

## Solano County Airport Land Use Commission



# SOLANO COUNTY

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Chairman

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### MINUTES OF THE SOLANO COUNTY AIRPORT LAND USE COMMISSION MEETING OF November 14, 2019

The meeting of the Solano County Airport Land Use Commission was held in the Solano County Administration Center, Board of Supervisors Chambers (1<sup>st</sup> floor), 675 Texas Street, Fairfield, CA.

MEMBERS PRESENT: Commissioners Vancil, DuClair, Meyer, Sagun, Seiden, Cook, Sarna, and Chairman Randall

MEMBERS ABSENT: No commissioner were absent

OTHERS PRESENT: Jim Leland, Resource Management; Lori Mazzella, Deputy County Counsel; Paris Stovell, Resource Management, Teresa Schow, Resource Management

#### Call to Order & Roll Call

Chairman Randall called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was present.

#### Approval of the Agenda

The agenda was approved as prepared.

#### Approval of the Minutes

The minutes of the meeting of October 10, 2019 were approved as prepared. Commissioner Cook noted that she was absent at the October 10, 2019 meeting, so she abstained from voting.

#### Reports from Commissioners and/or Staff

There were no committee reports.

#### Items from the Public

There was no one from the public wishing to speak.

#### Consent Calendar

Chairman Randall opened the public hearing for public comment. Since there was no one from the public wishing to speak on the consent calendar, the public hearing was closed.

1. Public hearing to consider Conduct a Public Hearing to consider a Consistency Determination ALUC-19-14 for the proposed City of Benicia Cannabis Regulations with the Travis Air Force Base Land Use Compatibility Plan (Sponsor: City of Benicia) A motion was made by Commissioner Seiden and seconded by Commissioner DuClair to approve the consent calendar. The motion passed unanimously. (Resolution No. 19-14)

### Old Business

There was no old business to discuss.

### New Business

2. Public hearing to consider ALUC-19-12: Green Valley Mixed Use Project (City of Fairfield)  
Public Hearing to consider the consistency of the City of Fairfield's proposed Green Valley Mixed Use Project with the Travis Air Force Base Land Use Compatibility Plan: Applicant - City of Fairfield

Jim Leland stated that this is a mixed-use project in Fairfield. It is both a general plan amendment and rezoning, that is proposed by the city. Mr. Leland recommended that the commission find it consistent with the Travis Plan. They are proposing a 281 multi-story apartment unit facility. Originally, the plan was written for 22,000 in commercial retail space and that has morphed into a city fire station. The project is in compatibility Zone D, where commercial office space and the fire station are treated the same. Zone D deals with high height limitations and bird strike issues. There are no land use limitations. The project is consistent with the Travis Plan from both the general standpoint and its findings and the zoning standpoint and its findings. Mr. Leland recommended consistency.

Chairman Randall opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Meyer and seconded by Commissioner Seiden to determine that the Project is consistent with the City of Fairfield's proposed Green Valley Mixed Use Project with the Travis Air Force Base Land Use Compatibility Plan. The motion passed unanimously. (Resolution No. 19-12)

3. Public hearing to consider the consistency of ALUC-2019-15, the Alamo Mixed Use project, with the Nut Tree Airport Land Use.

Jim Leland noted that this project is similar to item number 2 on the agenda except that it is in Vacaville. It is an apartment complex with some commercial land use. It is within Travis Zone D. Mr. Leland referenced a map and noted that the red spot on the map is not in the correct spot and the location of the proposed project is located in Zone D. Since there are no density controls or tall structures that would be regulated in Zone D, the project is consistent with the Travis Plan. It also meets the plan for general plan and zoning entitlement. On that basis, he recommended that the commission consider it consistent.

