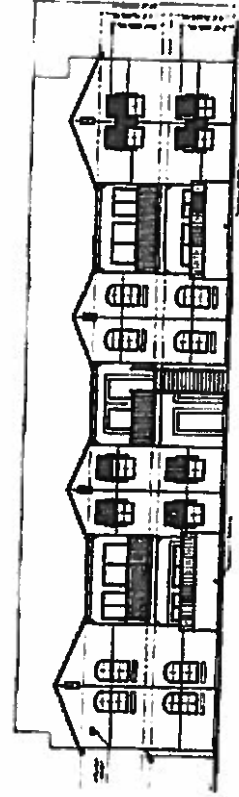
REAR



RIGHT



LEFT

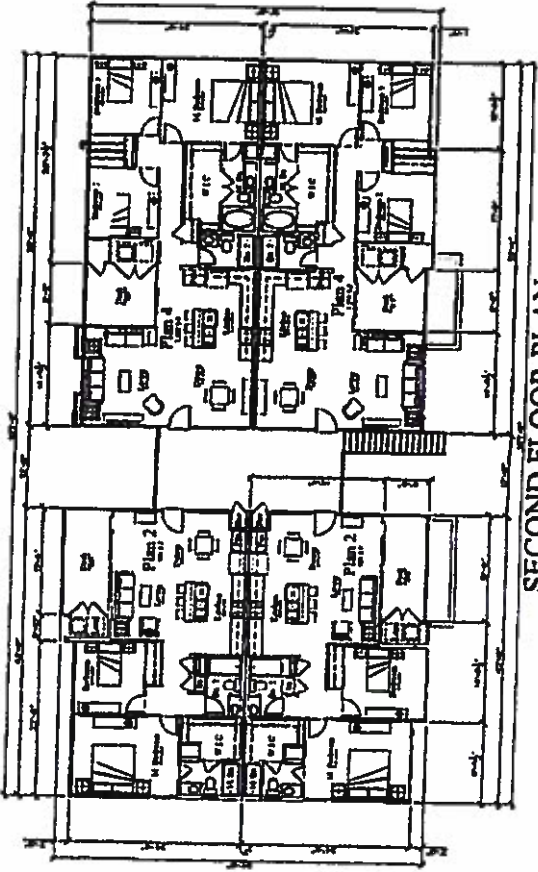


FRONT

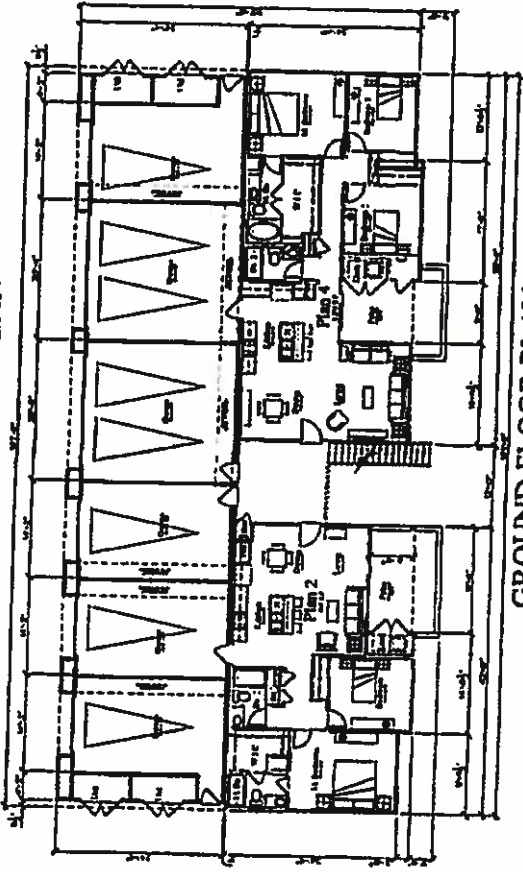
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BUILDING A  
SCALE: 1/8" = 1'-0"



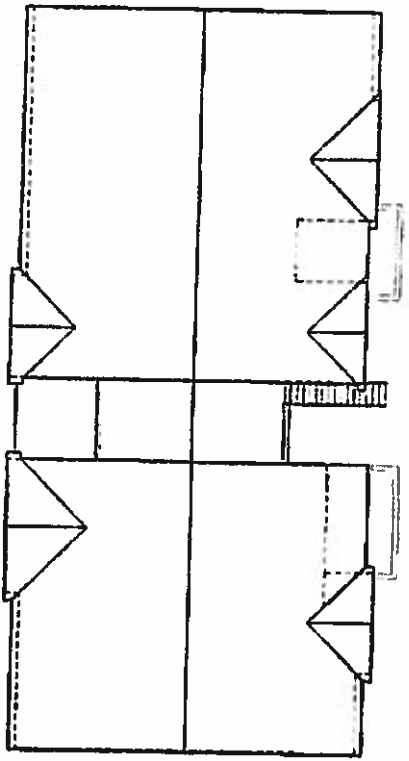


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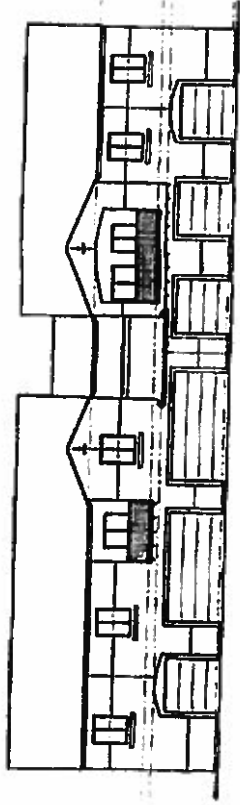


GROUND FLOOR PLAN

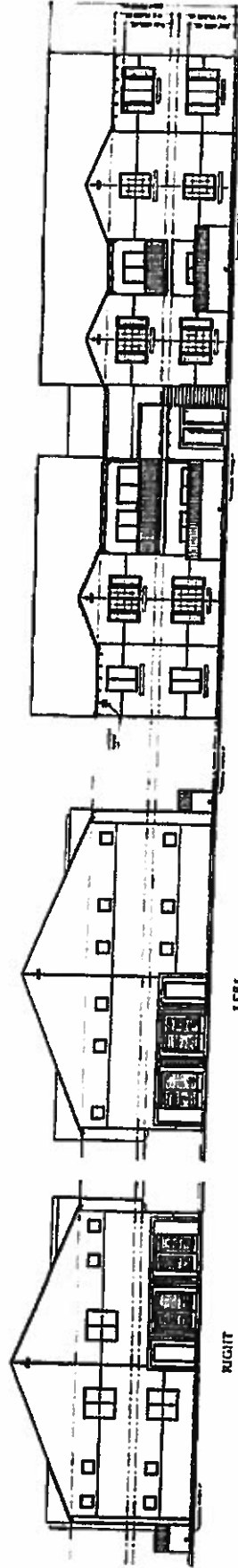
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ROOF PLAN



