

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, August 12, 2019
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 2:04 p.m. Commissioner Beck was asked by Chairman Duarte to lead the flag salute.

ROLL CALL

PRESENT: **Commissioners:** Ron Duarte, Ray Remy, Daniel Yrigollen, Bill Darnell, Bob Beck
Proxies: Steve Rapada, Dwight Kroll

ABSENT: **Commissioners:** Sal Quintero, Nathan Magsig
Proxies: Dan Card, Mark Davis

OTHERS ATTENDING:

Brenda Veenendaal, Fresno COG Staff
Stephanie Maxwell, Fresno COG Staff
Braden Duran, Fresno COG Staff
Lindsay Beavers, Fresno County Counsel
Sandra Staats, WSC
Nik Kirby, WW Enterprises

Michelle Fernandes, SAC Wireless
Brandon Rodriguez, Style-Line Construction
Phillip Camacho, Center Line Design, LLC
Rodney Horton, COF
Greg Smith, Yamabe & Horn

2. **Action/Discussion Items**

A. **Minutes/Action Summary of the July 1, 2019 ALUC Meeting**

A motion was made by Commissioner Kroll and seconded by Commissioner Beck to approve the July 1, 2019 Fresno County Airport Land Use Commission Action Summary. A vote was called for and the motion carried.

B. **ALUC's comment letter regarding their finding of inconsistency on the City of Fresno's land use plans and regulations proposal (Brenda Veenendaal)**

Brenda Veenendaal reported on this item. At the July 1, 2019 ALUC meeting the commissioners directed staff to draft a comment letter and attachments in response to the City of Fresno's proposed ALUCP finding of inconsistency overrule. The letter was to state the process followed and the ALUC's reasoning behind finding the city of Fresno's text amendment inconsistent for the purpose proposed. As you may recall, the ALUC voted to support the text amendment but rejected the City's proposed consistency finding on the grounds that the text amendment was beneficial but insufficient to attain consistency.

Staff from the City of Fresno's Development and Resource Management Department then initiated an overrule process, with plans of asking the Fresno City Council to overrule the ALUC's finding of inconsistency.

In accordance with PUC 21676, the City of Fresno has provided notice in excess of 45 days of the

decision to overrule the ALUC. The public hearing is scheduled for August 15, 2019. Comments were to be received no later than July 29, 2019. The ALUC comment letter and attachments are provided for Commissioners review and comment.

Brenda Veenendaal provided a verbal update to the Commissioners on the overrule process.

Commissioner Duarte thanked the Commissioners that participated in reviewing the comments.

Commissioner Rapada suggested sending the letter and attachments to all the Councilmembers. Ms. Veenendaal said that she would get that done on that day.

C. City of Fresno - Tech Crete Inc. Warehouse/Office Proposal (Braden Duran)

Braden Duran reported on this item. JB Development, LLC and Style-Line Construction Inc., on behalf of Tech-Crete, Inc. is proposing the development of a parcel of land located at 3887 North Blattella Lane in the City of Fresno.

The developer plans to improve on the ± 1.15 acres of property with the addition of a 14,500 square-foot combined warehouse and office facility. The property is located in a IL (Light Industrial) zoning district, off of Dakota between Peach and Chestnut in the McLane community plan. The proposed maximum height of the warehouse is 40ft. The structure will be utilized by Tech-Crete, Inc., and will serve as a place for distribution, storage, and office space for the company. The site is anticipated to observe operating hours of 6:00 am to 5:00 pm Monday-Friday. Project application notes that general site activity will follow its zoning designation of IL/cz, with concrete workers using the facility to pick-up heavy-duty vehicles, accessing the building through existing roadways and on-site paved areas, and then driving them to job sites.

The operational statement notes that the entire facility will be fenced and that the project is generally similar to an industrial building going up across the street (Note: the project referred to was reviewed by the ALUC in April of 2019). The operational statement further notes that 3-4 staff will be working in the office during the day, and that the only noise generated by the location is loading trucks and equipment. A total of 22 parking spaces will be provided. The City is expecting to draft and file a categorical exemption for this project under Section 15332/Class 32 of the State of California CEQA Guidelines.

