

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, December 3, 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 2:06 p.m. Commissioner Gregory was asked by Chairman Duarte to lead the flag salute.

ROLL CALL

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

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

OTHERS ATTENDING:

Brian Melikian, Fresno County Counsel
Brenda Veenendaal, Fresno COG Staff
Stephanie Maxwell, Fresno COG Staff
Lindsay Beavers, Fresno County Counsel

Sophia Pagoulatos, City of Fresno
Dan Zack, City of Fresno
Mark Davis, City of Fresno
Kevin Meikle, Director, Fresno Yosemite
International Airport

2. Action/Discussion Items

A. Minutes of the October 1, 2018 ALUC

A motion was made by Commissioner Remy and seconded by Commissioner Kroll to approve the October 1, 2018 Fresno County Airport Land Use Commission minutes. A vote was called for and the motion carried.

B. Fresno County Airport Land Use Commission's Airport Compatibility Plan Update and Initial Study/Negative Declaration -- Presentation, Public Hearing and Workshop

The ALUCP provides policies for use by the Fresno County Airport Land Use Commission when evaluating compatibility between proposals for land use development in the vicinity of public use airports in Fresno County, California (Coalinga Municipal, Firebaugh, Fresno-Chandler Executive, Fresno Yosemite International, Harris Ranch, Reedley Municipal, Selma, Sierra Sky Park and William Robert Johnston Municipal). Additionally, this plan incorporates the recommendations from the Air Installations Compatible Use Zones (AICUZ) Report for Naval Air Station (NAS), Lemoore, California that applies within Fresno County. The local agencies that have jurisdiction over land uses within the areas covered by this plan include but are not limited to Fresno County and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma. The plan was prepared in accordance with the requirements of the *California State Aeronautics Act*.

Four sets of comment letters and concurrent responses relating to the ALUCP were submitted to the ALUC for review at the Commission's last meeting on October 6, 2019. No comments were received

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related to the Initial Study/Negative Declaration. Following that meeting ALUC staff continued to work with the City of Fresno and the consultant to resolve remaining city concerns over proposed expansion of the Airport Influence Areas (AIA) around Fresno Air Terminal and Fresno Chandler Downtown Airports. As presented at the last meeting, Urban Core designations have been delineated within zone 6 of Fresno Air Terminal (FAT)/Fresno Yosemite International and Fresno Chandler Downtown Airports. These designation proposals accommodate the City of Fresno's transit-oriented development plans along corridors such as Kings Canyon, California, Shaw Avenue and the downtown urban core. Updated maps of the AIA for FAT and Chandler Airport were attached for Commission review as agreed upon in principle by ALUC staff and the City of Fresno.

An additional Caltrans Aeronautics comment letter dated October 26, 2018 was received. The 'Responses to CALTRANS Letter' was attached for Commission review, and all of the responses to comments were included in the attached final draft of the Negative Declaration.

All of the redline changes made in response to comments on the Fresno County Airport Land Use Compatibility Plan Update and redline changes to the Initial Study/Negative Declaration were available on the project website, as well as the final draft Fresno County Airport Land Use Compatibility Plan: <http://fresnocounty.airportstudy.com/>.

Commission staff member Brenda Veenendaal Commission informed the Airport Land Use Commission that to adopt the Fresno County Airport Land Use Compatibility Plan they must first review plan developments that occurred since the last meeting held on October 1, 2018. They must also re-open the public hearing to document all new information related to the Plan.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Remy to re-open the hearing portion of the Airport Land use Compatibility Plan. A vote was called for and the motion carried.

Sophia Pagoulatos thanked the staff for working with the City of Fresno through some of the City of Fresno's concerns. Ms. Pagoulatos also said that the new plan was going to be a big change for the City of Fresno and she encouraged the Commission to continuing trying to strike the balance between aviation safety and community redevelopment.

Kevin Meikle also thanked the Coffman Associates, the ALUCP consultants and staff for taking the lead on this countywide effort to develop a consistent plan that is fantastic. Mr. Meikle said this plan is a little different but is a good plan to move forward with.

