

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Thursday, August 8, 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:

ABSENT: **Commissioners:** Sal Quintero, Nathan Magsig, Bob Beck
Proxies: Mark Davis, Steve Rapada, Dwight Kroll

OTHERS ATTENDING:

Brenda Veenendaal, Fresno COG
Braden Duran, Fresno COG Staff
Lindsay Beavers, Fresno County Counsel
Kelsey George, City of Fresno

Dan Zack, Assistant Director, City of Fresno,
Planning and Development Department
Nick Yovino, Consultant

2. Action/Discussion Items

A. Action Summary of the June 1, 2020, ALUC Meeting (Brenda Veenendaal)

A motion was made by Commissioner Yrigollen and seconded by Commissioner Darnell to approve the June 1, 2020, Fresno County Airport Land Use Commission Action Summary. A vote was called for and the motion carried.

B. City of Fresno Focused Infill Overlay District Text Amendment P20-02213 (Braden Duran)

Braden Duran reported on this item. The City of Fresno was proposing Text Amendment Application P20-02213 that proposed to modify use regulations by creating section 15-1614 of the Fresno Municipal Code to create a Focused Infill Overlay District within the City of Fresno boundaries.

In summary, the purpose of the Focused Infill Overlay District is to facilitate more intensive development of parcels in existing MX, CMS, and CR zoning at strategic points along transit corridors in order to support transportation use, housing production, and economic revitalization.

As proposed, the proposed Text Amendment includes:

1. **1. Residential Density.** The maximum permitted residential densities for various base districts shall be as follows:
 1. **NMX, CMS, CR:** 48 du/ac
 2. **CMX:** 90 du/ac
 3. **RMX:** 135 du/ac

Text Amendment P20-022013 was exempt from CEQA pursuant to the commonsense exemption set forth in Section 15061(b)(3) of the CEQA Guidelines.

ALUC Staff noted that while no new development or construction is a direct result of this text amendment, an expectation was that any future development located in a Focused Infill Overlay District will conform to all Fresno County Airport Land Use Compatibility Plan regulations, including limitations on dwelling units in certain airport safety zones.

A motion was made by Commissioner Darnell and seconded by Commissioner Yrigollen to approve a Finding of Consistency for the City of Fresno's proposed Text Amendment Application P20-02213. A vote was called for and the motion carried.

C. City of Fresno Alcoholic Beverage Control Text Amendment - P20-02212 (Braden Duran)

Braden Duran reported on this item. The City of Fresno was proposing Text Amendment Application P20-02212 that proposes to modify use regulations for alcohol sales for off-site consumption within the City of Fresno boundaries.

In summary, Text Amendment Application No. P20-02212 proposed to amend the Citywide Development Code and modify section 15-2706 for alcohol sales. It was initiated pursuant to Fresno City Council Resolution No. 2019-090 as the Responsible Neighborhood Market Act. The Responsible Neighborhood Market Act authorized additional regulations to off-site consumption alcohol licenses to the Citywide Development Code.

The proposed text amendment would require additional regulations be met prior to obtaining an off- site alcohol sales license with the Alcohol Beverage Control Department (ABC).

As proposed, the proposed Text Amendment included:

1. **Changes to the Location Restrictions for New Establishments.**
2. **Implementation of a Citywide Ratio.**
3. **Additional provisions and regulations to permitted signage.**
4. **Exceptions to Prohibited Products and Single Containers.**
5. **Implementation of a Surrender and Transfer ratio.**

Text Amendment P20-022012 was exempt from CEQA pursuant to the commonsense exemption set forth in Section 15061(b)(3) of the CEQA Guidelines.

ALUC Staff noted that no new development or construction is a direct result of this text amendment, and that any development that falls under these new ABC rules will conform to all Fresno County Airport Land Use Compatibility Plan regulations, including limitations on land uses in certain airport safety zones.

A motion was made by Commissioner Remy and seconded by Commissioner Darnell to approve a finding of consistency for the City of Fresno's proposed Text Amendment Application P20-02212. A vote was called for and the motion carried.

