

Legislation Text

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ALUC-19-01: Allison Drive Housing and Transit project (City of Vacaville)

Public Hearing to consider the consistency of the City of Vacaville's proposed Allison Drive Transit Development and Casa Dei Vista Project Application (hereafter, 'Allison Drive Housing and Transit project) with the Nut Tree Airport and the Travis Air Force Base Land Use Compatibility Plans: Applicant - City of Vacaville

RECOMMENDATION

Adopt the recommended findings and determine that the Allison Drive Housing and Transit project are **consistent** with the Nut Tree Airport and the Travis Air Force Base Land Use Compatibility Plans.

INTRODUCTION

The City of Vacaville is considering the Allison Drive Housing and Transit projects which consist of a two components:

- 1) The Allison Transit Oriented project, a Mixed Use commercial and high density project on the east side of Allison Drive, and
- 2) The Casa Dei Vista project, a high density residential project on the west side of Allison Drive

The projects are discussed together and referred to as the Allison Drive Housing and Transit project (See Attachments A-G).

Required Entitlements

Each of the components of the Allison Drive Housing and Transit project require the following entitlements from the City of Vacaville:

- 1) The Allison Transit Oriented project requires a "Residential Overlay" rezoning to the existing Commercial Office and Commercial General zoning on the property. This zoning change would permit mixed use development containing high density residential over commercial uses, and
- 2) The Casa Dei Vista project requires a general plan change from Mixed Use to Residential High Density and a zoning change from RLM-4.5 to RH (Residential High Density).

State law requires that any proposed general plan amendment or revisions and any rezoning actions be reviewed for consistency with adopted airport land use compatibility plans. This project involves both types of entitlements, which are analyzed below.

Required Tests for Consistency for General Plan Amendments

The review criteria for general plan amendments are embodied in the State's California Airport Land Use Planning Handbook and the Travis AFB and Nut Tree Airport Land Use Compatibility Plans (Travis Plan and Nut Tree Plan).

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. In order to be considered fully consistent with the applicable compatibility plan(s), the general plan revisions proposed must meet two specific tests, as identified in the California Airport Land Use Planning Handbook. The tests are:

1. **Elimination of any direct conflicts between the General Plan and/or Specific Plan and relevant compatibility plan(s)**

Direct conflicts primarily involve general plan/specific plan land use designations which do not meet the density (for residential uses) or intensity (for non-residential uses) criteria specified in the compatibility plan, although

conflicts with regard to other policies also may exist.

2. Delineation of a mechanism or process for ensuring that individual land use development proposals comply with the ALUC's adopted compatibility criteria

Elimination of direct conflicts between a county's or a city's general plan/specific plan and the ALUC's compatibility plan is not enough to guarantee that future land use development will adhere to the compatibility criteria set forth in the compatibility plan. An implementation process must also be defined either directly in the general plan or specific plan or by reference to a separately adopted ordinance, regulation, or other policy document.

There are three facets to the process of ensuring compliance with airport land use compatibility criteria:

a. Delineation of Compatibility Criteria

Airport land use compatibility criteria must be defined either in a policy document adopted by the county or city or through adoption of or reference to the ALUC's compatibility plan itself.

b. Identification of Mechanisms for Compliance

The mechanisms by which applicable compatibility criteria will be tied to an individual development and continue to be enforced must be identified. A conditional use permit or a development agreement are two possibilities.

c. Indication of Review and Approval Procedures

Lastly, the procedures for review and approval of individual development proposals must be defined. At what level within a county or a city are compatibility approvals made: staff, planning commission or governing body? The types of actions which are submitted to the ALUC for review and the timing of such submittals relative to internal review and approval process also must be indicated.

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.

California Airport Land Use Planning Handbook

The State Department of Transportation Division 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 Vacaville's Allison Drive Housing and Transit project in light of the tests for general plan/specific plans and zoning actions. Our analysis is presented below.

ANALYSIS

Project Description

Casa Dei Vista Project General Plan Amendment

As previously mentioned, the Allison Housing and Transit project involves two components - the Allison Drive Transit Project and the Casa Dei Vista project. The Casa Dei Vista proposal would permit the development of 245 residences, of which 334 units are classified Residential Low Density, 250 units on 10.97 net acres for a density of 22.3 units per acre.

The Casa Dei Vista project requires a general plan amendment to change the land use designation from Mixed Use to Residential High Density and a zoning change from RLM-4.5 to RH (Residential High Density).