A motion was made by Commissioner Kroll and seconded by Commissioner Remy to close the public hearing. A vote was called for and the motion carried.

Commissioner Duarte informed his fellow Commissioners that the Airport Land Use Compatibility Plan preparation had gone through all of required steps for plan updated processes, and that the plan adoption was to be put forward as a resolution. Commissioner Duarte also stated the resolution that was posted online and included in the ALUC meeting packet had one correction on line 23. The correction was a date identifying that the draft ALUCP was posted on January 10, 2017 when it was actually posted on January 10, 2018.

A motion was made by Commissioner Remy and seconded by Commissioner Rapada to adopt the Airport Land Use Compatibility Plan Initial Study/Negative Declaration and the ALUCP pursuant to the resolution that on file, with a singular correction of the year that says 2017 but should read 2018. A vote was called for and the motion carried.

C. City of Fresno Request for Finding of Consistency for General Plan Clean Up Items

Brenda Veenendaal reported on this item. Coming up on December 6, 2018 the Fresno City Council would be considering a group of plan amendments, rezonings, and text amendments collectively known as a *General Plan Cleanup*. In total, 18 sites were proposed to be changed to a new General Plan Land Use

and zoning designation, six of which were submitted to the Airport Land Use Commission for a Finding of Consistency. In addition, 75 sections of the Development Code text would also be amended.

Overview:

The concept of the Cleanup developed following the wholesale update of the City of Fresno's land use planning framework. A new General Plan was adopted in late 2014 which proposed many land use changes, particularly with regard to creating mixed-use transit corridors and encouraging roughly half of future growth to take the form of infill development within the existing city. A year later an all-new Development Code replaced the old zoning ordinance in order to more effectively implement these new policies, and a new citywide (excluding Downtown) zoning map was adopted to make planned land use and zoning consistent with each other. Finally, in late 2016 center of the city was brought into alignment with this new framework with the adoption of the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code.

While this new planning system has generally worked as intended and is showing positive impacts, there are a few abnormalities that have been discovered, and the City has used the Cleanup process to remedy these situations. Also, some property owners on sites with new land use designations/zoning have requested to return to the equivalent of their former designations; if doing so isn't in conflict with General Plan policies or the Master Environmental Impact Report, such requests will be brought to the City Council for consideration. Additionally, minor amendments to the text of the new Development Code have been made as part of the Cleanups in order to improve functionality, clarity, internal consistency, and consistency with State law.

Planned Land Use Changes and Rezoning

Site #3 is located south of Sierra Sky Park airport in the Inner Turning and Inner Approach Zones. It is presently zoned RS-5--Medium Density Residential. City of Fresno staff proposes to rezone it to O—Office to be consistent with adjacent parcels.

Staff analysis:

Please note this text from the Fresno County ALUCP Update:

2.6.7 Properties Divided by Compatibility Zone Boundary For the purpose of evaluating consistency with the compatibility criteria set forth in this ALUCP, any parcel larger than one acre that is split by compatibility zone boundaries shall be considered as if it were multiple parcels divided at the compatibility zone boundary line. Parcels less than one acre shall be evaluated for consistency based upon the compatibility zone that covers the majority of the parcel (>50%).

Therefore, for Site 3 to be found consistent, it would limit dwelling units per acre depending on zone a project sits within. See Table 3A, Zones 2 and 3 for detailed safety criteria. The limitation may be 1 dwelling unit per 10 acres, with a maximum non-residential intensity of 60 persons per acre and 30% required open land. Or a limit of 1 dwelling unit per 2 acres, and a maximum non-residential intensity of 100 persons per acre.

As indicated in the attached spreadsheet entitled Expanded Table for ALUC the City of Fresno's O--Office zoning allows for a maximum height of 60 feet, with no limitation on density. Permitted Uses included a variety of offices and related uses, as well as some other commercial activities such as limited amounts of retail, and limited civic uses are allowed such as certain types of schools and parks. As stated in the Final Draft Fresno County ALUCP, Zones 2 and 3 prohibit children's schools, day care centers, adult schools, colleges, universities, recreational uses, waterways that create a bird attractant and hazards to flight. The City's "office" zoning would also need to limit buildings to three stories or less.

