



Solano County  
**Airport Land Use Commission**  
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Steve Vancil

Chairman

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**MEMORANDUM:**

**To:** Solano County Airport Land Use Commission  
**From:** Jim Leland, Principal Planner  
**Subject:** **ITEM 9A: ALUC-15-01:** Conduct a Public Hearing to consider a Consistency Determination on a proposed City of Vacaville Housing Element (Vacaville Housing Element) with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans (Sponsor: City of Vacaville)  
**DATE:** Regular Meeting of April 9, 2015

**RECOMMENDATION**

Staff's Recommendation is that the Solano County Airport Land Use Commission:

- 1.) Conduct a Public Hearing to consider the consistency of ALUC-2015-01, the City of Vacaville Housing Element (Vacaville Housing Element) with the Travis AFB and Nut Tree Airport Land Use Compatibility Plans, and
- 2.) Determine the Vacaville Housing Element is **consistent** with the Travis AFB and Nut Tree Airport Land Use Compatibility Plans.

**INTRODUCTION**

The City of Vacaville is proposing to adopt an updated Housing Element as a part of its General Plan. As required by the State Aeronautics Act, changes to a local agency general plan are required to be submitted to the ALUC for a consistency determination. The Draft Vacaville Housing Element has been submitted by the City of Vacaville (See Appendix A) and distributed to the ALUC for the mandated consistency determination.

**THE VACAVILLE HOUSING ELEMENT**

The Housing Element is one of seven required elements of the City's General Plan. Unlike the other mandatory general plan elements, the Housing Element is required to be updated approximately every eight years and is subject to detailed statutory requirements and mandatory review by the California Department of Housing and Community Development (HCD).

The 2015-2023 Housing Element is fully consistent with the adopted 1990 Vacaville General Plan, and with the proposed 2035 General Plan, which is currently being updated. The Housing

Element envisions housing development on land designated for such development by the 1990 General Plan. The Housing Element is also consistent with the overall vision for the community established by the General Plan, which emphasizes a variety of housing types and infill development. Policies within the housing element pertain primarily to vacant lands designated as residential by the General Plan.

### **STATE REQUIREMENTS**

The State requires that the Housing Element contain an identification and analysis of existing and projected housing need for individuals of all levels of income; a statement of goals, policies, and quantified objectives; programs to address identified housing needs; and an identification of an adequate number of sites for all types of housing (including rental, factory built, and mobile homes). Government Code Sections 65580 through 65589 set forth requirements relating to the preparation and content of housing elements. By law, a housing element must contain:

1. An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels.
2. An analysis and documentation of household characteristics, including level of payment compared to ability to pay; housing characteristics, including overcrowding; and housing stock condition.
3. An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites. The land inventory must demonstrate the City's ability to accommodate its fair share of regional housing needs as determined by the Association of Bay Area Governments (ABAG).
4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels and for persons with disabilities, including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures.
5. An analysis of potential and actual non-governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.
6. An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farm workers, families with female heads of household, and families and persons in need of emergency shelter.
7. An analysis of opportunities for energy conservation with respect to residential development.
8. An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.

### **REQUIRED TESTS FOR CONSISTENCY FOR GENERAL PLAN AMENDMENTS**

The State Department of Aeronautics has published the California Airport Land Use Planning Handbook, January 2011 Edition (State 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. 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 (January 2011). 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.

## **ANALYSIS**

### **PROJECT DESCRIPTION**

The Vacaville Housing Element update consists of policies and programs designed to maximize the provision of housing to all segments of the community. The policies and programs contained within the housing element apply to prospective development on vacant lands as well as to certain existing residential properties either under public or private ownership.

### **General Plan Consistency Factors**

As discussed earlier, the Commission's consistency determination for general and specific plans involves two considerations:

1. Elimination of Direct Conflicts, and
2. Assurance of Compliance with Compatibility Criteria

#### **1. Elimination of Direct Conflicts**

The Commission is concerned with eliminating any direct conflicts between the Vacaville General Plan and the Travis AFB and Nut Tree Plans. As previously discussed, the Housing

Element provides policies and programs for existing projects as well as potential development of vacant lands.

With respect to existing projects, the ALUC jurisdiction does not extend to existing development. On the other hand, the ALUC jurisdiction would extend to land use designations proposed within a general plan. In this instance, the Housing Element is not making any proposed land use changes to the general plan. As mentioned above, the Housing Element relies on the land use designations in the current General Plan as well as the proposed 2035 General Plan. Each of these General Plan documents has already been before the ALUC for a consistency determination and each have been found to be consistent with both the Nut tree Airport and the Travis Air Force Base Land Use Compatibility Plans.

### Current General Plan Policy Statement

In addition, the elimination of direct conflicts was further assured by the inclusion of a policy statement which required consistency between the Land Use Compatibility Plans and any development authorized under the general plan. That policy stated:

*“Land use changes and development proposals within the Vacaville planning area shall be consistent with the Nut Tree Airport and Travis Air Force Base Land Use Compatibility Plans (LUCP).”*

In conclusion, the proposed Housing Element update to the general plan meets the first test for consistency by the ALUC – the elimination of direct conflicts with an airport’s LUCP compatibility criteria.

### 2. Assurance of Compliance with Compatibility Criteria

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.*

Consistency between the Travis Plan and the City’s General Plan is established by the policy statement mentioned above. This in effect gives the City a basis for requiring that projects under review comply with the applicable Airport land Use Compatibility 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.*

Adoption of the general plan establishes the policy level requirement that all development must be consistent with the Travis Plan. The amendments require modifying the zoning regulations to assure compliance also. Subsequent actions by the City Council will be required in order to complete the changes to the zoning regulations. These actions 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.*

As mentioned above, subsequent development approvals and entitlements must conform to the general plan, policy plan and development code. These regulations require conformance with the applicable Land use Compatibility Plans adopted by the Solano County Airport Land Use Commission. As a result, the review procedures are adequate to assure that applicable compatibility criteria will be tied to an individual development and continue to be enforced.

Per state law, legislative actions (e.g., General Plan Amendments and Zoning Ordinance Amendments) that have an impact on the Travis AFB or Nut Tree Airport LUCP must be approved by the Vacaville City Council following a public hearing. They must also be reviewed by the ALUC prior to the Council's action.

Procedures for planning review:

All private development is subject to some form of planning review which gives the City a mechanism to assure compliance with the Travis AFB and Nut Tree Airport Plans. As a result, the review procedures are adequate to assure that applicable compatibility criteria will be tied to an individual development and continue to be enforced.

## RECOMMENDATION

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

**Determination:** Adopt the recommended findings and determine that the Vacaville Housing Element (ALUC-15-01), with the recommended condition of approval, is **consistent** with the Travis Air Force Base and Nut Tree Airport Land Use Compatibility Plans.

## ATTACHMENTS

Exhibit A: ALUC-15-01 Application (Previously Distributed)

Exhibit B: Vacaville Housing Element Negative Declaration (Previously distributed)

Exhibit C: DRAFT Vacaville Housing Element (Previously distributed)