COUNTY OF RIVERSIDE AIRPORT LAND USE COMMISSION

STAFF REPORT

AGENDA ITEM:

3.3

HEARING DATE:

April 8, 2021

CASE NUMBER:

ZAP1108FV21 - Davie Beshay (Representative: Marks

Architects, Gabriela Marks)

APPROVING JURISDICTION:

County of Riverside

JURISDICTION CASE NO:

PPT210004 (Plot Plan), TPM37990 (Tentative Parcel Map)

LAND USE PLAN:

2007 French Valley Airport Land Use Compatibility Plan, as

amended in 2011

Airport Influence Area:

French Valley Airport

Land Use Policy:

Zones B1 and C

Noise Levels:

55-60 CNEL

MAJOR ISSUES:

None

RECOMMENDATION: Staff recommends that the Commission find the Plot Plan and Tentative Parcel Map <u>CONDITIONALLY CONSISTENT</u>, subject to the conditions included herein, and such additional conditions as may be required by the Federal Aviation Administration Obstruction Evaluation Service.

PROJECT DESCRIPTION: A proposal to construct two separate restaurant buildings totaling 4,847 square feet with drive thrus on 3.68 acres. The applicant also proposes to divide the site into two commercial parcels.

PROJECT LOCATION: The proposed project is located easterly of Winchester Road, southerly of Benton Road, westerly of Briggs Road, and northerly of Auld Road, approximately 2,340 feet northeasterly of the northerly terminus of Runway 18-36 at French Valley Airport.

BACKGROUND:

Non-Residential Average Intensity: Pursuant to the French Valley Airport Land Use Compatibility Plan, the project site is located within Compatibility Zones B1 (3.29 gross acres) and C (0.39 gross acres). Zone B1 restricts average intensity to 40 people per acre, and Zone C restricts average

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intensity to 80 people per acre, through French Valley Airport Compatibility Plan Policy 2.3.b.(1).

Pursuant to Appendix C, Table C-1, of the Riverside County Airport Land Use Compatibility Plan, the following rates were used to calculate the occupancy for the proposed building in Compatibility Zones B1 and C:

- Kitchen area 1 person per 200 square feet,
- Dining area 1 person per 15 square feet, and
- Storage 1 person per 300 square feet.

The project proposes to construct two drive-thru restaurants (on two separate parcels) with a combined total building area of 4,847 square feet on 3.68 acres, which includes 2,292 square feet of kitchen area, 1,312 square feet of dining area, 396 square feet of storage area, and 21 car stacking drive-thru spaces, accommodating 131 people, resulting in an average intensity of 36 people per acre, which is consistent with both Compatibility Zones B1 and C average criterion of 40 and 80 people per acre respectively.

The applicant proposes to divide the site's 3.68 acres into two parcels (one for each building) and therefore the average intensity on a lot-by-lot basis (based on the applicant's proposed lot lines as indicated on the parcel map and site plan) has to be considered:

- Parcel 1 proposes a 2,743 square foot Jack in the Box drive-thru restaurant, which includes 740 square feet of dining area, 1,258 square feet of kitchen area, 199 square feet of storage area, and 12 car stacking drive-thru spaces on 1.91 acres entirely within the Zone B1 portion of the parcel, accommodating 74 people, resulting in an average intensity of 39 people per acre, which is consistent with the Compatibility Zone B1 average criterion of 40. No occupancy would be generated within the Zone C portion of this parcel.
- Parcel 2 proposes a 2,104 square foot Taco Bell drive-thru restaurant, and is split between Compatibility Zones B1 and Zone C. The Zone B1 portion of the parcel includes 105 square feet of dining area, 841 square feet of kitchen area, 197 square feet of storage area, and 7 car stacking drive-thru spaces on 1.19 acres, accommodating 23 people, resulting in an average intensity of 19 people per acre, which is consistent with the Compatibility Zone B1 average criterion of 40. The Zone C portion of the parcel includes 467 square feet of dining area, 193 square feet of kitchen area, and 2 car stacking drive-thru spaces on 0.49 acres, accommodating 35 people, resulting in an average intensity of 71 people per acre, which is consistent with the Compatibility Zone C average criterion of 80.

A second method for determining total occupancy involves multiplying the number of parking spaces provided or required (whichever is greater) by average vehicle occupancy (assumed to be 1.5 persons per vehicle). Based on the number of parking spaces (67 spaces) provided, and the additional 21 car stacking drive-thru spaces, the total occupancy would be estimated at 132 people, resulting in an average intensity of 36 persons per acre, which is consistent with both Compatibility Zones B1 and C average criterion of 40 and 80 people per acre respectively.

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Non-Residential Single-Acre Intensity: Pursuant to the French Valley Airport Land Use Compatibility Plan, the project site is located within Compatibility Zones B1 and C. Zone B1 restricts single acre intensity to a maximum of 80 people, and Zone C restricts single acre intensity to 160 people in the most intensely utilized acre, through French Valley Airport Compatibility Plan Policy 2.3.b.(1).

Based on the site plan provided, each building would be within its own single-acre area.

In Parcel 1, the single-acre area portion located within Compatibility Zone B1 includes the entire Jack in the Box drive-thru restaurant building, consisting of 740 square feet of dining area, 1,258 square feet of kitchen area, 199 square feet of storage area, and 8 car drive-thru stacking spaces, resulting in 68 people, which is consistent with the Compatibility Zone B1 single acre criterion of 80. No occupancy would be generated within the Zone C portion of this parcel.

In Parcel 2, the single-acre area located within Zone B1 includes 105 square feet of dining area, 841 square feet of kitchen area, 197 square feet of storage area, and 7 car drive-thru stacking spaces, resulting in 23 people, which is consistent with the Compatibility Zone B1 single acre criterion of 80. The single-acre area located within Zone C portion of the parcel includes 467 square feet of dining area, 193 square feet of kitchen area, and 2 car drive-thru stacking spaces, resulting in 35 people, which is consistent with the Compatibility Zone C single acre criterion of 160.

<u>Prohibited and Discouraged Uses:</u> The applicant does not propose any uses prohibited or discouraged in Compatibility Zones B1 or C (children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, highly noise-sensitive outdoor non-residential uses, hazardous materials and hazards to flight).

Noise: The French Valley Airport Land Use Compatibility Plan depicts the site as being located within the 55-60 CNEL contour range from aircraft noise. Commercial use is identified as normally acceptable within this range; however, staff is recommending a condition to incorporate noise attenuation measures into the design of the proposed buildings to such extent as may be required to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.

