

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, March 04, 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 2:06 p.m. and also led the flag salute.

ROLL CALL

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

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

OTHERS ATTENDING:

Brenda Veenendaal, Fresno COG Staff	Arynn Ramage, Outfront Media
Stephanie Maxwell, Fresno COG Staff	Casey Ogata-Tran, SAC Wireless
Lindsay Beavers, Fresno County Counsel	Jarred Olsen, City of Fresno
Mark Duran, Outfront Media	Nina Rizzo, City of Fresno
Trenton Suntrapak, Outfront Media	Scott Dunaway, D4 Communications

2. Action/Discussion Items

A. Minutes of the February 4, 2019 ALUC

A motion was made by Commissioner Rapada and seconded by Commissioner Beck to approve the February 4, 2019 Fresno County Airport Land Use Commission minutes. A vote was called for and the motion carried.

B. Development Permit Application No. P18-02898, City of Fresno on behalf of OUTFRONT Media (Staff: Brenda Veenendaal)

Brenda Veenendaal reported on this item. Development Permit Application No. P18-02898 proposes the construction of a 65-foot high digital LED back-to-back billboard. The billboard dimensions will be 14-feet high by 48-feet wide. It would sit at the northwest edge of Zone 3: Inner Turning Zone of Fresno Air Terminal, adjacent to the Inner Approach/Departure Zone. Within this zone ALUC review was required for any proposed object taller than 35 feet AGL. Federal Aviation Administration review may be necessary for proposed objects adjacent to the runway edges.

As stated in the Fresno County ALUCP, 3.4.5, page 3-18 Other Flight Hazards:

New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics of land use proposals to be evaluated include:

- (a) Glare or distracting lights which could be mistaken for airport lights;
- (b) Sources of dust, steam, or smoke which may impair pilot visibility;
- (c) Sources of electrical interference with aircraft communications or navigation;

The criteria for limiting the height of structures, trees, and other objects in the vicinity of an airport shall be based upon 14 CFR Part 77, Subpart C, and applicable airport design standards published by the Federal Aviation Administration. Airspace plans depicting the critical areas for airspace protection are depicted in the ALUCP, Appendix D, Exhibit D3.

Section 3.4.6, page 3-19: (d) Any project submitted to the ALUC for airport land use compatibility review for which FAA notification is required shall include a copy of the e CFR Part 77 notification to the Federal Aviation Administration and the FAA findings, if available.

The City of Fresno had submitted a Part 77 review request for this project, but they have not received a response as of yet. They are aware that the height of the sign may be of issue. Staff and city staff were researching requirements for lighting, as one side of the sign faces the approach.

Avigation Easement Dedication: As a condition for development approval, the owner of any property proposed for development within Safety Zones: 1 (RPZ), 2 (IADZ), 3 (ITZ), 4 (OADZ), and 5 (SZ) shall be required to dedicate an avigation easement to the entity owning the affected airport. The avigation easement shall: (a) Provide the right of flight in the airspace above the property; (b) Allow the generation of noise and other impacts associated with aircraft overflight; Compatibility Policies and Criteria 3-17 (c) Restrict the height of structures, trees, and other objects; (d) Permit access to the property for the removal or aeronautical marking of objects exceeding the established height limit; and (e) Prohibit electrical interference, glare, and other potential hazards to flight. The City of Fresno was aware that an avigation easement is required.

The project was not within airport noise contours, but an Airport disclosure notice was required.

Jarred Olsen explained the 65 foot LED digital back to back bill board that they will be putting up. Mr. Olsen distributed specifications for the bill board from the applicant to the committee and it appears that it will comply with the outdoor advertising AAA lighting guidelines.

Commissioner Duarte asked if the City of Fresno would initially require the height limitation to be 60 feet opposed to 65 and identifying to the light levels day time and otherwise. Mr. Olsen replied yes.

Commissioner Rapada expressed that the determination by Federal Aviation had expired on February 16, 2019 and asked if it will be done again. Mr. Olsen replied that it would be. Commissioner Rapada commented that with the height and the proximity of the billboard what are the concerns of birds landing on it. Mark Duran and Trenton Suntrapak with Outfront Media responded to the concerns on the lighting and the birds landing on the billboard. Mr. Duran refers the packet that was distributed showing the light information that shows where the billboard will be located and which way the sign would face. Mr. Duran also said that they would put bird spikes on top on top of the billboard to detour the birds.

