

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, April 2, 2018
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 2:00 p.m. Commissioner Yrigollen was asked by Chairman Duarte to lead the flag salute.

ROLL CALL

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

ABSENT: **Commissioners:** Sal Quintero, Rolando Castro, Woody Gregory
Proxies: Dan Card, Mark Davis, Steve Rapada, Dwight Kroll

OTHERS ATTENDING:

Brian Melikian, County Counsel
Brenda Veenendaal, Fresno COG Staff
Stephanie Maxwell, Fresno COG Staff
Margo Lerwill, City of Fresno

Drew Wilson, City of Fresno
Karl Schoettler, City of Mendota
Sophia Pagoulatos, City of Fresno
Rodney Horton, City of Fresno
Cristion Gonzalez, City of Mendota

Commissioner Duarte ask if Item E be moved up on the agenda to be heard before Item D.

A motion was made by Commissioner Remy and seconded by Yrigollen to have Item E moved up before Item D. A vote was called for and the motion carried.

2. Action/Discussion Items

A. Minutes of the December 4, 2017 ALUC Special Meeting

A motion was made by Commissioner Remy and seconded by Commissioner Yrigollen to approve the December 4, 2017 Fresno County Airport Land Use Commission minutes. A vote was called for and the motion carried.

B. City of Fresno request for Finding of Consistency on the proposed Mathews Harley Davidson Training Facility

Brenda Veenendaal reported on this item. Development Permit Application No. D-18-026 was filed by Nicholas Crawford of Don Pickett & Associates, Inc. This application pertains to development of a motorcycle training facility containing a 600-square-foot storage building with restroom and attached 20' X 30' canopy, parking and pavement. The proposed project will be constructed on an undeveloped site. The property is zoned IL/UGM (Light Industrial/Urban Growth Management). APN: 458-060-46 & 458-

060-58. The proposed site plan was included for information. A Categorical Exemption to CEQA was prepared for this project prior to approval.

ALUC staff was asked to conduct an informal, preliminary review of the project prior to its submittal for an ALUC finding of consistency. It was reviewed using two different CLUP documents developed for Fresno Chandler Executive Airport. The first was the current ALUCP adopted in 2014 and the second is our new, draft version scheduled to be adopted this summer: Page C-3:
<http://fresnocounty.airportstudy.com/files/Fresno-Draft-ALUCP-011018-Small.pdf>

In the 2014 ALUCP, it states that the placement of a school at that location (2014 plan, page 16 and 2000 plan page 21) is inconsistent with the identified location and zone for which it is proposed. However, ALUC staff also asked Fresno Yosemite International staff to review the project and provide recommendation. Airports Planning Manager, Mark Davis submitted the following review:

This project is located in the Inner Turning Zone (Zone 3) which restricts Residential uses to no more than 2 dwelling units per acre and allows other uses in structures except schools, hospitals, nursing homes or similar uses. I would agree the proposed use is consistent with the FCH ALUCP. The use in the structure will be storage not a school. Additionally for clarification, the CalTrans Handbook specifically identifies Children's Schools as a prohibited use, not all schools. Uses not in structures are all compatible.

Therefore, taking into consideration that the Caltrans Handbook and the ALUC's draft ALUCP document both clarify "children's schools" as inconsistent, ALUC staff recommended a finding of consistency for this project.

Margo Larwill addressed the Mathews Harley Davidson Training Facility and explained the proposal to the Commissioners.

Commissioner Duarte asked if the applicants identified what kind of activity would go into that particular area and how the activities on this site would be structured. Ms. Larwill said that activity at the site would occur in four hours period from 7:00am to 3:00pm on Saturdays and Sundays as needed for their classes.

Commissioner Yrigollen asked if there would be any night classes held on the site. Ms. Larwill answered that they will be bound when they receive their approval by what their operational statement says and that it currently indicates that the latest a class will run is 3:30pm. They can try to amend that time, but it would be subject to review. Commissioner asked if there would be lights on the site. Ms. Larwill responded that there will be lights on the exterior of the storage building itself and that it is not part of this application but at a later date they would like to propose lighting further back on the property.

Commissioner Remy asked about the limits of the classrooms. Ms. Larwill said that it is included in their operational statement. It could be considered of a violation of their permit if they work outside of the approved operational statement, but the Operational Statement can be amended later if they realize they have a much higher demand for the classes. This would require an application to do so.