Allison Drive Transit Project and Casa Dei Vista Rezoning Amendments

Both components of the Allison Drive Housing and Transit project require rezoning amendments as discussed below:

Allison Drive Transit Project

The Allison Drive Transit Project requires a “Residential Overlay “to the Commercial Office and Commercial General zoning on the property. This zoning change would permit mixed use development containing up to 90 high density residential units over commercial uses.

Casa Dei Vista Project

The Casa Dei Vista Project requires a zoning change from RLM-4.5 to RH (Residential High Density) which would permit 245 high density residential units on 10.97 acres.

These two sites lie entirely within Compatibility Zone D of the Travis Plan and Compatibility Zone F of the Nut Tree Plan.

The consistency analyses for the general plan amendment and the rezoning changes are discussed separately below.

Relevant Issues for the ALUC

The consistency determination for the Allison Drive Housing and Transit project requires an analysis of the compatibility criteria contained in Compatibility Zone D from the Travis Plan and Compatibility Zone F from the Nut Tree Plan, each of which is summarized below.

Compatibility Criteria for the Travis Plan Compatibility Zone D

Within Compatibility Zone D of the Travis Plan, there are no density limitations on residential uses or intensity limitations on non-residential uses within this Compatibility Zone. There are “Other Development Conditions” listed in Compatibility Zone D, 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.

Compatibility Criteria for the Nut Tree Airport Compatibility Zone F (Other Airport Environs)

Within Compatibility Zone F of the Nut Tree Plan requires review of projects for compliance with FAA height restrictions under Part 77. Most land uses are acceptable with large assemblages of people or captive group facilities requiring further review.

Discussion of Consistency

Analysis of the General Plan Consistency Factors for the Casa Dei Vista Project

In order for a general plan/specific plan amendment to be considered consistent with the Travis Plan, two tests must be applied: 1) Elimination of Direct Conflicts, and 2) Mechanisms to assure compliance with Compatibility Criteria

Elimination of Direct Conflicts

Travis Plan Consistency

As discussed above, the proposed Casa Dei Vista Project lies entirely within Zone D, where there are no residential or non-residential land use restrictions within the Travis Land Use Compatibility Plan. There are Other Development Conditions prescribed for Compatibility Zone D. The project would be consistent with the Other Development Conditions for the following reasons:

ALUC review required for objects > 200 feet AGL

The General Plan amendment will permit high density residential development. The designation would permit three story residential structures. There are no provisions within the land use designation which permit structures in

excess of 200 feet in height. As such, no structures could be approved that approached 200 feet in height and, as such, the General Plan amendment is consistent with this provision of the Travis Plan.

Height, Wind Turbines in Excess of 100 Feet in Height

The General Plan amendment does not permit wind turbines within the high density residential areas. As such, the General Plan is consistent with this provision of the Travis Plan.

Commercial-Scale Solar Facilities

The Travis Plan requires all new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review. However, General Plan amendment does not permit any commercial scale solar project in the plan area. As such, the Specific Plan is consistent with this provision of the Travis Plan.

Meteorological Towers

All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review. The General Plan does not permit structures of any type to be 200 feet tall. As such, the General Plan is consistent with this provision of the Travis Plan.

Projects within the Bird Strike Hazard Zone or the Outer Perimeter Area

The project lies outside of the Bird Strike Hazard Zone and outside the Outer Perimeter Area. As such, the General Plan amendment is consistent with this provision of the Travis Plan.

Nut Tree Plan Consistency

As discussed above, the proposed Casa Dei Vista Project lies entirely within Compatibility Zone F of the Nut Tree Plan. Compatibility Zone F identifies two factors which govern land uses: 1) Most uses are compatible, and 2). Consistency with Part 77 requirements. The project is consistent with these provisions of Zone F for the following reasons:

1) Most Uses Acceptable with large assemblages of people or captive group facilities requiring further review.

The Nut Tree Plan states that most land uses are compatible with large assemblages of people or captive group facilities requiring further review. The large assemblages of people provision is generally interpreted as public assembly type uses which could have as many as several hundred persons per acre. The captive group facilities provision refers to residential care facilities for residents with mobility limitations which would make it difficult to evacuate structures during an emergency situation.

There are no provisions within the land use designation which permit structures in excess of 200 feet in height. As such, no structures could be approved that approached 200 feet in height and, as such, the General Plan amendment is consistent with this provision of the Travis Plan.

The General Plan amendment will permit high density residential development. The designation would permit three story residential structures at a density of 22 units per acre and a population intensity of approximately 50 persons per acre. The project is not a public assembly use or a specialty housing project for captive groups. The General Plan amendment does not permit wind turbines within the high density residential areas. As a result, the general plan amendment is consistent with this compatibility factor for the Nut Tree Plan.