Additional conditions include an airport disclosure notice, structures must be located a maximum distance from the extended runway centerline, and airspace review required for objects over 35 feet tall.

Site #6 is located to the east of Sierra Sky Park airport in the Traffic Pattern Zone. It is a fully developed and established residential neighborhood. Under the old Development Code, this neighborhood was zoned R-1-B, which had a minimum lot size of 12,500 square feet. Under the new Development Code, this neighborhood was zoned RS-4, which allows lots between 5,000 and 9,000 square feet in size. While

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the redevelopment of these sites is not anticipated, the current zoning allows for greater density than the former zoning and the existing built pattern. Therefore, City of Fresno staff proposes to rezone the neighborhood to RS-3, which allows lots between 9,000 and 32,000 square feet in size. RS-3 is the designation in the new Development Code which is most consistent with the former zoning and the existing built pattern.

Staff analysis: For Site 6 to be found consistent, it would be limited to a maximum non-residential intensity of 300 persons per acre with 10% required open land for new construction. Additional conditions include an airport disclosure notice, airspace review for objects over 100 feet tall, new structures prohibited on existing terrain that penetrates the 14 CFR Part 77 surfaces and required additional airspace analysis within the 50-foot terrain penetration buffer.

Site #7 is also located to the east of Sierra Sky Park airport in the Traffic Pattern Zone. This was a small, fully developed residential enclave adjacent to San Joaquin Country Club. Under the old Development Code, this neighborhood was zoned R-A, which had a minimum lot size of 36,000 square feet. Under the new Development Code, this neighborhood was zoned RS-4, which allows lots between 5,000 and 9,000 square feet in size. While the redevelopment of these sites is not anticipated, the current zoning allows for greater density than the former zoning and the existing built pattern. Therefore, City of Fresno staff proposes to rezone the neighborhood to RS-1, which has a minimum lot size of 36,000 square feet in size. RS-1 is the designation in the new Development Code which is most consistent with the former zoning and the existing built pattern.

Staff analysis: For Site 7 to be found consistent, it would be limited to a maximum non-residential intensity of 300 persons per acre with 10% required open land for new construction. Additional conditions include an airport disclosure notice, airspace review for objects over 100 feet tall, new structures prohibited on existing terrain that penetrates the 14 CFR Part 77 surfaces and required additional airspace analysis within the 50-foot terrain penetration buffer.

Site #10 is located to the east of Chandler airport in the Traffic Pattern Zone. It was developed with a mix of commercial and residential uses and also included vacant properties. It is very similar to adjacent properties to the northwest which are zoned NMX--Neighborhood Mixed Use. Under the old Development Code this area was zoned C-6--Heavy Commercial. Considering the proximity to Downtown employment and amenities and the future High-Speed Rail station, as well as the nature of similar nearby properties, NMX is the most appropriate designation for these properties.

Staff analysis:

Please note this section of the ALUCP Update:

For a proposed project with a mix of residential and nonresidential uses, residential density is converted to intensity and the total number of residential occupants is limited to half the maximum nonresidential intensity specified in Table 3A (of the ALUCP). For live/work projects, each dwelling unit is to be counted towards density, and only the square footage devoted to nonresidential use is to be used in the calculation of nonresidential intensity. When converting residential density to intensity, the number of people per household for the jurisdiction, as available from the U.S. Census Bureau, should be used.

For Site 10 to be found consistent, it would be limited to projects with a maximum non-residential intensity of 300 persons per acre with 10% required open land for new construction. Additional conditions included an airport disclosure notice, airspace review for objects over 100 feet tall, new structures prohibited on existing terrain that penetrates the 14 CFR Part 77 surfaces and required additional airspace analysis within the 50-foot terrain penetration buffer.