Part 77: The elevation of Runway 18-36 at its northerly terminus is 1,347 feet above mean sea level (1347 AMSL). At a distance of approximately 2,340 feet from the runway to the site, Federal Aviation Administration (FAA) review would be required for any structures with top of roof exceeding 1,370 feet AMSL. The maximum finished floor elevation is 1,347 feet AMSL. With a maximum building height of 25 feet, the top point elevation would be 1,372 feet AMSL. Therefore, review of the building for height/elevation reasons by the FAA Obstruction Evaluation Service (FAAOES) is required. The applicant has submitted Form 7460-1, and FAA OES has assigned Aeronautical Study No. 2021-AWP-3380-OE to this project. Its status is currently a "work in progress"

Open Area: The site is located within Compatibility Zones B1 and C of the French Valley Airport Influence Area, which requires projects 10 acres or larger to designate 30% and 20% respectively of project area as ALUC qualifying open area that could potentially serve as emergency landing areas.

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Since the overall project size is less than 10 acres, the open area requirement is not applicable to this project.

Hazards to Flight: Land use practices that attract or sustain hazardous wildlife populations on or near airports significantly increase the potential of Bird Aircraft Strike Hazards (BASH). The FAA strongly recommends that storm water management systems located within 5,000 or 10,000 feet of the Airport Operations Area, depending on the type of aircraft, be designed and operated so as not to create above-ground standing water. To facilitate the control of hazardous wildlife, the FAA recommends the use of steep-sided, rip-rap lined, narrow, linearly shaped water detention basins. All vegetation in and around detention basins that provide food or cover for hazardous wildlife should be eliminated. (FAA Advisory Circular 5200-33B). The nearest portion of the project is located 2,340 feet from the runway, and therefore would be subject to the above requirement.

The project would utilize bioretention basins, which are to be avoided in Zones B1 and C due to the potential that such areas could provide food, water, and shelter for hazardous wildlife. Pursuant to the study "Wildlife Hazard Management at Riverside County Airports: Background and Policy", October 2018, by Mead & Hunt, which is the basis of the brochure titled "Airports, Wildlife and Stormwater Management", such basins are potentially suitable within 10,000 feet of the airport only with appropriate criteria: the basin is used in conjunction with appropriate landscaping for such uses as adjacent to structures, parking islands, medians, site entrances, planter boxes; and vegetation is carefully selected so as not to provide food, shelter, nesting, roosting, or water for wildlife. The project has been conditioned to be consistent with the basin criteria (as well as providing 48-hour draw down of the basin).

CONDITIONS:

- 1. Any outdoor lighting installed shall be hooded or shielded to prevent either the spillage of lumens or reflection into the sky. Outdoor lighting shall be downward facing.
- 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. (Such uses include landscaping utilizing water features, aquaculture, outdoor production of cereal grains, sunflower, and row crops, composting operations,

wastewater management facilities, artificial marshes, 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.
- (e) Children's schools, day care centers, libraries, hospitals, nursing homes, places of worship, buildings with more than two aboveground habitable floors, critical community infrastructure facilities, and aboveground bulk storage of 6,000 gallons or more of flammable or hazardous materials.
- (f) Highly noise-sensitive outdoor nonresidential uses.
- (g) Any use which results in a hazard to flight, including physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations.
- 3. Prior to issuance of building permits, the landowner shall convey an avigation easement to the County of Riverside as owner of French Valley Airport, or provide evidence that such easement has been previously conveyed. Contact the Riverside County Aviation Division at (951) 955-9722 for additional information.
- 4. Any proposed stormwater basins or facilities shall be designed and maintained to provide for a maximum 48-hour detention period following the design storm, and remain totally dry between rainfalls. Vegetation in and around the basins that would provide food or cover for birds would be incompatible with airport operations and shall not be utilized in project landscaping. Trees shall be spaced so as to prevent large expanses of contiguous canopy, when mature. Landscaping in and around the basin(s) shall not include trees or shrubs that produce seeds, fruits, or berries.

Landscaping in the stormwater basin, if not rip-rap, should be in accordance with the guidance provided in ALUC "LANDSCAPING NEAR AIRPORTS" brochure, and the "AIRPORTS, WILDLIFE AND STORMWATER MANAGEMENT" brochure available at <u>RCALUC.ORG</u> which list acceptable plants from Riverside County Landscaping Guide or other alternative landscaping as may be recommended by a qualified wildlife hazard biologist.

A notice sign, in a form similar to that attached hereto, shall be permanently affixed to the stormwater basin with the following language: "There is an airport nearby. This stormwater basin is designed to hold stormwater for only 48 hours and not attract birds. Proper maintenance is necessary to avoid bird strikes". The sign will also include the name, telephone number or other contact information of the person or entity responsible to monitor the stormwater basin.

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- 5. Noise attenuation measures shall be incorporated into the design of the building to the extent such measures are necessary to ensure that interior noise levels from aircraft operations are at or below 45 CNEL.
- 6. This project has been evaluated as consisting of 2,292 square feet of kitchen area, 1,312 square feet of dining area, 396 square feet of storage area, and 21 car stacking drive-thru spaces, change in use to any higher intensity use, change in building location, or modification of the tentative parcel map lot lines and areas will require an amended review to evaluate consistency with the ALUCP compatibility criteria, at the discretion of the ALUC Director.
- 7. The project does not propose rooftop solar panels at this time. However, if the project were to propose solar rooftop panels in the future, the applicant/developer shall prepare a solar glare study that analyzes glare impacts, and this study shall be reviewed by the Airport Land Use Commission and Riverside County Aviation Division as owner and operator of French Valley Airport. In the event of any reasonable complaint about glare related to aircraft operations, the applicant shall agree to such specific mitigation measures as determined or requested by Riverside County Aviation Division.

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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)

NOTICE

THERE IS AN AIRPORT NEARBY.

