

Solano County Airport Land Use Commission

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Steve Vancil Chairman

MEMORANDUM: ITEM 9

To: Solano County Airport Land Use Commission

From: Jim Leland, Principal Planner

Date: October 13, 2011

Subject: Request for a Consistency Determination by the City of Vacaville for a General Plan Amendment, Specific Plan Amendment and Rezoning for North Village Unit 5. - ALUC-11-08.

Conduct a Public hearing to consider the consistency of the City of Vacaville's proposed General Plan Amendment, Specific Plan Amendment and Rezoning for North Village Unit 5 to change the land use designation to Residential, Low / Medium Density (5.1-8.0 du/ac) and the Zoning to North Village Specific Plan Residential 1 with the Nut Tree Airport Land Use Compatibility Plan and the Travis Air Force Base Land Use Compatibility Plan. Applicant: City of Vacaville.

RECOMMENDATION

Staff recommends that the Commission adopt the findings and determine that the proposed **General Plan Amendment**, **Specific Plan Amendment and Rezoning for North Village Unit 5 is consistent** with the policies of the Nut Tree Airport Land Use Compatibility Plan ("NTLUCP") and the Travis Air Force Base Land Use Compatibility Plan ("TLUCP").

PROJECT DESCRIPTION

The City of Vacaville is in the process of considering amendments to its General Plan, North Village Specific Plan Amendment along with a Zone Change, Planned Development, a Vesting Tentative Map and a Development Agreement for North Village Unit 5 to permit the construction of a 72 lot subdivision on a previously designated school site. (See Figures1 thru 3).