REAR



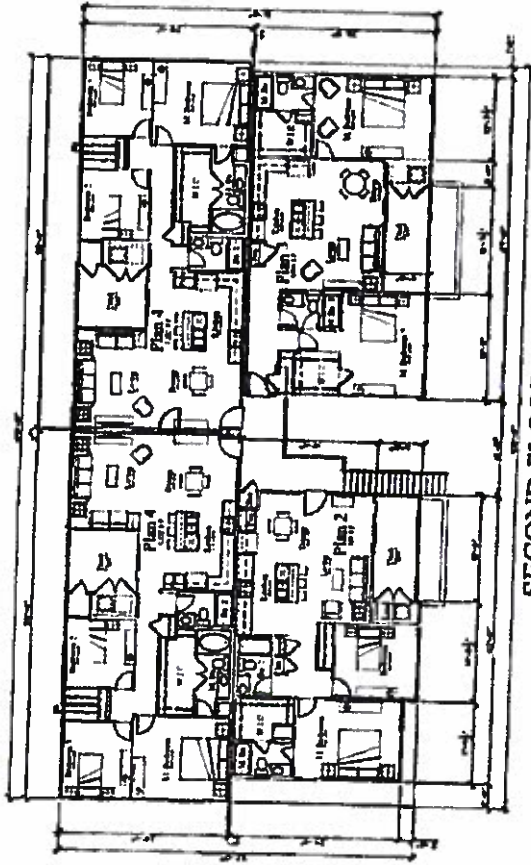
RIGHT

LEFT

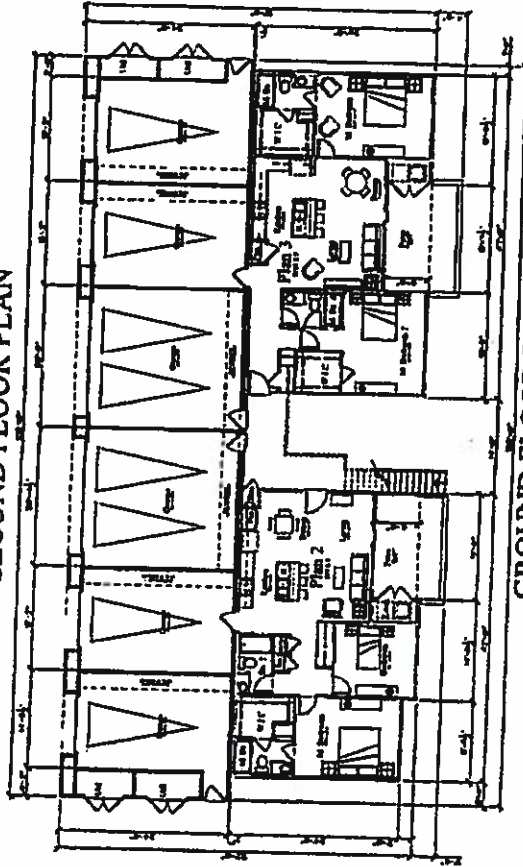
FRONT

CONCEPTUAL ELEVATIONS

BUILDING B  
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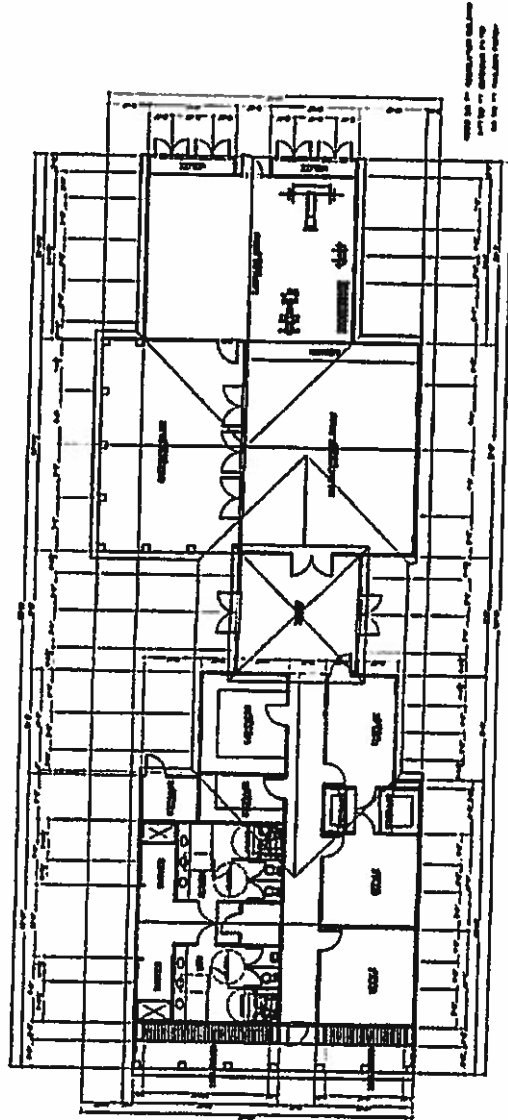
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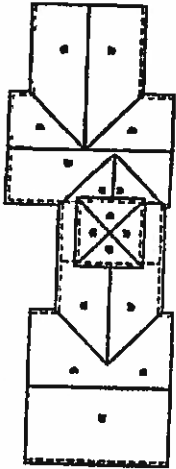
GROUND FLOOR PLAN

BUILDING C.  
SCALE 1/8" = 1'-0"

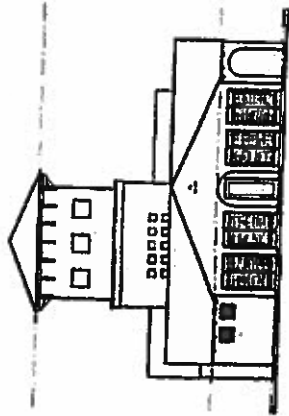




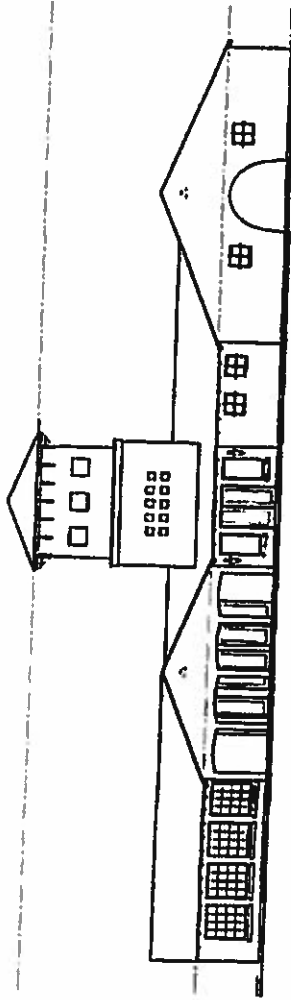
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 FOR DIMENSIONS  
 SEE DIMENSIONS



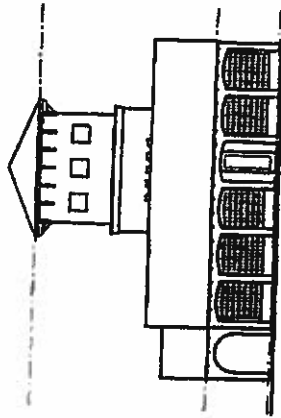
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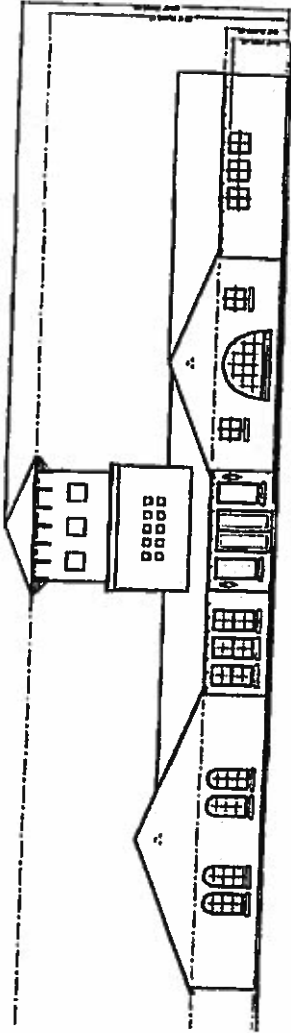
RIGHT



REAR



LEFT



FRONT

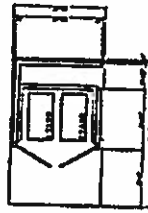
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Trash Enclosure Elevations



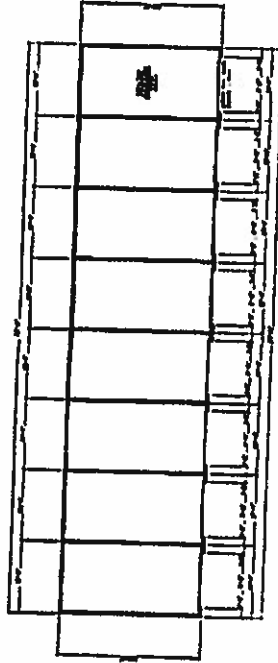
Trash Enclosure Plan



8 Bay Garage Side Elevation



8 Bay Garage Front Elevation  
4 and 11 Bay Garage Similar



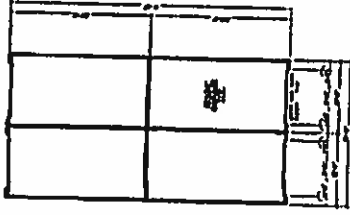
8 Bay Garage Floor Plan  
4 and 11 Bay Garages Similar



