

## Legislation Text

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**File #:** AC 19-014, **Version:** 1

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### **ALUC-19-06:** Fruitvale Ave Rezoning Project (City of Vacaville)

Public Hearing to consider the consistency of the City of Vacaville's proposed Fruitvale Ave Rezoning Project with the Travis Air Force Base Land Use Compatibility Plan: Applicant - City of Vacaville

## **RECOMMENDATION**

Determine that the Fruitvale Ave Rezoning Project is **consistent** with the Travis Air Force Base Land Use Compatibility Plan.

## **INTRODUCTION**

The City of Vacaville is proposing two ordinances rezoning 27 acres of land located on both sides of Fruitvale Avenue at North Orchard Ave. The land is situated in the unincorporated portion of the County. The rezoning becomes effective upon annexation of the parcels to the City of Vacaville. Since the regulations modify the zoning regulations of the City, the ALUC is required by state law to make a consistency determination with any applicable Airport Land Use Compatibility Plans.

### **Project Description** (See Attachment A,B,C)

The City of Vacaville's Fruitvale Ave Rezoning Project consists of two components:

- 1) a residential parcel containing 10 existing homes built in the unincorporated County and
- 2). the Farmstead at North Orchard Project on the south side of Fruitvale Avenue. Each component is described below.

#### 10 Residential Parcels Project

The Farmstead at North Orchard includes 10 parcels on 7.4 acres located on the north side of Fruitvale Avenue which are being annexed into the City along with the proposed Farmstead development.

Upon completion of the annexation, the ten parcels would be zoned RE-10, Residential Estate - 10,000 square foot minimum lot size (see map attachment to ordinance). This zoning is consistent with the General Plan and consistent with the existing development. The pre-zoning is part of the annexation application, but will not require any changes to the existing uses. The height limit is the zoning district is 40' feet.

#### Farmstead at North Orchard Project

The Farmstead at North Orchard is a proposed single family home residential project on 20 acres of agricultural land located at the southeast corner of North Orchard Avenue and Fruitvale Road. The project will consist of 130 single family homes as well as a 3 acre neighborhood park and 2 acres of neighborhood trails.

The City's General Plan is the primary planning document that sets forth a vision for future development. The project site is designated for Residential Medium Density (8.1-14 units/acre) and Park in the City's General Plan. The proposed land uses are consistent with the City's General Plan.

The proposed RM, Medium Density Residential zone district, is consistent with the General Plan. The RM District is intended to provide for attached housing types, such as apartments, but also provides for single-family detached housing with a Conditional Use Permit and compliance with Residential Design Requirements for New Single Family Development. The height limit in the RM zoning district is 40' feet.

### **ALUC Jurisdiction**

The Fruitvale Ave Rezoning Project is located within the Area of Influence of the Travis AFB Land Use Compatibility Plan (Travis Plan) and is statutorily required to come before the ALUC for a consistency determination.

### **Required Tests for Consistency for Rezoning Actions**

#### **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 the Travis 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.

#### California Airport Land Use Planning Handbook

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 Fruitvale Ave Prezoning Project in light of the tests for general plan/specific plans and zoning actions. Our analysis is presented below.

#### **ANALYSIS**

As previously mentioned, the Fruitvale Ave Prezoning Project involves two components:

- 1) a 10 residential parcel project at 1.4 units per acre, and
- 2) the Farmstead at North Orchard Project on the south side of Fruitvale Avenue at 8.1 units per acre.

#### **Relevant Issues for the ALUC**

The consistency determination for the Fruitvale Ave Prezoning Project requires an analysis of the compatibility criteria contained in Compatibility Zone D from the Travis Plan 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.

#### **Discussion of Consistency**

##### **Analysis of the Zoning Action Consistency Factors**

The Fruitvale Ave Prezoning Project contains zoning actions which permit low and medium density residential land uses at 1.4 and 8.1 units per acre respectively. As previously discussed, the CalTRANS Handbook lists several topics for consideration when reviewing zoning or other policy documents. Each of these categories is reviewed below:

1. Intensity Limitations on Nonresidential Uses

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 Fruitvale Ave Rezoning Project is consistent with the Travis Plan.

2. Identification of Prohibited Uses

Compatibility Zone D does not prohibit any specific uses. As a result, the Rezoning amendments for the Fruitvale Ave Rezoning Project is consistent with the Travis Plan.

3. Open Land Requirements

Compatibility Zone D has no open land requirements for development. . As a result, the Pre-Rezoning applications for the Fruitvale Ave Rezoning Project is consistent with the Travis Plan.

4. Infill Development

This project area is substantially developed and does qualify as infill development. However, the project does not require special consideration or further review as an infill project under the Travis Plan since there are no density limitations within Compatibility Zone D. Therefore, the Fruitvale Ave Rezoning Project is consistent with the Travis Plan.

5. Height Limitations and Other Hazards to Flight

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 Fruitvale Ave Rezoning 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 maximum building height for the project is 40'. In addition, 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.

6. Buyer Awareness Measures

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.

7. Non-conforming Uses and Reconstruction

Neither the Fruitvale Ave Rezoning Project does not contain any non-conforming uses, so consideration under this requirement is not necessary under the Travis Plan. Therefore, the Fruitvale Ave Rezoning Project, for this requirement, is consistent with the Travis Plan.

Based on the discussion above, staff recommends that the Commission find that the Fruitvale Ave Rezoning Project meets these tests for consistency for a zoning action under 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 the rezoning ordinances for the Fruitvale Ave Rezoning Project are **consistent** with the Travis Air Force Base Land Use Compatibility Plan.

## Attachments

Attachment A: ALUC Application

Attachment B: Vicinity Map

Attachment C: Aerial Map

Attachment D: Travis Context Map

Attachment E : Resolution (To Be Distributed by Separate Cover)