

Legislation Text

File #: AC 19-037, **Version:** 1

Conduct a Public Hearing to consider the consistency of ALUC-2019-17, the Zoning Map Changes 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 Zoning Map Changes 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-19-17), to amend the City's zoning district maps to correct several zoning designations which do not match the underlying development of the property or do not match the general plan designation for the parcel.

The City has organized the application around 38 groups of properties which are being addressed by this zoning changes project. The City has submitted a Zoning Map Booklet which depicts the location of each proposed change along with a description of the existing and proposed zoning 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 Zoning Changes Table).

REQUIRED TESTS FOR CONSISTENCY BY THE AIRPORT LAND USE COMMISSION

The City of Vacaville's project consists of zoning 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.

Required Tests for Consistency of 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.

1. *Intensity Limitations on Nonresidential Uses*
2. *Identification of Prohibited Uses*
3. *Open Land Requirements*
4. *Infill Development*
5. *Height Limitations and Other Hazards to Flight*
6. *Buyer Awareness Measures*
7. *Non-conforming Uses and Reconstruction*

Staff has reviewed the City of Vacaville's Zoning Changes Project in light of the tests for zoning actions. Our analysis is presented below.

APPLICABLE AIRPORT LAND USE COMPATIBILITY PLANS

Travis Plan (2015)

The Zoning Changes Project contains 38 groups of parcels which are being rezoned. All of the groups of parcels are within the Area of Influence of the Travis Plan in Compatibility Zone D. Two of the groups, 13 and a portion of 22, are in the Outer Perimeter of the Wildlife Hazard Area.

Nut Tree Plan (1988)

Half of the 38 groups of parcels are within the area of influence of the Nut Tree Plan. 16 groups are within Compatibility Zone F and one group (36) is within both Compatibility Zones E and F. are inside 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 zoning change groups have been evaluated for each airport and a summary of findings is provided below.

AIRPORT CONSISTENCY ANALYSIS

Travis Plan Consistency Analysis

As previously mentioned, all of the groups are within Compatibility Zone D. 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 discussed above, 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 Zoning Change Consistency Factors for the Travis Plan

The City of Vacaville Zoning Changes project contains 38 groups of zoning district changes throughout the City. Each of these zoning changes requires 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 for the Zoning Changes Project:

1. Intensity Limitations on Nonresidential Uses

Within Compatibility Zone D, there are no limitations on density for residential land uses or limitations on intensity for non-residential land uses.

2. Identification of Prohibited Uses

Compatibility Zone D does not prohibit any specific uses.

3. Open Land Requirements

Compatibility Zone D has no open land requirements for development.

4. Infill Development

Many of the zoning changes parcels are already developed and could be classified as infill development. However, since all of the parcels are within Zone D and are consistent with the Compatibility Zone criteria discussed above, no relief is necessary under the Infill Development policy.

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.

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

None of the zoning change groups involve zoning districts which permit structures taller than 100 feet, so airspace review standards in zone D are satisfied.

B. *Projects within the Bird Strike Hazard Zone or the Outer Perimeter Area*

Only two group lies within the Outer Perimeter Area.

Group 13, the Nut Tree and Alamo Drive Group. This group consists of a developed mini-mart and gas station site which is completely covered with impervious surfaces. Consequently, it does not require further review for the introduction of new wildlife attractants.

Group 22, the Alamo Creek 5 Group. This group includes properties consisting of the existing Alamo Creek streambed. No improvements or enhancements to the creek are proposed by this change. The zoning is being changed to Open Space from Community Facility or Residential Low-6 to reflect the actual land use. Consequently, it does not require further review for the introduction of new wildlife attractants.

C. *New or Expanded Commercial Solar Facilities*

None of the zoning changes are permitting solar commercial facilities. Consequently, it does not require further review for the introduction of new wildlife attractants.

6. Buyer Awareness Measures

All of the zoning change groups lie 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

The project may result in new construction or reconstruction activities. Such activities will be controlled by the zoning district regulations of the City of Vacaville, which provide that any new or expanded uses must be consistent with the Travis Plan and the Nut Tree Plan.

