



RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

August 11, 2022

Tim Wheeler, Project Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside CA 92501

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Lake Elsinore

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County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

www.rcaluc.org

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

File No.: ZAP1118FV22
Related File Nos.: CZ2000034 (Change of Zone), SP00265S03 (Third Substantial Conformance to Specific Plan No. 00265S03), PPT200033 (Plot Plan), TPM38464 (Tentative Parcel Map)
Compatibility Zone: Zones B1 and C
APN: 963-070-018

Dear Mr. Wheeler:

On August 11, 2022, the Riverside County Airport Land Use Commission (ALUC) found County of Riverside Case Nos. CZ2000034 (Change of Zone), SP00265S03 (Third Substantial Conformance to Specific Plan No. 00265S03), PPT200033 (Plot Plan), TPM38464 (Tentative Parcel Map), a proposal to construct a 2,535 square foot Arby's sit-down restaurant with drive-thru, a 729 square foot carry-out Wienerschnitzel with drive-thru, and a 5,215 square foot car wash tunnel on 2.26 acres, located on the southwest corner of Penfield Road and Benton Road, and a change of zone and amending Specific Plan No. 265 Borel Airport Center, to add a carwash use within Planning Area 3, and a tentative parcel map to divide the site into 3 commercial parcels, **CONSISTENT** with the 2007 French Valley Airport Land Use Compatibility Plan, as amended in 2011, subject to the conditions listed below, as amended to incorporate the provisions of the FAA's Determination of No Hazard to Air Navigation letters submitted at the meeting (new conditions, as added pursuant to FAA letters subsequent to hearing, shown in **bold type**).

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 aviation 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. The project shall utilize sand filter basins and 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 RCALUC.ORG 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.

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 a 5,215 square foot car wash tunnel with 15 car-stack, a 2,535 square foot Arby's sit-down restaurant with drive-thru which includes 600 square feet of dining area and 1,200 square feet of kitchen area, and a 7 car-stack drive thru on 1.42 acres, and a 729 square foot carry-out Wienerschnitzel restaurant with drive-thru which includes 405 square feet of kitchen area, and 7 car-

stack drive thru. No outdoor seating is proposed. Any increase in building area (including construction of a new building), 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.

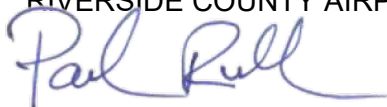
The following conditions were added at the August 11, 2022, ALUC hearing.

8. **The Federal Aviation Administration has conducted aeronautical studies of the proposed project (Aeronautical Study Nos. 2022-AWP-13582-OE, 2022-AWP-13583-OE, and 2022-AWP-13584-OE) and has determined that neither marking nor lighting of the structures are necessary for aviation safety. However, if marking and/or lighting for aviation safety are accomplished on a voluntary basis, such marking and/or lighting (if any) shall be installed in accordance with FAA Advisory Circular 70/7460-1 M and shall be maintained in accordance therewith for the life of the project.**
9. **The proposed structures shall not exceed a height and a maximum elevation at top point than what is identified in the aeronautical studies.**
10. **The maximum height and top point elevation specified above shall not be amended without further review by the Airport Land Use Commission and the Federal Aviation Administration; provided, however, that reduction in structure height or elevation shall not require further review by the Airport Land Use Commission.**
11. **Temporary construction equipment used during actual construction of the structure shall not a height and a maximum elevation than what is identified in the aeronautical studies, unless separate notice is provided to the Federal Aviation Administration through the Form 7460-1 process.**
12. **Within five (5) days after construction of the structure reaches its greatest height, FAA Form 7460-2 (Part II), Notice of Actual Construction or Alteration, shall be completed by the project proponent or his/her designee and e-filed with the Federal Aviation Administration. (Go to <https://oeaaa.faa.gov> for instructions.) This requirement is also applicable in the event the project is abandoned or a decision is made not to construct the applicable structure**

Supporting documentation was provided to the Airport Land Use Commission and is available online at www.rcaluc.org, click Agendas 08-11-2022 Agenda, Bookmark Agenda Item No. 3.7. As noted above, the Federal Aviation Administration No Hazard to Air Navigation letters for the project was issued on August 2, 2022, and is not included in the online agenda referenced above. Therefore, it is included as an attachment to this letter.

If you have any questions, please contact me at (951) 955-6893.

