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ALUC-21-04 Vacaville Downtown Specific Plan

Conduct a Public Hearing to consider the consistency of ALUC-2021-04, (Downtown Specific Plan), with the Travis AFB Land Use Compatibility Plan and the Nut Tree Airport Land Use Compatibility Plan (City of Vacaville)

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RECOMMENDATION:

Determine that application ALUC-2021-04, (Downtown Specific Plan), is consistent with the Travis AFB Land Use Compatibility Plan (Travis Plan) and the Nut Tree Airport Land Use Compatibility Plan (Nut Tree Plan).

DISCUSSION:

I. INTRODUCTION

The City of Vacaville is considering the adoption of its Downtown Specific Plan (Attachments A, B, C and D). A specific plan is an addition to a general plan which can provide significant additional detail on the types of land uses permitted, the development standards applicable to those land uses, the design standards for the project and any public financing mechanism for improvements required by the specific plan development. The Downtown Specific Plan is an implementation of the 2015 General Plan which was determined to be consistent with the Travis Plan and Nut Tree Plan on February 15, 2015.

A. Project Description

The Vacaville Downtown Specific Plan is presented in 14 Chapters (see Attachment B) covering many topics. Of the 14 Chapters, the most relevant for the ALUC are those describing land use and development standards, which are embodied in Chapters 8 -12, described below.

Chapter 8 Zoning Districts

Chapter 8 introduces the ten proposed downtown zoning districts and provides a brief summary of each district along with a zoning map indicating where each district is to be applied.

Chapter 9 Development Prototypes

Chapter 9 introduces the notion of development prototypes. Four different prototypes are described along with a map indicating where each prototype is encouraged. Each prototype is described in detail along with the approval process required.

Chapter 10 Land Use Regulations

Chapter 10 sets forth the land use regulations which identify specific land use types, the district in which they are permitted, and the type of permit required.

Chapter 11 Development Regulations

Chapter 11 contains various development regulations which apply to development, including building setbacks, building heights, building separations, and other physical requirements.

Chapter 12 Design Regulations and Guidelines for Private Development

Chapter 12 encapsulates the design intentions, standards and guidelines for the design of development projects with the Downtown Specific Plan area.

II. SUMMARY

The Downtown Specific Plan provides a comprehensive plan for the revitalization of Vacaville's Downtown area. The Commission will find an abundance of information within the Plan. In general, the Plan lies outside the geographic areas of real concern for the ALUC as discussed in the next section of the staff report.

III. AIRPORT PLANNING CONTEXT

The Downtown Specific Plan is a specific plan which includes zoning districts and regulations. As such, it must meet the tests of compatibility for both a general plan/specific plan as well as the test for a zoning change.

The Downtown Specific Plan covers an area which lies within Compatibility Zone D of the Travis Plan and partially within Compatibility Zone F on the Nut tree Plan.

The compatibility criteria applicable from each Airport Land Use Plan along with the consistency tests for a specific plan and a zoning change are presented below.

IV. APPLICABLE COMPATABILITY CRITERIA

A. Travis Plan Compatibility Zone D

Compatibility Zone D of the Travis Plan requires review for structures in excess of 200' above ground level. Height review is based on the part 77 Surfaces for Travis AFB. In addition, Compatibility Zone D provides for review of the following special circumstances:

- All proposed wind turbines must meet line-of-sight criteria in Policy 3.4.4.
- 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.

B. Nut Tree Compatibility Zone F

Within Compatibility Zone F of the Nut Tree Plan there is a requirement for review of projects for compliance with FAA height restrictions under Part 77. Most land uses are acceptable with large assemblages of people or captive group facilities requiring further review.

V. APPLICABLE CONSISTENCY TESTS

A. Specific Plan Consistency Test

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. The Solano Countywide Airport Land Use Review Procedures also require the review of all amendments to a local agency's general plan, consistent with the State law. 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.

B. Zoning Change Consistency Test

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.

1. 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:

a. 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

VI. ANALYSIS OF CONSISTENCY FACTORS

A. Specific Plan Consistency Factors

1. Elimination of Direct Conflicts

The Commission is concerned with eliminating any direct conflicts between the Downtown Specific Plan and the Travis and Nut Tree Plans. Potential conflicts for each plan are reviewed below.

2. Travis Plan Compatibility Zone D

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, which are provided below along with a discussion of how the Downtown Specific Plan achieves consistency

a. ALUC review required for objects > 200 feet AGL.

The Downtown Specific Plan does not permit any structures in excess of 70 feet in height.

b. All proposed wind turbines in excess of 100 feet in height must meet line-of-sight criteria in Policy 3.4.4

The Downtown Specific Plan does not permit wind turbines.

c. All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review

The Downtown Specific Plan does not permit commercial-scale solar facilities.

- d. **All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review None anticipated in the Plan.**

The maximum height permitted by right under the zoning is 70'.

- e. **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.**

The Downtown Specific Plan is not within the Bird Strike hazard Zone.