Commissioner Remy expressed his concern about why the site was not being considered a traditional school and he asked about the density of it. Nick Crawford explained that the site structures will be used as storage and not actual teaching like in a school. Brenda also read from the handbook and explained what the density requirements were for this type of site.

Commissioner Magsig expressed concern regarding possible future changes to the school and site. He requested that if there are future changes the item should come back to the commission for comments. Ms. Larwill said that they could include that comment with the staff report and with the conditions of approval.

A motion was made by Commissioner Magsig and seconded by Commissioner Remy to approve the staff recommendation and find the project consistent, with comments included regarding site plan changes. sA vote was called for and the motion carried.

C. City of Fresno Development Code Text Amendment

Brenda Veenendaal reported on this item. In August of 2017, the ALUC was asked to approve amended language for the city of Fresno's Development Code text Article 58, Section 15-5808 to streamline the process for certain Development Code text amendments, and avoid having to bring items before the ALUC that had nothing to do with Airport Land Use. The ALUC approved of the concept, but not the proposed text revision as worded below:

2017 Proposal: 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. The Commissioners found the language to be somewhat vague. Therefore, proposed language will be presented at the ALUC meeting after staff and the city of Fresno have agreed on draft new language.

Therefore, City of Fresno staff and ALUC staff have revised the original text revision to read as follows:

2018 Proposal: The Airport Land Use Commission (ALUC) reviewed all text amendments effecting projects or property within an Airport Influence Area for consistency with the adopted Airport Land Use Compatibility Plan which affect the height, density, land use designation, or related aspects of properties within their purview, as determined by the Director and the ALUC's staff. The ALUC also reviewed all Rezones and Plan Amendments that are within their purview. All reviews should be completed prior to local agency implementation of land use plans, regulations and projects.

Commissioner Duarte commented that the City of Fresno's edits are clear and more helpful every time the ALUC went through it. Commissioner Duarte felt comfortable with the language.

Commissioner Magsig commented that the requested language requires that the City of Fresno and the ALUC staff both have to agree. However, he suggested adding the following: In the case of a disagreement between the city of Fresno's Director and the ALUC staff an item may be brought forward to the ALUC with proper notification given to the City of Fresno with due notice.

Sofia Pagoulatos explained that the edits looked straight forward but she could not commit yay or nay to these suggestions at this meeting. However, what she could do is if the commission decided to act on these and have these be your suggestions she could bring it back to the city staff for review. If the wording was found to be acceptable it would then go forward in the text amendment. If there were concerns, they would bring it back to the ALUC for further discussion.

A motion was made by Commissioner Magsig and seconded by Commissioner Remy to approve the revised recommendation as proposed by the acting council for consistency on the amended Development Code Article 58. A vote was called for and the motion carried.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Remy to recommend these edits to the City of Fresno for inclusion in their amended Development Code. A vote was called for and the motion carried.

D. ALUC Letter to City of Fresno

Brenda Veenendaal gave a brief review on this item. The Fresno County ALUC directed staff to work with legal counsel to draft a letter to the City of Fresno regarding the overrule process requirements related to an agenda item brought before the Commission on October 3, 2016. The City of Fresno presented an item to the ALUC with a Finding of Consistency request. The item included plan amendments, a rezone, text amendments and a related Environmental Impact Report for proposed adoption of the Downtown Neighborhood Community Plan and the Fulton Corridor Specific Plan. These applications were referred to the Airport Land Use Commission (ALUC) for mandatory review under the provisions of the State of California Public Utilities Code. Only the portions of the plans that were proposed within the boundaries of the Airport Influence Area of the Fresno Chandler Executive Airport Land Use Compatibility Plan were included for review.

After much discussion on the items, the ALUC found the proposed plan amendment and rezone inconsistent with the Fresno Chandler Executive Airport Land Use Compatibility Plan due to proposed densities. City staff was present during the discussion and debate on the matter and was made aware of the specific concerns that prompted the commission to make its findings. Some months after the meeting was held ALUC members learned that the finding had been overruled by the City of Fresno. This course of action is allowable if the local agency follows a prescribed course of action clearly outlined in the [California Airport Land Use Planning Handbook](#), section 5.5. It does not appear that the City of Fresno followed the mandatory overrule steps.