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION



Paul Rull, ALUC Director

Attachments: Notice of Airport in Vicinity
Aeronautical Study Nos. 2022-AWP-13582-OE, 2022-AWP-13583-OE, and
2022-AWP-13584-OE

cc: Salim Development Group LLC (applicant/
Cross Engineering Services, LLC (representative)
Help Hospitalized Veterans, Inc. (property owner)
Angela Jamison, County Airports Manager
ALUC Case File

X:\AIRPORT CASE FILES\French Valley\ZAP1118FV22\ZAP1118FV22.LTR.doc

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)

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**



IF THIS BASIN IS OVERGROWN, PLEASE CONTACT:

Name: _____

Phone: _____



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AWP-13583-OE

Issued Date: 08/02/2022

Paul Mishoe
 Cross Engineering Services
 203 West Main Street, Ste. F3
 Lexington, SC 29072

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Commercial Use Building Arby's
 Location: Winchester, CA
 Latitude: 33-35-25.00N NAD 83
 Longitude: 117-07-20.00W
 Heights: 1355 feet site elevation (SE)
 20 feet above ground level (AGL)
 1375 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 02/02/2024 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.

- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

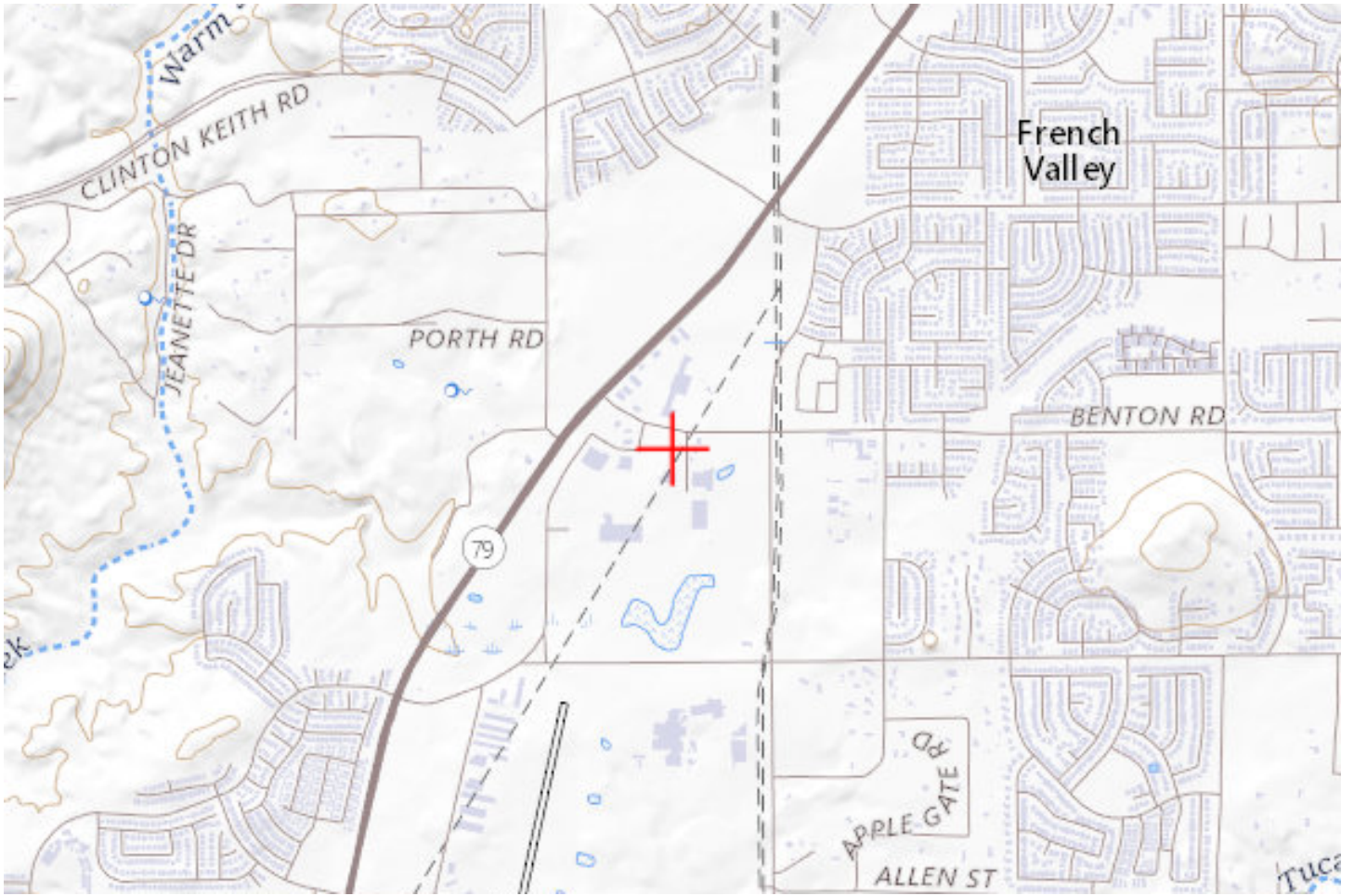
If we can be of further assistance, please contact our office at (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-13583-OE.

