

Legislation Text

File #: AC 20-013, **Version:** 1

Conduct a Public Hearing to consider a Consistency Determination (ALUC-20-05) for amendments to the Waterfront District Specific Plan City and the Accessory Dwelling Unit Zoning Regulations with the Travis Air Force Base Airport Land Use Compatibility Plan. (Sponsor: City of Suisun City)

RECOMMENDATION:

Determine that application ALUC-2020-05 for the Suisun Waterfront Specific Plan and Accessory Dwelling Zoning Regulations are consistent with the Travis Air Force Base Airport Land Use Compatibility Plan.

DISCUSSION:

Introduction

On January 1, 2020, additional new state legislation went in to effect mandating certain minimum requirements for any local zoning regulations pertaining to accessory dwelling units. The legislation rendered invalid any local regulations if they were not in complete conformance with the new state rules for secondary dwellings. The City of Suisun has initiated amendments to its Waterfront Specific Plan and Accessory Dwelling Unit Zoning Regulations to bring each document into compliance with the current state law in effect for accessory dwelling units.

Suisun Waterfront Specific Plan (Attachment B)

The Suisun Waterfront Specific Plan is being revised to add Accessory Dwelling Units as a permitted land use within the Main Street Mixed Use Zone and the Downtown Mixed Use Zone areas of the plan area and provides development standards applicable to accessory dwelling units.

Accessory Dwelling Unit Zoning Regulations - (Attachment C)

The proposed revisions to the Suisun City Zoning Regulations include:

1. Amending Section 18.04 to add definitions for a variety of types of accessory dwelling units,
2. Amending Section 18.30.170 to provide a purpose for the regulations,
3. Amending Section 18.30.170 to make revisions to the regulations governing accessory dwelling units, and
4. Amending Section 18.31 adding explanatory footnotes to Table 18.31.01 Development Standards in Residential Zones.

These changes do not alter the intensity of density of development permitted on any parcel in the City of Suisun City.

ALUC Jurisdiction

The Waterfront District Specific Plan requires a statutory review for consistency by the ALUC under the standards for the review of general plans. The Accessory Dwelling Unit Zoning regulations require a statutory review for consistency under the standards for review for zoning changes. The required tests for each type of review are provided below followed by the consistency analysis under those

REQUIRED TESTS FOR CONSISTENCY

REQUIRED TESTS FOR CONSISTENCY FOR GENERAL PLAN/SPECIFIC 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 Land Use Compatibility Plans (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. 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.

The ALUC is concerned with those aspects of the proposed zoning changes which have the potential to be incompatible with the Travis 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

DISCUSSION OF CONSISTENCY

The City of Suisun City residential areas and the Waterfront District lie within the Area of Influence of the Travis plan, more particularly within Compatibility Zone D. (Attachment F Travis Plan Context Map).

Travis Plan Compatibility Zone D Criteria

The criteria for compatibility in Zone D are listed below.

Maximum Densities/Intensities: No Limits

Prohibited Uses: None

Other Development Conditions:

- ALUC review required for objects > 200 feet AGL
- All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1
- 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.
- 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.

Consistency Analysis of the Specific Plan

In order for a general 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 Waterfront District Specific Plan applies to properties 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 Specific Plan Amendment will permit accessory dwelling units in its Mixed-Use Zones and establish development standards for the accessory dwelling units. The designation would permit two 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 Specific Plan Amendment is consistent with this provision of the Travis Plan.

Height, Wind Turbines in Excess of 100 Feet in Height

The Specific Plan Amendment does not permit wind turbines within the Mixed-Use Zone areas. As such, the General Plan Amendment 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, the Specific Plan Amendment does not permit a commercial scale solar project in the plan area. As such, the Specific Plan Amendment 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 Specific Plan Amendment is consistent with this provision of the Travis Plan.

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

The project lies inside of the Bird Strike Hazard Zone and inside the Outer Perimeter Area. The Waterfront District Specific Plan Amendment does not enable uses which have the potential to attract wildlife. As such, the Specific Plan Amendment is consistent with this provision of the Travis Plan.

In conclusion, based on the analysis above, the proposed the Specific Plan Amendment is consistent with these provisions of the Travis 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 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.

