

## **FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary**

**Date:** Monday, June 1, 2020  
**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. This meeting was held via ZOOM due to the Covid-19 Pandemic.

### **ROLL CALL**

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

**ABSENT:** **Commissioners:** Sal Quintero, Nathan Magsig, Bob Beck  
**Proxies:** Mark Davis, Nicole Zieba

### **OTHERS ATTENDING:**

Brenda Veenendaal, Fresno COG  
Braden Duran, Fresno COG Staff  
Lindsay Beavers, Fresno County Counsel

Kelsey George, City of Fresno  
Rob Holt, City of Fresno

No public was present.

### **2. Action/Discussion Items**

#### **A. Action Summary of the April 6, 2020, ALUC Meeting (Brenda Veenendaal)**

A motion was made by Commissioner Kroll and seconded by Commissioner Rapada to approve the April 6, 2020, Fresno County Airport Land Use Commission Action Summary. A vote was called for and the motion carried.

#### **B. City of Fresno / WW Enterprises / Sandoval Trucking Development (Braden Duran)**

Braden Duran reported on this item. WW Enterprises, on behalf of Sandoval Trucking, was proposing the development of a parcel of land located on the southwestern corner of S Roeding Drive and W Dan Ronquillo Drive in the City of Fresno.

The trucking company planned to improve on the ± 1.12 acres of property with the intent of developing the empty dirt lot for commercial use. The proposed development consists of a 1,440 square foot Modular Pre-Fab Office Building and a 320 square foot Cargo Container, as well as a parking lot and landscaping. The property is located in a CG (Commercial General) zoning district, at the aforementioned located directly northwest of Fresno Chandler Executive Airport. The proposed maximum height of any structure is 14ft. The modular office will be utilized as a satellite office for the trucking company based Kerman, CA. The cargo container will be used to store miscellaneous tools and will contain no hazardous materials. The proposed hours of operation are from 7:00 AM to 6:00 PM on Monday-Friday. Access to the lot will be

restricted by the operation of a gate that remains open during business hours and closed before and after. A total of 5 employees will be operating from this facility at any given time.

**The site is located within Zone 2, the Inner Approach / Departure Zone of the Fresno Chandler Executive Airport.** Specific site location in the IADZ is shown in the safety zone map that was included in your packet. The ALUCP had extensive and strict restrictions within the IADZ, however, this project does not fall under any of those restrictions. Besides specific restrictions as listed in Table 3A (Safety Criteria Matrix) on page 3-4 of the ALUCP, the main other development conditions are:

- Airport disclosure notice required
- Locate the structures at the maximum distance from the extended runway centerline
- Airspace review required for objects > 35 feet tall
- FAA Airspace Analysis if necessary

This project satisfies the other developmental conditions. Most of the lot will still be relatively empty, and the structures are planned to be located furthest away from the extended runway centerline.

Staff reiterated to the developer that hazards to flight can include lighting and landscaping, and that special attention should be paid to make sure objects such as domed lights and non-bird-attracting landscaping is used.

This project requires an FAA determination of no hazard to air navigation and had filed for that analysis.

Noise contours - This project was not located in any noise contours and is therefore not subject to any restrictions.

Ron Duarte asked about exact location. Mr. Duran said that it was in a commercial general zoning district north west of the Chandler Airport.

Commissioner Darnell asked how many people will be in the building and how far from it is to the end of the runway. Mr. Duran said that there will be five people in the office building and he did not know how far the runway was.

Commissioner Darnell also asked if there was a study from FAA. Mr. Duran said that there was.

Commissioner Yrigollen said it looks like the project will be 300-400 feet from runway.

A motion was made by Commissioner Darnell and seconded by Commissioner Kroll to recommend the ALUC approve a Conditional Finding of Consistency for the WW Enterprises/Sandoval Trucking project proposal in the City of Fresno. A vote was called for and the motion carried.

