

CONSISTENCY DETERMINATION

Project Description

The Lister Commercial Building project includes 20,500 square feet of warehouse and retail sales uses on 3.66 acres, as described below from the application:

The project/property in question is located on E. Monte Vista Ave near Aviator Drive. The property is contiguous to the Storage Facility to the north. The site is relatively flat with a light slope from the SW to the NE corner. A drainage canal parallels the I-505 frontage.

The site is approximately 3.66 acres and is triangular in shape and fronts on E. Monte Vista Ave. The proposed building is 20,500 GSF and will have one major tenant, Ambrose Solar (15,125 SF) and the balance will be Lister Construction (5,420 SF). Ambrose Solar has a retail/sales aspect; some space in the plans is designated for display for the solar panels/systems that they sale/install. Lister Construction will have an equipment rental aspect to their business related to the construction industry.

- Ambrose Solar spaces include: Lobby, Offices, Conference space, Break room and Warehouse.
 1. Use: Offices, Product Display and warehouse for the contracting operations and storage.
 2. Number of Employees, total: 40 +/-
 3. Hours of Operation: 7am-6pm, M-F
 4. Storage: Warehouse space and Company Vehicles
- Lister Construction spaces include: 1,190 SF of offices and the balance as warehouse.
 1. Use: Construction Company: Office, Warehouse and Equip Rental
 2. Number of Employees: 5
 3. Hours of Operation: 7am -4pm, M-F
 4. Storage: Warehouse space, Company Vehicles and EquipmentRental

REQUIRED REVIEW FOR CONSISTENCY BY THE ALUC

State law, under Section 21661.5 of the Public Utilities Code, requires that any proposed zoning regulations or revisions to the local zoning ordinance be reviewed for consistency with adopted airport land use compatibility plans. The project is subject to two land use compatibility plans - the Nut Tree Plan's Compatibility Zone B and the Travis Plan's Compatibility Zone D. The provisions of each are discussed below.

Nut Tree Plan Compatibility Zone B Criteria

The subject property lies within the Area of Influence of the Nut Tree Plan, more particularly within Compatibility Zone B. Compatibility Zone B is an Inner Approach/Departure Zone of substantial risk characterized by common traffic pattern overflight below 300 feet AGL and high noise intrusion. (Attachment E Nut Tree Plan Context Map). The applicable criteria for compatibility in Zone B are listed below.

Maximum Densities/Intensities:

Residential: 0.3 units per acre maximum

Commercial/Industrial: 20 persons per acre indoors, 40 persons per acre indoors and outdoors.

Required Open Space: 50% in Zone B

Normally Acceptable Uses (Partial List):

All Uses from Zone A:

- Pastures, open spaces
- Parks with very low intensity uses
- Aircraft tie-downs
- Auto parking
- Nurseries
- Outdoor storage

Parks with low intensity uses

Warehouses

Light Industrial Uses (one story maximum)

Heavy Industrial Uses

Travis Plan Compatibility Zone D Criteria

The subject property lies within the Area of Influence of the Travis plan, more particularly within Compatibility Zone D (Attachment D Travis Plan Context Map). Zone D is an outer environs zone with limited risk. The criteria for compatibility in Zone D are listed below.

Maximum Densities/Intensities: No Limits

Prohibited Uses: None

Other Development Conditions:

- ALUC review required for objects > 200 feet AGL

- All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1
- All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review
- All new or expanded meteorological towers > 200 feet
- AGL, whether temporary or permanent, require ALUC review
- For areas within the Bird Strike Hazard Zone, reviewing agencies shall prepare a WHA for discretionary projects that have the potential to attract wildlife that could cause bird strikes. Based on the findings of the WHA, all reasonably feasible mitigation measures must be incorporated into the planned land use.
- For areas outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use involving discretionary review that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.

Basis for Evaluation

This consistency determination is a referral from the City of Vacaville under the provision for major land use decisions to be referred to the Commission for an advisory opinion. Staff has analyzed the project using the standards for the review of a zoning action. The Commission's determination is advisory only to the City of Vacaville.