The Specific Plan Amendment is a part of the City's General Plan which requires compliance with the Travis

Plan, which in effect gives the City a basis for requiring that all phases of the project under review comply with the Travis 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.

Subsequent development permits will be reviewed by the City Council, Planning Commission, and the Director of Planning. In the case of legislative actions, ALUC review must occur. For other permits, the Planning Commission and Director of Planning must make a consistency finding as required by the Travis Plan

Tentative subdivision maps will also be required. Under California state law, the tentative subdivision maps must be consistent with the Specific Plan Amendment. 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., the Specific Plan Amendment) that have an impact on the Travis Plan must be approved by the 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 Specific Plan Amendment 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 described above, 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 Specific Plan Amendment is consistent with the Travis Plan.

Consistency Analysis of the Accessory Dwelling Unit Zoning Regulations

Staff has reviewed the proposed Accessory Dwelling Unit Zoning Regulations for consistency with the Travis Plan and the State mandated compatibility factors. Our analysis is presented below.

Intensity Limitations on Nonresidential Uses

the proposed Accessory Dwelling Unit Zoning Regulations make minor changes in existing rules for accessory dwellings. They do not change any aspects of non-residential uses. As a result, the proposed Accessory Dwelling Unit Zoning Regulations are consistent with the Travis Plan.

Identification of Prohibited Uses

The proposed Accessory Dwelling Unit Zoning Regulations make no changes to the allowed or prohibited land uses in any zoning district. The changes are focused only on development standards for accessory dwellings. As a result, the proposed Accessory Dwelling Unit Zoning Regulations are consistent with the Travis Plan.

Open Land Requirements

The proposed Accessory Dwelling Unit Zoning Regulations make no changes to the open land requirements in any zoning district. As a result, the proposed Accessory Dwelling Unit Zoning Regulations are consistent with the Travis Plan.

Infill Development

The proposed regulations apply throughout the City of Suisun City to properties which may or may not be considered infill locations. Infill development is sometimes afforded additional density or intensity when it is surrounding by existing development that does not meet the requirements of the Travis Plan. However, the proposed ordinances does not provide any increase in density for infill projects. As a result, no further consideration is required for this criterion and the regulations would be consistent with these criteria. Accordingly, the proposed Accessory Dwelling Unit Zoning Regulations are consistent with the Travis Plan.

Height Limitations and Other Hazards to Flight

The Travis Plan contains height limitations and prohibitions on “Other Hazards to Flight”. The other hazards to flight involve land uses which may lead to bird strikes, potential obstructions due to tall objects or glare and communication interference.

The proposed Accessory Dwelling Unit Zoning Regulations make no changes to the height requirements in the zoning regulations. The ordinances do not alter the rules for land uses which might contribute to increases in bird strikes, nor do they alter regulations regarding communication facilities or lighting and glare prevention rules. As a result, the proposed Accessory Dwelling Unit Zoning Regulations is consistent with the Travis Plan.

Buyer Awareness Measures

The proposed Accessory Dwelling Unit Zoning Regulations do not designate any new residential uses. As a result, Buyer Awareness Measures are not required as a part of the approval of new residential areas. As a result, the proposed Accessory Dwelling Unit Zoning Regulations are consistent with the Travis Plan.

Non-conforming Uses and Reconstruction

The project is not authorizing any construction, nor does it expand the non-conforming use provisions of the City’s zoning regulations. As a result, the proposed Accessory Dwelling Unit Zoning Regulations are consistent with the Travis Plan.

In light of the above discussion, staff is recommending a consistency finding for the City of Suisun City’s Accessory Dwelling Unit Zoning regulations and the Travis Air Force Base Airport Land Use Compatibility 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-2020-05 for the Suisun Waterfront Specific Plan and Accessory Dwelling Unit Zoning Regulations are consistent with the Travis Air Force Base Airport Land Use Compatibility Plan.

Attachments:

Attachment A: ALUC Application

Attachment B: Waterfront Specific Plan - Redline Version

Attachment C: Accessory Dwelling Ordinance - Markup Version

Attachment D: Vicinity Map

Attachment E: Aerial Vicinity Map

Attachment F: Travis Context Map

Attachment G: Resolution (To Be Distributed at the Hearing)