

Legislation Text

File #: AC 19-036, **Version:** 1

Conduct a Public Hearing to consider the consistency of ALUC-2019-16, the General Plan Consistency Project, with the Nut Tree Airport Land Use Compatibility Plan (Nut Tree Plan) and the Travis AFB Land Use Compatibility Plan (Travis Plan) (Sponsor: City of Vacaville)

RECOMMENDATION:

Determine that application ALUC-2019-16, the General Plan Consistency Project, is consistent with the Travis Plan and the Nut Tree Plan.

DISCUSSION:

INTRODUCTION AND OVERVIEW

The City of Vacaville has filed an application with the ALUC (ALUC-19-16), to amend the general plan land use map to correct several land use designations which do not match the underlying development of the property or do not match the zoning district existing on the parcel.

The City has organized the application around 15 groups of properties which are being addressed by this general plan amendment. The City has submitted a General Plan Booklet which depicts the location of each proposed change along with a description of the existing and proposed general plan revision. (See Attachment B).

Staff has prepared a table which lists each of the groups being reviewed along with the status of each group with respect to the Travis Plan and the Nut Tree Plan (See Attachment C General Plan Changes Table).

REQUIRED TESTS FOR CONSISTENCY BY THE AIRPORT LAND USE COMMISSION

The City of Vacaville's project consists of general plan amendments which triggers the requirement for a consistency determination from the Solano County Airport Land Use Commission. The criteria for evaluating a general plan amendment are discussed below.

Consistency Tests for a General Plan and/or Specific Plan Amendment

The State Department of Transportation Division of Aeronautics has published the 2011 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.

According to the Handbook, the tests are:

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

Direct conflicts primarily involve general 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 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.

APPLICABLE AIRPORT LAND USE COMPATIBILITY PLANS

Travis Plan (2015)

The project contains multiple groups of parcels. All of the parcels are within the Area of Influence of the Travis Plan in Compatibility Zone D.

Nut Tree Plan (1988)

A majority of the parcels are outside of the Area of Influence of the Nut Tree Airport. Of those that are within the Nut Tree Plan AIA, all of them are in either Compatibility Zones D, E or F.

The general plan change groups have been evaluated for each airport and a summary of findings is provided below.

AIRPORT CONSISTENCY ANALYSIS

Travis Plan Consistency Analysis

All of the general plan change groups are within the Area of Influence of the Travis Plan and located in Compatibility Zone D. Two general plan change groups are located within the Outer Perimeter of the Wildlife Hazard Area.

The requirements for Compatibility Zone D are provided below.

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 with the Travis Plan

Compatibility Zone D

As previously mentioned, there are no land use limitations within compatibility zone D. However, within Compatibility Zone D, the relevant factors for consideration would be “Height Limitations and Other Development Conditions” which 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

Relevant General Plan Consistency Factors

1. Elimination of Direct Conflicts

As discussed above, the proposed general plan changes lie entirely within zone D, where there are no land use density or intensity restrictions within the Travis Land Use Compatibility Plan. There are several specific compatibility criteria which are addressed below:

Height, Wind Turbines in Excess of 100 Feet in Height

None of the 15 general plan change groups propose construction of wind turbines or make any changes in the development standards for wind turbines. As such, the General Plan Amendment is consistent with this provision of the Travis Plan.

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

One of the general plan change groups are within the boundaries of the Outer Perimeter Area. For projects within the Outer Perimeter Area, the Travis Plan requires consideration of whether any new or expanded land use has the potential to attract the movement of wildlife and cause bird strikes. If the potential exists, a Wildlife Hazards Assessment must be prepared.

Group 15, the Peabody Detention Basin project, is within the Outer Perimeter of the Wildlife Hazard Area. This is an existing project. The general plan change is necessary to properly classify this land use as "Public/Institutional" instead of Public Open Space since it is a drainage facility and not a facility open to the public. There are no proposals for new or increased aspects to this facility.

As such, this general plan change group is consistent with this provision of the Travis Plan.

In conclusion, based on the analysis above, the proposed general plan change amendment meets the first test for consistency by the ALUC - the elimination of direct conflicts with an airport's LUCP compatibility criteria.

2. Assurance of Compliance with Compatibility Criteria

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/Specific 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 a development agreement are two possibilities.

Adoption of this General Plan Amendment does not authorize any new development. Development authorization emanates from the underlying zoning on the property. All of the general plan change groups contain property already zoned and, in many cases, already developed. The City of Vacaville's development code includes provisions within the Zoning Ordinance which require land uses to be consistent with the Travis Plan and the Nut Tree Plan.

This element of the City's zoning regulations 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 Plan/Specific Plan Amendments and Zoning Ordinance Amendments) that have an impact on the Travis LUCP 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.

Based on the discussion above, staff recommends that the Commission find that the proposed general plan changes meets the required tests for consistency for a general plan/specific plan with respect to the Travis Plan.

Nut Tree Plan Consistency Analysis

A majority of the parcels are outside of the Area of Influence of the Nut Tree Airport. Of those that are within the Nut Tree Plan AIA, all of them are in Compatibility Zone D, E or F.