THIS STORM WATER BASIN IS DESIGNED TO HOLD

STORM WATER FOR ONLY 48 HOURS AND

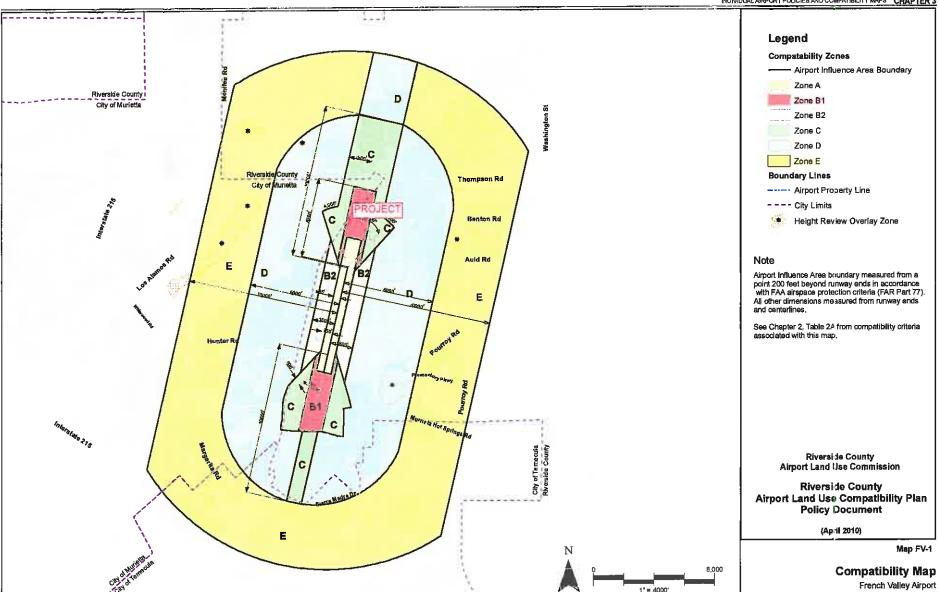
NOT TO ATTRACT BIRDS

PROPER MAINTENANCE IS NECESSARY TO AVOID BIRD STRIKES



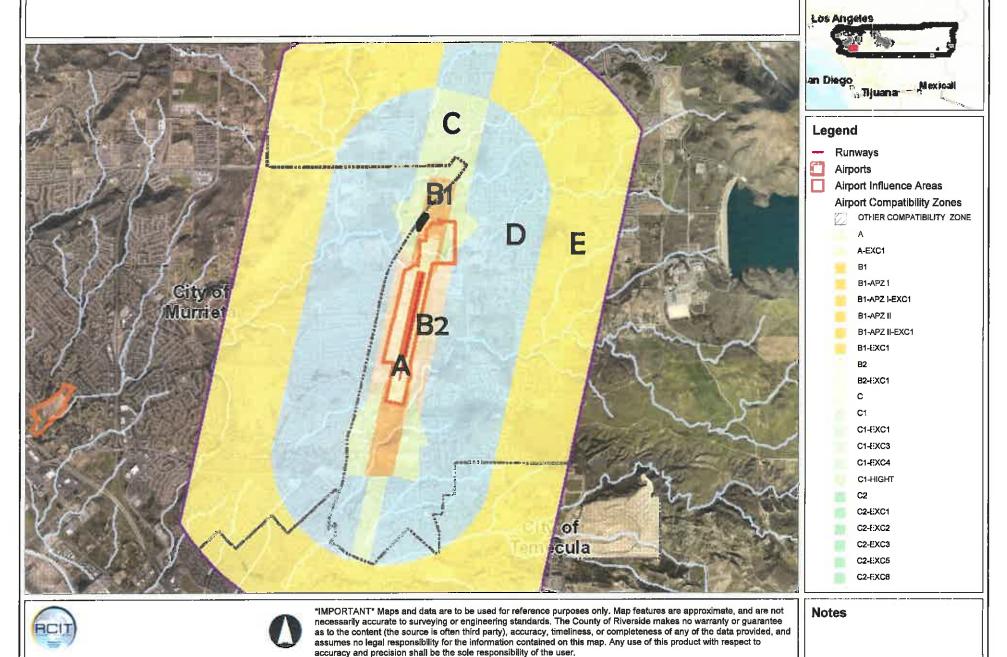
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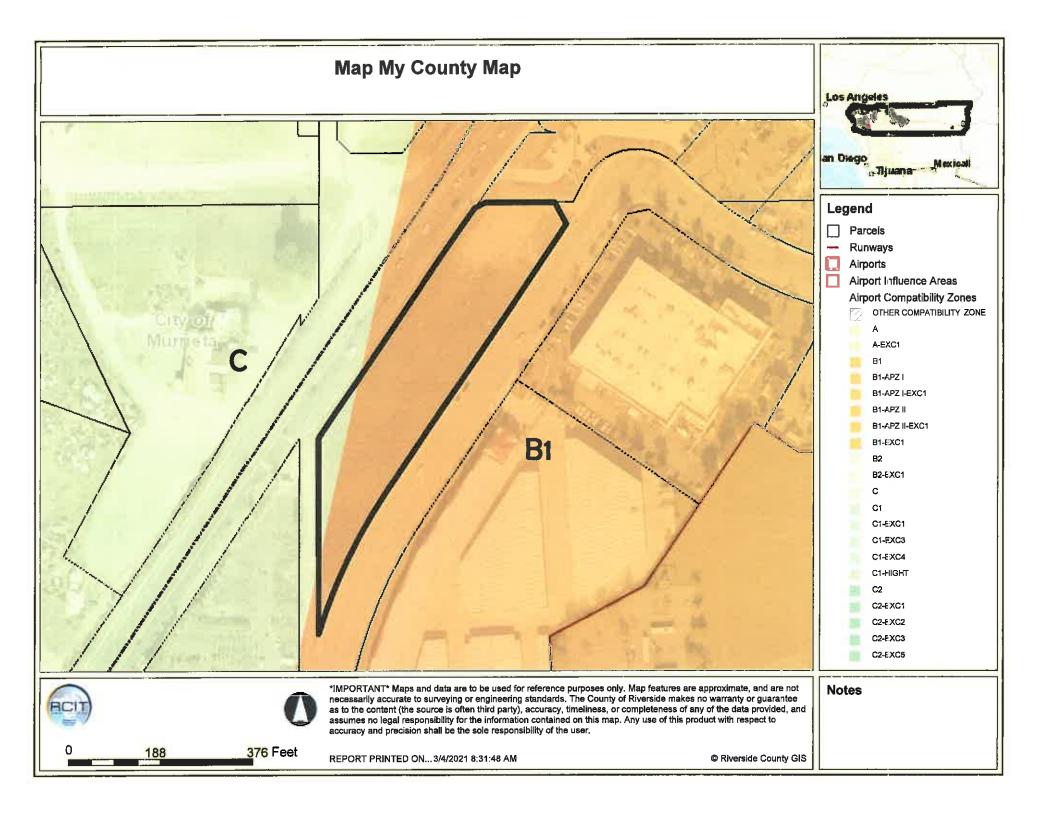