Chairman Randall opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Seiden and seconded by Commissioner Meyer to determine that the Project is consistent with the provisions of the Alamo Mixed Use project with the Nut Tree Airport Land Use. The motion passed unanimously. (Resolution No. 19-15)

4. Public hearing to consider ALUC- 19-07 Vaca Valley Hotel Rezoning 1) a minor revision to the Nut Tree Airport Land Use Compatibility Plan, and 2) a consistency determination for the Vaca Valley Hotel Rezoning and Policy Plan Overlay (hereafter, 'Vaca Valley Hotel Project') with the Travis Air

Force Base Land Use Compatibility Plan and the Nut Tree Airport Land Use Compatibility Plan.  
(Applicant - City of Vacaville)

Mr. Leland noted that the commission previously heard a presentation from the property owner/applicant and their representative. This is a four-story hotel project with related restaurant, office, and retail buildings. It is approximately five acres. It is in compatibility Zone D of the Nut Tree Plan and in Zone D of the Travis Plan. Compatibility Zone D allows motels, but has a two-story restriction, determined during a 1988 hearing. The detailed records from that hearing are no longer available. Staff surmised that the restrictions were due to concerns about evacuations during an airplane incident with buildings that have high occupancy rates, since residential and industrial structures do not have these restrictions. Staff recommend a minor revision to the Nut Tree Plan in compatibility Zone D only. They recommended removing the reference to the number of floors, which is not height driven, and add language to the compatibility table that states that all public assembly uses must be on the ground floor, so the public can easily be evacuated. If the commission supports the revision to the Nut Tree Plan, staff recommends that the hotel is consistent with it.

Commissioner Sagun asked Mr. Leland how he determined that the original concern was due to evacuation capability. Mr. Leland stated, that since residential and industrial buildings in the same zoning area could be taller, something else drove the restriction. Since the restriction was not about building height, the restriction was potentially about high occupancy. The planning department at the State Division of Aeronautics agreed with the assumption. Commissioner Sagun agreed that the assumption was reasonable but wondered if the public should have a chance to comment separately on the proposed revision to the Nut Tree Plan. Mr. Leland noted that he presented the amendment as a single motion, but the commission can break it out and have a separate discussion on it. He also noted that the agenda and notice for the meeting included the change to the Nut Tree Plan.

Chairman Randall clarified that this change will apply to all future motel applications, that want to build a four-story hotel. Mr. Leland agreed and confirmed that this is only in Zone D.

Commissioner Cook noted that this could set a precedent where a project dictates a change to the consistency plan to accommodate an application. She noted that she would prefer that the commission hold two separate meetings to review the changes. She suggested, that since the Nut Tree General Plan hadn't been updated since 1988, the commission should review the entire plan. She also voiced concern about the location of the building and the approach path for airplanes. She noted that the building could end up taller depending on items that could be installed on top of the building.

Chairman Randall noted that the building meets the height restrictions. Mr. Leland clarified that the proposed changes to the height restrictions were reasonable.

Mr. Leland noted that it is normal for an applicant to require a general plan change to get zoning approved without writing a new general plan. This is the first time that staff has brought a minor revision before the commission. He noted that the State Division of Aeronautics found the minor revisions acceptable. He acknowledged that they need to update the Nut Tree General Plan, but it requires a state grant and will take up to three years to complete.

Korbert Smith, an aviation planner with Mead and Hunt noted that he has been assisting the applicant with the aeronautical review and preliminary consistency review of the project. He clarified that the project is designed so that the hotel is oriented to minimize the amount of building that faces the airport. He noted that they examined height restrictions and potential runway extensions. They also confirmed that the plan would meet requirements in the event a precision instrument approach was implemented. The building would still lie approximately 77 feet below the critical surface. He

explained that the FAA reviewed the project and determined that the project had no hazard or airspace conflict.

Commissioner Sagun asked if the determination considered the potential for a precision approach in the future. Mr. Smith confirmed that the determination considered everything on the airport layout plan that the FFA has on file. The plan shows a potential extension but not the precision approach.

Commissioner Seiden asked Mr. Leland if the construction of the Genentech building at that height precluded the airport from implementing the precision approach at the Nut Tree Airport. Mr. Leland responded that the Genentech building does not preclude a precision approach for Nut Tree.

Commissioner Vancil recalled, that due to the height of the Genentech building and construction along the side runway they will not be able to pursue the precision approach. This should be considered when the update for Nut Tree is complete. He noted that several years ago, the commission was going to update the plan, but other more pressing issues were addressed. Mr. Leland noted that they delayed the update while the city negotiated a runway expansion with Icon Aircraft. Since Icon Aircraft will not add an additional runway, the commission can update the plan. Mr. Leland noted that they will apply for a grant to fund updating the plan in 2020.