4 Bay Garage Side Elevation



4 Bay Garage Front Elevation



4 Bay Garage Floor Plan

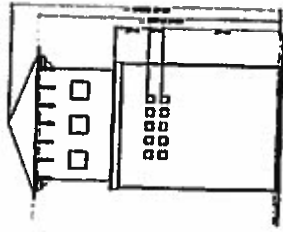




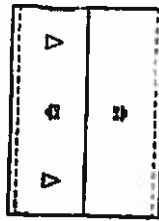
SIDE ELEVATION



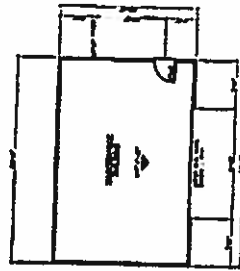
FRONT ELEVATION



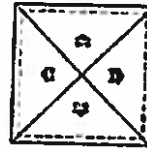
ELEVATION - TYPICAL OF 4



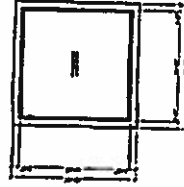
ROOF PLAN



FLOOR PLAN



ROOF PLAN



FLOOR PLAN

Zone	Locations	Density / Intensity Standards			Additional Criteria	
		Residential (d.u./ac) <sup>1</sup>	Other Uses (people/ac) <sup>2</sup> Average <sup>3</sup> Single Acre <sup>4</sup>	Req'd Open Land	Prohibited Uses <sup>5</sup>	Other Development Conditions <sup>4</sup>
<b>M</b>	<b>Military</b>				<ul style="list-style-type: none"> <li>› No ALUC authority</li> </ul>	
<b>A</b>	<b>Clear Zone <sup>7</sup></b>	No new dwellings allowed	0    0	All Remaining	<ul style="list-style-type: none"> <li>› All non-aeronautical structures</li> <li>› Assemblages of people</li> <li>› Objects exceeding FAR Part 77 height limits</li> <li>› All storage of hazardous materials</li> <li>› Hazards to flight <sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Electromagnetic radiation notification <sup>9</sup></li> <li>› Aviation easement dedication and disclosure <sup>4,7</sup></li> </ul>
<b>B1</b>	<b>Inner Approach/Departure Zone</b>	No new dwellings allowed <sup>10</sup>	25 (APZ I) 50 (APZ II and outside APZs) <sup>11</sup>	100 100 Max. 50% lot coverage within APZs <sup>12</sup>	<ul style="list-style-type: none"> <li>› Children's schools, day care centers, libraries</li> <li>› Hospitals, congregate care facilities, hotels/motels, restaurants, places of assembly</li> <li>› Bldgs with &gt; 1 aboveground habitable floor in APZ I or &gt; 2 floors in APZ II and outside of APZs <sup>13</sup></li> <li>› Hazardous materials manufacture/storage <sup>14</sup></li> <li>› Noise sensitive outdoor nonresidential uses <sup>15</sup></li> <li>› Critical community infrastructure facilities <sup>16</sup></li> <li>› Hazards to flight <sup>8</sup></li> <li>› Uses listed in AICUZ as not compatible in APZ I or APZ II <sup>17</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Locate structures maximum distance from extended runway centerline</li> <li>› Sound attenuation as necessary to meet interior noise level criteria <sup>18</sup></li> <li>› Zoned fire sprinkler systems required</li> <li>› Airspace review req'd for objects &gt; 35 ft. tall <sup>19</sup></li> <li>› Electromagnetic radiation notification <sup>9</sup></li> <li>› Aviation easement dedication and disclosure <sup>4</sup></li> </ul>
<b>B2</b>	<b>High Noise Zone</b>	No new dwellings allowed <sup>10</sup>	100    250	No Req't	<ul style="list-style-type: none"> <li>› Children's schools, day care centers, libraries</li> <li>› Hospitals, congregate care facilities, hotels/motels, places of assembly</li> <li>› Bldgs with &gt; 3 aboveground habitable floors</li> <li>› Noise-sensitive outdoor nonresidential uses <sup>15</sup></li> <li>› Critical community infrastructure facilities <sup>16</sup></li> <li>› Hazards to flight <sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Locate structures max. distance from runway</li> <li>› Sound attenuation as necessary to meet interior noise level criteria <sup>18</sup></li> <li>› Aboveground bulk storage of hazardous materials discouraged <sup>14,20</sup></li> <li>› Airspace review req'd for objects &gt; 35 ft. tall <sup>19</sup></li> <li>› Electromagnetic radiation notification <sup>9</sup></li> <li>› Aviation easement dedication and disclosure <sup>4</sup></li> </ul>
<b>B3</b>	<b>Primary Approach/Departure Zone</b>	≤ 3.0	100    250	No Req't	<ul style="list-style-type: none"> <li>› Children's schools, day care centers, libraries</li> <li>› Hospitals, congregate care facilities, places of assembly</li> <li>› Noise-sensitive outdoor nonresidential uses <sup>15</sup></li> <li>› Hazards to flight <sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Critical community infrastructure facilities discouraged <sup>16,20</sup></li> <li>› Aboveground bulk storage of hazardous materials discouraged <sup>14,20</sup></li> <li>› Sound attenuation as necessary to meet interior noise level criteria <sup>18</sup></li> <li>› Airspace review req'd for objects &gt; 70 ft. tall <sup>19</sup></li> <li>› Electromagnetic radiation notification <sup>9</sup></li> <li>› Deed notice and disclosure <sup>4</sup></li> </ul>
<b>C2</b>	<b>Flight Corridor Zone</b>	≤ 6.0	200    500	No Req't	<ul style="list-style-type: none"> <li>› Highly noise-sensitive outdoor nonresidential uses <sup>15</sup></li> <li>› Hazards to flight <sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Children's schools discouraged <sup>20</sup></li> <li>› Airspace review req'd for objects &gt; 70 ft. tall <sup>19</sup></li> <li>› Electromagnetic radiation notification <sup>9</sup></li> <li>› Deed notice and disclosure <sup>4</sup></li> </ul>
<b>D</b>	<b>Flight Corridor Buffer</b>	No Limit	No restriction <sup>21</sup>	No Req't	<ul style="list-style-type: none"> <li>› Hazards to flight <sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Major spectator-oriented sports stadium, amphitheaters, concert halls discouraged <sup>21</sup></li> <li>› Electromagnetic radiation notification <sup>9</sup></li> <li>› Deed notice and disclosure <sup>4</sup></li> </ul>
<b>E</b>	<b>Other Airport Environs</b>	No Limit	No Restriction <sup>21</sup>	No Req't	<ul style="list-style-type: none"> <li>› Hazards to flight <sup>8</sup></li> </ul>	<ul style="list-style-type: none"> <li>› Disclosure only <sup>4</sup></li> </ul>
<b>H</b>	<b>High Terrain</b>	Same as Underlying Compatibility Zone		Not Applicable	<ul style="list-style-type: none"> <li>› Hazards to flight <sup>8</sup></li> <li>› Other uses restricted in accordance with criteria for underlying zone</li> </ul>	<ul style="list-style-type: none"> <li>› Airspace review req'd for objects &gt; 35 ft. tall <sup>19</sup></li> <li>› Aviation easement dedication and disclosure <sup>4</sup></li> </ul>

Table MA-2

## Basic Compatibility Criteria

### March Air Reserve Base / Inland Port Airport

NOTES:

Policies referenced here are from the *Riverside County Airport Land Use Compatibility Plan* adopted by the Riverside County ALUC for other airports beginning in October 2004. The countywide policies are hereby incorporated into the *March ARB/HIPA ALUCP* except as modified or supplemented by the policies in Section MA.2 of this chapter. A complete copy of the *Riverside County Airport Land Use Compatibility Plan* is available on the Riverside County Airport Land Use Commission website at [www.rcaluc.org](http://www.rcaluc.org).