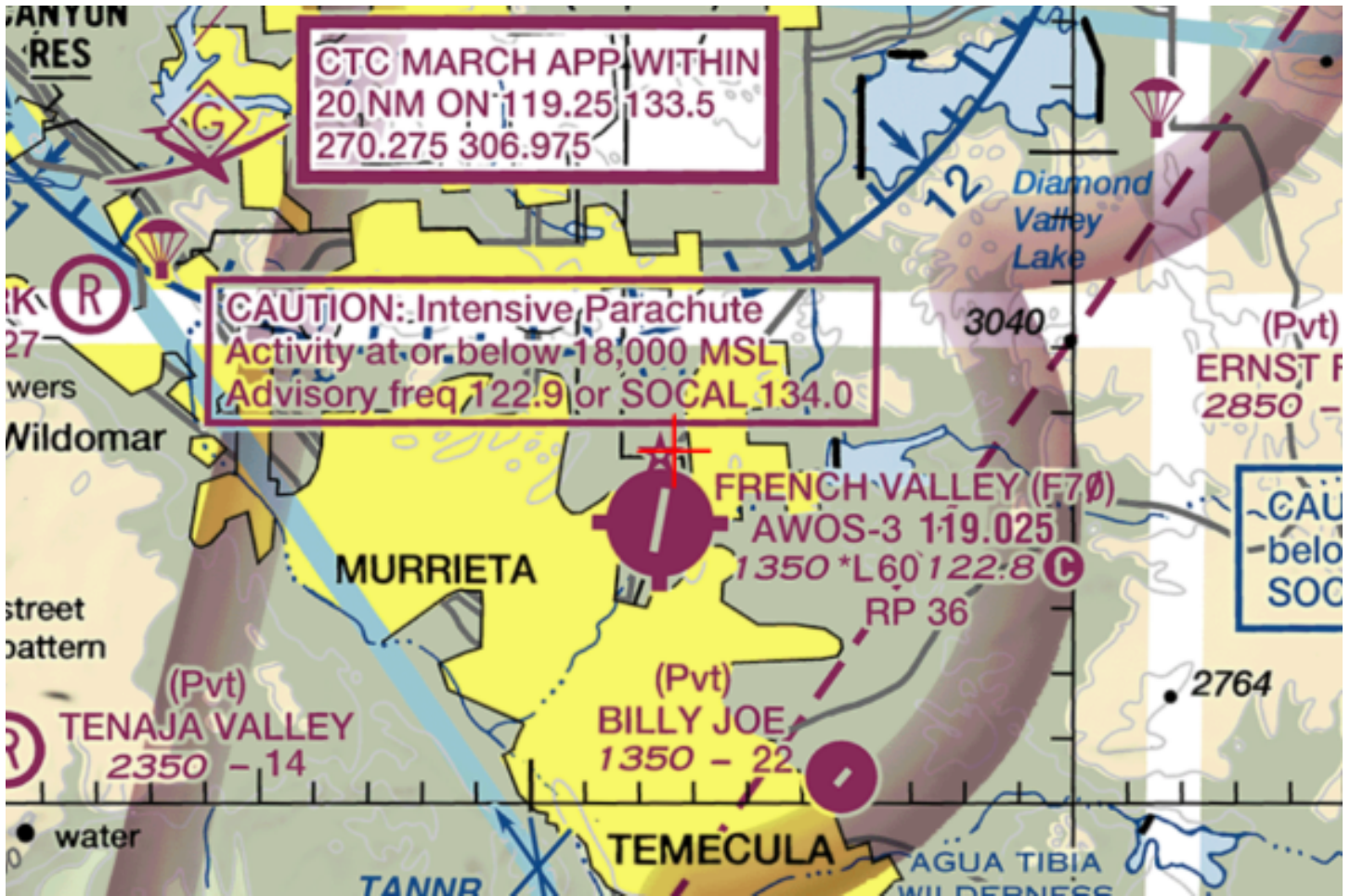
Signature Control No: 541804782-546408251

(DNE)

Vivian Vilaro
Specialist

Attachment(s)
Map(s)







Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2022-AWP-13582-OE

Issued Date: 08/02/2022

Paul Mishoe
Cross Engineering Services
203 West Main Street, Ste. F3
Lexington, SC 29072

