

FRESNO COUNTY AIRPORT LAND USE COMMISSION Action Summary

Date: Monday, July 1, 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

2. **Action/Discussion Items**

A. **Minutes/Action Summary of the June 3, 2019 ALUC Meeting**

A motion was made by Commissioner Duarte and seconded by Commissioner Remy to approve with corrections, the June 3, 2019 Fresno County Airport Land Use Commission Action Summary.

B. **City of Fresno- Barstow Commons Affordable Housing Project Proposal (Braden Duran)**

Braden Duran reported on this item. R.L. Davidson, Inc., on behalf of Fresno Housing Authority, is proposing the development of a parcel of land located at 130 W. Barstow Ave in the City of Fresno.

The Housing Authority was proposing to construct 42 units of affordable housing on ±2.77 acres of vacant land. These units will be available to families and individuals who are at or below 80% Area Median Income (AMI). Included in the development were 6 two-story buildings of various sizes as well as a 4,000 square foot community building. There were also approximately 59 parking stalls on the property. 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 40 feet. Site plan diagrams have been provided to the commission for visual reference. Staff noted that the Housing Authority is also seeking concessions from the City for both a reduction in allowable parking and allowable open space as it pertains to the City of Fresno's affordable Housing development code.

The site is located within Zone 7, the Precision Approach Zone (TPZ), 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 provided adequate language for both landscaping and lighting standards.

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 Rapada and seconded by Commissioner Darnell to approve a Finding of Consistency for Barstow Commons Affordable Housing Project Proposal. A vote was called for and the motion carried.

C. City of Fresno-Proposed Verizon Wireless Facility – Santa Fe Ave & W Palo Alto Ave (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 6575 N. Santa Fe Ave in the City of Fresno.

SAC Wireless was requesting a consistency determination for the facility whose proposal as to install a 70 ft. monoline style wireless communication facility on a leased 30x30 foot portion of the parcel located near an intersection of Santa Fe Ave and W Palo Alto Ave. The facility would 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. According to project documents provided to the commission, the 70-foot tower was to be constructed of steel using “stealth design” to disguise the tower as a tree.

While the facility itself will be unmanned, it is located in an area that included both residential and commercial uses. The property is zoned CC (Commercial Community) and is located within the Bullard Community Plan and Sierra Specific Plan areas. Verizon anticipates a small impact on the use of the parcel, with only one to two trips per month from technicians after a 2-3 month construction period. The roughly 900 square foot leased area will be enclosed by a six-foot concrete wall to prevent unauthorized access, and have its equipment cabinets locked. 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 Sierra Sky Park. 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 included outdoor stadiums or other high-intensity uses, as well as hazards to flight. The proposed maximum height of the tower is 70 feet. This proposed height required an airspace analysis under Part 77 from the FAA, with approval via a Form 7460-2 already received which yielded a “determination of no hazard to air navigation”.

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

Casey Ogadatan was present to answer any questions on behalf of Verizon Wireless.

A motion was made by Commissioner Yrigollen and seconded by Commissioner Beck to approve a Finding of Consistency for the Proposed Verizon Wireless Facility located at Santa Fe Ave & W Palo Alto Ave. A vote was called for and the motion carried.

D. City of Fresno - multi-tenant office warehouse building (Brenda Veenendaal)

Brenda Veenendaal reported on this item. E&L Construction is proposing individual development project at 1225 Clovis Avenue in the City of Fresno. The proposed project is a multi-tenant 22,929 square foot shell building for office warehouse tenants, with office space in the front of the building and warehouse space in back. The property is located within the Light Industrial Zone District.

The city of Fresno, on behalf of E&L Construction, is requesting a consistency determination for the facility. The site is located within Zone 6, the Traffic Pattern Zone (TPZ), of Fresno Air Terminal. Specific

site location in the TPZ is shown in the safety zone map included in your packet. The ALUCP restriction on non-residential intensity in this zone is 300 persons per acre, with an open land requirement of 10% for the parcel. Prohibited land uses in the TPZ include very high intensity uses such as outdoor stadiums and hazards to flight.

Other development conditions include an airport disclosure notice, airspace review for objects over 100 feet tall and new structures are prohibited on existing terrain that penetrates 14 CFR Part 77 surfaces. New structures also require additional airspace analysis required within the 50-foot terrain penetration buffer.