Commissioner Duarte expressed his concerns with the lighting and would like more information. Mr. Suntrapak explained that there are other states that have this kind of billboard and will get the research to get a general since of proximity to show how they are working out in the locations of those states so that the committee can review and get a better understanding from the same set up.

A motion was made by Commissioner Yrigollen and seconded by Commissioner to table this item pending the applicant provide the committee with more information from the different location set up of the billboards from other state locations and the FAA notice of no air hazard. A vote was called for and the motion carried.

C. Conditional Use Permit Application No. P18-02352, City of Fresno on behalf of SAC Wireless (Staff: Brenda Veenendaal)

Brenda Veenendaal reported on this item. Conditional Use Permit Application No. P18-02352 requested authorization to construct an 80-foot high unmanned wireless telecommunication facility (WTF) for co-location in a 625 square foot lease area. Specially located at 309 West Nielsen Avenue, it would sit on the south side of West Nielsen Avenue between North Fruit and North Thorne Avenues.

This address sits within Zone 6, Traffic Pattern Zone of Fresno Chandler Executive Airport. (Map was attached) Within this zone, safety concerns for a structure of this type would include only Hazards to Flight. However, a "Determination of No Hazard to Air Navigation" was granted on April 12, 2018 and was attached for Commission review.

An Airport Disclosure Notice was required.

Casey Ogata-Tran with SAC Wireless spoke on behalf of Verizon Wireless for the project and also answered questions from the committee.

A motion was made by Commissioner Rapada and seconded by Commissioner Yrigollen to Approve a Finding of Consistency for Conditional Use Permit Application No. P18-02352 requests authorization to construct an 80-foot high unmanned wireless telecommunication facility. A vote was called for and the motion carried.

D. Conditional Use Permit Application No. P18-02742 New cell tower, City of Fresno, SAC Wireless on behalf of Verizon Wireless (Staff: Brenda Veenendaal)

Brenda Veenendaal reported on this item. Conditional Use Permit Application No. P18-02742 for property located at 75 E Pinedale Avenue (APN: 30306210). The proposed project is a new Verizon Wireless 80' tall mono-pine unmanned telecommunication wireless facility in a 25' x 25' lease area on a vacant parcel.

This project would sit in Zone 7: Precision Approach Zone. Development conditions of this zone included the following:

No object shall have a height that would penetrate the airspace protection surface of the airport. Any object that penetrates one of these surfaces is, by FAA definition, considered an obstruction. A proposed object having a height that exceeds the airport's airspace protection surface shall be allowed only if, upon conclusion of the FAA's 7460 review process, the FAA determines that the object would not be a hazard to air navigation. Therefore, approval of a finding of consistency would have to be contingent upon the applicant receiving a "Determination of No Hazard to Air Navigation".

Casey Ogata-Tran with SAC Wireless spoke on behalf of Verizon Wireless for the project and also answered questions from the committee.

A motion was made by Commissioner Rapada and seconded by Commissioner Darnell to approve a Finding of Consistency for Conditional Use Permit Application No. P18-02742. A vote was called for and the motion carried.

E. Conditional Use Permit Application No. P18-02439 City of Fresno, D4 Communications, on behalf of T-Mobile (Staff Brenda Veenendaal)

Brenda Veenendaal reported on this item. Conditional Use Permit Application No. P18-02439 is before the Airport Land Use Commission for review and comment because it is within the area of influence under the new Airport Land Use Compatibility Plan. The proposed project is a new 75' tall mono-pine unmanned telecommunication wireless facility in a 40' x 40' lease area on a vacant parcel located at 210 W. Napa Avenue.

This location sits within Zone 6, Traffic Pattern Zone of Fresno Chandler Executive Airport. (Map was attached) Within this zone safety concerns for a structure of this type would include only Hazards to Flight. Therefore, approval of a finding of consistency would have to be contingent upon the applicant receiving a "Determination of No Hazard to Air Navigation".
An Airport Disclosure Notice was required.

Scott Dunaway representing T-Mobil explained this item to the committee and answered their questions.

A motion was made by Commissioner Rapada and seconded by Commissioner Beck to approve a Finding of Consistency for Conditional Use Permit Application No. P18-02439. A vote was called for and the motion carried.