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Commercial Use Building Tommy's Carwash
Location: Winchester, CA
Latitude: 33-35-25.00N NAD 83
Longitude: 117-07-22.00W
Heights: 1355 feet site elevation (SE)
28 feet above ground level (AGL)
1383 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
 Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

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This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

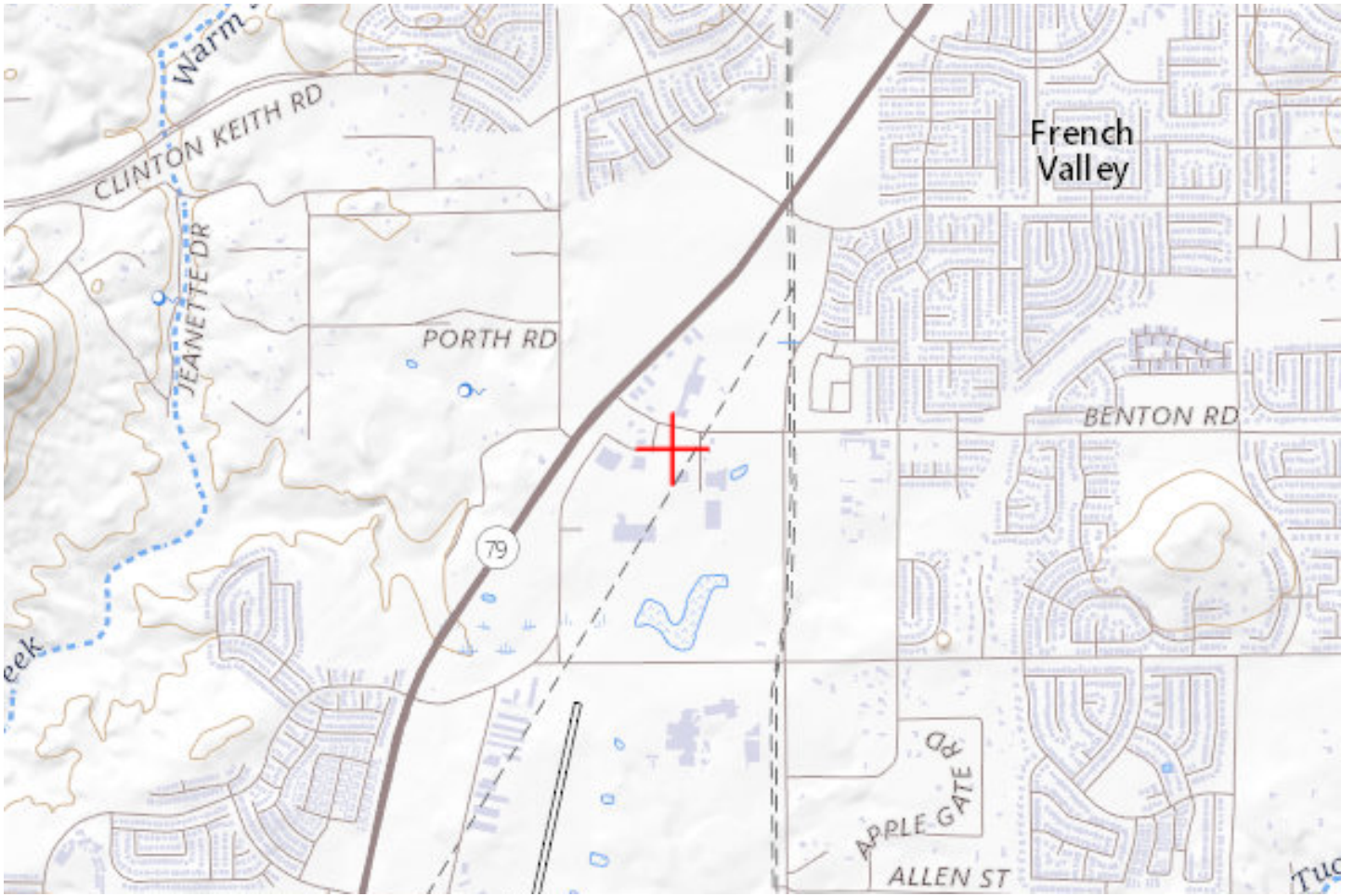
If we can be of further assistance, please contact our office at (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-13582-OE.