Required Tests for Consistency for Rezoning Actions

State law, under Section 21661.5 of the Public Utilities Code, requires that any proposed zoning regulations or revisions to the local zoning ordinance be reviewed for consistency with adopted airport land use compatibility plans. The CalTRANS Division of Aeronautics provides guidance on factors to be reviewed in a consistency determination through its published handbook which is discussed below.

California Airport Land Use Planning Handbook (2011)

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook (2011) as a guide for Airport Land Use Commissions in the preparation and implementation of Land Use Compatibility Plans and Procedure Documents. Section 6.4.2 (p. 6-14) sets forth procedures for the review of local zoning ordinances and directs agencies to consider the topics listed in Table 5A, as follows:

Zoning or Other Policy Documents (from Table 5A, CalTRANS Airport Land Use Planning Handbook)

The Handbook lists the following topics for consideration when reviewing zoning or other policy documents.

- *Intensity Limitations on Nonresidential Uses*
- *Identification of Prohibited Uses*
- *Open Land Requirements*
- *Infill Development*
- *Height Limitations and Other Hazards to Flight*

- *Buyer Awareness Measures*
- *Non-conforming Uses and Reconstruction*

These topics are analyzed below.

ANALYSIS

Zoning Change Consistency Factors

Intensity Limitations on Nonresidential Uses

Nut Tree Plan:

Within Compatibility Zone B, the Nut Tree Plan has a limitation of 20 persons per acre for indoor uses and 40 persons per acre for indoor and outdoor uses combined.

The proposal before the ALUC is for a single-story building with warehouse uses, office uses, and retail sales uses. The application states that 45 persons will be employed on site. The 3.66-acre site could have up to 73 persons on site under the Nut Tree Plan. As a result, the project is consistent with this compatibility criteria.

Travis Plan:

There are no land use limitations on non-residential uses within compatibility zone D and thus the proposed commercial development project is consistent with this aspect of the Travis Plan.

Identification of Prohibited Uses

Nut Tree Plan:

The Nut Tree Plan prohibits noise sensitive outdoor uses within Compatibility Zone B. In addition, the plan lists the following normally not acceptable land use categories:

- Schools, libraries, hospitals and nursing homes
- Residential densities above 4 units per acre
- Large shopping centers

Travis Plan:

The Travis Plan prohibits “Other Hazards to Flight” which typically consist of sources of smoke or glare, attraction of birds, flashing lights and sources of electronic interference. None of these hazards are present in the proposed development

The proposed commercial development does not include any of the prohibited uses in either the Nut Tree or Travis Plans.

Open Land Requirements

Nut Tree Plan:

The Nut Tree Plan contains “Notes to the Compatibility Table” which require 50% open land in Compatibility Zone B. The notes also require an open area(s) which can accommodate emergency landing operations with specified minimum sizes such as 100 x 300 feet or 75 x 400 feet. The complete provision states:

“The indicated percentage of gross area (total area in zone, including airport property except in Zone A) should remain free of structures and other major obstacles. To be considered open land the area must be sufficiently large and unobstructed to enable an aircraft to make an emergency landing with a high probability of no serious injuries to the occupants of the aircraft or major damage to structures on the ground. Substantial damage to the aircraft may occur. Spaces as small as approximately 100 feet by 300 feet or 75 feet by 400 feet are considered adequate, although larger areas are desirable. Roads and adjacent landscaping qualify if they are wide enough and not obstructed by large trees, signs, or poles. These areas should be oriented as closely as practical to the common direction of aircraft flight over the area. Jurisdictions may satisfy open space requirements through adoption of an open space plan, which is determined by the Airport Land Use Commission to meet the standards. Such plans must include a statement that no median trees will be planted within 150 feet of intersections on streets qualifying as open space requirements through adoption of an open space plan, which is determined by the Airport Land Use Commission to meet the standards. Such plans must include a statement that no median trees will be planted within 150 feet of intersections on streets qualifying as open space and that trees between 150 and 200 feet of the intersections will be shorter varieties.”