Figure 1: Area Map

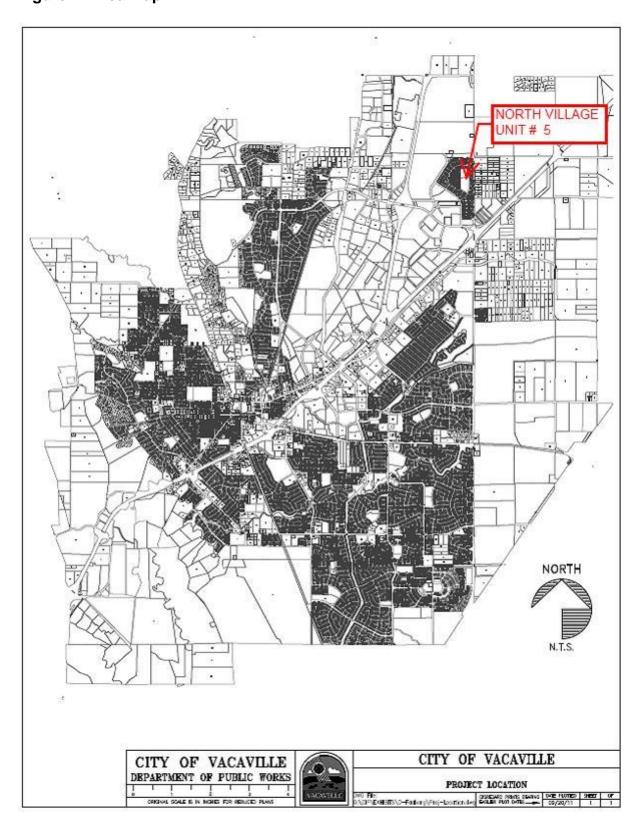


Figure 2: Neighborhood Map

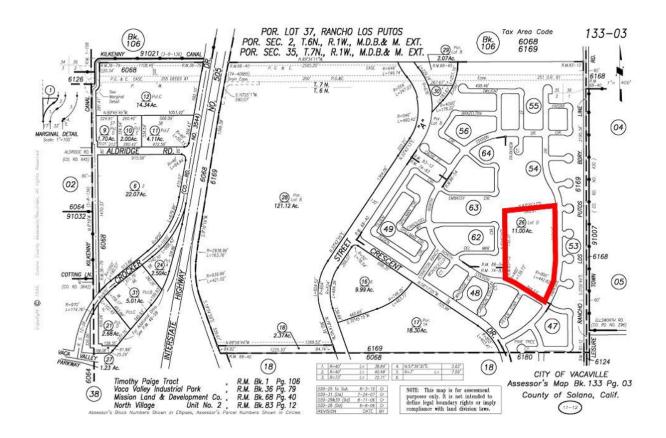
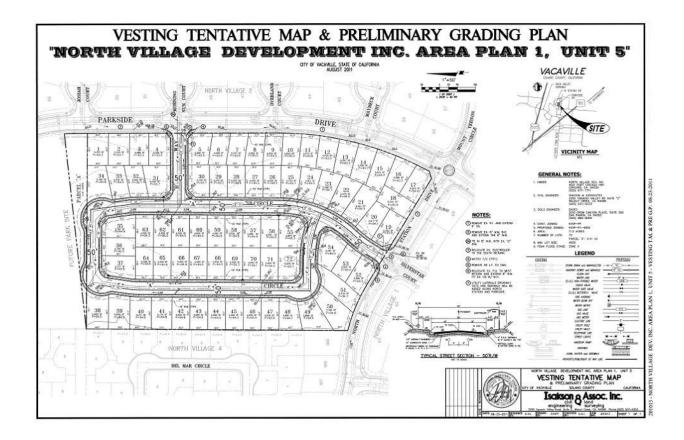


Figure 3: Tentative Map for 72 Lots



ALUCP REVIEW REQUIREMENTS

The project lies within the Area of Influence of the Nut Tree Airport and the Travis Air Force Base Land Use Compatibility Plans. Since the project is includes an amendment to a general plan, specific plan, and a rezoning, it is reviewed as a general plan amendment. As a result, it must be reviewed in accordance with Section 21676, subdivision (b), of the California Public Utilities Code, and Section 65302.3 of the California Government Code, which requires all general and specific plans and any amendments to general and specific plans to be submitted to the ALUC for a consistency determination. This is reiterated in the Solano County Airport Land Use Compatibility Review Procedures document, Section 1.5.1, subdivision (b), which provides that "The adoption or approval of any amendment to a general or specific plan affecting the property within an airport influence area" is required to be presented to the ALUC for a consistency determination with the pertinent Airport Land Use Compatibility Plan (ALUCP). "This requirement applies regardless of whether the proposal has community-wide applicability or affects only a single parcel....It also applies both to actions initiated by the local agency or a property owner and to amendments proposed for the purpose of making a general plan or specific plan consistent with an ALUC's compatibility plan." (California Airport Land Use Planning Handbook (2002), p. 5-10.)

The State Division of Aeronautics of the Department of Transportation has published the California Airport Land Use Planning Handbook (January 2002) as a guide for Airport Land Use Commissions in the preparation and implementation of Land Use Compatibility Plans and Procedure Documents. Additionally, the Governor's Office of Planning and Research has published "General Plan Guidelines (2003)" to assist local agencies in their preparations of General Plans. The Guidelines point out that the State's California Airport Land Use Planning Handbook is the primary source for airport land use planning. The California Environmental Quality Act (CEQA) also requires that the Handbook be used as a technical resource in the preparation of environmental impact reports and that negative declarations not be adopted unless the lead agency considers whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area. (Pub. Resources Code, § 21096.)

In order to be considered fully consistent with the applicable compatibility plan(s), the North Village V amendments must meet two specific tests, as identified in the California Airport Land Use Planning Handbook (January 2002). 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 development agreements 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.

These tests are restated and elaborated upon in Section 2.4.2 of the Solano County Airport Land Use Compatibility Review Procedures.

Staff has reviewed the North Village V amendments in light of these tests. Our analysis is presented below.

CONSISTENCY ANALYSIS

The project amends the City of Vacaville's General Plan, North Village Specific Plan and rezones the property to North Village Specific Plan Residential 1.

Nut Tree Airport Land Use Compatibility Criteria

The subject property is located entirely within Compatibility Zone F – Other Airport Environs. The compatibility criteria for zone F are listed below:

Compatibility Zone F – Other Airport Environs

Land uses in Zone F are subject to minor noise and limited overflight risk. Large assemblies and captive groups are normally not acceptable uses. However, most uses are normally acceptable in Zone F. According to the *Compatibility Criteria Table* (ALUCP pg. 10), residential uses are permitted without a density limitation. No population density restrictions or open land requirements apply to this zone.

Travis Air Force Base Land Use Compatibility Criteria

The subject property is located entirely within Compatibility Zone D – Other Airport Environs. The compatibility criteria for zone D are listed below:

Compatibility Zone D – Other Airport Environs

Land uses within Compatibility Zone D are located beneath the Travis Air Force Base airspace protection surfaces delineated in accordance with FAR Part 77. Limitations on height of structures are the only compatibility factors within this zone.