D. City of Fresno Plan Amendment and Rezone Application P20-00213 (Braden Duran)

Braden Duran reported on this item. The City of Fresno, on behalf of Dirk Poeschel of Dirk Poeschel Land Development Services, Inc., had filed Plan Amendment & Rezone Application No. P20-00213 pertaining to a total of ±3.98 acres of developed property located on the west side of North Chestnut Avenue, between East International and East Behymer Avenues.

The Plan Amendment application proposed to amend the Fresno General Plan to change the planned land use designations for the subject properties from Employment, Office to Residential Urban Neighborhood Density.

The Rezone Application proposed to rezone the Official Zoning Map of the City of Fresno to rezone the subject properties from the O/UGM/cz (*Office/Urban Growth Management/conditions of zoning*) zone district to the RM-2/UGM/cz (*Residential Multi-Family, Urban Neighborhood/Urban Growth Management/conditions of zoning*) zone district in accordance with the Plan Amendment application. No physical improvements are proposed with these applications

These amendments are needed to fulfill the Owner's desire to rezone the site to build apartments. Since this project was not located in an airport traffic pattern zone, the ALUC will only consider the Plan Amendment and Rezone Application. The owner intends to build 56 units of apartments on the site at a preliminary site plan density estimate of approximately 16 units per acre.

The site is NOT located within any airport traffic pattern zone. It is therefore not subject to any ALUCP limitations but is still expected to follow any City rules and limitations. This project has filed for a FAA determination of no hazard to air navigation. A project map has been provided as an attachment to this item.

The site did not fall in any airport noise contours.

A motion was made by Commissioner Darnell and seconded by Commissioner Remy to approve a Conditional Finding of Consistency for the City of Fresno Plan Amendment and Rezone Application P20-00213 by the City of Fresno. A vote was called for and the motion carried.

E. Jensen and Maple Mixed-Use Development (Braden Duran)

Braden Duran reported on this item. The City of Fresno, on behalf of Nick Yovino, had filed Plan Amendment & Rezone Application No. P20-00635, Conditional Use Permit Application No. P20-00636 and ABC Conditional Use Permit Application No. P20-00824, pertaining to a total of ±12.21 acres of vacant property located on the northeast corner of East Jensen and South Maple Avenues.

The Plan Amendment proposed to amend the Fresno General Plan to change the planned land use designations for the subject property from Residential, Urban Neighborhood (±3.53 acres), Commercial Community (±2.15 acres) and Employment, Light Industrial (±5.9 acres) to Residential, High Density (±3.38 acres), Commercial Community (±5.36 acres) and Employment, Light Industrial (±3.5 acres).

The rezone application proposed to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM- 2/UGM (Residential Multi-Family, Urban Neighborhood/Urban Growth Management)(±3.53 acres), CC/UGM (Community Commercial/Urban Growth Management)(±2.15 acres) and IL/UGM (Light Industrial/Urban Growth Management) (±5.9 acres) zone districts to the RM-3/UGM (Residential Multi-Family, High Density/Urban Growth Management)(±3.38 acres), CC/UGM (Community Commercial/Urban Growth Management)(±5.36 acres) and IL/UGM (Light Industrial/Urban Growth Management)(±3.5 acres) zone districts.

Conditional Use Permit Application P20-00636 requests authorization to construct a four-story, ±170,000 square-foot, 150-unit multi-family building, ±71,000 square-feet of office and retail space with some drive-throughs, fueling canopy with eight (8) fueling pumps, on-site and off-site improvements on a ±12.18 acre site.

ABC Conditional Use Permit Application No. P20-00824 requests authorization to establish a California Alcoholic Beverage Control (ABC) Type 20 alcohol license which authorizes the sale of beer and wine for consumption off the premises where sold for the proposed ±4,000 square-foot service station.

These amendments were needed to achieve a proposed integrated mixed use development project consisting of community commercial, light industrial, and multifamily residential uses.

The project would be developed as an integrated mixed-use project as depicted on the site plan and tentative parcel map.

Proposed by parcel:

- Parcel A (1.49 AC) – Would contain a gasoline service station, carwash, and 4,000 square foot specialty store. The specialty store could sell perishable and non-perishable items, provide food services, and sell beer and wine as an incidental use. The alcohol sales would be limited to 5% (approximately 200 square feet) of the building area. The gasoline station would have 8 pumps, and the car wash would be a drive through facility.
- Parcel B (2.01 AC) – 5,000 square foot fast food restaurant with a drive through window.

