

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, August 7, 2017
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 Duarte at 1:59 p.m. Commissioner Remy was asked by Chairman Duarte to lead the flag salute.

ROLL CALL

PRESENT: **Commissioners:** Ron Duarte, Ray Remy, Daniel Yrigollen, Woody Gregory
Proxies: Dwight Kroll, Steve Rapada

ABSENT: **Commissioners:** Sal Quintero, Rolando Castro, Nathan Magsig
Proxies: Dan Card, Mark Davis, Bill Darnell

OTHERS ATTENDING:

Mike Rowe, County Counsel
Brenda Veenendaal, Fresno COG Staff
Jeaneen Cervantes, Fresno COG Staff
Nikki rogers, Neen Co./UHC

Ron Johnson, Sierra Sky Park
Marlana Brown, NAS Lemoore
Dennis Sniffin, SSP

2. Action/Discussion Items

A. Minutes of June 5, 2017 Meeting of the Fresno County Airport Land Use Commission

A motion was made by Commissioner Remy and seconded by Commissioner Woody to approve the June 5, 2017 minutes. A vote was called for and the motion carried.

B. City of Fresno request: Text Amendment TA-17-006

Brenda Veenendaal reported on this item. Text Amendment TA-17-006 was initiated by City Council Resolution on June 22, 2017. The purpose of the initiated text amendment is to promote the health, safety, and general welfare of the residents and businesses within the City by restricting recreational marijuana activities to the fullest extent allowed under state law. This text amendment is in response to Proposition 64, approved by the voters of California on November 8, 2016, which expressly legalizes recreational marijuana and marijuana businesses.

A motion was made by Commissioner Kroll and seconded by Commissioner Yrigollen to request a Determination of Consistency for Text Amendment TA-17-006 to the Fresno Municipal Code. A vote was called for and the motion carried.

C. City of Fresno Request: Text Amendment TA-17-005

Brenda Veenendaal reported on this item. **Text Amendment TA-17-005** was initiated by City Council Resolution on December 17, 2015. The purpose of this text amendment is to bring establishments that sell alcoholic beverages for off-site consumption into compliance with the current development code (Section 15-2706), primarily in regards to locational restrictions and operational requirements. The text amendment also places additional restrictions on these establishments including requiring licenses to be obtained from within the City, restricting indoor advertising structures, and also establishes a regular renewal process to hold businesses that violate the law accountable.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Rapada to approve The City of Fresno request of Determination of Consistency for Text Amendment TA-17-005 of the Fresno Municipal Code. A vote was called for and the motion carried.

D. City of Fresno: D-17-051, V-17-005 United Health Centers Administration Building

Brenda Veenendaal reported on this item. Development Permit Application No. D-17-051 and Variance Application No. V-17-005 was filed by Nichelle Seeley on behalf of United Health Centers and pertains to ±8.09 acres of property located at 3875 West Beechwood Avenue, on the north side of West Herndon Avenue between Sierra Sky Park Airport and North Brawley Avenue. The applicant proposes the construction of a ±52,844 square foot single story office building and a ±1,849 square foot building for storage with a variance to reduce required parking lot trees and lighting within the airport height restriction area. The property is zoned CC/EA/UGM (Commercial-Community/Expressway Area/Urban Growth Management) and CC + OS/EA/UGM (Commercial-Community + Open Space/Expressway Area/Urban Growth Management). APN: 501-153-05S, 501-153-06S.

The proposed site plan was included for information. The Conditions of Approval was to be provided by the City of Fresno will also include removal of six proposed parking spaces within the navigational easement.

The City of Fresno requests a Determination of Consistency for Development Permit Application No. D-17-051 and Variance Application No. V-17-005 United Health Centers Administration Building.

Mickey Rogers gave a presentation on the revision of the project plans of the United Health Centers Administration Building.

Commissioner Duarte advised that this item be differed to the next meeting with review of a revised site plan accommodating items requested by the Commissioners. That revision would also need approval from the Federal Aviation Administration.

With much discussion, a motion was made by Commissioner Duarte and seconded by Commissioner Gregory to move this item to the next meeting. A vote was called for and the motion carried.

E. City of Fresno's Development Code Text Amendment

Brenda reported on this item. At last meeting the ALUC was asked to approve amended language for the city of Fresno's Development Code text Article 58, Section 15-5808 as follows to streamline the process Development Code text amendments:

15-5808 Airport Land Use Commission Review: The Airport Land Use Commission (ALUC) shall review all text amendments which affect the height, density, use, or related aspects of properties within their purview. The ALUC shall also review all Rezones and Plan Amendments that are within their

purview. Staff recommended that an approval of proposed language be postponed until the Airport Land Use Compatibility Plan Update is completed. The commissioners agreed to postpone the approval per staff recommendation.

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 2, 2017
- December 4, 2017

Brenda Veenendaal gave an update on the Airport Land Use compatibility plan process.

B. **Items from Members**

Commissioner Woody commented about recent actions taken by the City of Fresno, overriding ALUC findings on a number of improperly. Commissioner Woody thought that the City of Fresno was required to notify the ALUC about any overwritten decisions within 15 days and then the ALUC has 30 days to respond. Commissioner Woody said that as far as he knows the ALUC has never been notified. Brenda Veenendaal informed the Commissioners that there is a procedure to follow. Ms. Veenendaal copied and pasted that section out of the handbook and sent it over to the main contact at the City of Fresno that she deals with and she said that the City of Fresno was unaware of the procedures for that. Staff was looking for direction on taking action or submitting a letter for something on the record.

Commissioner Gregory suggested that a letter should be written and sent to the City of Fresno stating that ALUC's findings and comments should be entered into record on the override, and the violation of process be noted.

Mike Rowe, Legal Counsel's representative, suggested that the ALUC Legal Council, Jane Smith, should listen to the transcript of the meeting and recommend a statement for the letter before it is brought back to the ALUC.

5. **ADJOURN**

A motion was made by Commissioner Rapada and seconded by Commissioner Kroll to adjourn the meeting at 3:01 p.m. A vote was called for and the motion carried.