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. Specific site location in the TPZ is shown in the safety zone map included in your packet. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other prohibited land uses in the TPZ include outdoor stadiums or other high intensity uses, as well as hazards to flight. This project received a “determination of no hazard to air navigation” by the FAA.

Other Development Conditions Include:

- Airport disclosure notice
- Airspace review required for objects >100 feet tall

Noise contours - This project is located in the 70db CNEL contour of Fresno Yosemite International Airport. Per Table 3B of the ALUCP on page 3-12, only industrial uses are compatible with the land at this noise level. The proposed project fits within this category.

Brandon Rodriguez a representative of Syle-Line Construction Inc. was present at the meeting to answer questions.

A motion was made by Commissioner Beck and seconded by Commissioner Darnell to approve a Finding of Consistency for the Tech-Crete, Inc. project proposal. A vote was called for and the motion carried.

D. City of Fresno - Universal Coatings Building Proposal P19-00429 (Brenda Veenendaal)

Brenda Veenendaal reported on this item. West Star Construction Inc. was proposing to build a Warehouse/Office for Universal Coatings at 5152 E. Dakota Avenue in the City of Fresno.

Development Permit Application No. P19-00429 stated that the applicant proposed to construct a 14,735 square-foot building to the West and a 20,160 square-foot shell building to the East lot. The West lot would consist of a metal building with 3,412 square-feet of office space and 9,993 square-foot warehouse and the East lot shell building would include of similar exterior design. The building will be used as the headquarters of Universal Coatings. A Categorical Exemption will be prepared for the proposed project before approval.

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. Specific site location in the TPZ is shown in the safety zone map was included in your packet. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other prohibited land uses in the TPZ include outdoor stadiums or other high-intensity uses, as well as hazards to flight. This project applied for a “determination of no hazard to air navigation” by the FAA, but has not received a final finding as of yet.

Other Development Conditions Include:

- Airport disclosure notice
- Airspace review required for objects >100 feet tall

Noise contours - This project is located in the 65db CNEL contour of Fresno Yosemite International Airport. Per Table 3B of the ALUCP on page 3-12, commercial and industrial uses are compatible with the land at this noise level. The proposed project fits within this category.

Sandra Staats a representative with West Star Construction Inc. was present to answer questions.

A motion was made by Commissioner Beck and seconded by Commissioner Darnell to approve a conditional Finding of Consistency for Development Permit Application No. P19-00429, Universal Coatings Building. A vote was called for and the motion carried.

E. City of Fresno - Arthur Multi-Unit Housing Project Proposal (Braden Duran)

Braden Duran reported on this item. Pauli Engineering, Inc. is proposing the development of a parcel of land located at 4934 N. Arthur Ave in the City of Fresno.

The firm is proposing to construct 7 units of apartment and town-house style housing on ±0.44 acres of vacant land, with the parcel located on the east side of N. Arthur Ave and south of W. Shaw Ave. The project is near the W Shaw and N Fruit Ave Intersection. Included in the development are 2 two-story wood buildings. One building will house 2 two-bedroom units on each floor, while the other will contain 3 units in a town-house style arrangement. There will also be approximately 11 parking stalls constructed to service the complex. The property is located in a RM-1 (residential multi-family, medium-high density) zoning district as well as the Bullard Community Plan. The proposed maximum height of any of the structures is under 29 feet. Site plan diagrams have been provided to the commission for visual reference. Staff notes that the project has received a Categorical Exemption under CEQA Guidelines, Section 15332/Class 32.

The site is located within Zone 7, the Precision Approach Zone (PAZ), of the Fresno Yosemite International Airport. Specific site location in the PAZ is shown in the safety zone map included in your packet. There are no restrictions on density, open land, or dwelling unit limit inside the PAZ. Other prohibited land uses in the PAZ includes just hazards to flight. No proposed activity on the site meets those restrictions. Project documents provided to the staff provide adequate language for both landscaping and lighting standards. This project requires an FAA determination of no hazard to air navigation and has filed for that analysis.