- <sup>1</sup> Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre. Clustering of units is encouraged provided that the density is limited to no more than 4.0 times the allowable average density for the zone in which the development is proposed. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands. Mixed-use development in which residential uses are proposed to be located in conjunction with nonresidential uses in the same or adjoining buildings on the same site shall be treated as nonresidential development for the purposes of usage intensity calculations; that is, the occupants of the residential component must be included in calculating the overall number of occupants on the site. A residential component shall not be permitted as part of a mixed use development in zones where residential uses are indicated as incompatible. See Countywide Policy 3.1.3(d). All existing residential development, regardless of densities, is not subject to ALUC authority.
- <sup>2</sup> Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside.
- <sup>3</sup> The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria. See *Riverside County Airport Land Use Compatibility Plan*, Volume 1, Appendix D for a full list of compatibility designations for specific land uses.
- <sup>4</sup> As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law. See Countywide Policy 4.4.2 for details. Easement dedication and deed notice requirements indicated for specific compatibility zones apply only to new development and to reuse if discretionary approval is required. Except within Zone A (Clear Zone), aviation easements are to be dedicated to the March Inland Port Airport Authority. See sample language in [www.marchjpa.com/docs\\_forms/aviationeasement.pdf](http://www.marchjpa.com/docs_forms/aviationeasement.pdf). Any aviation easements required within Zone A shall be dedicated to the United States of America.
- <sup>5</sup> The total number of people permitted on a project site at any time, except rare special events, must not exceed the indicated usage intensity times the gross acreage of the site. Rare special events are ones (such as an air show at the airport) for which a facility is not designed and normally not used and for which extra safety precautions can be taken as appropriate.
- <sup>6</sup> Clustering of nonresidential development is permitted. However, no single acre of a project site shall exceed the indicated number of people per acre. See Countywide Policy 4.2.5 for details.
- <sup>7</sup> Clear zone (equivalent to runway protection zone at civilian airports) limits that delineate Zone A are derived from locations indicated in the March Air Reserve Base AIGUZ study. See Note 4 for aviation easement dedication requirements in this zone.
- <sup>8</sup> Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited. Man-made features must be designed to avoid heightened attraction of birds. In Zones A, B1, and B2, flood control facilities should be designed to hold water for no more than 48 hours following a storm and be completely dry between storms (see FAA Advisory Circular 150/5200-33B). Additionally, certain farm crops and farming practices that tend to attract birds are strongly discouraged. These include: certain crops (e.g., rice, barley, oats, wheat – particularly durum – corn, sunflower, clover, berries, cherries, grapes, and apples); farming activities (e.g., tilling and harvesting); confined livestock operations (i.e., feedlots, dairy operations, hog or chicken production facilities, or egg-laying operations); and various farming practices (e.g., livestock feed, water, and manure). Fish production (i.e., catfish, trout) conducted outside of fully enclosed buildings may require mitigation measures (e.g., netting of outdoor ponds, providing covered structures) to prevent bird attraction. Also see Countywide Policy 4.3.7.
- <sup>9</sup> March ARB must be notified of any land use having an electromagnetic radiation component to assess whether a potential conflict with Air Base radio communications could result. Sources of electromagnetic radiation include microwave transmission in conjunction with a cellular tower, radio wave transmission in conjunction with remote equipment inclusive of irrigation controllers and other similar EMR emissions.
- <sup>10</sup> Other than in Zone A, construction of a single-family home, including a second unit as defined by state law, on a legal lot of record is exempted from this restriction where such use is permitted by local land use regulations. Interior noise level standards and aviation easement requirements for the compatibility zone in which the dwelling is to be located are to be applied.
- <sup>11</sup> Non-residential uses are limited to 25 people per gross acre in Accident Potential Zone (APZ) I and 50 people per acre in APZ II and elsewhere in Zone B1. Single-acre intensity limits are 100 people/acre throughout Zone B1.
- <sup>12</sup> In APZ I, any proposed development having more than 20% lot coverage must not provide on-site services to the public. Zoned fire sprinklers are required. Also, in APZ I, site design of proposed development should to the extent possible avoid placement of buildings within 100 feet of the ex-

Table MA-2, continued

- tended runway centerline; this center strip should be devoted to parking, landscaping, and outdoor storage. Maximum lot coverage is not limited outside the APZs.
- <sup>13</sup> Within APZ II and outside APZs, two-story buildings are allowed.
- <sup>14</sup> Storage of aviation fuel and other aviation-related flammable materials on the airport is exempted from this criterion. In APZ I, manufacture or bulk storage of hazardous materials (toxic, explosive, corrosive) is prohibited unless storage is underground; small quantities of materials may be stored for use on site. In APZ II and elsewhere within Zone B1, aboveground storage of more than 6,000 gallons of nonaviation flammable materials per tank is prohibited. In Zones B2 and C1, aboveground storage of more than 6,000 gallons of hazardous or flammable materials per tank is discouraged.
- <sup>15</sup> Examples of noise-sensitive outdoor nonresidential uses that should be prohibited include major spectator-oriented sports stadiums, amphitheatres, concert halls and drive-in theaters. Caution should be exercised with respect to uses such as poultry farms and nature preserves.
- <sup>16</sup> Critical community facilities include power plants, electrical substations, and public communications facilities. See Countywide Policy 4.2.3(d).
- <sup>17</sup> For properties in either APZ I or II, any use listed as "N – not compatible" for that particular APZ in Table 3-1 of the 2005 *Air Installation Compatible Use Zone Study for March Air Reserve Base*. Beyond the boundaries of the APZs in Zone B1, such uses are discouraged, but not necessarily prohibited unless otherwise specified herein.
- <sup>18</sup> All new residences, schools, libraries, museums, hotels and motels, hospitals and nursing homes, places of worship, and other noise-sensitive uses must have sound attenuation features incorporated into the structures sufficient to reduce interior noise levels from exterior aviation-related sources to no more than CNEL 40 dB. This requirement is intended to reduce the disruptiveness of loud individual aircraft noise events upon uses in this zone and represents a higher standard than the CNEL 45 dB standard set by state and local regulations and countywide ALUC policy. Office space must have sound attenuation features sufficient to reduce the exterior aviation-related noise level to no more than CNEL 45 dB. To ensure compliance with these criteria, an acoustical study shall be required to be completed for any development proposed to be situated where the aviation-related noise exposure is more than 20 dB above the interior standard (e.g., within the CNEL 60 dB contour where the interior standard is CNEL 40 dB). Standard building construction is presumed to provide adequate sound attenuation where the difference between the exterior noise exposure and the interior standard is 20 dB or less.
- <sup>19</sup> This height criterion is for general guidance. Airspace review requirements are determined on a site-specific basis in accordance with Part 77 of the Federal Aviation Regulations. Shorter objects normally will not be airspace obstructions unless situated at a ground elevation well above that of the airport. Taller objects may be acceptable if determined not to be obstructions. The Federal Aviation Administration or California Department of Transportation Division of Aeronautics may require marking and/or lighting of certain objects. See Countywide Policies 4.3.4 and 4.3.6 for additional information.
- <sup>20</sup> Discouraged uses should generally not be permitted unless no feasible alternative is available.
- <sup>21</sup> Although no explicit upper limit on usage intensity is defined for *Zone D and E*, land uses of the types listed—uses that attract very high concentrations of people in confined areas—are discouraged in locations below or near the principal arrival and departure flight tracks.

Table MA-2, continued

- (2) To ensure compliance with these criteria, an acoustical study shall be required to be completed for any development proposed to be situated where the aviation-related noise exposure is more than 20 dB above the interior standard (e.g., within the CNEL 60 dB contour where the interior standard is CNEL 40 dB). Standard building construction is presumed to provide adequate sound attenuation where the difference between the exterior noise exposure and the interior standard is 20 dB or less.

2.4 *Supporting Compatibility Criteria for Safety:*

- (a) Countywide Policy 4.2.3: The acceptability of land uses of special concern within certain compatibility zones around March ARB/IPA shall be evaluated in accordance with the criteria indicated in Table MA-2. The criteria listed in Countywide Policy 4.2.3 do not apply.
- (b) Countywide Policy 4.2.4: The requirements for open land do not apply to the vicinity of March ARB/IPA except with regard to Compatibility Zones A and B1.
- (c) Countywide Policy 4.2.5: For the vicinity of March ARB/IPA, new nonresidential development shall not be clustered in a manner that would result in a usage intensity within any one acre (the number of people per single acre) exceeding the limits specified in Table MA-2. Clustering of residential development is encouraged, but the density within any one acre shall be limited to no more than 4.0 times the allowable average density for the zone in which the development is proposed.
- (d) Countywide Policy 4.2.6: The policy concerning risk reduction through building design is not applicable to the March ARB/IPA influence area.
- (e) Calculation of Usage Intensities for Retail Uses: Notwithstanding the provisions of Appendix C and Table C1 of the *Riverside County Airport Land Use Compatibility Plan*, the usage intensities of retail sales and display areas (a.k.a. mercantile areas) or "showrooms" (excluding restaurants and other uses specifically identified separately from retail/mercantile in Table C1) shall be evaluated as having an occupancy level of 115 gross square feet per person without eligibility for the 50 percent reduction in the resulting usage intensity (people per acre) as described in the appendix.
- (f) Calculation of Usage Intensities for Warehouse Uses: Notwithstanding the provisions of Appendix C and Table C1 of the *Riverside County Airport Land Use Compatibility Plan*, the usage intensities of warehouses, distribution centers, e-commerce centers, fulfillment centers, and similar uses in buildings larger than 200,000 gross square feet, exclusive of offices, conference rooms, break rooms and other uses identified separately from warehouses in Table C1, shall be calculated as follows:
  - (1) High-cube warehouses and distribution centers, other than e-commerce centers and fulfillment centers, shall be evaluated on the basis of 35% of the usage intensity that results from the occupancy level indicated in Table C1.
  - (2) E-commerce centers, fulfillment centers, and other similar uses shall be evaluated on the basis of 50% of the usage intensity that results from the occupancy level indicated in Table C1.



indicated in Table MA-1. Table 3A which is applicable to other airports in the county does not apply to March ARB/IPA. Table MA-1 makes adjustments to Table 3A that take into account the comparatively large geographic extent of the airport's impacts. Also, Compatibility Zone C is divided into two separate zones, C1 and C2.