Compatibility Zone D

Within Compatibility Zone D of the Nut Tree Plan, permissible uses consist of:

1. Residential uses up to 4 units per acre, and
2. Non-residential uses with intensities up to 100 persons per acre within structures and 150 persons per acre within and outside of structures.

The non-residential permissible uses typically include light industrial uses (one story), heavy industrial uses, auto

dealerships, retail uses (2 story), office and financial uses (2 story) and motels (2 story).

Compatibility Zone D requires the recordation of an overflight easement.

Height Criteria

The only height requirement is consistency with the Part 77 surfaces.

Open Space Requirement

There is an open space requirement of 10% within Compatibility Zone D.

Compatibility Zone E

Within Compatibility Zone E of the Nut Tree Plan, permissible uses consist of:

1. Residential uses up to 6 units per acre, and
2. Has no intensity limitations on Non-residential uses.

The permissible uses typically include most non-residential land uses.

Compatibility Zone E requires the recordation of an overflight easement.

Height Criteria

The only height requirement is consistency with the Part 77 surfaces.

Open Space Requirement

There is no open space requirement within Compatibility Zone E.

Compatibility Zone F

Within Compatibility Zone F of the Nut Tree Plan, permissible uses consist of:

1. Residential uses with no density limitation are permitted, and
2. Has no intensity limitations on Non-residential uses.

The permissible uses typically include most non-residential land uses.
Compatibility Zone F requires the recordation of an overflight easement.

Height Criteria

The only height requirement is consistency with the Part 77 surfaces.

Open Space Requirement

There is no open space requirement within Compatibility Zone F.

Discussion of Consistency with the Nut Tree Plan

Relevant General Plan Consistency Factors

1. Elimination of Direct Conflicts

As discussed above, the proposed general plan changes lie within zones D,E and F within the Nut Tree Plan. Each general plan change group is discussed in the section below:

General Plan Changes within Compatibility Zone D

Zone D permits residential densities up to 4 units per acre and no limitations on the intensity for non-residential uses such as commercial, office and industrial uses.

One of the 15 general plan change groups is located within Compatibility Zone E.

Group 4, the Callen Street project, consists of an established commercial service and retail commercial development of small buildings on small lots. The general plan is being changed to accurately reflect the nature of the existing development as a "Commercial Service" rather than "Commercial General" land use.

No new development is being proposed and the existing development is governed by the City's zoning regulations.

As such, these general plan changes are consistent with this provision of the Nut Tree Plan.

General Plan Changes within Compatibility Zone E

Zone E permits residential densities up to 6 units per acre and non-residential uses such as commercial, office and industrial uses are permitted without limitations on intensity.

One of the 15 general plan change groups is located within Compatibility Zone E.

Group 13, the North Village Clean-Up project, consists of a partially developed community college campus. Only parking areas are located within Zone E. The Campus Buildings are located in Zone F. The general plan is being changed to accurately reflect the nature of the existing development as a "Public/Institutional" rather than "Commercial General and Business Park" land use.

No new development is being proposed.

As such, these general plan changes are consistent with this provision of the Nut Tree Plan.

General Plan Changes within Compatibility Zone F

Zone F permits has no restrictions on residential densities and non-residential uses such as commercial, office and industrial uses in one and two-story buildings.

Four of the 15 general plan change groups is located within Compatibility Zone F.

Group 6, the Fire Station 72 project, consists of an established City fire station. The general plan is being changed to accurately reflect the nature of the existing development as a "Public/Institutional" rather than "Residential Low" land use.

Group 7, the Adrian Court Sites project, consists of an established residences and vacant lots. The general plan is being changed to accurately reflect the nature of the existing development as a "Residential Low" rather than "Park and Open Space" land use.

Group 8, the Markham Avenue Site project, consists of an established parking lot associated with an existing apartment project. The general plan is being changed to accurately reflect the nature of the existing development as a "Residential High" rather than "Park" land use.

Group 13, the North Village Clean-Up project, consists of a partially developed community college campus. The Campus Buildings are located in Zone F. The general plan is being changed to accurately reflect the nature of the existing development as a "Public/Institutional" rather than "Commercial General and Business Park" land use.

As such, these general plan change groups are consistent with this provision of the Nut Tree Plan.

In conclusion, based on the analysis above, the proposed general plan change amendment meets the first test for consistency by the ALUC - the elimination of direct conflicts with an airport's LUCP compatibility criteria.

2. Assurance of Compliance with Compatibility Criteria

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.

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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 a development agreement are two possibilities.

Adoption of this General Plan Amendment does not authorize any new development. Development authorization emanates from the underlying zoning on the property. All of the general plan change groups contain property already zoned and, in many cases, already developed. The City of Vacaville's development code includes provisions within the Zoning Ordinance which require land uses to be consistent with the Travis Plan and the Nut Tree Plan.

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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 Plan/Specific Plan Amendments and Zoning Ordinance Amendments) that have an impact on the Travis LUCP 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.

Based on the discussion above, staff recommends that the Commission find that the proposed general plan changes meets the required tests for consistency for a general plan/specific plan with respect to the Nut Tree 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-2019-16, the General Plan Consistency Project, is consistent with the Nut Tree Plan and the Travis Plan.

Attachments

Attachment A: Application

Attachment B: General Plan Booklet

Attachment C: General Plan Changes Table

Attachment D: Airport Context Map

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