### **C. City of Fresno - Lodging to Dwelling Text Amendment - Zoning Ordinance (Brenda Veenendaal)**

Brenda Veenendaal reported on this item. City of Fresno Text Amendment Application No. P20-00460 had provided an application process for owners of hotels and motels which were constructed prior to January 1, 2020, to convert existing buildings from commercial use to residential use in order to accommodate non-transient residents. It requires that applicants bring their buildings into compliance with all applicable state codes, including building, fire, and electrical codes. The proposed project also included an amendment to the use table for certain commercial zone districts to allow for the conversion of pre-2020 hotel/motels to accommodate non-transient residents without requiring an amendment to the site's land use or zone district.

The proposed Text Amendment would conditionally permit multi-family residential land uses in districts that permit hotel and motel land uses, such as commercial and employment districts. Hotels and motels wanting to convert to multi-family residential would be required to submit a Conditional Use Permit with the City of

Fresno for discretionary review and would be subject to the provisions of the California Environmental Quality Act (CEQA).

The proposed Text Amendment does not relate to any physical project and had not resulted in any physical change to the environment. The approval of this text amendment does not approve any development or specific project. Rather, it clarifies the requirements of a conversion and makes the use conditionally permitted in districts that previously did not allow it.

The Text Amendment could potentially impact any hotel or motel within an Airport Influence Area, however, only existing hotels and motels would be eligible to convert to multi-family residential. No new development would be eligible. Properties that want to convert would be subject to a full Conditional Use Permit review and those located within in Safety Zones would be required to comply with all Noise and Safety provisions of the Airport Land Use Compatibility Plan, or be denied.

Commissioner Duarte asked if this would convert them into apartments. Kelsey George, City of Fresno said that they would be required to come up to any applicable code. Including full kitchen and bathroom facilities.

Commissioner Duarte asked if there was any idea of potential applicant numbers and would it change the densities in the AIA?

Mr. Kelsey said the conversion does not permit any additional density. It is a unit for unit conversion. That nothing is approved by right.

Ms. Veenendaal said that the project must be reviewed against the ALUCP and approved on a project by project basis.

Commissioner Rapada asked if a single bedroom could potentially provide space for up to 4 people. Most of these hotels are small rooms. Would they be allowed to have more people in a room than a hotel? Can they fit a kitchen facility? Would they combine rooms to make one bigger room?

Mr. Kelsey answered that it is possible for them to do that. They can't increase their density, but they can create a common use kitchen.

Commissioner Rapada asked if this was to accommodate the homeless population?

Mr. Kelsey said that the motel inspection program is to accommodate in a non-transient population that was already living in a hotel.

A motion was made by Commissioner Kroll and seconded by Commissioner Yrigollen to recommend the Fresno County ALUC approve a finding of consistency for City of Fresno Text Amendment Application No. P20-00460. A vote was called for and the motion carried with one abstention.

**D. City of Fresno - Fresno & Browning Office Development Application and Related Actions (Braden Duran)**

Braden Duran reported on this item. The City of Fresno, on behalf of Giannetta Engineering and Samuel Lucido, is filing for a Rezone application (P20-00596) and related Development application (P20-00595) for a property located at 5612 N Fresno Street.

The application pertains to the ± 1.07 acre property that is located on the northeast corner of N First Ave and E Browning Ave. The applicants are proposing to rezone the subject property, that is currently zoned O/cz (*Office/conditions of zoning*), to O (*Office*) which will remove the specific condition of zoning that prohibits access to/from E Browning Ave. This will allow for the action requested in the Development application, which facilitates the physical development of the subject property. The proposed development includes the construction of approximately 13,680 sq ft of office buildings. There are plans for two (2) 4,800 sq ft office buildings and two (2) 2,040 sq ft office buildings. There will be additional on and off-site improvements to the site concerning parking, landscape, curbs, gutters, and sidewalks, and a new driveway approach onto E Browning Ave. This proposed drive approach is what is necessitating the Rezone

application. The proposed project is exempt from the California Environmental Quality Act under Section 15051(b)(3).

The site is located within Zone 7, the Precision Approach Zone (PAZ), of the Fresno Yosemite International Airport. The 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.

