



MEETING AGENDA

CHOWCHILLA AIRPORT ADVISORY COMMITTEE

Council Chambers, Chowchilla City Hall
130 S. Second Street, Chowchilla, CA 93610

October 15, 2018
5:30 p.m.

Agendas for all regular Airport Advisory Committee meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St. Agendas for all special Airport Advisory Committee meetings are posted 24 hours prior to the meeting. Written communications from the public for the agenda must be received by the Public Works Department no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the Airport Advisory Committee regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at www.CityofChowchilla.org.

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 305 at least 4 days prior to the meeting.

OPEN SESSION – 5:30 PM

CALL TO ORDER

ROLL CALL:

Chair: Steve Lawrence

Vice Chair: Joanna Botelho

Members: Jeffery Christensen, Ashley Miller, Patricia Shirley, Dwight Stephens

City staff and contract employees present at the meeting will be noted in the minutes

PLEDGE OF ALLEGIANCE: Steve Lawrence

CEREMONIAL / PRESENTATIONS – Section 1

None

PUBLIC ADDRESS

This time is reserved for members of the audience to address the Committee on items of interest that are **not** on the Agenda and that are within the subject matter jurisdiction of the Committee.

It is recommended that speakers limit their comments to **no more than 3 minutes** each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Committee on items on the Agenda should notify the Chair when that Agenda item is called.

The Committee is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Committee does not respond to public comment at this time.

Speakers are asked to please **use the microphone and provide their name for the record**. Prior to addressing the Committee, any handouts are to be provided to Board Clerk who will distribute them to the Committee and the appropriate staff.

CONSENT CALENDAR – Section 2

None

DEFERRED BUSINESS – Section 3

None

NEW BUSINESS – Section 4

- 4.1. Discussion of Airport Capital Improvement Program (Rogers)
- 4.2. Overview of Annual Federal Aviation Administration Conference Jason Rogers Attended in September (Rogers)
- 4.3. Salter’s Distributing Conditional Use Permit No. 18-0016 Amendment to Conditional Use Permit No. 17-0012 (Rogers)

ANNOUNCEMENTS – Section 5

NEXT AIRPORT ADVISORY COMMITTEE MEETING WILL BE JANUARY 21ST, 2019.

OCTOBER 23 CITY COUNCIL MEETING- CIVIC CENTER, 7:00PM
NOVEMBER 13 CITY COUNCIL MEETING- CIVIC CENTER, 7:00PM
NOVEMBER 22, 23 THANKSGIVING HOLIDAY-CITY OFFICES CLOSED
NOVEMBER 27 CITY COUNCIL MEETING- CIVIC CENTER, 7:00PM
DECEMBER 11 CITY COUNCIL MEETING- CIVIC CENTER, 7:00PM
DECEMBER 24, 25 CHRISTMAS HOLIDAY- CITY OFFICES CLOSED

ADJOURNMENT

I, Wendy Smith, Senior Administrative Supervisor, do hereby declare under penalty of perjury that the foregoing agenda was posted at the Chowchilla City Hall, 130 S Second Street, Chowchilla, CA and made available for public review on this 10th day of October at or before 4:00 p.m.

/s/
Wendy Smith
Senior Administrative Supervisor



REPORT TO THE CITY OF CHOWCHILLA AIRPORT COMMITTEE

Item 4.3

October 15, 2018

AGENDA SECTION: New Business

SUBJECT: **Conditional Use Permit No. 18-0016 Salter's Distributing
An amendment to CUP 17-0012**

PREPARED BY: Annalisa Perea, Contract Planner

ATTACHMENTS:

1. Vicinity Map/Aerial Map
2. Site Plan
3. Letter from FAA Project Site Plan
4. Conditions of Approval

REVIEWED BY
DIRECTOR

REVIEWED BY
CITY ATTORNEY

REVIEWED BY
ADMINISTRATOR

APPLICANT REQUEST:

Salter's Distributing, Inc. is seeking approval of an amendment to Conditional Use Permit No. 17-0012 to allow the two existing white buildings at 711 S. 3rd Street in the Heavy Industrial Zone to be utilized for storage.