2) Consistency with Part 77 Surfaces

The location of the site is well outside of the Part 77 Surfaces for the Nut Tree Airport. As a result, the general plan amendment is consistent with this compatibility factor for the Nut Tree Plan.

In conclusion, based on the analysis above, the proposed Casa Dei Vista Project is consistent with this provision of the Travis Plan and the Nut Tree Plan and meets the first test for consistency by the ALUC - the elimination of direct conflicts with an airport's LUCP compatibility criteria.

Assurance of Compliance with Compatibility Criteria

Travis Plan and Nut Tree Plan Consistency

The second test for consistency is the assurance that there will be compliance with the compatibility criteria contained within any adopted LUCP's. The California Airport Land Use Planning Handbook provides guidance to local ALUC's in making consistency determinations on General Plans.

Elimination of direct conflicts between a county's or a city's general plan and the ALUC's compatibility plan is not enough to guarantee that future land use development will adhere to the compatibility criteria set forth in the compatibility plan. An implementation process must also be defined either directly in the general plan or specific plan or by reference to a separately adopted ordinance, regulation or other policy document.

The Handbook identifies three facets to the process of insuring compliance with airport land use compatibility criteria:

a. Delineation of Compatibility Criteria-

Airport land use compatibility criteria must be defined either in a policy document adopted by the county or city or through adoption of or reference to the ALUC's compatibility plan itself.

Consistency between the City's General Plan and the applicable Land Use Compatibility Plans is established by General Plan Land Use Element Implementing Policy 2.1- I 12, requiring that "Land use changes and development proposals within the Vacaville planning area shall be consistent with the Nut Tree and Travis Airport Land Use Compatibility Plans (ALUCP's).

This in effect gives the City a basis for requiring that projects under review comply with the applicable Airport land Use Compatibility Plan.

b. Identification of Mechanisms for Compliance-

The mechanisms by which applicable compatibility criteria will be tied to an individual development and continue to be enforced must be identified. A conditional use permit or development agreements are two possibilities.

Adoption of the General Plan does not authorize the residential development. Subsequent legislative actions by the City Council will be required, including a rezoning of the property. Tentative subdivision maps will also be required. Under California state law, both the rezoning and the tentative subdivision maps must be consistent with the City's General Plan. This requirement addresses conformance with applicable LUCP's and as such, the City's mechanism for compliance is adequately assured.

c. Indication of Review and Approval Procedures-

Lastly, the procedures for review and approval of individual development proposals must be defined. At what level within a county or city are compatibility approvals made: staff, planning commission or governing body? The types of actions which are to be submitted to the ALUC for review and the timing of such submittals relative to the internal review and approval process must be indicated.

Per state law, legislative actions (e.g., General Plans and Zoning Ordinances) that have an impact on the Travis or Nut Tree Plans must be approved by the Vacaville City Council following a public hearing. They must also be reviewed by the ALUC prior to the City Council's action.

Types of actions submitted to ALUC:

Any revisions to the General Plan or a Zone Change are required to come before the ALUC for statutory review.

Timing:

ALUC review would be completed before the City takes further action on any development proposal.

As a result, the review procedures are adequate to assure that applicable compatibility criteria will be tied to an individual development and continue to be enforced.

As a result, the Casa Dei Vista Project general plan amendment is consistent with the Travis Plan and the Nut Tree Plan.

Analysis of the Zoning Action Consistency Factors

The Allison Drive Transit project and the Casa Dei Vista project also contain zoning actions required for implementation of the project. These zoning actions permit high density residential land uses in both instances and require ALUC review for consistency with the Travis Plan and the Nut Tree Plan. The CalTRANS Handbook lists the following topics for consideration when reviewing zoning or other policy documents. Each of these categories is reviewed below:

1. Intensity Limitations on Nonresidential Uses

The City's application includes rezoning amendments for both the Allison Drive Transit Development site and the Casa Dei Vista apartment project site. These rezoning actions would permit high density residential development on the properties.

Travis Plan:

Within Compatibility Zone D of the Travis Plan, there are no limitations on density for residential land uses or limitations on intensity for non-residential land uses. As a result, the Allison Drive Transit Development and the Casa Dei Vista apartment project zoning amendments are consistent with the Travis Plan.

Nut Tree Plan:

The Nut Tree Plan does not specify any density limitations within Compatibility Zone F. The Plan considers most land uses consistent with the Plan except for large assemblages of people or captive group facilities requiring further review by the Commission. As mentioned under the general plan consistency determination, this provision is only impacting the review and consideration of public assembly type uses and assisted housing projects for persons with mobility issues. Consequently, the Allison Drive Transit Development and the Casa Dei Vista apartment project zoning amendments are consistent with the Nut Tree Plan.

