



Fresno County

Airport Land Use Commission

Regular Meeting Agenda Item 2B

Monday, February 07, 2011

SUBJECT: A request to review approximately 16.56 acres of property located near the northeast corner of Herndon and Valentine Avenues, which remains designated as the existing R-2 Single Family Residential. This property is specifically intended for 162 dwelling units at approximately 9.4 units per acre.

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RECOMMENDATION:

After review of the subject property Staff finding is:

The subject property is located within the Airport Influence Area (AIA) of Sierra Sky Park Review Area Boundaries, but is not within any of the noise, safety or airspace protection surfaces. The subject property is located within the Horizontal Surface Zone, but it is a residential use which is compatible with height and nuisance restrictions.

- Conditions of zoning and an Avigation Easement and Agreement should be required to limit all structures and trees to heights imposed by FAR Part 77 at this location and prohibit uses that create dust, smoke, steam, glare, etc or attract birds.
- Effective January 1, 2004, California state statutes (Business and Professional Code Sections 1102.6, 1103.4 and 1353) require that, as part of residential real estate transactions, information be disclosed regarding whether the property is situated within an AIA. Buyer notification shall be accomplished by the use of real estate disclosure statements for property within the AIA. The disclosure statements shall notify the buyers of property located within the AIA of Sierra Sky Park Airport and that aircraft overflights may affect the habitability and quiet enjoyment of the property.

DISCUSSION:

Based upon its location within the Review Area, and in accordance with Section 21670 et seq., of the California Public Utilities Code, the project has been submitted to the Commission for a determination of consistency with the adopted Fresno County Airport Compatibility Land Use Plan (CLUP):

There are four considerations in a finding of consistency with the Commission's Plan:

1. Noise:

The project site is located outside the 65 dB CNEL Noise Contour, which shall be considered normally acceptable for residential areas.

The activities associated with the specified land use can be carried out with essentially no interference from the noise exposure.

This proposal can be found to be consistent with the noise regulations of the adopted CLUP.

2. Airspace Protection

Conditions of zoning and an Avigation Easement and Agreement will be required to limit all structures and trees to building heights imposed by FAR at this location and prohibit uses that create dust, smoke, steam, glare, etc or attract birds.

The subject property for the residential use is located within the Horizontal Zone. No planned structures of this development shall exceed 35 feet in height, the maximum allowable height in the R-2 zone district.

Based on the project site and the conditions recommended to ensure safety concerns are addressed, the proposal can be found to be consistent with the safety regulations of the adopted CLUP.

3. Safety

The subject property is located outside of all six of the Safety Compatibility Zones, and therefore these Zones do not have an adverse impact on the subject property.

4. General Nuisance/Avigation Easement and Agreement

Except when overriding circumstances exist, the CLUP requires the dedication of a General Nuisance/Avigation Easement to the airport operator or the City of Fresno as a condition of approval for any zoning change within the Airport's review area.

The Avigation Easement should conform to standards contained in the current Handbook and include all conditions recommended in the four considerations.

Recordation of a General Nuisance/Avigation Easement and Agreement will ensure the ability to enforce noise attenuation, FAR Part 77 airspace restrictions and safety

conditions. With the recordation of this document, the proposal can be found to be consistent with the adopted CLUP.