Site #11 is located to the north of Chandler airport in the Traffic Pattern Zone. It is developed primarily with residential uses, although one property has been converted to commercial use. Under the old Development Code this area was zoned C-6--Heavy Commercial. With the adoption of the new Development Code, these properties were rezoned to RS-5--Medium Density Residential. A property owner has requested that the area change back to heavy commercial zoning--under the new Development Code that would be CG--General Commercial. City of Fresno Staff recommends against this action, however, because it would be incompatible with the residential nature of the existing development on that block.

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Staff analysis: The City of Fresno's CG--Commercial, General zoning as seen in the attached document allows a wide variety of large and intense retail uses, as well as other commercial activities such as offices. Limited civic uses are allowed, such as certain types of schools and parks. There is no maximum density limitation for this zone. For Site 6 to be found consistent, it would be limited to projects with a maximum non-residential intensity of 300 persons per acre with 10% required open land for new construction. Additional conditions include an airport disclosure notice, airspace review for objects over 100 feet tall, new structures prohibited on existing terrain that penetrates the 14 CFR Part 77 surfaces and required additional airspace analysis within the 50-foot terrain penetration buffer.

Site #13 is located west of Fresno Yosemite International airport in the Traffic Pattern Zone. Under the new Development Code it was changed to public and institutional zoning. However, the site is built out with commercial uses and no public use is anticipated for the site. City of Fresno staff proposes rezoning the site to Community Commercial to match its current uses.

Staff analysis: The City of Fresno's CG--Commercial, community zoning as seen in the attached document allows a variety of neighborhood-oriented retail uses, as well as other commercial activities such as offices. There is no maximum density limit, but maximum project height is 35 feet. Limited civic uses are allowed, such as certain types of schools and parks. Therefore, for Site 6 to be found consistent, it would be limited to a maximum non-residential intensity of 300 persons per acre with 10% required open land for new construction. All hazards to flight and very high intensity uses are prohibited in this zone. Additional conditions include an airport disclosure notice, airspace review for objects over 100 feet tall, new structures prohibited on existing terrain that penetrates the 14 CFR Part 77 surfaces and required additional airspace analysis within the 50-foot terrain penetration buffer.

Development Code Text Amendments

The text amendments (that were attached) included minor changes to the Development Code in order to improve functionality, clarity, internal consistency and consistency with State law. While most of these proposed changes have little to no impact to issues under the purview of the ALUC, City of Fresno staff wanted to direct commissioners to the changes recommended for sections 15-310-A and 15-903-1, both of which clarify how residential density is measured. The current language in the Development Code causes occasional confusion when compared to the description of how to measure density in the General Plan, particularly for large single-family subdivisions. The proposed change would not change allowed densities in any part of the City, but brings the method of measurement more in line with the General Plan.

To view the current language for each of these sections, Commissioners may view the Development Code in its entirety at the following link:

https://library.municode.com/ca/fresno/codes/code_of_ordinances?nodeId=MUCOFR_CH15CIDECOINRE

Brenda Veenendaal informed the committee that the sites submitted to the ALUC for a finding of consistency were submitted under consideration of the old airport zones. There may have been more sites that should have come forward out of the original list of 18. The City of Fresno also submitted seventy-five sections of the development code text being amended and going to the Fresno City Council for consideration on December 6, 2018. Ms. Veenendaal stated that after analyzing the first portion of the request the six site that were undergoing zoning changes she drafted explanations and staff analysis for each one. Staff found no concerns or reasons not to find #six, #seven and #ten consistent at that point.

Dan Zack clarified section 15104B4B of the City of Fresno Development Code that says in a conflict between the General Plan and development code the operative airport plan prevails. So if the zone district allows certain use or certain height that is not allowed within whatever airport plan is in affect at the time, then the project is held to higher standard in the airport plan. This is something that every project must go through in terms of a review.

Sophia Pagalatos explained that in addition to the system that Mr. Zack had explained, they also route their projects to airports staff, and now that the new AIA's line up with Parts 77 surfaces, when the GIS system flags it, it will flag for both.