Existing non-conforming uses may continue to exist during the Plan period.

Based on the discussion above, staff recommends that the Commission find that the proposal meets these tests for consistency with the Travis Plan for zoning actions.

Conclusion

Based all of the discussion above, staff recommends that the Commission find that the proposed zoning changes meets the required tests for consistency for a zoning action 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 either Compatibility Zones E or F

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

The 38 groups of zoning changes are located within 2 Compatibility Zones of the Nut Tree Plan. Consistency of the groups, in the context of each Compatibility Zone, is discussed below.

Zoning 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 zoning change groups is located within Compatibility Zone E.

Group 36, the Kaiser and Quinn Rd Detention Basin Group, lies partially within Zone E and consists of a developed hospital campus and a city storm water detention basin. The zoning for the hospital is being changed from “Business Park” to “Community Facility” to reflect more accurately the nature of the use. The zoning on the detention basin property is being changed from “North Valley Specific Plan- Business Park” to “North Valley Specific Plan - Community Facility” to reflect the actual land use on the property.

No new development is being proposed.

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

Zoning 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. There are no open space requirements in this compatibility zone.

Seventeen of the 38 zoning change groups are located within Compatibility Zone F.

The 17 zoning change groups are comprised of properties where the zoning is being brought into compliance with the general plan or the zoning is being changed to reflect the existing land uses on the ground today. All of the existing developments are consistent with the compatibility criteria.

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

Relevant Zoning Change Consistency Factors for the Nut Tree Plan.

The City of Vacaville Zoning Changes project contains 38 groups of zoning district changes throughout the City. Each of these zoning changes requires 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 for the Zoning Changes Project:

1. Intensity Limitations on Nonresidential Uses

Within Compatibility Zones E & F, there are no limitations on density for residential land uses or limitations on intensity for non-residential land uses. As a result, each of the zoning change groups is consistent with this criterion.

2. Identification of Prohibited Uses

Compatibility Zones E & F prohibit any noise sensitive outdoor uses. None of the 17 zoning change groups include noise sensitive outdoor uses. As a result, each of the zoning change groups is consistent with this criterion.

3. Open Land Requirements

Compatibility Zones E & F have no open land requirements for development. As a result, each of the zoning change groups is consistent with this criterion.

4. Infill Development

Many of the zoning changes parcels are already developed and could be classified as infill development. However, since all of the parcels are within Zones E and F and are consistent with the Compatibility Zone criteria discussed above, no relief is necessary under the Infill Development policy.

5. Height Limitations and Other Hazards to Flight

As previously discussed, within Compatibility Zones E & F, the relevant factors for consideration include height review for Part 77 Surfaces and the elimination of sources of smoke, glare and wildlife attractors. None of the 17 zoning change groups are known to exceed Part 77 height limitations or produce any hazards to flight.

6. Buyer Awareness Measures

All of the zoning change groups lie within Compatibility Zones E & F and outside of any noise contours of concern. As a result, Buyer Awareness Measures are not required.

7. Non-conforming Uses and Reconstruction

The project may result in new construction or reconstruction activities. Such activities will be controlled by the zoning district regulations of the City of Vacaville, which provide that any new or expanded uses must be consistent with the Travis Plan and the Nut Tree Plan.

Existing non-conforming uses may continue to exist during the Plan period.

Based on the discussion above, staff recommends that the Commission find that the proposal meets these tests for consistency with the Nut Tree Plan for zoning actions.

Conclusion

Based on the discussion above, staff recommends that the Commission find that the proposed zoning changes meets the required tests for consistency for a zoning action 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-2019-17, the Zoning Map Changes project, is consistent with the Nut Tree Plan and the Travis Plan.

Attachments

Attachment A: Application

Attachment B: Zoning Map Booklet

Attachment C: Zoning Changes Table

Attachment D: Zoning Changes Airport Context Map

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