This proposed project falls outside of the Fresno Yosemite International Airport's noise contours and is therefore not subject to any restrictions.

A motion was made by Commissioner Rapada and seconded by Commissioner Darnell to approve a Conditional Finding of Consistency for Arthur Multi-Unit Housing Project Proposal. A vote was called for and the motion carried.

F. City of Fresno - Shaw and West Redevelopment (Brenda Veenendaal)

Brenda Veenendaal reported on this item. This project proposes the redevelopment of an existing shopping center totaling 77,440 square feet on 8.6 acres located at the northwest corner of Shaw Avenue West Avenue. The proposed project would demo 52,690 square feet of buildings, and include the construction of 48,070 square feet of new retail space. The property is zoned CMX and CMX/cz. The proposed structures will be 30 feet at the highest point. A categorical exemption will be prepared for the project.

The site is located within Zone 7, the Precision Approach Zone (PAZ), of the Fresno Yosemite International Airport. Specific site location in the PAZ is shown in the safety zone map included in your packet. There are no restrictions on density, open land, or dwelling unit limit inside the PAZ. Other prohibited land uses in the PAZ include hazards to flight. No proposed activity on the site meets those restrictions. This project requires an FAA determination of no hazard to air navigation and has filed for that analysis.

This proposed project falls outside of the Fresno Yosemite International Airport's noise contours and is therefore not subject to any restrictions.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Beck to approve a Conditional Finding of Consistency for the Shaw and West Redevelopment Project Proposal. A vote was called for and the motion carried.

G. City of Fresno - BVI Construction, Inc. Building Proposal (Braden Duran)

Braden Duran reported on this item. Yamabe & Horn Engineering, Inc., on behalf of BVI Construction, Inc., is proposing the development of a parcel of land located at 5045 E. Dakota Avenue in the City of Fresno.

The developer plans to improve on the ± 1.0 acres of property with the addition of (2) 5,000 square foot light industrial buildings. The property is located in an IL (Light Industrial) zoning district, on Dakota between Peach and Chestnut in the Palm Lakes Business Park, directly north of Fresno Yosemite International airport. The proposed maximum height of any structure is 23ft. The structure on the front of the site will be utilized by general building contractors BVI Construction, Inc. and will serve as a building to house their equipment and tools that are not in use at a job site. Similarly, the building will also be a point of delivery for materials used in general building construction. Project application notes that general site activity will follow its zoning designation of IL/cz and will have one full-time project administration clerk that manages the equipment and the building. Other project managers will utilize the building for pick-ups and drop-offs only.

The second proposed building on the back of the site will be of similar layout and usage but will have small office to handle operations. Since the tenant is unknown at this time, the building will be a shell.

The City is expecting to draft and file a categorical exemption for this project under Section 15332/Class 32 of the State of California CEQA Guidelines.

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. Specific site location in the TPZ is shown in the safety zone map included in your packet. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other prohibited land uses in the TPZ include outdoor stadiums or other high intensity uses, as well as hazards to flight. This project requires a FAA determination of no hazard to air navigation and has filed for that analysis.

Other Development Conditions Include:

- Airport disclosure notice
- Airspace review required for objects >100 feet tall

Noise contours - This project is located in the 65db CNEL contour of Fresno Yosemite International Airport. Per Table 3B of the ALUCP on page 3-12, industrial uses are compatible with the land at this noise level. The proposed project fits within this category.

A motion was made by Commissioner Kroll and seconded by Commissioner Remy to approve a Finding of Consistency for the BVI Construction, Inc. project proposal. A vote was called for and the motion carried.

H. City of Fresno - Brighten Academy Daycare Building (Brenda Veenendaal)

Brenda Veenendaal reported on this item. This project proposes to construct a new built-to-suit single-story building of 4,704 S.F. on a 0.83-acre parcel at West Herndon Avenue and North Blythe Avenue for Brighten Academy Daycare. The maximum height of the building will be 25'-0". The site will have typical operating hours for a daycare, 7am to 6pm, Monday through Friday. The number of employees will be 12, and the maximum number of children at any one time will be 88.