- Parcel C (0.97 AC) – Single building with 5,500 square feet of retail space, and a 2,000 square foot coffee shop with a drive through window.
- Parcel D (0.94 AC) – 11,450 square foot medical office building.
- Parcel E (0.87 AC) – 8,740 square foot retail building.
- Parcel F (0.78 AC) – 10,000 square foot bank and retail building.
- Parcel G (1.23 AC) – 12,000 square foot retail building.
- Parcel H (0.36) – 3,000 square foot retail building.
- Parcel I (0.39 AC) – 5,000 square foot office building.
- Parcel J (2.63 AC) – 150 multifamily / four-story residential units and 4,000 square foot day care center.
- Parcel K (0.51 AC) – Vacant.

The developer notes that:

- The site will be developed with integrated architecture, circulation, and landscaping.
- The project is a reconfiguration of already planned and zoned property to better implement existing mixed use and increased density goals policies of the City's General Plan.
- The conditional use permit will cover the alcohol sales and both drive through windows.
- The operational statement for the daycare will be filed separately by the facility proponent.
- A traffic study has been completed pursuant to City requirements.
- Required air quality, cultural, and biological studies are being completed to assist the City in the preparation of the environmental finding.
- The project will be phased, with the intersection Parcel A being developed first.
- Three access points are proposed along Jensen Avenue (super arterial) and two points along Maple Avenue (arterial). Each street would have one left turn access.
- The residential portion of the property is designated a Housing Element site, requiring 57 low and/or very low affordability units.
- Required public informational neighborhood meeting was held November 20, 2019.

Extensive site plan diagrams and safety zone maps are available as an attachment to this item.

The site was NOT located within any airport traffic pattern zone. It is therefore not subject to any ALUCP limitations but is still expected to follow any City rules and limitations. This project had filed for a FAA determination of no hazard to air navigation.

Furthermore, the project is not located in any airport noise contours.

A motion was made by Commissioner Darnell and seconded by Commissioner Yrigollen to approve a Conditional Finding of Consistency for the Jensen and Maple Mixed-Use Development Project and related applications by the City of Fresno. A vote was called for and the motion carried.

F. City of Fresno Plan Amendment/Rezone Application No. P20-00957 (Brenda Veenendaal)

Brenda Veenendaal reported on this item. Barigye McCoy of Tutelian & Co had filed Plan Amendment & Rezone Application No. P20-00957 pertaining to a total of ±18.9 acres of developed property located on the west side of North Palm Avenue, between

West Nees and West Fallbrook Avenues. It proposes to amend the 2035 Fresno General Plan to change the planned land use designations for the subject properties from Employment, Office (±16.7 acres) and Employment, Light Industrial (±2.2 acres) to Commercial Community (±18.9 acres).

Rezone Application No. P18-03443 proposed to rezone the Official Zoning Map of the City of Fresno of subject properties from the O/UGM/cz (Office/Urban Growth Management/conditions of zoning)(±16.7 acres) and IL/UGM/cz (Light Industrial/Urban Growth Management/conditions of zoning)(±2.2 acres) zone districts to the CC (Community Commercial)(±18.9 acres) zone district in accordance with Plan Amendment Application No. P20-00957.

The proposed project was a cleanup plan amendment and rezone for the existing shopping center at the subject address. In 2010, the existing development was approved by Plan Amendment Application No. A-09-08, Rezone Application No. R-09-016 and Conditional Use Permit Application No. C-09-230. Plan Amendment Application No. A-09-08 proposed to amend the 2025 Fresno General Plan to change the planned land use designations from the Office-Commercial and Light Industrial to the Community Commercial planned land use designation. Rezone Application No. R-09-016 proposed to rezone the subject properties from the C-P/UGM/cz (Administrative and Professional Office/Urban Growth Management/conditions of zoning) and the C-M/cz (Commercial and Light Manufacturing/conditions of zoning) zone districts to the C-2/UGM/cz (Community Shopping Center/Urban Growth Management/conditions of zoning) zone district. However, in 2016 during the City of Fresno General Plan update the official plan land use and zoning classifications were reverted back to the Office and Light Industrial which were not consistent with the intent of Plan Amendment Application No. A-09-08 and Rezone Application No. R-09-016.