HISTORY / BACKGROUND:

After reviewing historical data on the Project site, it was determined that the two white buildings (Shown in Attachment 1 and 2) were approved by the City during the time Brake Parts was operating at the Project site. The two white buildings were mistakenly placed in the Runway Protection Zone (RPZ) without Federal Aviation Administration (FAA) approval. After realizing this, the two buildings ended up never being finalized by the City and therefore, were never legally allowed to be used. Attachment 3 contains a letter from the FAA received by the City regarding this issue. It's understood that Brake Parts utilized the buildings anyway to conduct business activities up until the time they vacated the site in late 2016.

CUP No. 17-0012, approved on August 16, 2017, allowed for Salter's Distributing, a wholesale distribution company to locate to this empty site, and conduct business within an existing 30,000 SF building located at 711 S. 3rd Street. As part of those conditions of approval, it was determined that usage of the two 10,000 SF existing on-site white buildings would not be utilized due to their unresolved issues.

Since then, it's been requested by the Applicant that the City re-evaluate the potential for them to utilize the two white buildings for indoor storage. If the Planning Commission chooses to approve CUP 18-0016 allowing for usage of the two white buildings, the previously approved condition under CUP 17-0012 that banned the usage of these buildings, would be eliminated.

The Applicant proposes to rent out the two white buildings. Due to this fact, it's unknown at this time what products and material would be stored within the two white buildings. No employees

will work within the two white buildings, no business will be conducted from these buildings, and it will not be open to the public for any reason.

It's the City's intentions to seek an FAA grant that would allow the City to purchase the buildings and relocate them out of the RPZ. However in the meantime, the Applicant is requesting they be utilized in the interim.

Salter's Distributing will continue to operate within the 30,000 SF on-site building. Salter's Distributing distributes general merchandise to over 1,400 grocery stores and convenience stores from Visalia to Stockton and over in the Salinas area. All products are purchased and imported and will not be manufactured on site. Salter's Distributing is be open year around with daily hours from 6:00 AM to 6:00 PM, Monday through Friday.

The Project was routed to city departments and conditions of approval were developed based on comments received by the Departments (Attachment 4).

GENERAL PLAN/ZONING ANALYSIS

Salter's Distributing is located on a Heavy Industrial zoned parcel. According to Section 18.42.030 – Conditional Uses of the City's Municipal Code, all uses shall be permitted in the Heavy Industrial district, subject to first securing a conditional use permit. The site has a General Plan Designation of Light Industrial. The proposed indoor operation would be considered a light industrial type use and therefore, would meet the intent of the General Plan designation. Since the use would be less intensive than a heavy industrial use, it can be concluded that the proposed operation would also be an appropriate use within the Heavy Industrial zoning designation as well.

ENVIRONMENTAL REVIEW ANALYSIS:

The project may be found exempt from CEQA pursuant to Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Additionally, the proposed indoor storage is considered to be less intensive than the typical uses that may be permitted in the Heavy Industrial zone. No new construction is proposed as part of this CUP application.

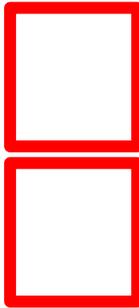
STAFF RECOMMENDATION:

Staff seeks further guidance from the Chowchilla Airport Committee regarding the use of these two white buildings.

ATTACHMENT 1 – Vicinity Map/Aerial Map



ATTACHMENT 2 – Site Plan



ATTACHMENT 3 – Letter from FAA



U.S. Department
of Transportation
**Federal Aviation
Administration**

March 3, 2015

Western-Pacific Region
Airport Division

San Francisco Airports District Office
1000 Marina Boulevard, Suite 220
Brisbane, California 94005-1835

Craig Locke, PE
Director of Public Works
City of Chowchilla
130 S. Second Street
Chowchilla, CA 93610

Chowchilla Municipal Airport Runway Protection Zone

Dear Mr. Locke:

Thank you for attending the Airports Capital Improvement Plan meeting on January 15, 2015 at the FAA San Francisco Airports District Office (ADO). We trust the meeting provided a good opportunity to discuss airport planning, improvement projects, and available funding. We also exchanged information related to the two storage structures that were constructed on privately owned property that is located within the Runway Protection Zone (RPZ) of Chowchilla Airport. We are taking this opportunity to provide relevant guidance to clarify the airport standards that should guide future decisions by the City of Chowchilla (City) relative to the RPZ.