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Legend

- Parcels **Blueline Streams**
- City Areas World Street Map





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Notes





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Blueline Streams City Areas World Street Map





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Notes





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- Parcels
 Blueline Streams
 - City Areas
 World Street Map





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- City Areas World Street Map





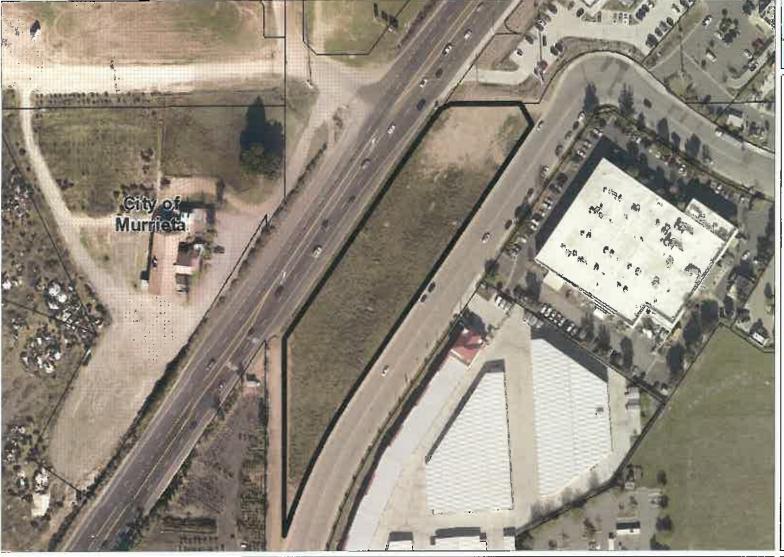
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- Parcels
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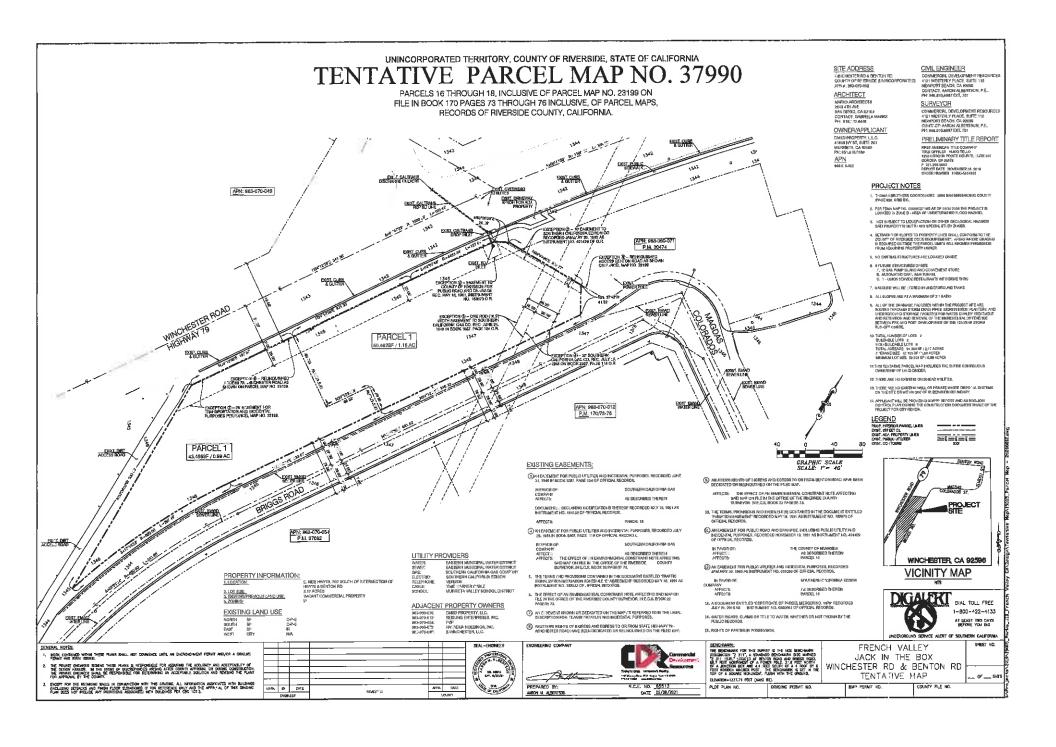
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AIRPORT LAND USE COMMISSION APPLICATION FOR MAJOR LAND USE ACTION REVIEW