Compatibility Analysis

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.

Direct Conflicts:

The current designation as a school site is a direct conflict with the Nut Tree Land Use Compatibility Plan, as determined by the ALUC in 2005. Zone F would permit residential land uses. Thus, the proposal to permit a 72 lot residential development on lands currently designated as a school site eliminates a conflict between the Nut Tree Airport Land Use Compatibility Plan and the existing General Plan, Specific Plan and zoning. Therefore, there are no direct conflicts.

Consistency Between Plans:

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).

As a result, the general plan, policy plan and zoning are all consistent with the Nut Tree Airport and Travis Air Force Base Land use Compatibility Plans.

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.

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.

In addition to the linkages between the general plan and zoning mentioned above, the General Plan and North Village Specific Plan contain the following references to the Nut Tree Airport and Travis Air Force Base Land Use Compatibility Plans:

General Plan References:

- 2.1-I 12 Land use changes and development proposals within the Vacaville planning area shall be consistent with the Nut Tree Airport Land Use Plan and the Travis Airport Land Use Compatibility Plan and are subject to review per the Solano County Airport Land Use Compatibility Review Procedures. See also, Transportation Element policies 6.6 I 2 and 6.6 I 5; Noise Element policies 10.6 G 12, Table 10-1 and 10-2. This policy is implemented through the Airport Land Use Compatibility section and Noise related Performance Standard requirements of the City's Land Use and Development Code Section 14.09.134.
- 2.5-I 9 Limit residential development in areas impacted by noise and potential hazards from Nut Tree Airport to uses identified in the Solano County Airport Land Use Commission Airport/Land Use Compatibility Plan and adopted zoning regulation as required.

- 6.6-I 1 Continue to implement the "Airport/Land Use Compatibility Plan for the Nut Tree Airport" (Nut Tree ALUP) through the Land Use and Development Code regulations adopted by the City.
- 6.6-I 2 Continue to refer development proposals within the Nut Tree Airport Compatibility District (as shown on Figure 6-4) to the County Airport Land Use Commission per the Nut Tree ALUP and the Solano County Airport Land Use Compatibility Review Procedures.
- See also, Land Use Element Policy 2.1 I 12, Transportation Element Policy 6.6 – I 5, Noise Element Policy 10.6 – G 12.
- 6.6-I 3 Avigation easements shall continue to be required to be granted to Solano County for all development within the Nut Tree Airport Compatibility District. Residential renters and purchasers shall be notified that they are in the vicinity of an airport per the adopted City ordinance.
- 10.6-G12 New residential land uses shall be precluded where the exterior noise associated with aircraft operations at Nut Tree Airport or Travis Air Force Base exceeds 60 dB CNEL.

Specific Plan References:

- Chapter 3, Project wide Development Standards: K. Planning Areas which are subject to overflight zones from Nut Tree Airport will be required to designate overflight easements with the filing of the tentative map.
- Residential Dev Standards: M. All development which is in the "C", "E", or "F" zones of the Nut Tree Airport are required to develop in accordance with the Land Use Compatibility Zone standards contained in the Vacaville Municipal Code.
- Chapter 7, Implementation: F. The transfer or increase in density shall be consistent with those densities permitted by the Nut Tree Airport Compatibility Standards (Sec. 17.64 of the City of Vacaville Municipal Code).

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.

The development of 72 single family homes requires a Tentative Subdivision Map as well as a Development Agreement, which will contain conditions of approval that require that the project is consistent with the General Plan and Specific Plan.

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.

Procedures for planning review:

The Tentative Map and Development Agreement must be approved by the City Council.

Types of actions submitted to ALUC:

Any revisions to the General Plan, Specific Plan or 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.

RECOMMENDATION

On the basis of the analysis provided above, the staff recommends that the Commission find that the proposed amendment to the City of Vacaville General Plan, Specific Plan Amendment and Rezoning for North Village Unit 5 to change the land use designation to Residential, Low / Medium Density (5.1-8.0 du/ac) and the Zoning to North Village Specific Plan Residential 1 is consistent with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plan.

Attachments (Attachments have been posted

to:http://www.solanocounty.com/depts/rm/boardscommissions/solano_county_airport_land_use_commission/staff_reports.asp)

Attachment A: North Village V Initial Study/Negative Declaration