

# **ADDENDUM**

## **REVIEW OF FRESNO COUNTY AIRPORT LAND USE COMPATIBILITY PLAN AMENDMENT**

**AND**

## **INITIAL STUDY/NEGATIVE DECLARATION**

**December 1, 2021**

### **INTRODUCTION**

The ALUCP provides policies for use by the Fresno County Airport Land Use Commission when evaluating compatibility between proposals for land use development in the vicinity of public use airports in Fresno County, California (Coalinga Municipal, Firebaugh, Fresno-Chandler Executive, Fresno Yosemite International, Harris Ranch, Reedley Municipal, Selma, Sierra Sky Park, and William Robert Johnston Municipal). Additionally, this plan incorporates the recommendations from the Air Installations Compatible Use Zones (AICUZ) Report for Naval Air Station (NAS), Lemoore, California that apply within Fresno County. The local agencies that have jurisdiction over land uses within the areas covered by this plan include, but are not limited to, Fresno County, and the Cities of Coalinga, Firebaugh, Fresno, Mendota, Reedley, and Selma. The plan is prepared in accordance with the requirements of the *California State Aeronautics Act*.

Since adoption of the Fresno County Airport Land Use Compatibility Plan in December 2018, staff and the Airport Land Use Commission have identified policies which may require revision or clarification to enhance implementation of the plan, specifically, guidance regarding vulnerable occupants within Safety Zone 6. The draft amendments will amend the plan to add development conditions in Safety Zone 6 for uses whose primary purpose is to serve vulnerable occupants, including children, the elderly, and people with disabilities.

While there is no specific guidance from Caltrans or FAA regarding vulnerable occupants within the Caltrans Airport Land Use Planning Handbook, it does state the following:

Uses with Vulnerable Occupants – Other types of land uses also tend to be given special deference by the community. These are uses for which risk acceptability cannot be measured simply in terms of the number of occupants. The vulnerability of the occupants to the risks of aircraft accidents must also be considered. In many instances, the appropriate policy may be outright prohibition of new instances of these uses and expansion of existing facilities. Perhaps the most significant uses on this list are schools. This status is reflected in building codes and other regulations that set higher standards for school buildings. Even with respect to aviation-related impacts, the California

Education Code (Section 17215(a)) requires special attention be given to new school sites, dictating that Caltrans review and approve sites within two miles of an airport runway. In general, the community gives special attention to protection of children. Similarly, special consideration should also be given, when formulating safety policies, to other facilities that cater to children such as recreation/after-school centers and sports facilities. Two other segments of the population who are often afforded special consideration and protection are the elderly and disabled. As with children, both groups include individuals who may not know how to respond to an emergency or may be physically unable to do so. Hospitals, nursing homes, assisted living facilities, and other such uses are ones that usually should be avoided in locations near runways.

Caltrans comments upon review of the adopted 2018 ALUCP also included encouragement to address the protections of vulnerable community uses surrounding airports. These comments specifically stated:

Draft ALUCP Table 3A does not prohibit land uses with vulnerable occupants in Safety Zone 6. The handbook states that there “are uses for which risk acceptability cannot be measured simply in terms of the number of occupants.

No addition of language addressing vulnerable occupants was included in the ALUCP update in response to the comment. However, the need for it became clear following the review of a daycare project situated adjacent to Sierra Sky Park Airport within Safety Zone 6.

Therefore, this amendment includes additional language in Table 3A Safety Criteria Matrix regarding a development condition within Safety Zone 6 that reads:

- Proposed uses whose primary purpose is to serve vulnerable occupants (11) within 3,000 feet from the side of the runway and 5,000 feet from the end of the runway shall require ALUC review. In addition to the prohibited uses listed within Table 3A, any use whose primary purpose is to serve vulnerable occupants in the area described above is strongly discouraged.
- (11) Vulnerable occupants include children, the elderly, and people with disabilities.

Maps of each airport showing the 3,000-5,000-foot designated areas were also prepared.

## **STATE GUIDELINES FOR ADDITIONAL ENVIRONMENTAL REVIEW**

Conditions listed in Section 15162 of the State CEQA Guidelines stipulate that the following items would require the preparation of a subsequent negative declaration:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous negative declaration was certified as complete, shows any of the following:
  - A. The project will have one or more significant effects not discussed in the previous negative declaration;
  - B. Significant effects previously examined will be substantially more severe than shown in the previous declaration;
  - C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - D. Mitigation measures or alternatives which are considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative.

Under Section 15164 of the State CEQA Guidelines, a lead agency may prepare an Addendum to a previously approved and adopted negative declaration if “some changes or additions are necessary but none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent negative declaration have occurred.”

## **DISCUSSION**

The proposed amendments will not result in changes to the noise, safety, airspace, or overflight compatibility criteria considered as part of the Fresno County Airport Land Use Compatibility Plan Initial Study/Negative Declaration adopted on December 10, 2018. The proposed Fresno County Airport Land Use Compatibility Plan amendments will enhance implementation of the Fresno County Airport Land Use Compatibility Plan by providing clarification and guidance for land uses with vulnerable occupants. As noted above, additional language would be added to the plan to note that land uses with vulnerable occupants are “strongly discouraged” within Safety Zone 6. The maximum density for residential land uses and intensity for non-residential land uses noted in Table 3A will not change as a result of the amendments. These figures were the basis for the Displacement Analysis prepared for the Fresno County Airport Land Use Compatibility Plan Initial Study/Negative Declaration. Additionally, the proposed amendment will not prohibit any land uses within Safety Zone 6.

## **CONCLUSION**

Based on the information provided above regarding the amendments to the Fresno County Airport Land Use Compatibility Plan, none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Negative Declaration have occurred. The findings of the Fresno County Airport Land Use Compatibility Plan Initial Study/Negative Declaration remain applicable, and no further environmental analysis under CEQA is required.