FRENCH VALLEY

DEVELOPMENT

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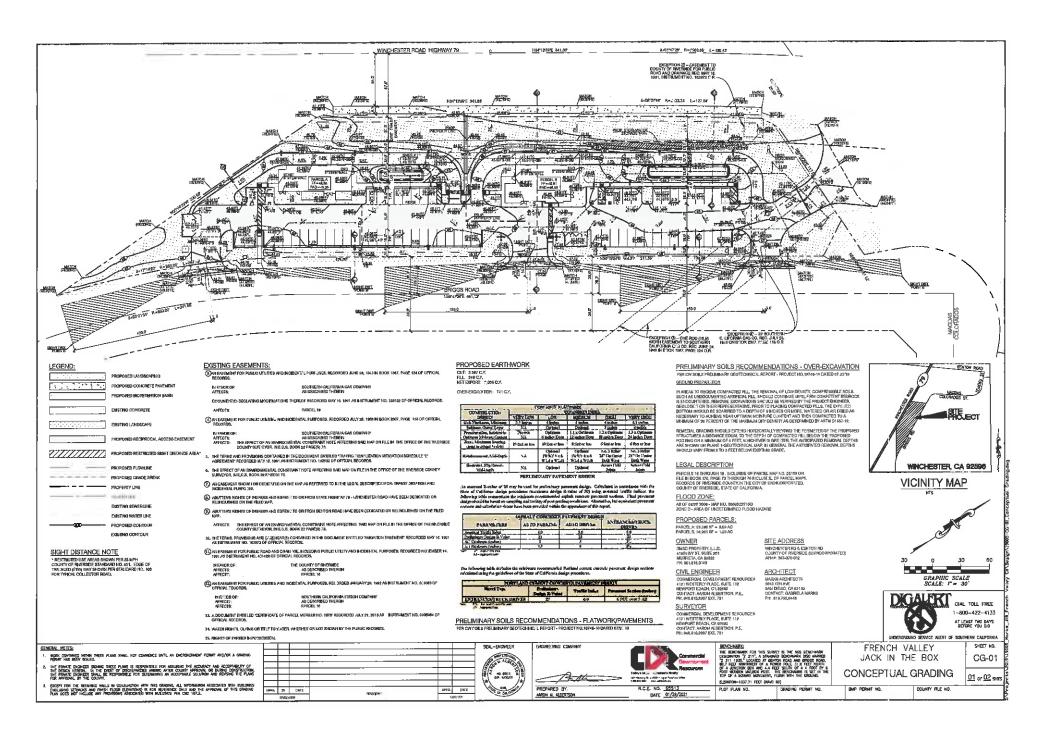
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FRENCH VALLEY
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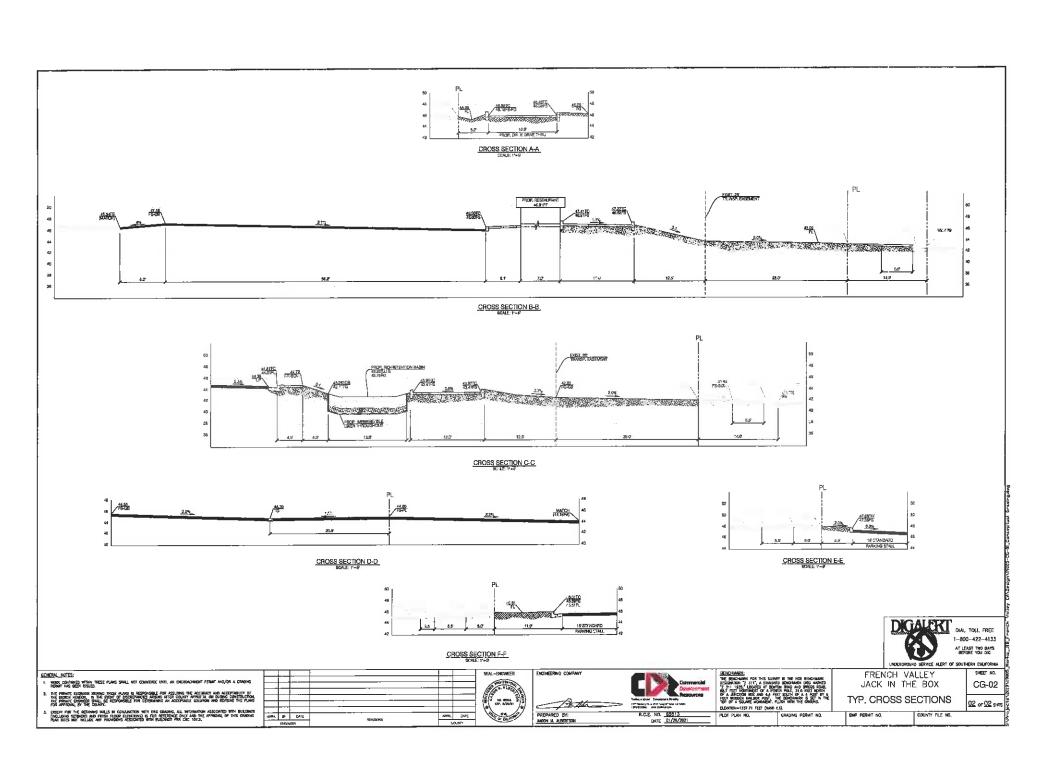
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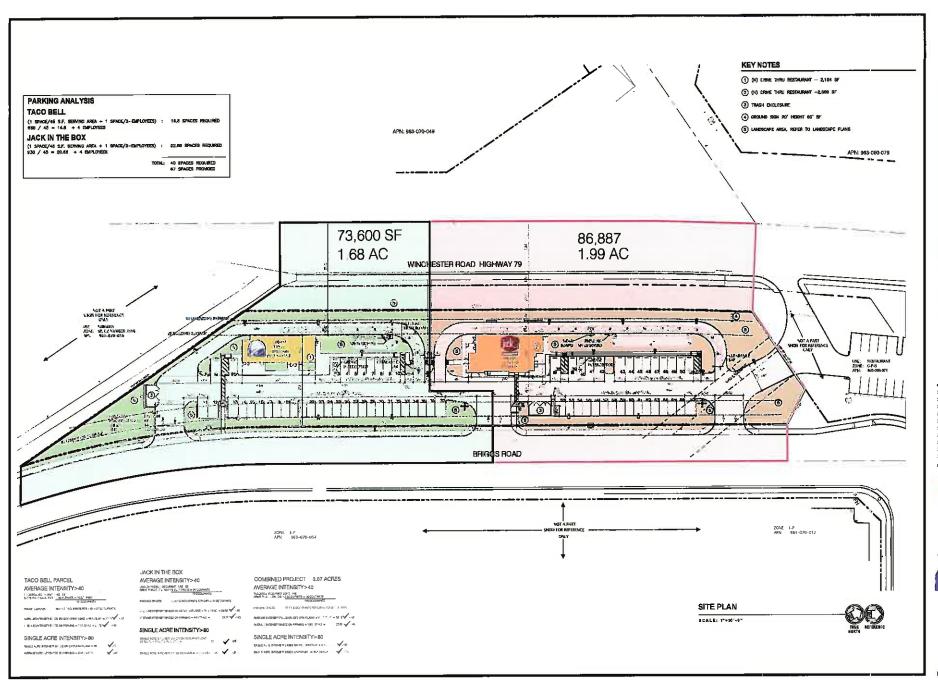
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FIRE ACCESS PLAN WINCHESTER RD & BENTON RD RIVERSIDE COUNTY, CA WINCHESTER ROAD_HIGHWAY 79 _______ 8402'9748' Re343' 34' Le 127.84 BRIGGS ROAD KEY NOTES: 1. If the Registrating for the constantion and dominations to supplied the large of the constantion of the properties of the constantion of the properties of the constantion of the constantio ABBREVIATIONS: ABBREWATIONS: OXD BOTHS GAPTIN AND ASSESSMENT ASSESSMENT AND ASSESSMENT ASSESSM WINCHESTER RD & BENTON RID CONCRETÉ ARCHITECT MARKS ARCHITECTS 2843 4TH AVE SAN DIEGO. CA 32103 CONTACT: GABRIELA MARKS PH: 619.702,8448 OWNER RED CLIRE - FIRE LANE NO PARKING DMSD PROPERTY, L.L.C. 4 IRSB NY ST, BUITE 20 I MURRIETA, CA 92642 PH: 961,816,0189 CC PROPOSED FIRE HYDRAUT CIVIL ENGINEER - FIRE HOSE PULL ROUTE COMMERCIAL DEVELOPMENT RESOURCES 4121 WESTERLY PLACE, SUITE 112 NEWPORT BEACH, CA 8280 PH: 848.810.8997 EVT. 791 WINCHESTER, CA 92596 --- PW ---- PROPOSED FIRE WATER LINE VICINITY MAP SURVEYOR COMMERCIAL DEVELOPMENT RESOURCES 4121 V-ESTERLY PLACE, SUITE 112 NEWPORT BEACH, OA 02690 PH: 949,610,8997 EXT, 701 DIGALERT DIAL TOLL FREE 1-800-422-4133 INFERENCIAL SERVICE ALERT OF SOLITHERN CALIFORNIA SHEET NO. FRENCH VALLEY GENERAL NOTES: WORK CONTAINED WITHIN THESE PLANS PERSIT HAS BEEN ISSUED. JACK IN THE BOX FM-01 FIRE ACCESS PLAN 01 or 01 sen PREPARED BY: 1/89A BY CATE MARCH M. ALBERTSO