The outer limits of *Zone E* and the areas within the *High Terrain Zone* define the airport influence area for March ARB/IPA. On the east side of the airfield, *Zone E* is established at 14,000 feet from the runway centerline. This distance is equivalent to the outer limits of the civilian airport conical surface, as established by FAR Part 77. The compatibility zones on the west side of the airport are more extensive because those areas are routinely overflown by both military and civilian aircraft.

## MA.2 Additional/Specific Compatibility Policies

Policies set forth in Chapter 2, Countywide Policies, shall be modified or supplemented for the *March ARB/IPA ALUCP* as follows.

### 2.1 *Basic Land Use Compatibility Criteria:*

- (a) Countywide Table 2A: The basic compatibility criteria listed in Table 2A do not apply to the environs of March ARB/IPA. The compatibility criteria that shall be applicable to the March ARB/IPA influence area are set forth in Table MA-2. For the purposes of land use compatibility matters involving the March ARB/IPA influence area, any reference to Table 2A in the policies of Chapter 2 shall instead be taken as a reference to Table MA-2.
- (b) Countywide Policy 3.1.3(b): The policy concerning residential densities in Compatibility Zone D is not applicable to March ARB/IPA.
- (c) Countywide Policy 3.1.4(b): The reference to special risk-reduction building design measures is not applicable to March ARB/IPA.

2.2 *Infill:* Countywide Policy 3.3.1(a)(2) notwithstanding, infill residential development in the vicinity of March ARB/IPA need only be 50% bounded by similar uses to qualify as infill. All other provisions of Countywide Policy 3.3.1 apply.

### 2.3 *Supporting Compatibility Criteria for Noise:*

- (a) Countywide Policy 4.1.5: The CNEL considered normally acceptable for new residential land uses in the vicinity of March ARB/IPA is 65 dB. Table 2B is not applicable.
- (b) Countywide Policy 4.1.6: Single-event noise levels from aircraft operations can be particularly intrusive at night. Compared to other airports in the county, current and projected nighttime activity by large aircraft at March ARB/IPA warrants a greater degree of sound attenuation for the interiors of buildings housing certain uses as cited below.
  - (1) The maximum, aircraft-related, interior noise level that shall be considered acceptable shall be CNEL 40 dB for all new residences, schools, libraries, museums, hotels and motels, hospitals and nursing homes, places of worship, and other noise-sensitive uses. For office uses, the interior standard shall be CNEL 45 dB, the same as the countywide criterion.

3.2.2. *Establishment of Review Process:* Provisions must be made for evaluation of proposed land use development situated within an airport influence area relative to the compatibility criteria set forth in the *Compatibility Plan*.

- (a) Even if the land use designations in a general plan have been deemed consistent with the *Compatibility Plan*, evaluation of the proposed development relative to the land use designations alone is usually insufficient. General plans typically do not contain the detailed airport land use compatibility criteria necessary for a complete compatibility evaluation of proposed development.
- (b) Local jurisdictions have the following choices for satisfying this evaluation requirement:
  - (1) Sufficient detail can be included in the general plan and/or referenced implementing ordinances and regulations to enable the local jurisdiction to assess whether a proposed development fully meets the compatibility criteria specified in the applicable compatibility plan (this requires both that the compatibility criteria be identified and that project review procedures be described);
  - (2) The ALUC's compatibility plan can be adopted by reference (in this case, the project review procedure must be described in a separate instrument presented to and approved by the ALUC); and/or
  - (3) The general plan can indicate that all major land use actions, as listed in Policy 1.5.3 or otherwise agreed to by the ALUC, shall be referred to the Commission for review in accordance with the policies of Section 2.3.

### 3.3. Special Conditions

3.3.1. *Infill:* Where development not in conformance with the criteria set forth in this *Compatibility Plan* already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone. This exception does not apply within *Compatibility Zones A* or *B1*.

- (a) A parcel can be considered for *infill* development if it meets *all* of the following criteria plus the applicable provisions of either Sub-policy (b) or (c) below:
  - (1) The parcel size is no larger than 20.0 acres.
  - (2) At least 65% of the site's perimeter is bounded (disregarding roads) by existing uses similar to, or more intensive than, those proposed.
  - (3) The proposed project would not extend the perimeter of the area defined by the surrounding, already developed, incompatible uses.
  - (4) Further increases in the residential density, nonresidential usage intensity, and/or other incompatible design or usage characteristics (e.g., through use permits, density transfers, addition of second units on the same parcel, height variances, or other strategy) are prohibited.
  - (5) The area to be developed cannot previously have been set aside as open land in accordance with policies contained in this *Plan* unless replacement open land is provided within the same compatibility zone.
- (b) For residential development, the average development density (dwelling units per gross acre) of the site shall not exceed the lesser of:

- (1) The average density represented by all existing lots that lie fully or partially within a distance of 300 feet from the boundary of the parcel to be divided; or
  - (2) Double the density permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A.
- (c) For nonresidential development, the average usage intensity (the number of people per gross acre) of the site's proposed use shall not exceed the lesser of:
- (1) The average intensity of all existing uses that lie fully or partially within a distance of 300 feet from the boundary of the proposed development; or
  - (2) Double the intensity permitted in accordance with the criteria for that location as indicated in the Compatibility Criteria matrix, Table 2A.
- (d) The single-acre and risk-reduction design density and intensity multipliers described in Policies 4.2.5 and 4.2.6 and listed in Table 2A are applicable to infill development.
- (e) Infill development on some parcels should not enable additional parcels to then meet the qualifications for infill. The ALUC's intent is that parcels eligible for infill be determined just once. Thus, in order for the ALUC to consider proposed development under these infill criteria, the entity having land use authority (Riverside County or affected cities) must first identify the qualifying locations in its general plan or other adopted planning document approved by the ALUC. This action may take place in conjunction with the process of amending a general plan for consistency with the ALUC plan or may be submitted by the local agency for consideration by the ALUC at the time of initial adoption of this *Compatibility Plan*. In either case, the burden for demonstrating that a proposed development qualifies as infill rests with the affected land use jurisdiction and/or project proponent.
- 3.3.2. Nonconforming Uses:** Existing uses (including a parcel or building) not in conformance with this *Compatibility Plan* may only be expanded as follows:
- (a) Nonconforming residential uses may be expanded in building size provided that the expansion does not result in more dwelling units than currently exist on the parcel (a bedroom could be added, for example, but a separate dwelling unit could not be built). No ALUC review of such improvements is required.
  - (b) A nonconforming nonresidential development may be continued, leased, or sold and the facilities may be maintained or altered (including potentially enlarged), provided that the portion of the site devoted to the nonconforming use is not expanded and the usage intensity (the number of people per acre) is not increased above the levels existing at the time of adoption of this *Compatibility Plan*. No ALUC review of such changes is required.
  - (c) ALUC review is required for any proposed expansion of a nonconforming use (in terms of the site size or the number of dwelling units or people on the site). Factors to be considered in such reviews include whether the development qualifies as infill (Policy 3.3.1) or warrants approval because of other special conditions (Policy 3.3.6).



3.3.3. *Reconstruction:* An existing nonconforming development that has been fully or partially destroyed as the result of a calamity may be rebuilt only under the following conditions:

- (a) Nonconforming residential uses may be rebuilt provided that the expansion does not result in more dwelling units than existed on the parcel at the time of the damage.
- (b) A nonconforming nonresidential development may be rebuilt provided that it has been only partially destroyed and that the reconstruction does not increase the floor area of the previous structure or result in an increased intensity of use (i.e., more people per acre). Partial destruction shall be considered to mean damage that can be repaired at a cost of no more than 75% of the assessor's full cash value of the structure at the time of the damage.
- (c) Any nonresidential use that has been more than 75% destroyed must comply with all applicable standards herein when reconstructed.
- (d) Reconstruction under Paragraphs (1) or (2) above must begin within 24 months of the date the damage occurred.
- (e) The above exceptions do not apply within *Zone A* or where such reconstruction would be in conflict with a county or city general plan or zoning ordinance.
- (f) Nothing in the above policies is intended to preclude work required for normal maintenance and repair.