Noise contours - This project is located in the 60-64 CNEL Noise Contour. There are no conditions applicable to offices at this noise level.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Kroll to recommend the ALUC approve a Conditional Finding of Consistency for the Fresno/Browning office project proposal and related Rezone/Development applications submitted by the City of Fresno. A vote was called for and the motion carried.

#### **E. City of Fresno / TEF Multi-Family Housing Project and Related Actions (Brenda Veenendaal)**

Brenda Veenendaal reported on this item. Nick Yovino, Jr., on behalf of TEF Group Inc., had filed the following applications pertaining to a total of ±8.48 acres of property located on the west side of South Peach Avenue, just south of its intersection with East Tulare Street:

- Annexation Application No. P19-06059
- Plan Amendment Application No. P19-06060
- Pre-zone Application No. P19-06060
- Development Permit Application No. P19-0606

Annexation Application No. P19-06059 proposes to initiate annexation proceedings for the Tulare-Peach No. 3 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection District.

Plan Amendment Application No. P19-06060 proposes to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designation for the subject property from Residential – Medium Density to Residential – Urban Neighborhood.

Pre-zone Application No. P19-06060 proposes to pre-zone the project property of ±4.30 acres from the Fresno County RA NB (Single Family Residential Agriculture/Neighborhood Beautification) zone district to the RM-2 (Residential Multi-Family, Urban Neighborhood) zone district, ±2.55 acres from the Fresno County RA NB (Single Family Residential/Neighborhood Beautification) zone district to the RS-5 (Residential Single-Family, Medium Low Density) zone district, ±0.52 acres from the Fresno County AL20

(Limited Agriculture) zone district to the RS-5 (Residential Single-Family, Medium Low Density) zone district, ±0.22 acres from the Fresno County C1 (Neighborhood Shopping Center) zone district to the CC

Commercial – Community) zone district, and ±0.18 acres from the Fresno County R2 NB (Low Density Multiple Family Residential) zone district to the RS-5 (Residential Single-Family, Medium Low Density) zone district.

Development Permit Application No. P19-06061 requests authorization to construct a 129-unit multi-family development in an RM-2 (Residential Multi-Family, Urban Neighborhood) zone district, subject to compliance with the Conditions of Approval, and contingent upon approval of Annexation Application No. P19-06059, Plan Amendment Application No. P19-06060, Pre-zone Application No. P19-06060 and the related environmental assessment.

The project is located within Safety Zone 6, the Traffic Pattern Zone (TPZ) of Fresno Yosemite International Airport.

The ALUCP restrictions on density and open land for the Zone 6 - TPZ are not expected to be an issue for this project as there are no restrictions on dwelling units per acre and the required open land is just 10%.

Other prohibited land uses in the TPZ include high-intensity uses, as well as hazards to flight. This project's maximum height is 40 feet at the peak of the third story and therefore requires an FAA determination of no hazard to air navigation for which TEF Group, Inc has filed.

The proposed project is located outside of the airport's noise contours.

A motion was made by Commissioner Rapada and seconded by Commissioner Yrigollen to recommend the ALUC approve a Conditional Finding of Consistency for Annexation Application No. P19-06059, Plan Amendment Application No. P19-06060, Pre-zone Application No. P19-06060 and Development Permit Application No. P19-06061 for the TEF Multi-Family Housing Project. A vote was called for and the motion carried.

#### **F. City of Fresno / KB Homes Development and Related Actions (Braden Duran)**

Braden Duran reported on this item. The City of Fresno, on behalf of Precision Engineering and KB Homes, has submitted:

- Plan Amendment Application P20-00577
- Rezone Application P20-00577
- Planned Development Application P20-00845
- Vesting Tentative Tract Map 6299/UGM

These applications pertain to a total of ±22 acres of property located on the southeast corner of East Belmont and North Armstrong Avenues in the City of Fresno.

The series of applications were needed to achieve the proposed final project, which is a 215-lot single-family residential development by KB Homes.