2. Identification of Prohibited Uses

Travis Plan:

Compatibility Zone D does not prohibit any specific uses. As a result, the Rezoning amendments for the Allison Drive Transit Development and the Casa Dei Vista apartment projects are consistent with the Travis Plan.

Nut Tree Plan:

Compatibility Zone F does not prohibit any land uses but does require additional review and consideration of public assembly type uses and assisted housing projects for persons with mobility issues. Neither the Allison Drive Transit Development nor the Casa Dei Vista apartment project contains the public assembly or special needs housing which require further review. As a result, Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment project are consistent with the Nut Tree Plan.

3. Open Land Requirements

Travis Plan:

Compatibility Zone D has no open land requirements for development. . As a result, the Pre-Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment project are consistent with the Travis Plan.

Nut Tree Plan:

Compatibility Zone F has no open land requirements for development. . As a result, the Pre-Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment project are consistent with the Nut Tree Plan.

4. Infill Development

Travis Plan:

This project area is substantially undeveloped and does not qualify as infill development. As a result, the project does not receive special consideration or further review as an infill project under the Travis Plan. Therefore, the Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment project are consistent with the Travis Plan.

Nut Tree Plan:

This project area is substantially undeveloped and does not qualify as infill development. As a result, the project does not receive special consideration or further review as an infill project under the Nut Tree Plan. Therefore, the Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment project are consistent with the Travis Plan

5. Height Limitations and Other Hazards to Flight

Travis Plan:

As previously discussed, within Compatibility Zone D, the relevant factors for consideration include height review for objects in excess of 200 feet in height, wind turbines in excess of 100 feet in height, and projects within either the Bird Strike Hazard Zone or the Outer Perimeter Area.

Height Review for Objects Greater than 200 Feet in Height and Wind Turbines in Excess of 100 Feet in Height

The Allison Drive Transit Development and the Casa Dei Vista apartment project do not permit any structures that approach 100 feet in height and therefore the airspace review standards in Zone D are satisfied.

Projects within the Bird Strike Hazard Zone or the Outer Perimeter Area

The each project lies outside of the Bird Strike Hazard Zone and outside the Outer Perimeter Area. As a result no further review is required for this compatibility factor.

Therefore, the Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment project are consistent with the Travis Plan.

Nut Tree Plan:

The Nut Tree Plan requires adherence to the height limitations imposed by the Part 77 Surfaces. Neither the Allison Drive Transit Development nor the Casa Dei Vista apartment project are under such surfaces and as a result, no further consideration is required for this compatibility factor. Consequently each project is consistent with the Nut Tree Plan.

6. Buyer Awareness Measures

Travis Plan:

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

Nut Tree Plan:

The proposed project lies within Compatibility Zone F and outside of any noise contours of concern. As a result, Buyer Awareness Measures are not required by the Nut Tree Plan. Therefore, the Rezoning applications for the Allison Drive Transit Project and the Casa Dei Vista apartment project are consistent with the Nut Tree Plan.

7. Non-conforming Uses and Reconstruction

Travis Plan:

Neither the Allison Drive Transit Development nor the Casa Dei Vista apartment project contain any non-conforming uses, so consideration under this requirement is not necessary under the Travis Plan. Therefore, the Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment for this requirement is consistent with the Travis Plan.

Nut Tree Plan:

Neither the Allison Drive Transit Development nor the Casa Dei Vista apartment project contain any non-conforming uses, so consideration under this requirement is not necessary under the Nut Tree Plan. Therefore, the Rezoning applications for the Allison Drive Transit Development and the Casa Dei Vista apartment for this requirement is consistent with the Nut Tree Plan.

Based on the discussion above, staff recommends that the Commission find that the Allison Drive Transit Development and the Casa Dei Vista apartment meet these tests for consistency for a zoning action under the Travis and Nut Tree Plans.

RECOMMENDATION

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

Determination: Determine that the general plan amendments and rezoning changes for the Allison Drive Housing and Transit Projects are **consistent** with the Nut Tree Airport and the Travis Air Force Base Land Use Compatibility Plans.

Attachments

Attachment A: ALUC Application
Attachment B: Vicinity Map
Attachment C: Aerial Map
Attachment D: Travis Context Map
Attachment E: Nut Tree Airport Context Map
Attachment F: Allison Transit Project Zoning Overlay
Attachment G: Casa Dei Vista General Plan and Zoning Changes
Attachment H : Resolution (To Be Distributed by Separate Cover)