The proposed Plan Amendment/Rezone Application No. P20-00957 will change the planned land use and zoning classification to be consistent with the previously approved Plan Amendment Application No. A-09-08 and Rezone Application No. R-09-016 which will maintain a land use designation of Commercial Community and a zoning classification of CC/UGM/cz (Community Commercial/Urban Growth Management/conditions of zoning). No physical improvements are proposed, and no intensification of the current uses will occur.

The subject property is located outside of all airport noise contours and within the Zone 7 of FAT/FYI. The only requirement of that zone is that no object shall have a height that would penetrate the airspace protection surface of the airport. An FAA 7460 has been filed for a determination of no hazard.

A motion was made by Commissioner Darnell and seconded by Commissioner Remy to approve a Conditional Finding of Consistency for the City of Fresno's Plan Amendment/Rezone Application No. P20-00957. A vote was called for and the motion carried.

G. County of Fresno Tentative Parcel Map Waiver Application No. 20-20 (Braden Duran)

Braden Duran reported on this item. The County of Fresno, on behalf of Valley Nut Growers, LO, had submitted a Tentative Parcel Map Waiver Application No. 20-20 and Environmental Review Application No. 7898 that pertained to a total of ±472.65 acres of property generally located at the northeast corner of W. Phelps Avenue and S. San Mateo Avenue, approximately 1.6 mile east of the nearest city limits of the City of Coalinga.

The applications were needed to subdivide the land into three similarly sized lots. The parcel would remain in the AE-20 zoning district but would be divided into a 161.04-acre parcel, a 158.55-acre parcel, and a 153.06-acre parcel. No new development is considered in these applications.

The corresponding Environmental Review Application was needed for the County to review environmental effects, as mandated by CEQA, and for conformity with plans and policies of the County. Based on the review, a determination will be made regarding conditions that may need to be imposed on the project, including necessary on-site and off-site improvements.

The site is located within Zones 3, 5, and 6 of the Coalinga Municipal Airport. Respectively, these zones represent the Inner Turning Zone (ITZ), Sideline Zone (SZ), and the Traffic Pattern Zone (TPZ). Specific site location was shown on the map included as an attachment to this agenda item. The ALUCP has more strict restrictions on land uses within Zone 3 compared to 5 and 6, however this project does not fall under any restrictions as it is exclusively agricultural with no development being built.

This proposed project did not fall within any noise contours.

A motion was made by Commissioner Remy and seconded by Commissioner Yirgollen to approve a Finding of Consistency for the County of Fresno Tentative Parcel Map Waiver Application No. 20-20. A vote was called for and the motion carried.

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

Brenda Veenendaal reported on this item. At the June meeting the Commissioners directed staff to contact each airport to collect a list of any/all issues, concerns or modifications that airports may have regarding the current ALUCP. Due to staff's server data loss, all current airport contact lists were lost. So, staff developed a new airport contact list and began reaching out to each airport operator. Unfortunately, due to the pandemic staff had not gotten very much response. Therefore, staff will continue to obtain needs for possible ALUCP amendments from each airport included in the plan and will share with the ALUC any needs collected to date.

Initiation of an amendment process for the Fresno County Airport Land Use Compatibility Plan.

The Commissioners provided direction to Ms. Veenendaal on moving forward. They directed her to connect with the airport operators and gather their thoughts regarding needed ALUCP amendments. Once that information is collected and reported to the ALUC, staff may begin drafting a contract for services.

Ms. Veenendaal said she will set up meeting with the operators and if nothing comes out of the meetings then they will go forward.

All the commissioner's concurred with the direction.

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.**

4. Other Business

A. Items from Members

B. Items from Staff

1. Upcoming meetings (regular schedule)

- October 5, 2020
- December 7, 2020

Adjournment:

A Motion was made by Commissioner Darnell and seconded by Commissioner Yrigollen to adjourn the meeting at 3:12 pm. A vote was called for and the motion carried.