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), adjacent to the sideline zone of Sierra Sky Park Airport. Specific site location in the TPZ is shown in the safety zone map included in your packet. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other prohibited land uses in the TPZ include outdoor stadiums or other high-intensity uses, as well as hazards to flight. This project requires a FAA determination of no hazard to air navigation and has filed for that analysis.

Other Development Conditions Include:

- Airport disclosure notice
- Airspace review required for objects >100 feet tall

Noise contours - This project is not located in the in an airport noise contour. The City of Fresno informed the project sponsors that they do not need a noise study for this project and CEQA, NEPA, or any other environmental evaluation documents are not required per the DRC process.

Phillip Camacho, Project Manager for Centerline Design was present to answer questions.

Commissioner Duarte commented that the proposed location of the structures may be in conflicted with certain covenant conditions and restrictions that apply to all of the airport for the movement and parking of aircraft for events. Mr. Duarte also asked if there was an amendment to the CCNR's or have they met with the airport community to address the development of the easterly structure relative to Doolittle Ave. The Mr. Camacho said that this was the first he has heard of this.

Commissioner Darnell suggested that the project proponents meet with the president of the property owners Tim Combs.

A motion was made by Commissioner Darnell and seconded by Commissioner Yrigollen to table item 2H till the next ALUC meeting.

I. City of Fresno - SAC Wireless Cell Tower (Braden Duran)

Braden Duran reported on this item. SAC Wireless, on behalf of Verizon Wireless, is proposing the installation of a new wireless facility at 3199 E McKinley Avenue in the City of Fresno.

SAC Wireless is requesting a consistency determination for the facility whose proposal is to install a 60 ft. monopine style wireless communication facility on a 30 ft by 18 ft leased area of the Mayfair Storage facility near the intersection of McKinley and First Avenues. The facility will enhance and expand the Verizon Wireless network and improve communications services for customers in this area. It will also provide capacity relief for existing Verizon sites near the Fresno Yosemite International Airport. According to project documents provided to the commission, the 60-foot tower will be constructed of steel but will be disguised as a pine tree.

While the facility itself will be unmanned, it is located in an area that includes both residential and commercial uses and is zoned CC (Commercial Community). Verizon anticipates a small impact on the use of the parcel. The leased area will be enclosed by an 8 ft. concrete wall to prevent unauthorized access. Documents note that no significant noise generation is expected, and that no hazardous materials or waste will be produced at the site.

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. Specific site location in the TPZ is shown in the safety zone map included in your packet. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other prohibited land uses in the TPZ include outdoor stadiums or other high intensity uses, as well as hazards to flight. The proposed maximum height of the tower is 60 feet. This proposed height required an airspace analysis under Part 77 from the FAA, with approval via a Form 7460-2 filed and is currently under review.

The project falls outside of any noise contours and is therefore not subject to any restrictions.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Remy to approve a Conditional Finding of Consistency for the Proposed Verizon Wireless Facility located on McKinley Ave in the City of Fresno. A vote was called for and the motion carried.

J. City of Fresno - Better Flooring and Haus Construction Building Proposal (Brenda Veenendaal)

Brenda Veenendaal reported on this item. Better Flooring and Haus Construction are submitting building/site development plans on 1.15 acres of property located at NE Corner of North Cypress & East Turner, zoned IL with a planned land use of Light Industrial. Haus Construction, Inc. is requesting authorization to develop an empty dirt lot for commercial use.

The proposed development will consist of 12,293 SF metal building with a parking lot, landscape and sidewalk. The existing site currently consists of a dirt lot with 0 existing parking spaces. The proposed hours of operation are from 7:00 AM – 6:00 PM on Monday-Friday. Access gate to the south will remain open during business hours. Employees will open the southern gate before business begins and close it after business operating hours of 7:00 AM – 6:00 PM Monday – Friday. Both companies have a total of 10 employees operating from this facility.

Better Flooring, Inc. is a full-service commercial flooring contractor serving the public and private sectors. Materials are ordered and stored for each specific project in the company warehouse until installed on the job site. Better Flooring does not operate a retail business open to the public.