F. Fancher Creek Business Park Expansion (Staff: Brenda Veenendaal)

The City of Fresno, on behalf of Fancher Creek Properties, proposed further development at the Fancher Creek Business Park located at 698 N. Laverne Ave in the City of Fresno.

The developer plans to improve on ± 3.2 acres of fallow land by the addition of a new 1-story light industrial warehouse building of approximately 52,000 rentable square feet, a yard for truck bays and other site specific activities, as well as a parking area for around 70 automobiles. The proposed maximum height of the warehouse is 34ft. The structure is intended to be occupied by users for the manufacture, sale, and distribution of goods and supplies including electrical supplies. Hazardous materials are not anticipated to be produced at this facility. Developers anticipate up to 20 users in the building during peak hours. The site will observe normal business hours 7 days a week. The expansion of the business park is located in proximity to other buildings of similar stature.

The site was located within Zone 6, the Traffic Pattern Zone (TPZ), of the Fresno Yosemite International Airport. Specific site location in the TPZ was 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. Open Space on the lot is projected to be around 65%, which meets the 10% minimum. Other prohibited land uses in the TPZ include outdoor stadiums or other high intensity uses, as well as hazards to flight.

Other Development Conditions Include:

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

Noise contours - This project sits just outside the 60db CNEL contour of Fresno Yosemite International Airport and is therefore not subject to any special requirements related to the attenuation of aircraft noise per Table 3B of the ALUCP on page 3-12.

Further, staff noted that this project sits just off the approach and departure path for runways at Fresno Yosemite International Airport, with potential concerns relating to possible bird attractants at the site as a result of landscaping standards. The site specifications document provided for review state lighting shall be hooded and adhere to illumination standards that do not cause nuisance, which is satisfactory to staff.

Jarred Olsen with the City of Fresno spoke on this item. Commissioner Duarte asked if the City of Fresno requested that the applicant provide an Avigation Easement for air traffic over because it is directly in line with it. Mr. Olsen answered that it was not to his knowledge but that it was something typically commented on by the airports division. If an Avigation Easement is a requirement then it would made a condition prior to a certificate of occupancy for the structure.

Commissioner Duarte suggested that if the ALUC makes a finding of consistency it be made contingent upon an Avigation Easement by the applicant.

A motion was made by Commissioner Rapada and seconded by Commissioner Darnell to recommend that the ALUC approve a Finding of Consistency with a contingent upon an Avigation Easement by the applicant for the P18-03894 for the expansion of the Fancher Creek Business Park. A vote was called for and the motion carried.

G. Selection of ALUC Public-at-Large member

Per PUC Section 21670(b), each ALUC shall consist of seven members. One of the positions is for a representative of the general public, and it is appointed by the other six ALUC members. Most recently Commissioner Woody Gregory sat on the ALUC in that position, but has resigned.

The remaining six members are being asked to select a new Public-At-Large ALUC Commissioner. The term of office is four years (PUC Section 21671.5(a)). All terms are to end on the first Monday in May. The terms of membership are staggered so that no more than two commissioner terms expire in the same year (see PUC Section 21671.5(a) for the exact procedure). Members serve at the pleasure of the body which appointed them and may be removed at any time without cause. Vacancies will be filled by the body that originally appointed that commissioner.

As of the date of this agenda release, staff had not received any requests from the public-at-large for appointment consideration. However, the members may nominate and select a member at the March 4, 2019 meeting, or hold the position open until a candidate can be found.

Reminder: Each member of the ALUC shall appoint one proxy to represent him or her in commission affairs and to vote on all matters when the member is not in attendance. The proxy must be made in writing and kept on file with the ALUC. The proxy serves at the pleasure of the member who appointed him or her. A vacant proxy position shall be promptly filled (PUC Section 21670(d)).

Commissioner Duarte nominated Commissioner Bill Darnell.

A motion was made by Steve Rapada and seconded by Commissioner Yrigollen to have Commissioner Bill Darnell replace Commissioner Woody Gregory as Commissioner at Large. A vote was called for and the motion carried.

3. Public Presentation

None

4. Other Business

a. Items from Staff

None

b. Items from Members

Commissioner Yrigollen thanked the staff for providing the Commissioners with the graphics that show where the projects are taking place, they are very helpful.

5. ADJOURN

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