Therefore, the attached letter was drafted by staff and edited by legal counsel and the ALUC Board Chair, and was submitted for review, edits and approval by the Commission.

Brian Melikian recommended the letter be hand delivered, unsigned, by an appropriate ALUC representative in a meeting with whomever the City of Fresno determines is the appropriate representative.

Commissioner Magsig made a motion that the ALUC take no action as a body on this item, but recommended the chair deliver the letter to the appropriate city of Fresno director during a face to face meeting regarding the overrule process. Commissioner Magsig also recommended tabling this item, bringing it back later, and taking action on it in the future if the ALUC finds it to be a continuing problem.

A motion was made by Commissioner Remy and seconded by Commissioner Magsig to table item D ALUC letter to the City of Fresno. A vote was called for and the motion carried.

E. City of Fresno General Plan and Development Code Clean-Up

Brenda Veenendaal reported on this item. This project proposed to amend the Fresno General Plan, the Bullard, Fresno High, McLane, Roosevelt, Hoover and Downtown Neighborhoods Community Plans, the Tower District Specific Plans, the Fresno Chandler Executive Airport Land Use Compatibility Plan, the Fresno-Chandler Downtown Airport Master and Environs Specific Plan and the Fresno Yosemite Airport Land Use Compatibility Plan, as was noted in the attached maps and table and pertains to approximately 498.72 acres of property located within the Fresno General Plan Planning Area in order to 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. The Development Code text Amendment makes minor changes to various standards in order to improve functionality, clarity, and internal consistency.

Drew Wilson gave a PowerPoint presentation on the City of Fresno General Plan and Development Code Clean-Up.

Commissioner Duarte commented on the Tiny Housing and its effect on density. Sophia Pagoulatos said that this matter does not pertain to the General Plan and Development Code Clean-Up.

Ms. Veenendaal expressed that she has trouble with some of the language. That not enough information was provided to ALUC staff for analysis and recommendation. Ms. Pagoulatos said she would work with her to get better information.

Commissioner Duarte explained that the ALUC would review of the application base with the exception of #'s 3, 4, 18, 25, and 29. These will have to come back to the ALUC later with more information.

A motion was made by Commissioner Magsig and seconded Commissioner Yrigollen to approve the subject to text language that the ALUC has recommended on the text change and the re-zone updates with the exception of items 3, 4, 18, 25, and 29. A vote was called for and the motion carried.

F. City of Mendota La Colonia Project

Brenda Veenendaal reported on this item. The project consists of a proposal to amend the land use and zoning designations for the site, and a tentative subdivision map to subdivide the site for a single family residential subdivision. These actions are summarized as follows:

- General Plan Amendment 2018-01. This action is an amendment of the Land Use Map of the 2025 Mendota General Plan to change the land use designation of the project site from “Community Commercial” and “High Density Residential” to “Medium Density Residential” and a smaller area of “Community Commercial”. A proposed park and a stormwater basin will be designated “Recreational” and “Public Use”, respectively.
- Zone Change 2018-01. This action is a Zone Change, to change the zoning of the project site to coincide with proposed uses, including:
 - 82 single family residential lots will be zoned R-1 (P) (Single Family Residential – Planned Unit Development). The P zone allows minimum lot sizes of 4,200 square feet in the R-1 zone and is applied to allow flexibility for lot sizes in the subdivision.
 - A 1.65 -acre commercial site at the corner of Bass and Highway 33 will be zoned C-2 (Community Commercial)
 - A proposed mini park will be zoned “O” (Open Space/Recreation)
 - A proposed stormwater ponding basin will be zoned P-F (Public Facilities)
- Tentative subdivision map 2018-01. As noted above, the map will create 82 single family residential lots, a mini park, and a stormwater retention basin.

Karl Schoettler gave a presentation on this item.

A motion was made by Commissioner Yrigollen and seconded by Commissioner to find consistency with the City of Mendota Land Use Compatibility Plan. A vote was called for and the motion carried.

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. 2018 Meetings Schedule (please mark your calendars):

- June 4, 2018
- August 6, 2018
- October 1, 2018
- December 3, 2018

B. Items from Members

None

5. ADJOURN

A motion was made by Commissioner Remy and seconded by Commissioner Darnell to adjourn the meeting at 4:00 p.m. A vote was called for and the motion carried.