FRENCH VALLEY DEVELOPMENT

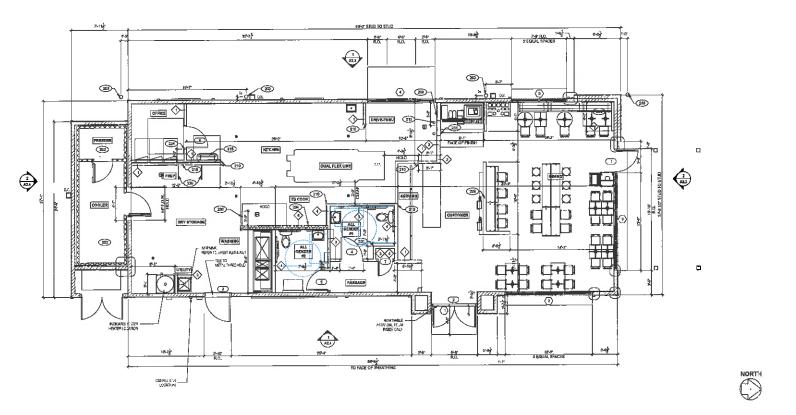
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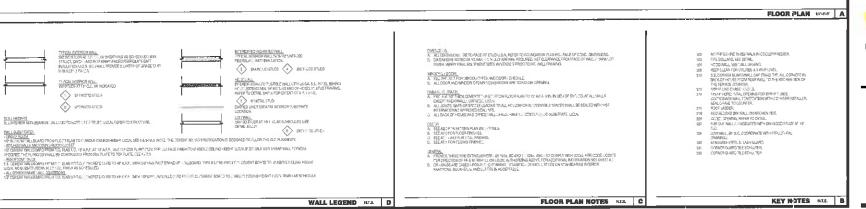




SITE PLAN

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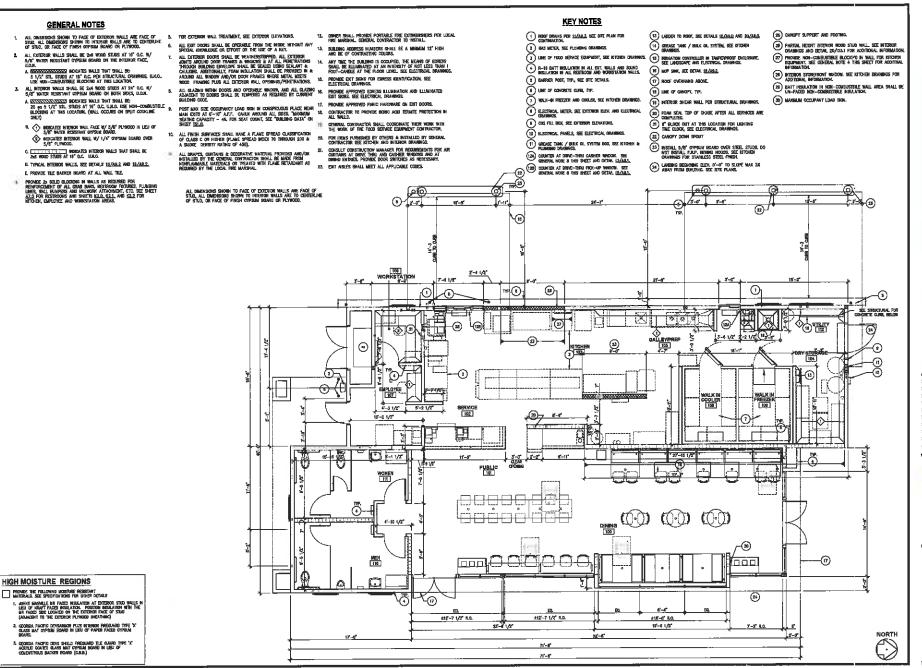
FRENCH VALLEY
DEVELOPMENT

HWY 79, WHICHESTER, CA APA: 983-070-052



FLOOR PLAN

A1.1





marks





FRENCH VALLEY DEVELOPMENT

APN: 963-070-052



1/4" - 1'-0" FLOOR PLAN

A2.1



CONTRACTOR

DE TOMO MARIE

DE TOMO M

NORTH ELEVATION





marks architects

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FRENCH VALLEY

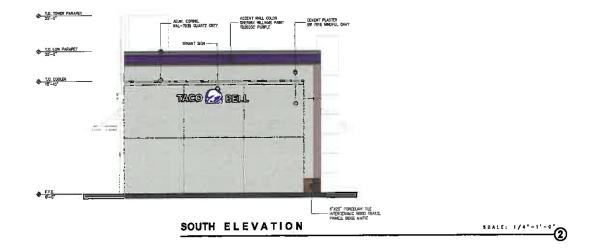
HWY 79, WINCHESTER, CA APM: 983-070-052



TACO BELL EXTERIOR ELEVATIONS

A1.3







marks architects

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FRENCH VALLEY
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HMY 79, WINCHESTER, CA APM: 963-070-052