Commissioner Duarte commented that while it is routed to the airport for review there is a third airport that has no local agency other than private intake that is operating the airport. Does this mean that the City of Fresno comments on those for Sierra Sky Park which is not the normal process. He then asked about a

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particular location identified as item three: Did the airport go through a thorough review of that and vet out any issues or was that determined to not be one of our normal reviews such as Fresno Yosemite or Chandler executive? Commissioner Duarte commented that he wanted to make sure one is not slipping through an area that development is going through.

Kevin Meikle said that if a project was an issue surrounding FAT or Chandler then airport staff is part of the review process because they are city owned airports. Commissioner Duarte said that that was the clarification that he was looking for since there is one item that is being considered in the application.

Brenda Veenendaal commented on site 11 regarding the general commercial property that the City of Fresno is recommending against changing back to a general commercial and keeping it at medium density residential. Ms. Veenendaal suggested that the commission support that recommendation. With general commercial there will be a lot of different things that could be put in the larger intensity buildings and this would be a problem for Airport Planning.

Dan Zack clarified that the property owner requested this change and staff does not support it and they are recommending the City Council deny it not so much for Airport Land Use Compatibility purposes but more for neighborhood compatibility as a primary residential neighborhood.

Brenda Veenendaal also spoke on the Text Amendments and said that she did not see any issues with them. Two sections, 15-310-A and 15-903-1, both of which clarify how residential density is measured did not raise any red flags.

A motion was made by Commissioner Rapada and seconded by Commissioner Remy to approve five of the 6 general plan Land Use and Zoning designation changes with the exception of site #11 that is zoned general commercial and found not to be consistent, and to also approve 75 development code text amendments. A vote was called for and the motion carried with one apposed.

D. Follow-up item regarding the use of ALUC consent agendas for consistency determination approvals

Legal Counsel reported on this item. This item is a follow-up to a Commission question posed at the October 1, 2018 meeting regarding the Commission's use of a consent agenda for ALUC consistency determinations (e.g., whether a proposed local agency action is consistent with the Commission's airport land use plan). ALUC Legal Counsel spoke to the Commission regarding this item. Legal Counsel informed the commissioners that a consent calendar may be used for ALUC determination of consistency under the law for high level policy decisions. Legal Counsel explained what can be pulled and voted on.

Brenda Veenendaal commented that any item placed on the consent calendar would be black and white cut and dry and only placed on the consent calendar because there were so many items for the commission to discuss that it would be burdensome to weigh in on every item. To date that hasn't been a case for the Commission. So far there has not been more than five items on any given agenda since she has been working and staffing with the Commission. However, it came up at the last meeting because of concerns about only meeting every other month. There may be more projects coming to the commission up until local agency general plans and specific plans are given findings of consistency. This was the only reason this was brought up and it may or may not be an issue moving forward.

Commissioner Duarte gave his personal view that the only time the Commission will see a profusion of applications will be in this transition period, and that they have not had an inordinate number of applications. The opportunity to have an exchange of ideas from the dias during a hearing. Whereas, with a consent calendar they would rely on one staff to review the items and get them out in a timely manner.

Sophia Pagoulatos thanked the Commissioners for consideration of the consent calendar possibility, because it was the City of Fresno that raised a concern about the 180-day period. They requested that the commission be willing to meet more often like every 30 days during that period of time if there were a large influx of applications.

Commissioner Duarte was open to meet if there were a deadline or a perfusion of applications.

This was an information Item.

3. Public Presentation

None

4. Other Business

A. Items from Staff

1. 2018-19 Fiscal Year Meetings Schedule (please mark your calendars):

- February 4, 2019
- April 1, 2019
- June 3, 2019

Brenda Veenendaal gave a reminder about the dates of the meetings.

B. Items from Members

None

5. ADJOURN

A motion was made by Commissioner Remy and seconded by Commissioner Kroll to adjourn the meeting at 3:31 p.m. A vote was called for and the motion carried.