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport, just outside of the Outer Approach/Departure Zone. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other prohibited land uses in the TPZ include high-intensity uses, as well as hazards to flight. This project requires a FAA determination of no hazard to air navigation and the determination application was submitted but a finding has not been received as of yet.

Other Development Conditions Include:

- Airport disclosure notice
- Airspace review required for objects >100 feet tall

Noise contours - This project is located in the 60db CNEL contour of Fresno Yosemite International Airport. Per Table 3B of the ALUCP on page 3-12, industrial uses are compatible with the commercial designation at this noise level.

A motion was made by Commissioner Rapada and seconded by Commissioner Darnell to approve a Conditional Finding of Consistency for the Better Flooring and Haus Construction project proposal. A vote was called for and the motion carried.

K. City of Fresno - Lennar Homes Development Project and Related Actions (Braden Duran)

Braden Duran reported on this item. Yamabe & Horn Engineering, on behalf of Lennar Homes and the City of Fresno, is proposing the development of property on the southeast corner of East Shields and North Temperance Avenues in the City of Fresno. The City of Fresno is proposing multiple actions with the goal of creating a 349-lot single-family residential development on ±57.3 acres of property in the City.

First, the City is applying to annex the subject property of ±57.3 acres and an additional ±11.94 acres of developed land from the County of Fresno into the City of Fresno. The City is then proposing the rezoning of the subject property. Currently the subject property is designated as AE-20 (Exclusive Agricultural) by the County of Fresno. The re-zoning effort would see ±34.30 acres of the subject property re-zoned as RS-5 (Residential Single Family, Medium Density), while the remaining ±23 acres of the subject property would be re-zoned as RS-4 (Residential Single Family, Medium Low Density). Continuing, the City has proposed to modify the existing RS-4 and RS-5 zoning districts development standards to allow for reduced setbacks, reduced lot sizes, and increased lot coverage for the proposed single-family residences. Last, the City will propose a Tentative Tract Map which would further subdivide the ±57.3 acres for the purpose of creating a 349-lot single-family residential development.

The City is also requiring what is essentially an upgrade to the public streets, public facilities, infrastructure, and utilities that are in proximity to the subject property. These plans were included in the application by the City and Lennar Homes and are necessary to be in accordance with City standards. Additionally, the City will be filing a Mitigated Negative Declaration under CEQA.

Lennar Homes is proposing three different lot sizes within the development, with lots offering 3800, 4000, or 6000 square feet of property, requiring the different zoning districts. This development follows similar activity in the area and will facilitate the implementation of the City's vision for the 2035 General Plan by following density and other standards. Other key numbers include a total of ±4.0% combined aggregate open space, trail system, and landscaping area for the entire 349-lot subdivision, which Lennar notes exceeds the City's requirement of 2.5%. The centerpiece of the development will be a 41,000+ square foot linear park that will be accessible for all residents.

The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. Specific site location in the TPZ is shown in the safety zone map included in your packet. Prohibited land uses in the TPZ include outdoor stadiums or other high intensity uses, as well as hazards to flight. The ALUCP restrictions on density and open land for the TPZ are not expected to be an issue for this project. Other Development Conditions Include an airport disclosure notice and airspace review required for objects >100 feet tall, staff notes none of these should be a concern for this proposal. The project, depending on final height of built structures, would require an airspace analysis by the FAA. A form 7460 has been submitted for this project and is currently under review.

The project falls outside of the Fresno Yosemite International Airport noise contours and is therefore not subject to any restrictions.

A motion was made by Commissioner Darnell and seconded by Commissioner Kroll to approve a Conditional Finding of Consistency for the Lennar Homes Development Project and the corresponding City of Fresno actions. 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 Members

None

B. Items from Staff

1. Upcoming meetings (approved schedule)

- September 9, 2019 Note: this is the second Monday of the month.
- October 7, 2019
- November 4, 2019
- December 2, 2019

5. ADJOURN

A motion was made by Commissioner Rapada and seconded by Commissioner Darnell to adjourn the meeting at 2:59 p.m. A vote was called for and the motion carried.