

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, August 1, 2016,
Time: 2:00 p.m.
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

1. CALL TO ORDER

A meeting of the Fresno County Airport Land Use Commission (ALUC) was called to order by Chairman Magsig at 2:10 p.m. Commissioner Darnell was asked by Chairman Magsig to lead everyone in the flag salute.

ROLL CALL

PRESENT: **Commissioners:** Nathan Magsig,
Proxies: Ron Duarte, Ray Remy, Daniel Yrigollen, Bill Darnell

ABSENT: **Commissioners:** Andreas Borgeas, Henry Perea, Robert Mason, Steve Rapada,
Dan Card, Woody Gregory
Proxies: David Richey, James Estep, William Kidd

OTHERS ATTENDING:

Jane Smith, County Counsel
Brenda Veenendaal, Fresno COG Staff
Stephanie Maxwell, Fresno COG Staff
Tony Boren, Executive Director
Sophia Pagoulatos, City of Fresno
Chris Lang, City of Fresno

Dennis Sniffin
McKencie Contreras
Jeff Roberts-Phoned in

2. Action/Discussion Items

A. Minutes of June 6, 2016 Meeting of the Fresno County Airport Land Use Commission

Review and approve, or approve with edits, the June 6, 2016 Fresno County Airport Land Use Commission minutes.

A motion was made by Commissioner Remy and seconded by Commissioner Duarte to approve the minutes from June 6, 2016. A vote was called for and the motion carried.

B. Plan Amendment Application No. A-16-003 & Rezone Application No. R-16-003, City of Fresno

Brenda Veenendaal reported on this item. Plan Amendment Application No. A-16-003 and Rezone Application No. R-16-003 was filed by Jeffrey Roberts, on behalf of GV Holdings, Inc., and pertains to ±13.67 acres of property located on the east side of South Hughes Avenue between West Kearney Boulevard and West California Avenue. Plan Amendment Application No. A-16-003 proposes to amend the Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan from the Corridor/Center Mixed Use (16-30 du/ac) planned land use designation to the Medium Low Density Residential (3.5-6 du/ac) planned land use designation.

Rezone Application No. R-16-003 proposes to amend the Official Zone Map to reclassify the subject property from CMX/UGM (Corridor/Center Mixed-Use/Urban Growth Management) zone district to RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management) zone district.

Below is the link to the environmental assessment prepared for the project:
<http://m3.fresno.gov/upload/files/25782044/A16003R16003EA.pdf> Portions of the environmental assessment are attached to this item for review.

A portion of the property is located within the FCEA Traffic Pattern Zone or Horizontal Zone as identified in the Fresno-Chandler Executive Airport Land Use Plan (FCEALUP) in figures D-1 and D-2. The property is not located near the "CNEL 2018 Moderate Forecast" area; therefore, staff did not find that noise for a single-family dwelling in this location is an issue. Page 21 of the plan states this project is located in Safety Zone 6, indicating that density in this zone shall be regulated by the adopted underlying community or specific plan--which are also being amended at this time.

GV Holdings should be advised that any structures built on the property should conform to the requirements outlined on pages 9 through 13 of the FCEALUP regarding noise, safety, and airspace protection. Buyer notification shall be accomplished by the use of real estate disclosure statements for property within the Airport Review Area. Page 13 of the FCEALUP also states: "The disclosure statements shall notify the buyers of property located within the Airport Review Area of the proximity of the property to FCH and those aircraft overflights may affect the habitability and quiet enjoyment of the property."

Also, be advised that the Determination of Consistency does not apply to conditional use permits, variances, subdivision or parcel maps although the ALUC may be requested to review these projects and make a recommendation at a later date.

A motion was made by Commissioner Yrgollen and seconded by Commissioner Duarte to approve a Determination of Consistency with the Fresno-Chandler Airport Master Plan. A vote was called for and the motion carried.

C. General Plan and Development Code Cleanup, City of Fresno [VEENENDAAL]

Brenda Veenendaal reported on this item. The General Plan and Development Code Cleanup is filed by the City of Fresno Development and Resource Management Director. This project proposes to amend the City of Fresno's General Plan, community plans for Bullard High, Fresno High, McLane High, Roosevelt High, West Area and Woodward Park, Fresno Yosemite Airport Land Use Compatibility Plan and Sierra Sky Park Land Use Policy Plan with 44 City of Fresno General Plan land use changes.

Nine of the 44 City of Fresno General Plan land use changes are within three Airport Zones in the Fresno-Clovis Metropolitan Area, and therefore must be evaluated by the ALUC. The maps for each change area are attached as one document. Attached were three maps (in one file) that showed the nine General Plan changes within Airport Zones.

As noted in the attached maps and table, the amendments pertain to approximately 268 acres of property located within the Fresno General Plan Planning Area, and are necessary improve consistency with existing built conditions and pre-existing plans. A rezone will also be part of the cleanup project in order to make all properties consistent with the aforementioned Plan Amendment.

In addition, a Development Code text Amendment was attached to makes minor changes to various standards in order to improve functionality, clarity, and internal consistency of the City of Fresno General Plan. The text amendments are minor in nature and do not directly relate to the airports, with one exception. They are deleting the Airport Environs overlay. It was an early concept that is now determined unnecessary. The Airport Land Use Plans trump the City of Fresno's Development Code and the airport zones already appear as a layer on their official zoning maps. Now the extra overlay is not necessary. Reference to the Airport Environs Overlay in any plans should be amended out of any of the airport plans either now, or when all of the Airport Land Use Plans are updated.