Commissioner Sagun noted that this is not a minor change to the Nut Tree Plan. He noted that he was uncomfortable approving the two together. He would like more research done to determine why the height restriction was in the original plan. He asked Mr. Leland how the state responded to removing this requirement from their plan. Mr. Leland responded that it isn't a prohibition in their new handbook. The handbook states; that generally you wouldn't do this, but you can do it with an overriding reason. Mr. Leland noted, that the staff reasoning was that it was critical to keep the high occupancy portion of the uses on the ground floor.

Commissioner DuClair wondered if this could be a one-time use, because he doesn't want to set a precedent, so that other airports in California will have to adopt this new regulation. He noted that the lights on top of the building need to be powered by generator because of extended PG&G power shut offs.

Commissioner Seiden clarified that the project has plans for a back-up generator.

Chairman Randall confirmed with staff and the other commissioners that height is not the issue. Commissioner DuClair stated that people will use the four-story height and not understand that the building is within a certain height.

Commissioner Sagun noted that he is concerned about making the height exception, because it could potentially restrict the airport to non-precision approaches. The commission's charter states that the commission should protect the orderly development of the public airports. Jim Leland noted that the Nut Tree Plan is based on a precision approach. The design of the compatibility plans is for a precision approach. The height of buildings, not the number of floors control the precision approach. Zone D stipulates different restrictions on stories of buildings depending on their use. He noted that the restrictions are not related to height. That is why they came to the conclusion that some other factor than height drove the decision in 1988. The pattern looked like buildings that tended to have more civilians within them were limited on how many floors were allowed. This led staff to assume it must have been an evacuation issue.

Commissioner Sagun asked if the part 77 surfaces will meet requirements for a precision approach. Jim Leland responded that the height restrictions are based on a precision approach and that Zone D is not in the approach, but A, B, and C are in the approach. Mr. Smith noted that they reviewed three

existing scenarios that included: the existing scenario, a runway extension, and a runway extension with a precision approach. In each scenario, the project is clear.

Commissioner Seiden noted that this information was presented at the informational meeting two months ago.

Ken Brody, with Mead and Hunt, noted that he drafted the 1988 plan and the ability to evacuate a taller building was key for adding the restrictions on the number of floors. Therefore, the proposed minor amendment limits the high intensity numbers to the ground floor. He noted that he works with a variety of ALUCs and they have this language in place.

Chairman Randall opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

Commissioner Sagun suggested that the commission approve this as a one-time approval. Mr. Leland suggested that they add ½ mile separation between structures that will have more than two floors.

Commissioner Seiden noted that he does not share the concerns. He noted that when you allow for a single exception, then the precedent is set for a single exception. He suggested that this is a reasonable change and that they have considered safe evacuations.

Commissioner Meyers agreed with Commissioner Seiden.

A motion was made by Commissioner Meyer and seconded by Commissioner Seiden to approve 1) a minor revision to the Nut Tree Airport Land Use Compatibility Plan, (Resolution No. 19-07a) and 2) a consistency determination for the Vaca Valley Hotel Rezoning and Policy Plan Overlay (hereafter, 'Vaca Valley Hotel Project') with the Travis Air Force Base Land Use Compatibility Plan and the Nut Tree Airport Land Use Compatibility Plan. The motions passed 6 to 2. (Resolution No. 19-07b)

5. 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)

Mr. Leland noted that this item deals with the zoning map update. None of the updates conflicted with the compatibility criteria from the zone they were in at Nut Tree or Travis. Staff is recommending that the clean-up of the zoning district map of the city is consistent with both Travis and the Nut Tree Plan.

Chairman Randall opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner DuClair and seconded by Commissioner Meyer to determine that the Project is consistent with the provisions of the Nut Tree Plan and the Travis Plan. The motion passed unanimously. (Resolution No. 19-16)

6. 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)

Mr. Leland noted that The City of Vacaville has filed an application with the ALUC, 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 change project.

The General conclusion of staff is that most of the changes are existing buildings that have been mislabeled on various plans or vacant properties that need to have their designation updated. Staff is recommending that they find it consistent.

Chairman Randall opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Vancil and seconded by Commissioner Seiden to determine that the Project is consistent with the provisions of the Nut Tree Plan and the Travis Plan. The motion passed unanimously. (Resolution No. 19-17)

Since there was no further business, the meeting went into a closed session.