3.3.4. *Development by Right:* Nothing in these policies prohibits:

- (a) Construction of a single-family home, including a second unit as defined by state law, on a legal lot of record if such use is permitted by local land use regulations.
- (b) Construction of other types of uses if local government approvals qualify the development as effectively existing (see Policy 1.2.10 for definition).
- (c) Lot line adjustments provided that new developable parcels would not be created and the resulting gross density or intensity of the affected property would not exceed the applicable criteria indicated in the Compatibility Criteria matrix, Table 2A.

3.3.5. *Parcels Lying within Two or More Compatibility Zones:* For the purposes of evaluating consistency with the compatibility criteria set forth herein, any parcel that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. However, the density or intensity of development allowed within the more restricted portion of the parcel can (and is encouraged to) be transferred to the less restricted portion. This transfer of development is permitted even if the resulting density or intensity in the less restricted area would then exceed the limits which would otherwise apply within that compatibility zone.

3.3.6. *Other Special Conditions:* The compatibility criteria set forth in this *Plan* are intended to be applicable to all locations within each airport's influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.

- (a) After due consideration of all the factors involved in such situations, the Commission may find a normally incompatible use to be acceptable.
- (b) In reaching such a decision, the Commission shall make specific findings as to why the exception is being made and that the land use will not create a safety hazard to people on the ground or aircraft in flight nor result in excessive noise exposure for the proposed use. Findings also shall be made as to the nature of the extraordinary circumstances that warrant the policy exception.
- (c) The burden for demonstrating that special conditions apply to a particular development proposal rests with the project proponent and/or the referring agency, not with the ALUC.
- (d) The granting of a special conditions exception shall be considered site specific and shall not be generalized to include other sites.
- (e) Special conditions that warrant general application in all or part of the influence area of one airport, but not at other airports, are set forth in Chapter 3 of this *Compatibility Plan*.

## 4. SUPPORTING COMPATIBILITY CRITERIA

### 4.1. Noise

- 4.1.1. *Policy Objective:* The purpose of noise compatibility policies is to avoid establishment of noise-sensitive land uses in the portions of airport environs that are exposed to significant levels of aircraft noise.
- 4.1.2. *Noise Contours:* The evaluation of airport/land use noise compatibility shall consider both the current and future Community Noise Equivalent Level (CNEL) contours of each airport as depicted in Chapter 3 of this *Plan*.
  - (a) At most airports in the county, anticipated growth in aircraft operations results in projected future noise contours being larger than current ones. However, in some instances, factors such as introduction of a quieter aircraft fleet mix, planned changes to the configuration of airport runways, or expected modifications to flight procedures can result in current contours being larger than the future contours in some or all of the airport environs. In these cases, a composite of the contours for the two time frames shall be considered in compatibility analyses.
  - (b) For airport at which aircraft activity has substantial seasonal or weekly characteristics, noise contours associated with the peak operating season or days of the week shall be taken into account in assessing land use compatibility.
  - (c) Projected noise contours included in Chapter 3 are calculated based upon forecasted aircraft activity as indicated in an airport master plan or that is considered by the Riverside County Airport Land Use Commission to be plausible (refer to activity data in the Background Data volumes). The Airport Land Use Commission or the entities that operate airports in Riverside County should periodically review these projected noise level contours and update them if appropriate.

# **JD PIERCE COMPANY**

January 19, 2016

Riverside County  
Airport Land Use Commission  
Riverside County Administrative Center  
4080 Lemon Street, 14th Floor  
Riverside, CA 92501

Re: Perris Apartment Site

Dear Mr. John Guerin:

Enclosed is the application for our infill project in the City of Perris for review by the Riverside County Airport Land Use Commission. It is extremely important to us for the project to be approved by the commission.

We have outlined a number of reasons supporting an approval of the project, including compatibility with Land Use Compatibility document as well as a number of community benefits for the City of Perris and the County of Riverside. We expect to receive support from representatives of the City of Perris prior to and at your commission hearing.

We are hoping that the staff will recommend approval of our project to the commission, and appreciate any assistance that you provide to that end. Of course, anything we can do assist you or others at your agency will be acted upon immediately. Please let us know if you need additional information. Thank you again for your efforts.

Sincerely,  
JD Pierce Company, Inc.



Jennings D. Pierce, Jr.,  
President

CC: Ron Carr, Diane Sbardellati

Riverside County Airport Land Use Commission

2222 MARTIN STREET, SUITE 100 ♦ IRVINE, CALIFORNIA 92612 ♦ TEL: 949.752.0676 ♦ FAX: 949.752.0674  
[www.jdpiercehomes.com](http://www.jdpiercehomes.com)

## **Application Attachment**

**Below you will find supplemental information to the application regarding our apartment project.**

**This apartment project from inception has been a collaborative effort worked on by Perris Group, LLC and the City of Perris. The Perris Spectrum shopping center which encompasses the subject property was part of a non performing Community Facilities District administered by the City of Perris. Through joint efforts, the City of Perris and Perris Group LLC were instrumental in refinancing a Community Facilities District in the amount of \$3,900,000. In addition, Perris Group LLC was successful in paying \$426,000 in delinquent property taxes to Riverside County. All of these efforts have ensured the viability of the Perris Spectrum shopping center as well as laid the groundwork for a successful proposed apartment project.**

**Our property assessor parcel numbers are as follows: 305-080-044, 305-080-046, 305-080-047, 305-080-048, 305-080-049, 305-080-061, 305-080-062. Except for parcel 305-080-046 (zoned community commercial) all parcels are zoned MFR-14 (14 Units per Acre) under City of Perris General Plan and Zoning. We are currently in process to rezone parcel 046 to be compatible with all other parcels.**

**According to the airport land use commission March Air Reserve base land use compatibility plan our project lies under the C2 Flight Corridor designation. Our development site does not fall under any of the prohibited uses.**

**Highly noise-sensitive outdoor non residential use - NO  
Hazard to flight- NO**

**In addition, the other development conditions for C2 do not apply for our site.  
Children's School – N/A  
Airspace Review Required Objects > 70ft – N/A  
Electromagnetic Radiation Devices – N/A  
Deed Notice & Disclosure – N/A**

**I would like to point out some key facts about our infill project and the surrounding uses.**

**For reference the following are surrounding property uses.**

**North- Commercial/Industrial.**

**East- Community shopping center.**

**South- Community shopping center**

**West- City of Perris Harvest Landing Specific Plan. Within that specific plan directly to our West there is a plan to have a residential project with 22.4 Units/Acre directly West of our site.**

Section 3.3.1 of the Airport Land Use Commission Compatibility plan specifically states the following:

**“Where development not in conformance with the criteria set for in the Compatibility plan already exists, additional infill development of similar land uses may be allowed to occur even if such land uses are to be prohibited elsewhere in the zone.”**

Due to the below facts our project qualifies as an infill project according to Countywide Policies section 3.3.1 sub section (a).

- Parcel size is 16.9 Gross Acres less than 20 acres required.
- 50% of the surrounding uses are more intense than our project.
- Proposed project does not extend boundaries into neighboring projects
- No further increases in residential density has been requested
- Area to be developed has never been set aside as open space

After qualifying as an infill site we believe the site meets or at least comes within a threshold of the criteria for approval based on either intensity/density allowed. The land use compatibility plan does not have a method of calculation to compare residential project density when surrounded by more intensive commercial spaces. Countywide policies allow for increased density based on the lesser of two methods found in section 3.1.1.

The first method uses average density of the existing lots that lie fully or partially within 300 feet. Setting aside the more intensive surrounding commercial uses on three sides of the project, on the western boundary an approved project in the Compatibility Plan contains residential development. Two projects have a density of 22.4 d/u per acre and 9.4 d/u per acre. Taking the average of those two residential projects we get 15.9 d/u acre which exceeds our proposed 13.49. Clearly, there is higher density residential adjacent to the project.

The second approach would be to double the density found in the March Air Base plan from 6 units per acre to 12 units per acre. Taking this simple approach and not factoring our respective location we exceed the d/u per acre by 1.49 (16.9 acre site total of 228 units is 13.49du/ac.) Such a marginal amount considering the intensive nature of our surrounding properties should not constitute an incompatible use.