Sophia Pagoulatos with the City of Fresno gave a PowerPoint presentation and answered questions. Commissioner Magsig asked about when changing the general plan designation from a residential to a community commercial designation, did it become an issue based on what an airport plan has in place for densities that are allowable. Ms. Pagoulatos explained that the airport plan would still prevail.

With much discussion on this matter, a motion was made by Commissioner Remy and seconded by Commissioner Yrgollen to approve the determination of consistency for the City of Fresno General Plan, recognizing that this is not a blanket endorsement by the ALUC Commissioners of all projects constructed. The ALUC has an expectation of reviewing and approving projects built within the areas of influence for particular airports, and that each of the most current ALUC approved airport plans will be adhered to. A vote was called for and the motion carried.

D. Plan Amendment Application No. A-16-007

Brenda Veenendaal reported on this item. The Plan Amendment Application No. A-16-007, Development Permit Application No. D-16-045, and Variance Application No. V-16-006 was filed by Michael Boone of Teter Architects & Engineers, on behalf of PG&E, and pertain to 8.71 acres of property located on the west side of North Thorne Avenue between West Nielsen and West Belmont Avenues. Plan Amendment Application No. A-16-007 proposes to repeal the G Street Official Plan Line that transects the northeastern portion of the project site. Development Permit Application No. D-16-045 proposes upgrades to PG&E's General Construction

Division service center yard that will include:

1. Replacement of existing operations building and material warehouse with new pre-manufactured metalbuilding structures;
2. Reconfiguration of operational site;
3. Off-site improvements;
4. Installation of a pre-cast concrete perimeter wall at the west and north property lines;
5. Fenced employee parking area;
6. Extension of on-site sewer system per City requirements;
7. Installation of new above-ground ballistic fuel storage tanks;
8. Installation of new emergency generator set;
9. Holding area for the construction crew project office trailers.

Variance Application No. V-16-006 requests an 8-foot wall height along the west and north property lines, which exceeds the 6-foot height restrictions. The property is located in the downtown planning area and is zoned M-3 (Heavy Industrial). Staff recommended approving the requested amendment and application and sees no conflicts at the time of agenda publication with the Fresno-Chandler Executive Airport Land Use Plan. County staff was on hand at the meeting to address any committee concerns.

Ms. Veenendaal informed the Commissioners that City of Fresno staff was in attendance to answer questions about the nine items or changes that they were bringing forward.

Commissioner Duarte asked is the repeal of the official plan line for G Street is it repealing the entire OPL. Mr. Lang explained that the OPL stretches from G Street to Belmont and they are executing alternative routes in the area of Divisidero and Belmont.

A motion was made by Commissioner Duarte and seconded by Commissioner Darnell to approve a Determination of Consistency for Plan Amendment Application No. A-16-007, Development Permit Application No. D-16-045, and Variance Application No. V-16-006. A vote was called for and the motion carried.

E. Caltrans Division of Aeronautics Grant Application

Brenda Veenendaal reported on this item. ALUC staff received news that the California Transportation Commission approved a transfer of funds at their December meeting for a State of California Division of Aeronautics (Caltrans) grant to fund 90% of the preparation of an Airport Land Use Compatibility Plan for all the public use airports within Fresno County. This grant provides a total of \$300,000. Caltrans staff indicates that the grant application will go before the California Transportation Commission on June 29-30, 2016 for final approval.

At the ALUC, June meeting Commissioner Nathan Magsig had asked Commissioner Gregory and Commissioner Remy to work with the FAA and Mrs. Veenendaal to find out when the County is updating their General Plan. The Commissioners had agreed to form a committee to explore the general plan

update process. ALUC staff had contacted County of Fresno Planning Staff to be present and give an update at the meeting.

This was an information item with no action taken at the discretion of the committee.

3. Public Presentations

This portion of the meeting is reserved for persons wishing to address the ALUC on items within its jurisdiction but not on this agenda. Note: Prior to action by the ALUC on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.

None

4. Other Business

A. Items from Staff

1. Upcoming Meetings (please mark your calendars):

- October 3, 2016
- December 5, 2016

2. The Federal Aviation Administration (FAA) rulemaking process on 79 FR 66282

Brenda Veenendaal reported on this item. Staff had found, unless clarified, 79 FR 66282 might divert and thus jeopardize millions of dollars in voter-approved general sales tax revenue, through Measure C, which had been designated for specific purposes. This potential loss of funding, triggered by a new interpretation of a FAA rulemaking finalized on December 8, 2014 (79 FR 66282) reinterprets a statute related to taxes on aviation fuel. At the request of Fresno COG's Executive Director Tony Boren, staff introduced it to the ALUC to the issue at hand. This may be agendaized at a later date.

Policy and Procedures Concerning the Use of Airport Revenue; Proceeds from Taxes on Aviation Fuel

B. Items from Members

None

- 5.** A motion was made by Commissioner Duarte and seconded by Commissioner Remy to adjourn the meeting at 3:14 p.m. A vote was called for and the motion carried.