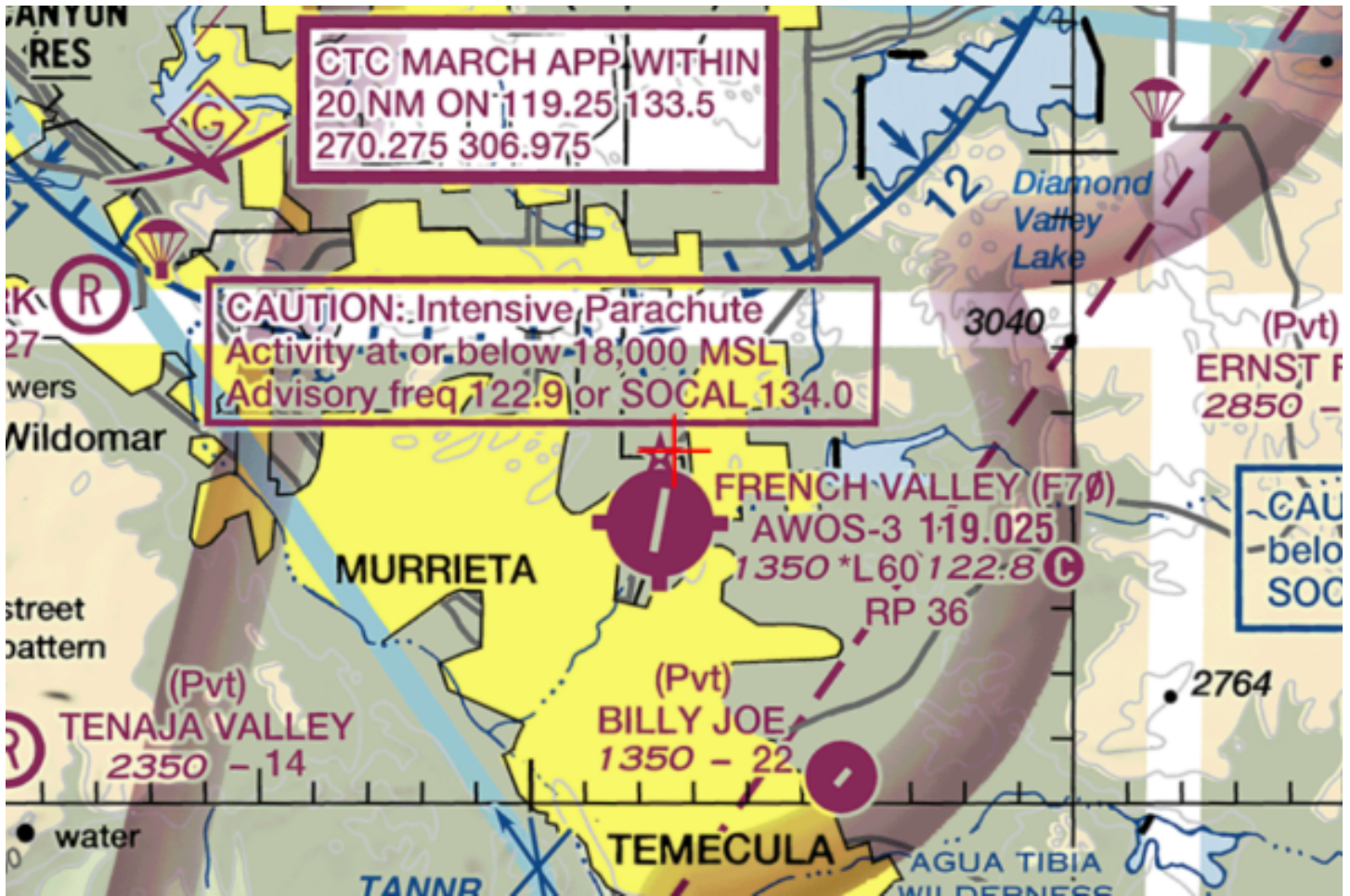
Signature Control No: 541804571-546408249

(DNE)

Vivian Vilaro
Specialist

Attachment(s)
Map(s)







Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2022-AWP-13584-OE

Issued Date: 08/02/2022

Paul Mishoe
 Cross Engineering Services
 203 West Main Street, Ste. F3
 Lexington, SC 29072

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Commercial Use Building Wienerschnitzel
 Location: Winchester, CA
 Latitude: 33-35-26.00N NAD 83
 Longitude: 117-07-19.00W
 Heights: 1355 feet site elevation (SE)
 21 feet above ground level (AGL)
 1376 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

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The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

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If we can be of further assistance, please contact our office at (847) 294-7575, or vivian.vilaro@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AWP-13584-OE.

Signature Control No: 541804983-546408250

(DNE)

Vivian Vilaro
Specialist

Attachment(s)
Map(s)