Furthermore in the event that we do not meet the technical definitions in the Compatibility Plan as will be determined by the staff and commission, Section 3.3.6 of the Countywide Policies states

**“The compatibility criteria set forth in this Plan are intended to be applicable to all locations within each airport’s influence area. However, it is recognized that there may be specific situations where a normally incompatible use can be**

**considered compatible because of terrain, specific location, or other extraordinary factors or circumstances related to the site.”**

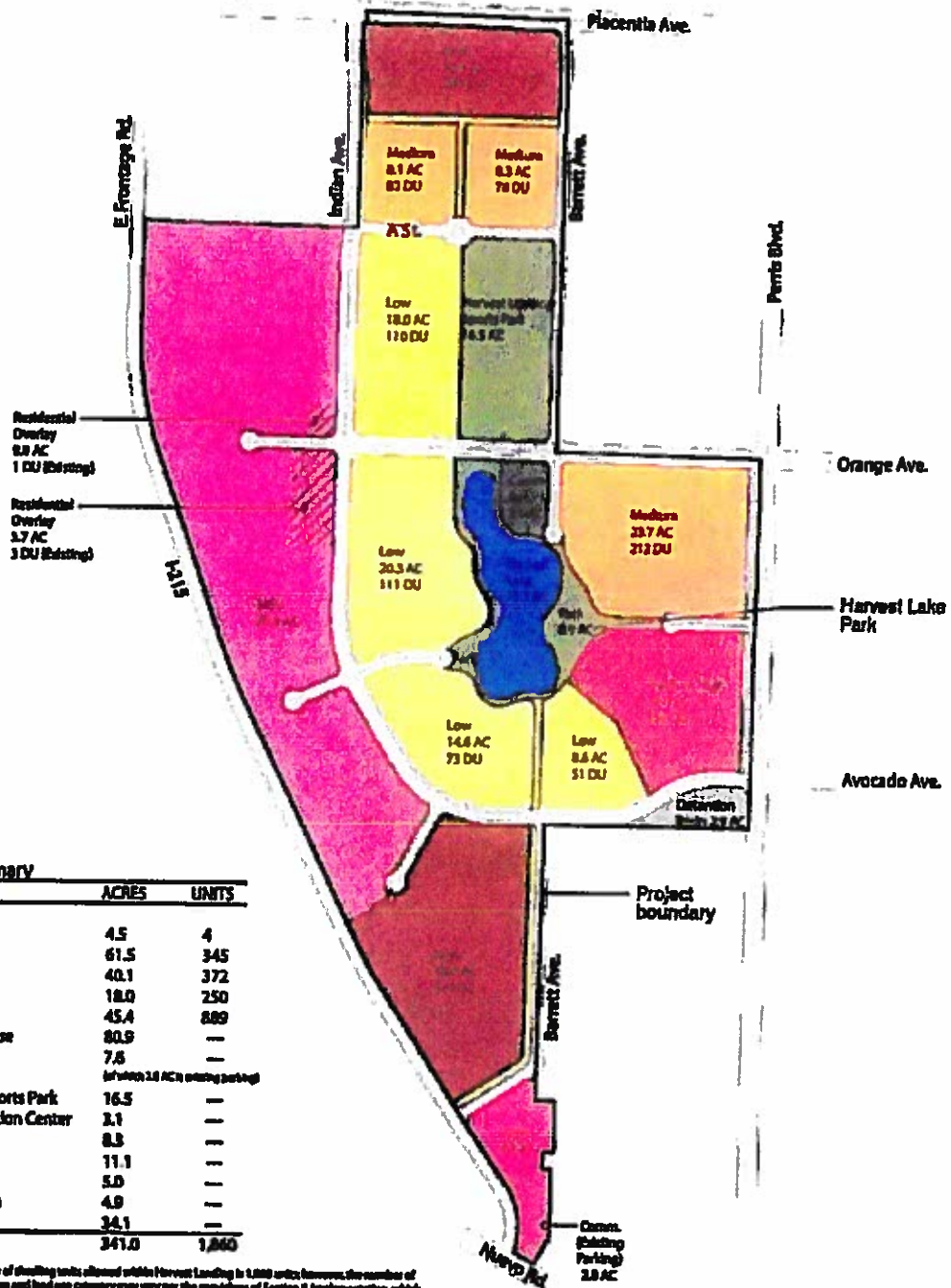
**Joint work between the City of Perris, the County of Riverside and Perris Group, LLC on this particular property, its specific location, and circumstances related to the site lend reason for a small increase to the density to be allowed. The project has been organized and developed beginning in the summer of 2014 considering the existing City General Plan and Zoning with the idea that it would be a benefit to the community at large, the City of Perris, and the County of Riverside. Some of those benefits have already accrued to the County and the City through the payment of delinquent property taxes and the refinancing of the troubled CFD.**

**We would like the Commission to take into account that the City of Perris and Perris Group LLC has worked jointly on this project from early on in the process. The City and Perris Group LLC signed a Development/CFD agreement on April 17<sup>th</sup> 2015 which would qualify the development site under the definition of an existing land use (section 1.2.10 of the County Wide Policies).**

**From inception this site has been analyzed, budgeted, and remained economically feasible at 13.49 d/u per acre. Any deviation from the density we have planned jeopardizes the development of this project for the foreseeable future. We respectfully request that the commission approve our request of compatibility for our plan. Thank you.**



# LAND USE PLAN



### Statistical Summary

LAND USE	ACRES	UNITS
<b>Residential</b>		
Existing	4.5	4
Low	61.5	345
Medium	40.1	372
Medium High	18.0	250
High	45.4	889
Multiple Business Use	80.9	—
Commercial	7.8	—
<i>(includes 2.8 ACs existing parking)</i>		
Harvest Landing Sports Park	16.5	—
Community Recreation Center	2.1	—
Harvest Lake Park	8.3	—
Harvest Lake	11.1	—
Pavement	5.0	—
Drainage/Retention	4.9	—
Street ROW	34.1	—
<b>TOTAL</b>	<b>341.0</b>	<b>1,860</b>

Note: The maximum number of dwelling units allowed within Harvest Landing is 1,860 units; however, the number of units within each planning area and land use category may vary per the provisions of Section 3. Implementation, which allows for the benefits of increased density. Therefore, this land plan depicts the intended development pattern and subsequent transfers of units may result in the release of units from the individual land use categories and/or residential units shown in each planning area. The units depicted on this plan are used to describe total units not the maximum density of each land use category.





### ALUC Surrounding Property Density

	Dwelling Units	Acres
Harvest Landing High Density	345	15.4
Harvest Landing Medium Density	78	8.3
Tract West of Perris Blvd	19	2.27
<b>Total</b>	<b>442</b>	<b>25.97</b>