This provision was also reviewed as a part of both the Superior Self Storage warehouse project (ALUC-2015-03) and the Vaca Valley Self Storage project (ALUC-2015-04) acted upon by the Commission on April 9, 2015. The Commission approved the projects with a provision that:

- a) *The applicant shall submit an Open Space Plan to the Airport Land Use Commission, or an ad-hoc committee of the Commission as determined by the Chair, for a determination that the Open Space Plan meets the standards incorporated into the 1988 Nut Tree Airport Land Use Compatibility Plan.*

The subcommittee of two Commissioners met to finalize a plan for open area requirements in Zone B. At that time, the subcommittee and the City came to an agreement on the open space requirements as depicted in Attachment H, H1 and H2.

As a part of this application, the applicant has engaged the services of Meade and Hunt, aviation planners, to evaluate the Open Space Area for adequacy (Attachment F). They have concluded that

“ the required open land for Zone B would be achieved based on existing open land areas within the zone.”

Travis Plan:

There are no open land requirements specified for Compatibility Zone D and thus the project meets the requirements of the Travis Plan.

The proposed commercial building development lies within Zone B which includes open land which meet the 50% requirement in the Nut Tree Plan's "Notes to the Compatibility Table" as well as the minimum area requirements for Zone B.

Infill Development

The project is not considered infill development and no further discussion is required under this criterion.

Height Limitations and Other Hazards to Flight

Height Limitations

Nut Tree Plan:

The Nut Tree Plan requires compliance with the Part 77 Surfaces which would permit a taller structure than the one proposed.

Travis Plan:

The Height limit for Compatibility Zone D is 200 feet. The project proposes a 1-story building 48.4' in height. The proposal meets the height requirements of the Travis Plan.

Other Hazards to Flight

Nut Tree Plan:

The Nut Tree Plan prohibits any land uses which produce other hazards to flight, such as sources of glare, smoke, communications interference, bird attractions and similar hazards.

Travis Plan:

There are no land use limitations within compatibility zone D. The Plan does prohibit "Other Hazards to Flight" which typically consist of sources of smoke or glare, attraction of birds, flashing lights and sources of electronic interference.

None of these hazards are present in the proposed development and the proposed project meets the requirements of the Travis Plan and the revised Nut Tree Plan.

Buyer Awareness Measures

Nut Tree Plan:

Buyer awareness measures are not required by the Nut Tree Plan, but local governments are encouraged to develop such a program. Overflight Easements are required by the Nut Tree Plan and will be obtained by the City of Vacaville. The easement should include a maximum occupancy limitation and conditions which assure the maintenance of the open area requirements required.

Travis Plan:

Buyer awareness measures are not required within Compatibility Zone D.

Non-conforming Uses and Reconstruction

The project does not involve reconstruction or non-conforming uses. As a consequence, no further discussion is required under this topic.

Conclusion

Based on the analysis above, the Lister Commercial Building project is **consistent** with the Nut Tree Plan and **is consistent** with the Travis Plan.

PROPOSED FINDINGS

Staff is recommending the Commission make the following findings with respect to the Lister Commercial Building project:

1. That the proposal is consistent with the applicable provisions of the Travis Air Force Base Land Use Compatibility Plan since the proposal resides in Compatibility Zone D of the Travis Plan which has no limitations on the intensity of non-residential land uses and does not infringe on the 200-foot height limit or contain any other hazards to flight.
2. That the proposal is consistent with the Compatibility Criteria Table provisions of the Revised Nut Tree Land Use Compatibility Plan.

RECOMMENDATION

Based on the analysis and discussions above, staff recommends that the Solano County Airport Land Use Commission:

1. Conduct the Public Hearing, and
2. Determine that ALUC-20-04, the proposed Lister Commercial Building project **is consistent** with the Nut Tree Land Use Compatibility Plan (Nut Tree Plan), and that the project **is consistent** with the

Travis Air Force Base Land Use Compatibility Plan (Travis Plan).

ATTACHMENTS

- Attachment A: Application
- Attachment B: Vicinity Map
- Attachment C: Aerial Map
- Attachment D: Travis Plan Context Map
- Attachment E: Nut Tree Context Map
- Attachment E1: Close-Up Nut Tree Context Map
- Attachment F: Meade and Hunt Analysis
- Attachment G: Project Plans
- Attachment H: ALUC Compliance Memo
- Attachment H1: Zone B Map (4-13-15)
- Attachment H2: Zone B Map (4-21-15)
- Attachment I: Resolution (To be distributed at the hearing)