TACO BELL EXTERIOR ELEVATIONS A 1.4







marks architects



FRENCH VALLEY

HHY 79, MINCHESTER, CA APN: 963-070-052



JIB **EXTERIOR ELEVATIONS** A2.3







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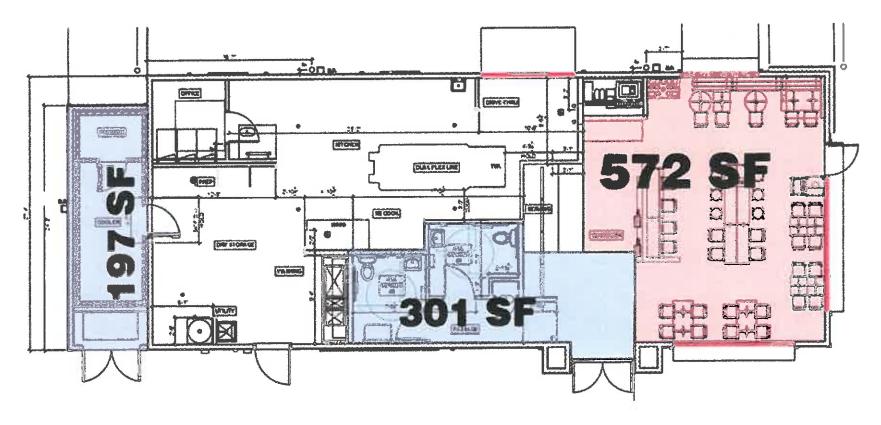


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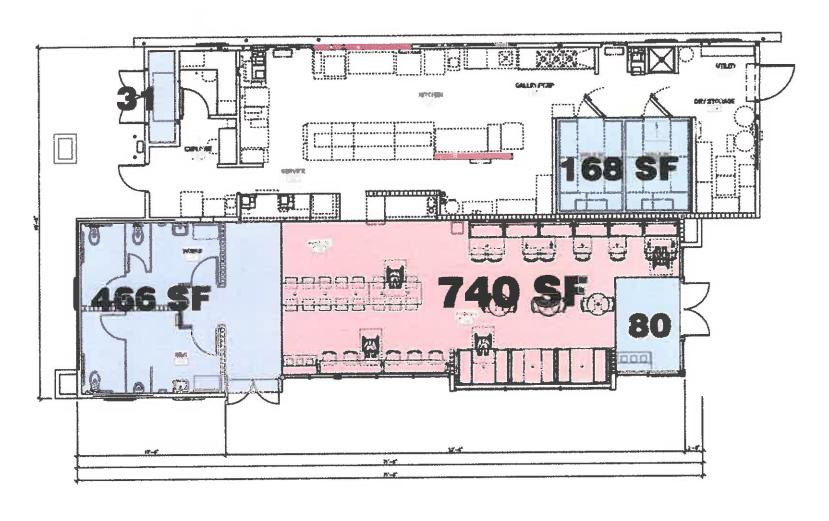


JIB EXTERIOR ELEVATIONS A2.4

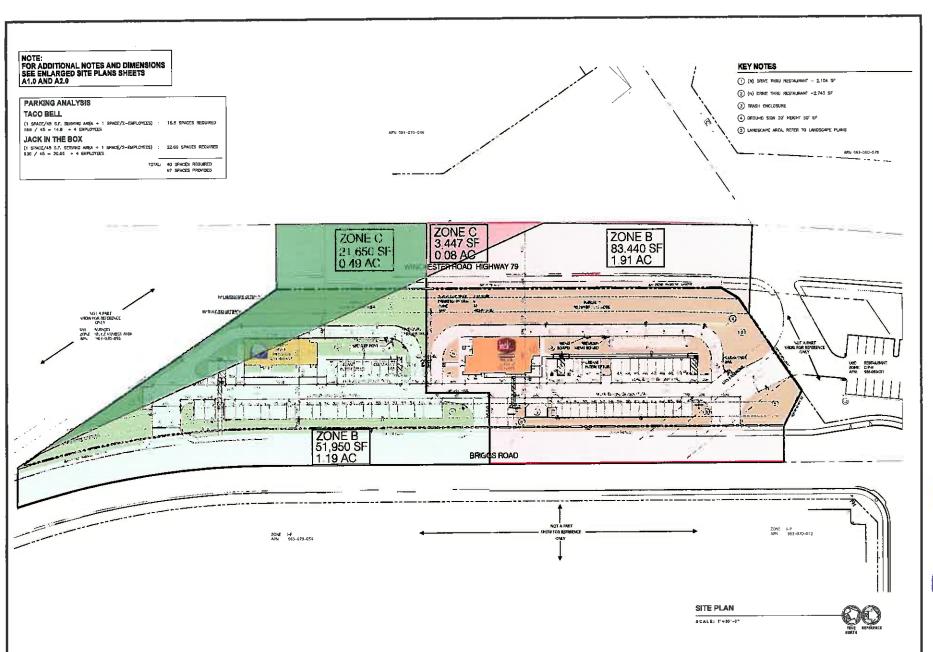


572 SF / 15 = 301+197=498 sf = 0 OCC1,034 SF / 200 =

38.13 OCC 5.17 OCC **43.3 OCCUPANTS**



49.3 OCC 740 SF / 15 = 168+310+80+31 =745 sf =0 OCC 6.29 OCC 1,258 SF / 200 = **55.59 OCCUPANTS**





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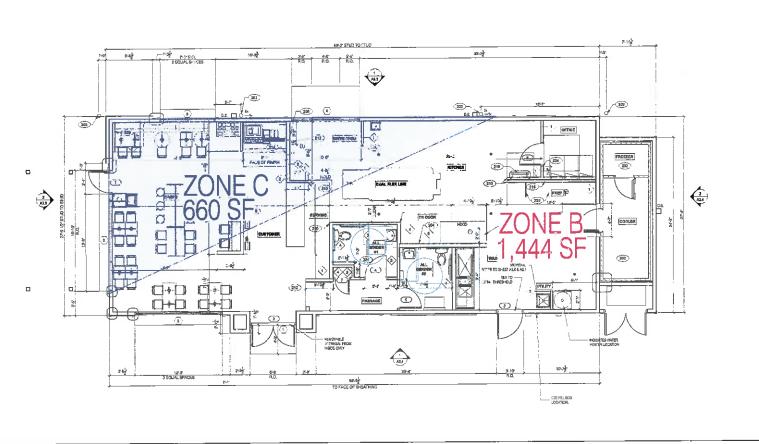
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SITE Plan

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KEY NOTES NES B





FRENCH VALLEY DEVELOPMENT



FLOOR PLAN

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NOTICE OF PUBLIC HEARING RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

www.rcaluc.org

A PUBLIC HEARING has been scheduled before the Riverside County Airport Land Use Commission (ALUC) to consider the applications described below.