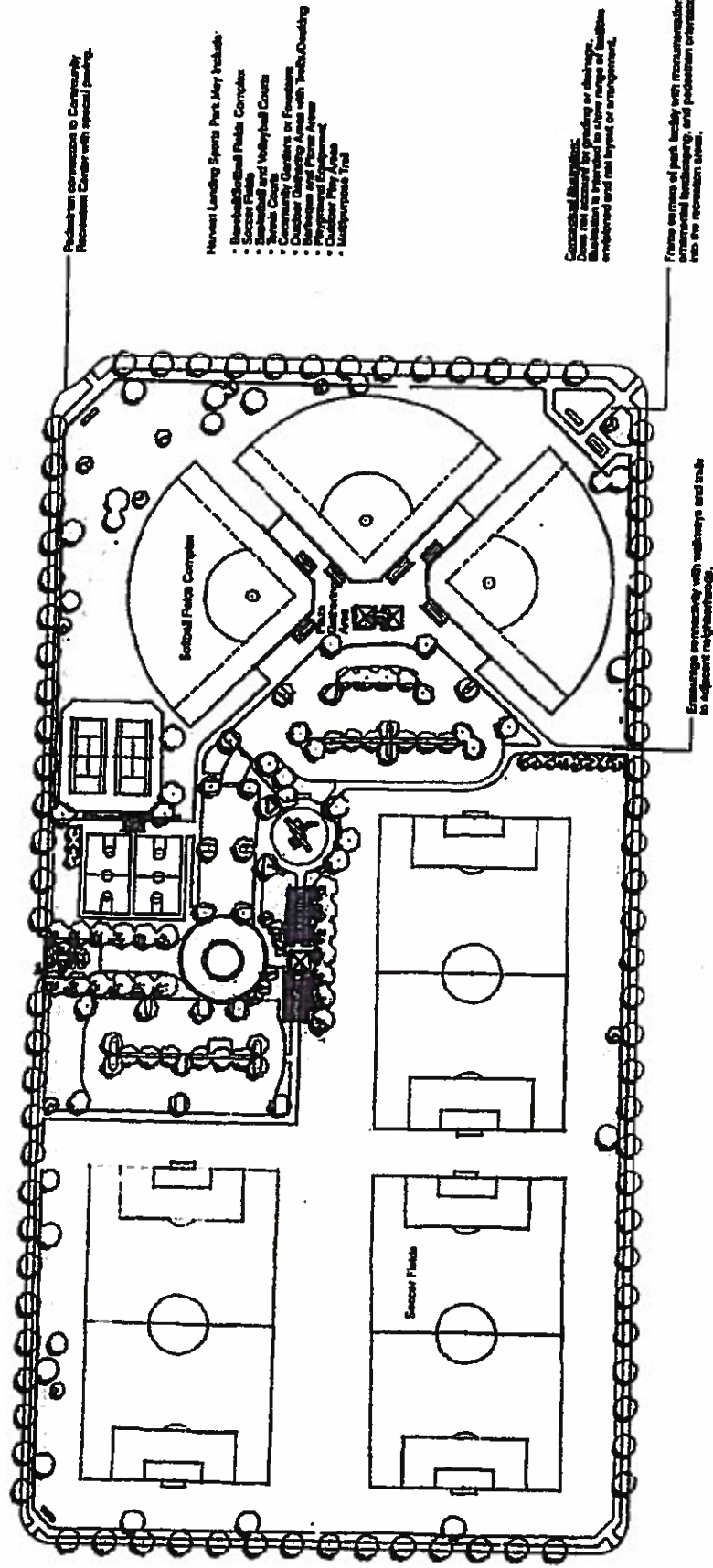
### ALUC Acre Calculation Including Park

	Dwelling Units	Acres
Subject Property	228	16.9
Sports Park	0	16.5
<b>Total</b>	<b>228</b>	<b>33.40</b>

	Dwelling Units/Acre
<b>Total</b>	<b>17.02</b>

HARVEST LANDING SPORTS PARK CONCEPTUAL SITE PLAN



Provision connection to Community Recreation Center with special lighting.

- Harvest Landing Sports Park may include:
- Baseball/Softball Fields Complex
  - Soccer Fields
  - Basketball and Volleyball Courts
  - Community Building or Foundation
  - Outdoor Dining Areas with Trash-Chucking
  - Barbecue and Picnic Areas
  - Children's Play Equipment
  - Children's Play Field
  - Multipurpose Gym

Concrete/Masonry: Areas that require grading or drainage. Materials should be selected to allow range of facilities enclosed and not layout or arrangement.

Frame streets of park facility with reconstruction, drainage and landscaping, and pedestrian information into the recreation street.

Emphasize connectivity with walkways and trails to adjacent neighborhoods.

Note: Illustration is conceptual in nature and subject to change. Park features and field allocation to be determined at the time of detailed park design.



Development Criteria Figure 3-15

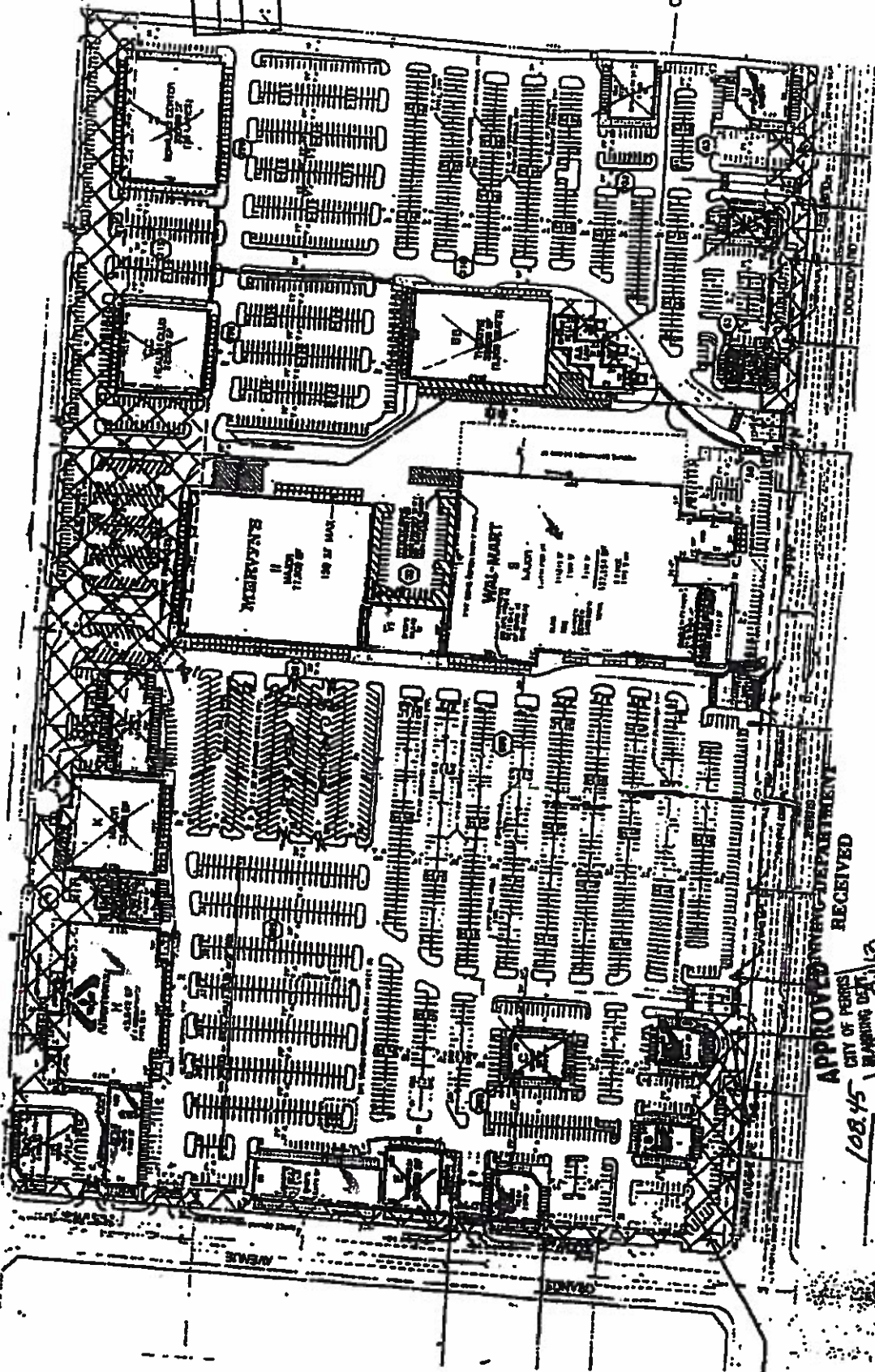


**Perris Spectrum Shopping Center**

	<b>Sq Footage</b>	<b>1/115 sq ft People</b>
<b>Napa Auto Parts</b>	<b>7,920</b>	<b>69</b>
<b>Cardenas Supermarket</b>	<b>45,842</b>	<b>397</b>
<b>Jack In the Box</b>	<b>2,850</b>	<b>25</b>
<b>Taco Bell</b>	<b>1,989</b>	<b>17</b>
<b>Dollar Tree</b>	<b>77,500</b>	<b>674</b>
<b>Domino's Pizza</b>	<b>9,600</b>	<b>83</b>
<b>Sprint Reseller, Dry Cleaners</b>	<b>5,706</b>	<b>50</b>
<b>Gentle Dental, Metro PCS</b>	<b>13,975</b>	<b>122</b>
<b>Payless Shoes, Fashion Today</b>	<b>10,746</b>	<b>93</b>
<b>Aarons Rentals</b>	<b>7,040</b>	<b>61</b>
<b>Wells Fargo Bank</b>	<b>4,472</b>	<b>39</b>
<b>Former Wal-Mart</b>	<b>127,154</b>	<b>1106</b>
<b>Total</b>	<b>314,594</b>	<b>2,736</b>

X BARRICADE  
XHIBIT A  
CASE NO.

SAFE COURT MATRONEE



N

APPROVED BY PERMISSIVE DEPARTMENT RECEIVED

10845  
CITY OF PERRIS  
PLANNING DEPT.  
BY [Signature]  
FEB 18 2003

10845  
CASE NO. A  
PO3-0059

PO3-0059