The Plan Amendment Application was needed to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designation for the subject property from Residential – Low Density to Residential – Medium Density, as well as the realignment of a planned trail that was to be relocated along the east side of N Armstrong Ave.

The Rezone Application was needed to rezone the subject property from the RS-3/UGM (Residential Single-Family, Low Density/Urban Growth Management) zone district to RS-5/UGM (Residential Single-Family, Medium Density/Urban Growth Management) zone district.

The Planned Development Application proposes to then modify the RS-5 zoning development standards to allow for reduced setbacks, reduced lot sizes, and reduced lot depths for the proposed detached single-family residences.

Finally, the Vesting Tentative Tract Map proposes to subdivide the property into the 215-lot single-family residential development, subject to all conditions of approval and environmental assessment.

The site was located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. 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 included high-intensity uses, as well as hazards to flight. This project requires an FAA determination of no hazard to air navigation and had filed for that analysis.

Other Development Conditions Included:

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

This proposed project does fall inside the 60db noise contour for Fresno Yosemite International Airport. Per Table 3B on page 3-12 of the Airport Land Use Compatibility Plan, the developer is subject to the conditions of sound-insulating and granting an aviation easement to the airport operator. These conditions apply to all new residential uses inside the noise contours of all decibel levels.

A motion was made by Commissioner Kroll and seconded by Commissioner Darnell to recommend that the ALUC approve a Conditional Finding of Consistency for the KB Homes project and all related applications by the City of Fresno. A vot was called for and the motion carried.

#### **G. City of Fresno Text Amendment P19-02978 (Braden Duran)**

Braden Duran reported on this item. The City of Fresno is proposing Text Amendment Application P19-02978 that proposes to allow for cannabis cultivation, distribution, manufacturing, testing laboratories, and retailers within the City limits of Fresno, CA.

This amendment was brought before the ALUC for their finding of consistency, ensuring that no action that will result of this text amendment will come into conflict with the ALUCP. Under this text amendment, there are a variety of parameters laid out for locations of cultivation, distributing and manufacturing of cannabis, testing laboratories for cannabis, and cannabis retailers. While no specific locations have been defined, they are all going to be located in certain areas depending on the type of facility that it is.

Of particular note, there is a limit of 16 places for cultivation, distribution, and manufacturing locations, set inside defined areas such as the “Cannabis Innovation Zone”. Additionally, there are 21 total possible cannabis retail locations, 2 for each council district plus an additional 1 that can be further approved upon further Council Resolution. Hours of operation will be limited from 6:00am to 10:00pm. They will be restricted to the following zoning districts:

- DTN (Downtown Neighborhood)
- DTG (Downtown General)
- CMS (Commercial Main Street)
- CC (Commercial Community)
- CR (Commercial Regional)
- CG (Commercial General)
- CH (Commercial Highway)
- NMX (Neighborhood Mixed-Use)
- CMX (Corridor/Center Mixed Use)
- RMX (Regional Mixed-Use) zone districts

In addition, retailer buildings would be required to maintain a minimum distance of 800 feet from any property boundary containing another cannabis retailer, school, daycare center, or youth center (i.e. parks, playgrounds, facilities hosting activities for minors).

Last, the ordinance that prohibits all cultivation does not apply to private residences with 6 plants or less that are grown indoors or to any person/property that obtains a City commercial cannabis business permit.

The proposed text amendment would allow for commercial cannabis uses citywide. There is no specific project site proposed for commercial cannabis uses at this point. If the proposed text amendment is adopted, proposed development for a specific site would then be submitted to the Planning and Development Department for review. Any location proposing a commercial cannabis use located within a Safety Zone would be required to comply with all Noise and Safety provisions of the Airport Land Use Compatibility Plan.

A moiton was made by Commissioner Yrigollen and seconded by Commissioner Kroll to recommend the ALUC approve a finding of consistency for the City of Fresno's proposed Text Amendment Application P19-02978. A vote was called for and the motion carried with two obstaintions.

