

## Legislation Text

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**File #:** AC 18-019, **Version:** 1

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Public Hearing to consider a Consistency Determination (ALUC-18-04) for the proposed City of Benicia Design Review Regulations with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: City of Benicia)

### **RECOMMENDATION:**

Determine that application ALUC-2018-04 (City of Benicia Design Review Regulations) is consistent with the Travis AFB Land Use Compatibility Plan (Travis Plan).

### **DISCUSSION:**

#### INTRODUCTION

The City of Benicia periodically updates the Benicia Zoning Ordinance to implement General Plan policies, remain consistent with state and federal law, streamline the permit and review process, and ensure overall clarity and consistency.

Presently, the City is proposing adoption of Downtown Historic District Design Guidelines (DHDG) to address the treatment of historic properties and new structures within the historic district. Some design guidelines contained within the Downtown Historic Conservation Plan would be eliminated, replaced by the DHDGs. In addition, the City is proposing amendments to the design review procedures to provide for more streamlined processing of design review. (See Attachments B and C).

The City of Benicia lies within the Area of Influence of the Travis AFB Land Use Compatibility Plan (Travis Plan) and more particularly within Compatibility Zones D and E. The City is seeking a consistency determination for these items from the Airport Land Use Commission as required by the State Aeronautics Act.

#### REQUIRED TESTS FOR CONSISTENCY

##### ALUC Review Requirements

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 ALUC is concerned with those aspects of the proposed zoning changes which have the potential to be incompatible with of the Travis Air Force Base Land Use Compatibility Plan.

##### **California Airport Land Use Planning Handbook**

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook 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 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*

Staff has reviewed the City of Benicia Design Review Regulations in light of the tests outlined above as well as the specific compatibility factors applicable to lands within the City of Benicia. Our analysis is presented below.

**ALUC Context**

The City of Benicia Design Review Regulations apply to properties which lie within Compatibility Zone D and E of the area of influence of the Travis Plan.

**Travis Air Force Base Land Use Compatibility Plan**

The compatibility factors for each zone are provided below.

Compatibility Zone D

The requirements for Compatibility Zone D are limited to the following compatibility factors:

- **Intensity Limitations: No limit**
- **Identification of Prohibited Uses: No limit**
- **Open Land Requirements: None**
- **Infill Development: No Special requirements or limitations**
- **Height Limitations and Other Hazards to Flight (See below)**
  - ALUC review required for objects > 200 feet AGL
  - All proposed wind turbines must meet line-of-sight criteria in Policy 3.3.4
  - 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.
  - Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.
- **Buyer Awareness Measures: None required**
- **Non-conforming Uses and Reconstruction: No requirements or limitations**

The requirements for Compatibility Zone E are limited to the following compatibility factors:

- **Intensity Limitation: No Limit**

- **Identification of Prohibited Uses: No Limit**
- **Open Land Requirements: None**
- **Infill Development: No Special requirements or limitations**
- **Height Limitations and Other Hazards to Flight (See below)**
  - ALUC review required for objects > 200 feet AGL
  - All proposed wind turbines must meet line-of-sight criteria in Policy 3.3.4
  - 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
  - Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.
- **Buyer Awareness Measures**
- **Non-conforming Uses and Reconstruction**

## ANALYSIS

Staff has reviewed the proposed City of Benicia Design Review Regulations ordinance for consistency with the compatibility factors from both Compatibility Zones D and E of the Travis Plan.

### Intensity Limitations on Nonresidential Uses

Within Compatibility Zones D and E, there are no limitations on density for residential land uses or intensity for non-residential land uses. The City's Design Review Regulations make no changes to allowable uses,, densities or intensities of use and as a result the City of Benicia Design Review Regulations are consistent with this provision.

### Identification of Prohibited Uses

There are no prohibited uses within Compatibility Zones D and E. Therefore, the City of Benicia Design Review Regulations are consistent with this provision.

### Open Land Requirements

Compatibility Zones D and E has no open land requirements for development. As a result, the City of Benicia Design Review Regulations are consistent with this requirement.

### Infill Development

The City of Benicia Design review Regulations may apply to infill developments. Since the guidelines do not alter allowable densities within infill areas, the design guidelines are consistent with the Travis Plan.

### Height Limitations and Other Hazards to Flight

The "Height Limitations" and "Other Development Conditions" listed in Compatibility Zones D and E are as follows:

1. ALUC review required for objects > 200 feet AGL
2. All proposed wind turbines in excess of 100 feet in height must meet line-of-sight criteria in Policy 3.4.4
3. All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC

review

4. All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review
5. 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.
6. 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.

The City of Benicia Design Review Regulations are reviewed in light of these other hazards to flight below:

1 & 4. Height Review for Objects Greater than 200 Feet in Height

The City of Benicia Design Review Regulations do not modify existing regulations for the height of structures and as such, the City of Benicia Design Review Regulations are consistent with this provision.

2. Wind Turbines in Excess of 100 Feet in Height

The City of Benicia Design Review Regulations do not modify existing regulations for height of structures and as such, the City of Benicia Design Review Regulations are consistent with this provision.

3. Commercial Scale Solar Projects

The City of Benicia Design Review Regulations do not modify existing regulations for Commercial Solar projects and as such, the City of Benicia Design Review Regulations are consistent with this provision.

5 & 6 Projects within the Bird Strike Hazard Zone or the Outer Perimeter Area

The project lies outside of the Bird Strike Hazard Zone and the Outer Perimeter Area. As a result, the City of Benicia Design Review Regulations are consistent with this provision.

Buyer Awareness Measures

The proposed project lies within Compatibility Zones D and E and outside of any noise contours of concern. As a result, Buyer Awareness Measures are not required by the Travis Plan.

Non-conforming Uses and Reconstruction

The project does not authorize construction and therefore does not contain any non-conforming uses or reconstruction activities.

In light of the above discussion, staff is recommending a consistency finding between the City of Benicia Design Review Regulations and the Travis Plan.

**RECOMMENDATION**

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

**Determination:** Determine that application ALUC-2018-04 (City of Benicia Design Review Regulations) is consistent with the Travis AFB Land Use Compatibility Plan (Travis Plan).

**Attachments:**

Attachment A: Application

Attachment B: Design Review Guidelines Ordinance

Attachment C: City of Benicia Staff Report