The RPZ is a two-dimensional trapezoidal area centered along the extended runway centerline whose function is to enhance the protection of people and property on the ground in the event an aircraft undershoots or over shoots the runway. It is an airport design standard, and as such, it is customarily included within the airport boundary. It behooves the airport sponsor to own the land served by the RPZ so it can effectively serve the purpose it is intended to serve.

Non-standard uses of the RPZ may also impede future airport development. If a runway extension were ever contemplated to meet forecast growth, privately owned property and existing uses in the RPZ could effectively prevent a runway extension project from moving forward.

We understand the City approved the project to construct buildings in the RPZ because it complied with local zoning and did not adversely impact other non-airport property in the area. The City's decision indicates that the zoning does not take into account that the land is located within the RPZ and, therefore, should be subject to additional limitation on its use.

Additionally, the City did not submit FAA Form 7460, *Notice of Construction or Alternation*, to the FAA in order to obtain an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) before the project was allowed to proceed. The airspace determination did conclude that the buildings did not violate the protected imaginary surfaces in the vicinity of the structures, but the analysis warned that, "Structures, which will result in the



congregation of people within an RPZ, are strongly discouraged in the interest of protecting people and property on the ground. In cases where the airport owner can control the use of the property such structures are prohibited.” Had the City submitted the Form 7460 timely, it would have had more information to judge the suitability of the proposed project in the RPZ.

In conclusion, the approval of structures within the RPZ did create a conflict with the airport design standards and should be avoided in the future. As a result, the City should endeavor to control land uses in the RPZ, to the extent possible, perhaps with revised zoning criteria. The City should ensure that an FAA Notice of Construction or Alteration is submitted before a project is approved. A planning department permit for construction to proceed should not be issued until the airspace determination is received from the FAA. Lastly, the City should consider seeking FAA grant assistance to acquire land to incorporate as much of the RPZ area as possible within the airport boundary and under the proprietary control of the City.

We trust this information will allow the City to make a more informed decision in the future. If you have any questions, please contact me at (650) 827-7601 or Robert Lee at (650) 827-7629.

Sincerely,



Laurie J. Suttmeier
Acting Manager, San Francisco Airports District Office

ATTACHMENT 4 – Previous Conditions of Approval

1. The Applicant will be required to obtain any necessary building permits for the project if future construction is proposed on-site. Please contact the building department at (559) 665-8615 ext. 410 for more information and to receive the application.
2. The planning commission may impose modified, additional, or more restrictive, requirements as deemed necessary to effectively implement the intent of section 18.66.162 of the City's Municipal Code.
3. The Applicant shall submit a new sign permit application for the proposed new company sign.
4. ~~The two 10,000 square foot buildings shall not be occupied, as they have not received final permits, including, but not necessarily limited to electrical permits, and certificate of occupancy. The Applicant shall coordinate the removal of the buildings with the City of Chowchilla.~~
5. No Diesel trucks shall be parked or sit idling outside of the property fence along 3rd street or Mariposa Avenue at any time.
6. All landscaping on-site, including the trees along 3rd street shall be properly maintained.

Added Conditions of Approval

7. The 2 buildings shall not contain any materials that are flammable, explosive, corrosive, or toxic that constitute special safety compatibility concerns to the extent that an aircraft accident could cause release of the materials and thereby pose dangers to people and property in the vicinity.
8. Prior to occupancy and usage of the buildings, the Applicant shall consult with the City's Building Department to schedule all necessary inspections prior to the buildings being finalized.
9. No persons shall occupy the building other than intermittently to drop-off or pick-up stored items from the two buildings.
10. The Applicant shall advise the City of who is renting the facility within 30 days of a new lease being signed, and shall notify the City within 30 days when that entity has vacated the premise.
11. The Applicant shall disclose to any potential renters that the two white buildings are located in Airport Runway Protection Zone A (RPZ) and that according to the Madera County Airport Land Use Compatibility Plan, the risk level in this area is 'High.' 20% of near-runway general aviation accidents occur in this zone. The Applicant shall submit the rental agreement to the City showing that this information has been included.
12. The Applicant shall grant the City access to the buildings for the City to conduct inspections to ensure compliance with these conditions. The City will provide the Applicant with a 24-hour notice prior to an inspection. If the Applicant is found to be out of compliance with any of these conditions, the Conditional Use Permit for Salter's Distributing may be revoked.