#### **H. ALUCP Amendment Process Clarification and Possible Initiation (Brenda Veenendaal)**

Brenda Veenendaal reported on this item. At the April 2020 ALUC meeting staff was tasked with seeking clarity on key questions surrounding the Airport Land Use Compatibility Plan amendment process.

For reference, the Fresno County ALUCP included the following paragraph on pages 1-11 and 1-12 regarding amendments:

Major amendments (revising the policies in a manner that would change their applicability to a public agency, adding new policies, or revising maps) to the compatibility plan cannot be done more than once per calendar year. Minor amendments (addressing grammatical, typographical, or minor technical errors that do not affect policies or the manner in which those policies are applied) can be done as often as needed. ALUCP amendments may address any issue deemed appropriate by the ALUC. State law also requires that the ALUC review updates to airport master plans, airport layout plans, and proposals for airport expansion.

The ALUCP must be amended as needed to reflect updates and revisions to airport plans. As directed, staff conferred with Coffman Associates, the consulting firm employed by the Fresno County ALUC who developed the current, adopted plan. The clarifying questions were as follows:

1. What is the duration of an amendment? i.e. how long would it take?
2. How much would minor/major amendments cost to complete?
3. What is the process for a minor amendment?
4. Are there policies within appendices?
5. What is in an appendix that would trigger a major amendment?
6. Is there any funding available to ALUC's for amendments?
7. Further, define the difference between a minor and major amendment.

Coffman Associates' answers to each question are below:

1. What is the duration of an amendment? How long would it take?

Response: Minor amendments would take approximately 3-4 weeks to complete. This included time to coordinate with staff on the changes to be made and printing the updated documents once the changes had been approved by the ALUC.

2. How much would minor/major amendments cost to complete?

Response: Minor updates are estimated at \$5,000 for update work and document reprinting. Any of the revisions that would result in changes to the policies or maps of the document would be considered a major amendment. Because many of the policies are interconnected, a major amendment would take additional time and analysis. This would likely cost around \$15,000.

For this type of work we'd suggest setting up a "time and expenses" arrangement which would allow for changes and modifications as we move through the process. After we wrapped up the ALUCP, we sent you a proposal for this type of on-call arrangement but it was not needed. If you receive direction to move forward with the revisions we discussed, we'd be happy to send over an updated version of that proposal.

3. What is the process for a minor amendment?

Response: You may want to get clarification from your legal counsel on this, but it is our understanding that to make minor amendments the proposed changes would need to be presented to the ALUC during a regular meeting. At that time, the ALUC would consider the amendments and then take action to approve the revisions.

4. In light of this statement from Caltrans Airport Land Use Planning Handbook: “Any of the revisions that would result in changes to the policies or maps of the document would be considered a major amendment,” are there policies within our appendices? The safety zones maps are in our appendices for each airport. But they are based on policies within the plan. (Questions 4 and 5 were answered together after question 5, see below)

5. What is in our appendices that would trigger a major amendment?

Response: There were no policies in the appendices. However, because the policies direct the ALUC and the public to the maps in the appendices for implementation of the plan, revising the maps would be considered a major amendment. Amendments to the appendices that have background or other supporting information would not likely be considered a major amendment.

6. Is there any funding available to ALUC's for amendments?

Response from staff: Staff presented a verbal update on this at the meeting.

7. Further, define the difference between a minor and major amendment.

Response from staff: I believe the answers to previous questions accomplish this request.

Commissioner Duarte commented on Brenda's presentation content. It would be wise to speak to all airports to gather all requests for amendment between now and the August meeting:

Entertain issues, concerns or modifications that airports may have  
Take those at one time into the amendment process.

Commissioner Kroll said that creating a tickler list of things to look at is a good idea. Commissioner Yrigollen agreed.

Commissioner Duarte gave direction to staff to contact the airports for any requested content changes. Or any upcoming ALP or master plan changes.

### **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 (regular schedule)

- August 3, 2020
- October 5, 2020
- December 7, 2020



**Adjournment:**

A Motion was made by Commissioner Darnell and seconded by Commissioner Kroll to adjourn the meeting at 3:31 pm. A vote was called for and the motion carried.