Any person may submit written comments to the ALUC before the hearing or may appear and be heard in support of or opposition to the project at the time of hearing. For more information please contact ALUC Planner Paul Rull at (951) 955-6893. The ALUC holds hearings for local discretionary permits within the Airport Influence Area, reviewing for aeronautical safety, noise and obstructions. ALUC reviews a proposed plan or project solely to determine whether it is consistent with the applicable Airport Land Use Compatibility Plan.

The Riverside County Planning Department should be contacted on non-ALUC issues. For more information please contact Riverside County Planner Mr. Manuel Baeza at (951) 955-9294.

The proposed project application may be viewed by a prescheduled appointment and on the ALUC website www.rcaluc.org. Written comments may be submitted at the Riverside County Administrative Center, 4080 Lemon Street, 14th Floor, Riverside, California 92501, Monday through Friday from 8:00 a.m. to 3:30 p.m., or by e-mail to prull@rivco.org. Individuals with disabilities requiring reasonable modifications or accommodations, please telephone Barbara Santos at (951) 955-5132.

PLACE OF HEARING: Riverside County Administration Center

4080 Lemon Street, 1st Floor Board Chambers

Riverside California

DATE OF HEARING: April 8, 2021

TIME OF HEARING: 9:30 A.M.

Pursuant to Executive Order N-25-20, this meeting will be conducted by teleconference and at the Place of Hearing, as listed above. Public access to the meeting location will be allowed, but limited to comply with the Executive Order. Information on how to participate in the hearing will be available on the ALUC website at www.rcaluc.org

CASE DESCRIPTION:

ZAP1108FV21 – David Beshay (Representative: Marks Architects, Gabriela Marks) – County of Riverside Case No. PPT210004 (Plot Plan), TPM37990 (Tentative Parcel Map). A proposal to construct two separate restaurant buildings totaling 4,847 square feet with drive thrus on 3.68 acres located easterly of Winchester Road, southerly of Benton Road, westerly of Briggs Road, and northerly of Auld Road. The applicant also proposes to divide the site into two commercial parcels (Airport Compatibility Zones B1 and C of the French Valley Airport Influence Area).



RIVERSIDE COUNTY **AIRPORT LAND USE COMMISSION**

ADDITION FOR MAIOR LAND USE ACTION REVIEW

7 (1 1 6-1)	CATION FOR WIADON E	AITO OSI	- ACTION ILLAN				
ALUC CASE NUMBER:	ZAPILOG FV21 DAT	E SUBMITTED:	2-18-21				
APPLICANT / REPRESENTA	ATIVE / PROPERTY OWNER CONTACT INFORMATIO	N					
Applicant	David Beshay		Phone Number (951)816-0189				
Mailing Address	41856 Ivy st. #201		Email dbeshay@beshayenterprises.com				
	Murrieta, CA 92562						
Representative	Marks Architects / Gabriela Marks		Phone Number (619)702-9448				
Mailing Address	2643 4th Ave. San Diego, CA 92103		Email gabriela@marksarchitects.com				
			alan@marksarchitects.com				
Property Owner	DMSD Property LLC		Phone Number (951)816-0189				
Mailing Address	41856 lvy. st. #201 Murrieta, CA 92562		Email dbeshay@beshayenterprises.com				
_							
LOCAL JURISDICTION AGE	NCY						
Local Agency Name	County of Riverside		Phone Number (951)955-9294				
Staff Contact	Manny Baeza / Planning Department Email mbaeza@rivco.org						
Mailing Address	4080 Lemon Street 12th Floor, Riverside, CA	A 92501	Case Type Plot Plan				
			☐ General Plan / Specific Plan Amendment				
			Zoning Ordinance Amendment Subdivision Parcel Map / Tentative Tract				
Local Agency Project No			☐ Use Permit				
			■ Site Plan Review/Plot Plan □ Other				
		-:	- Control				
PROJECT LOCATION							
	ap showing the relationship of the project site to the airport b	oundary and runways					
Street Address	36615 Briggs Rd						
_	·	<u> </u>					
Assessor's Parcel No.	963-070-052		Gross Parcel Size 3.67 Acres				
Subdivision Name			Nearest Airport and distance from Air-				
Lot Number		<u> </u>	port 1.1 miles				
PROJECT DESCRIPTION If applicable, attach a detailed tional project description data	site plan showing ground elevations, the location of structur as needed	es, open spaces and water	bodies, and the heights of structures and trees; include addi-				
,	Land is undeveloped						
(describe)							

Proposed Land Use (describe)	Commercial, (2) D	rive thru restaurants, Jack in the Box	(2,743 sf) and Taco Bell (2,104 sf)			
For Residential Uses For Other Land Uses	Number of Parcels or Units on Site (exclude secondary units) Hours of Operation 6:00 am to 1:00 am		N/A			
(See Appendix C)	Number of People on Method of Calculation		plan enclosed, sheet S0.1			
Height Data	Site Elevation (above	mean sea level)	1,346.5	ft.		
	Height of buildings or	structures (from the ground)	25	ft.		
Flight Hazards	confusing lights, glare	ve any characteristics which could create e smoke, or other electrical or visual hazard	ds to aircraft flight?	Yes No		
	If yes, describe	N/A				

- A. NOTICE: Failure of an applicant to submit complete or adequate information pursuant to Sections 65940 to 65948 inclusive, of the California Government Code, MAY constitute grounds for disapproval of actions, regulations, or permits.
- B. REVIEW TIME: Estimated time for "staff level review" is approximately 30 days from date of submittal. Estimated time for "commission level review" is approximately 45 days from date of submittal to the next available commission hearing meeting.
- C. SUBMISSION PACKAGE:
 - 1..... Completed ALUC Application Form
 - 1. ALUC fee payment
 - 1..... Plans Package (24x36 folded) (site plans, floor plans, building elevations, grading plans, subdivision maps)
 - 1. Plans Package (8.5x11) (site plans, floor plans, building elevations, grading plans, subdivision maps, zoning ordinance/GPA/SPA text/map amendments)
 - 1..... CD with digital files of the plans (pdf)
 - 1. Vicinity Map (8.5x11)
 - 1. Detailed project description
 - 1. Local jurisdiction project transmittal
 - 3. Gummed address labels for applicant/representative/property owner/local jurisdiction planner
 - 3. Gummed address labels of all surrounding property owners within a 300 foot radius of the project site. (Only required if the project is scheduled for a public hearing Commission meeting)