- f. **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.**

The Downtown Specific Plan is not within the Outer Perimeter of the Wildlife Hazard Area.

3. **Nut Tree Plan Compatibility Zone F**

- a. **Within Compatibility Zone F of the Nut Tree Plan there is a requirement for review of projects for compliance with FAA height restrictions under Part 77.**

The maximum height permitted is 70 feet in the Downtown General Commercial Zoning District. This height is well under the FAA Part 77 limitations for this area.

- b. **Most land uses are acceptable with large assemblages of people or captive group facilities requiring further review.**

The Downtown Specific Plan does not propose any land uses which would result in large assemblages of people.

4. **Assurance of Compliance with Compatibility Criteria**

The Commission must determine that there are mechanisms in place at the City of Vacaville to assure compliance with the applicable compatibility plan(s). This is generally done by identifying compatibility criteria within the general plan, having mechanisms for compliance and having review and approval procedures in place for new development.

Delineation of Compatibility Criteria: Consistency between the Downtown Specific Plan and the Nut Tree Plan and Travis Plan is established by both the previously approved Vacaville general plan and the land use and development standards embodied in this Downtown Specific Plan.

Identification of Mechanisms for Compliance and Indication of Review and Approval Procedures: Subsequent development permits will be reviewed by the City Council, Planning Commission, and the Director of Community Development. In the case of legislative actions, ALUC review must occur. For other permits, the Planning Commission

and Director of Community Development must make a consistency finding as required by the Travis Plan and the Nut Tree Plan.

Based on the discussion above, staff recommends that the Commission find that the proposal meets these tests for consistency for a general plan/specific plan.

B. Zoning Change Consistency Factors

The Downtown Specific Plan also contains some zoning regulations which require 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 the Airport Land Use Compatibility Plans is analyzed against these categories below:

1. Intensity Limitations on Nonresidential Uses

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

Nut Tree Plan: There is a limitation on large assemblages of people. The Downtown Specific Plan does not permit large assemblages of people.

2. Identification of Prohibited Uses

Travis Plan: Compatibility Zone D does not prohibit any specific uses.

Nut Tree Plan: The Nut Tree Plan prohibits structures which would exceed Part 77 Height requirements and large assemblages of people. The Downtown Specific Plan does not propose to permit either of these prohibited uses.

3. Open Land Requirements

Travis Plan: The Travis Plan does not require any open lands in Compatibility Zone D.

Nut Tree Plan: The Nut Tree Plan does not require any open lands in Compatibility Zone F.

4. Infill Development

Travis Plan: This project area is substantially developed. The Downtown Specific Plan will encourage redevelopment of residential and commercial areas. Some development will be characterized as infill development. Any development consistent with the land uses and zoning outlined in the Downtown Specific Plan are consistent with Compatibility Zone D land use criteria.

Nut Tree Plan: This project area is substantially developed. The Downtown Specific Plan will encourage redevelopment of residential and commercial areas. Some development will be characterized as infill development. Any development consistent with the land uses and zoning outlined in the Downtown Specific Plan are consistent with Compatibility Zone F land use criteria.

5. Height Limitations and Other Hazards to Flight

Travis Plan: 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.

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

The Downtown Specific Plan land use designation and zoning do not permit structures taller than 70 feet, so airspace review standards in zone D are satisfied.

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

The project lies outside of the Bird Strike Hazard Zone and the Outer Perimeter Area.

Nut Tree Plan: As previously discussed, within Compatibility Zone F, the relevant factors for consideration are consistency with the FAA Part 77 Height Limitations. The 70-foot maximum height restrictions is consistent with the Part 77 limitations for this area within Vacaville.

6. Buyer Awareness Measures

Travis Plan: The proposed project lies within Compatibility Zone D which does not include a requirement for Buyer Awareness Measures.

Nut Tree Plan: The proposed project lies within Compatibility Zone F and outside of any noise contours of concern. As a result, Buyer Awareness Measures are not required by the Nut Tree Plan.

7. Non-conforming Uses and Reconstruction

Travis Plan: The project may result in new construction or reconstruction activities. Such activities will be controlled by the zoning districts within the Downtown Specific Plan area and therefore no expansion of existing non-conforming uses or structures will occur.

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

Nut Tree Plan: The project may result in new construction or reconstruction activities. Such activities will be controlled by the zoning districts within the Downtown Specific Plan area and therefore no expansion of existing non-conforming uses or structures will occur.

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 for a zoning action.

RECOMMENDATION:

Based on the analysis and discussions above, Staff recommends that the Solano County Airport Land Use Commission find as follows:

Determination: That application ALUC-2021-04 (Downtown Specific Plan) is consistent with the Travis AFB Land Use Compatibility Plan and the Nut Tree Airport Land Use Compatibility Plan.

Attachments:

Attachment A: ALUC Application

Attachment B: Vacaville Downtown Specific Plan

Attachment C: Nut Tree Context Map

Attachment D: Travis Context Map

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