The proposed maximum height of the building is 24 feet. This proposed height does not require an airspace analysis under Part 77 from the FAA, confirmed by the FAA on May 15, 2019. See the attached FAA documentation.

The project falls inside of the Fresno Air Terminal 60 CNEL noise contour, but is compatible without restrictions as a wholesale trade or retail trade facility. Land uses within 60 CNEL noise exposure contours for which interior activities may be easily disrupted by noise, shall be required to comply with the following interior noise level criteria:

- (a) The maximum, aircraft-related, interior noise level that shall be considered acceptable for land uses near airports is 45 CNEL in office buildings with the windows closed.

Eric Vincent with E&L Construction was present to answer any questions.

A motion was made by Commissioner Beck and seconded by Commissioner Kroll to approve a Finding of Consistency for the proposed multi-tenant office warehouse building to be located at 1225 Clovis Avenue, Fresno CA 93727. A vote was called for and the motion carried.

E. City of Fresno notification of overrule of the ALUC's finding of inconsistency on the City of Fresno's land use plans and regulations proposal (Brenda Veenendaal)

Brenda Veenendaal reported on this item. The newly adopted Fresno County Airport Land Use Plan (ALUCP) requires local agencies to demonstrate consistency between the ALUCP and their local land use plans and regulations. City of Fresno staff is proposed to demonstrate consistency by adopting a Text Amendment to the Development Code which more clearly establishes that the ALUCP is the primary plan of record, and which adds a new finding of consistency with the ALUCP for all discretionary entitlements (Development Permits and Conditional Use Permits, for example).

This matter was considered by the Airport Land Use Commission at a special meeting on Monday, May 13, 2019. The item was continued to the regular meeting of June 3, 2019, at which time the Airport Land Use Commission 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 Development and Resource Management Department disagree with this determination and will recommend to the City Council to overrule that decision and find the City of Fresno's land use plans and regulations consistent with the ALUCP upon adoption of the Text Amendment.

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 must be received no later than July 29, 2019. The proposed overrule decision and accompanying findings were attached for Commissioners review and comment.

Commissioner Yrigollen asked if ALUC staff had received any verification that the City of Fresno contacted Caltrans Aviation regarding the overrule. Ms. Veenendaal replied that she had not received any confirmation as of yet.

Commissioner Rapada commented asked legal Counsel if her option changed in looking at the legal report that the City of Fresno has now sent to us. Lindsay Beavers County Counsel replied that as far as her opinion goes that it is not really black or white either way on how they would achieve their consistencies so they would feel that this is enough.

Commissioner Rapada and Commissioner Yrigollen expressed their concerns on this and felt that it could be a liability.

ALUC staff member Brenda Veenendaal suggested that the ALUC send a comment letter with a copy of the last ALUC meeting's minutes, a summarized list of the ALUCP finding of consistency requirements regarding general plans and land use plans, and a quick summary of the ALUCP overrule requirements.

Commissioner Duarte commented that in looking at the City of Fresno's overrule resolution he is not sure that the ALUC would have any recommendations for modifications. The resolution seems to have addressed all of the issues and identified the overrule procedure in the ALUCP requirements. It also identified that the ALUC found that the plans were inconsistent per the ALUCP requirements but acknowledged that the ALUC found the text amendment/ordinance consistent.

Commissioner Rapada agreed with Ms. Veenendaal in sending a letter with the verbiage that she identified would be sufficient.

Commissioner Duarte gave direction to staff to prepare the comment letter and attachments, and have the ALUC chair and co-chair review it. The commissioners will then review it at the next meeting.

A motion was made by Commissioner Rapada and seconded by Commissioner Beck to direct staff to draft the comment letter and attachments on behalf of the ALUC. 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)

- August 12, 2019 (*one week later than usual*)
- September 9, 2019 Note: this is the second Monday of the month.

The chair mentioned that should the City of Fresno pass their overrule then perhaps the extra meetings requested by the City of Fresno should be dropped, and the ALUC go back to their original schedule. Staff agreed to place this item on the August 2019 agenda.

2. Update on Cities required to submit a land use finding of consistency. (Veenendaal)

Seven cities and the County of Fresno still need to bring forward and Finding of Consistency for their land use plans. Staff will be contacting each city to remind them.

5. **ADJOURN**

A motion was made by Commissioner Beck and seconded by Commissioner Remey to adjourn the meeting at 2:43 p.m. A vote was called for and the motion carried.